

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

EPA is taking this action under section 3710a of the Federal Technology Transfer Act, 15 U.S.C. 3710a, and sections 10 and 405 of the Toxic Substances Control Act, 15 U.S.C. 2609 and 2685.

List of Subjects

Environmental protection, Children, Hazardous substances, Health and safety, Lead-based paint test kit.

Dated: March 9, 2006.

Susan B. Hazen,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. E6-3824 Filed 3-15-06; 8:45 am]

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DENALI COMMISSION**45 CFR Chapter IX****National Environmental Policy Act Implementing Procedures**

AGENCY: Denali Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Denali Commission withdraws a Proposed Rule to add regulations for implementing the National Environmental Policy Act of 1969 (NEPA). The Proposed Rule was published in the **Federal Register** on August 10, 2004.

DATES: The effective date of withdrawal is March 9, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Krag Johnsen, Denali Commission; 510 L Street, Suite 410; Anchorage, AK 99501. Telephone: (907) 271-1414. E-mail: communications@denali.gov.

SUPPLEMENTARY INFORMATION: The Denali Commission withdraws a Proposed Rule “* * * to establish 45 CFR Chapter IX and to add regulations for implementing the National Environmental Policy Act of 1969 (NEPA).” The effective date of withdrawal is March 9, 2006. The Proposed Rule was published in the **Federal Register** on August 10, 2004. The Denali Commission intends to adopt guidelines for implementing NEPA provisions that are consistent with its method of operation. Consistent with the provisions of the National Environmental Policy Act, the Commission has decided to use guidelines for its required NEPA implementation procedures instead of promulgating regulations in order to maintain greater flexibility to implement any changes to these

procedures as may be necessary in the future.

Dated: March 9, 2006.

George J. Cannelos,

Federal Co-Chair.

[FR Doc. E6-3801 Filed 3-15-06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****49 CFR Parts 1150 and 1180**

[STB Ex Parte No. 659]

Public Participation in Class Exemption Proceedings

AGENCY: Surface Transportation Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Surface Transportation Board, having assessed its procedures for transactions qualifying for the 7- and 21-day class exemptions proposes to modify the timeframes in its rules to provide greater public notice in advance of an exempt transaction. The proposed changes are intended to ensure that the public is given notice of a proposed transaction before the exemption becomes effective; and that the Board may process such notices of exemption, and related petitions for stay, if any, in an orderly and timely fashion.

DATES: Comments are due on May 15, 2006. Replies are due on June 14, 2006.

ADDRESSES: Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should comply with the instructions found on the Board's "<http://www.stb.dot.gov>" Web site, at the "E-FILING" link. Any person submitting a filing in the traditional paper format should send an original and 10 paper copies of the filing (referring to STB Ex Parte No. 659) to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. Comments must be filed in accordance with the Board's requirements at 49 CFR part 1104.

Copies of written comments will be available from the Board's contractor, ASAP Document Solutions (mailing address: Suite 103, 9332 Annapolis Rd., Lanham, MD 20706; e-mail address: asapdc@verizon.net; telephone number: 202-306-4004). The comments will also be available for viewing and self-copying in the Board's Public Docket Room, Room 755, and will be posted to the Board's Web site at <http://www.stb.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1609.

[Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: The purpose of this notice of proposed rulemaking (NPRM) is to obtain comments on a proposal to provide the public with additional notice that certain of the Board's class exemptions have been invoked before those exemptions become effective. These class exemptions are proposed to be modified only as described herein. The scope, purpose and effect of these rules otherwise remains the same. Thus, the Board does not propose to make any changes to situations in which a class exemption can be used, or the information that entities seeking to use a class exemption must provide. This proceeding is based on the Board's exemption authority at 49 U.S.C. 10502. The rules that are the subject of this proposal (those found at 49 CFR part 1150 subpart D (Exempt Transactions Under 49 U.S.C. 10901), 49 CFR part 1150 subpart E (Exempt Transactions Under 49 U.S.C. 10902 for Class III Rail Carriers), and 49 CFR part 1180 subpart A (General Acquisition Procedures)) were established in the following agency proceedings: *Class Exemption for the Acquisition and Operation of Rail Lines Under 49 U.S.C. 10901*, Ex Parte No. 392; *Class Exemption for the Acquisition or Operation of Rail Lines by Class III Rail Carriers Under 49 U.S.C. 10902*, STB Ex Parte No. 529; and *Railroad Consolidation Procedures*, STB Ex Parte No. 282. For administrative convenience, a single new docket number is being used to permit consolidated consideration of the proposed procedural changes in one proceeding.

Overview

Under 49 U.S.C. 10502(a), the Board may exempt individual transactions or classes of transactions from the application requirements of the statute when it finds that full regulatory scrutiny is not required and the transaction or service will be limited in scope or greater regulatory scrutiny is not needed to protect shippers from an abuse of market power. If the Board grants an exemption, it may later revoke the exemption authority if it finds that action to be necessary to carry out the rail transportation policy of 49 U.S.C. 10101 (49 U.S.C. 10502(d)), or the notice may be deemed void *ab initio* if it contains false or misleading information.

There are some situations in which Board authorization is granted so