

will be used for the Buzzards Bay VMRS.

- (A) A VMRS Buzzards Bay user shall:
  - (1) Not enter or get underway in the area without prior approval of the VMRS Center;
  - (2) Not enter VMRS Buzzards Bay if a Hazardous Vessel Operating Condition or circumstance per § 161.2 exists;
  - (3) If towing astern, do so with as short a hawser as safety and good seamanship permits;
  - (4) Not meet, cross, or overtake any other VMRS User in the area without prior approval of the VMRS center;
  - (5) Before meeting, crossing, or overtaking any other VMRS User in the area, communicate on the designated vessel bridge-to-bridge radiotelephone frequency, intended navigation movements, and any other information necessary in order to make safe passing arrangements. This requirement does not relieve a vessel of any duty prescribed by the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules.

(6) Make reports and provide other specific information required, and follow other VMRS participation guidelines, as contained in the Buzzards Bay VMRS Operating Manual and/or the Local Notice to Mariners, which will be published and available to the public at least 30 days prior to the effective implementation date of the Buzzards Bay VMRS.

\* \* \* \* \*

Dated: March 21, 2006.

**David P. Pecoske,**  
*Rear Admiral, U.S. Coast Guard, Commander,  
 First Coast Guard District.*  
 [FR Doc. 06-3014 Filed 3-24-06; 4:14 pm]  
**BILLING CODE 4910-15-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2006-0281; FRL-8051-1]

**Revisions to the California State Implementation Plan**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a revision to the existing Priority Reserve rule, Rule 1309.1, into the South Coast Air Quality Management District (District) portion of the California State Implementation Plan (SIP). Rule 1309.1 was approved into the SIP in 1996 to allow the District to provide emission reduction credits (ERCs) for specific priority sources, such as sources using innovative technology, conducting research operations or providing essential public services. The revision to Rule 1309.1 that we are proposing to approve merely adds specific types of electrical generating facilities to the list of sources entitled to use ERCs from the Priority Reserve. We are proposing to approve the revision to Rule 1309.1 and taking comment on the revision that adds specific types of electrical generating facilities to the sources eligible for ERCs from the Priority Reserve. We plan to follow this proposal with a final action.

**DATES:** Any comments must arrive by April 28, 2006.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2006-0281, by one of the following methods: Federal eRulemaking Portal: [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.

- 1. E-mail: [rios.gerardo@epa.gov](mailto:rios.gerardo@epa.gov).
- 2. Mail or deliver: Gerardo Rios (Air-3), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or e-mail. [www.regulations.gov](http://www.regulations.gov) is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of

your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Laura Yannayon, EPA Region IX, (415) 972-3534, [yannayon.laura@epa.gov](mailto:yannayon.laura@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to EPA.

**Table of Contents**

- I. The State’s Submittal
  - A. What rule did the State submit?
  - B. Are there other versions of this rule?
  - C. What is the purpose of the submitted rule revision?
- II. EPA’s Evaluation and Action
  - A. How is EPA evaluating the rule?
  - B. Do the rules meet the evaluation criteria?
  - C. EPA Recommendations To Further Improve the Rule
  - D. Public Comment and Final Action
- III. Statutory and Executive Order Reviews

**I. The State’s Submittal**

*A. What rule did the State submit?*

Table 1 lists the rule addressed by this proposal with the date it was adopted by District and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule #	Rule title	Adopted	Submitted
SCAQMD .....	1309.1	Priority Reserve .....	05/03/02	12/23/02

On December 30, 2002, the rule submittal was found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

*B. Are there other versions of this rule?*

We approved the Priority Reserve rule, Rule 1309.1, into the SIP on December 4, 1996. 61 FR 64291 (December 4, 1996). The District adopted revisions to the SIP-approved version of Rule 1309.1 on April 20, 2001, November 9, 2001 and May 5, 2002 and CARB submitted those revisions to us on October 30, 2001, January 22, 2002 and December 23, 2002, respectively. While we can act on only the most recently submitted version of the rule, we have reviewed materials provided with previous submittals.

*C. What is the purpose of the submitted rule revision?*

The only purpose of revising Rule 1309.1 is to include specific types of electrical generating facilities (EGFs) to become eligible to use ERCs in accordance with the previously approved Priority Reserve rule. The revision adds section 1309.1(1)(4) to the list of priority sources allowed to use ERCs established by the District.

The revision to Rule 1309.1 requires qualified EGFs to meet the specific requirements prior to receiving access to ERCs held by the District as priority reserve offsets. Such sources must: Apply BARCT control to all sources at the facility for the pollutants for which ERC's are obtained from the priority reserve within 3 years of permit issuance; pay a non-refundable mitigation fee to the District for each pound of carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), and particulate matter (PM<sub>10</sub>) obtained from the priority reserve; submit a complete application during the specified time period; conduct a due diligence effort to secure available ERCs from other sources; operate the source at full capacity within 3 years; and enter into a long-term contract with the state of California to sell at least 50% of the power generated by the use of Priority Reserve credits. EPA's technical support document (TSD) has more information about this rule.

## II. EPA's Evaluation and Action

*A. How is EPA evaluating the rule?*

Our analysis of Rule 1309.1 in 1996 occurred during approval of a package of rules submitted to meet the CAA air quality planning requirements for nonattainment NSR as set out in part D

of Title I of the Act, with implementing regulations at 40 CFR 51.160 through 51.165. 61 FR 64291 (December 4, 1996) The revised version of Rule 1309.1 being evaluated in this action is a minor change that does not change fundamental approvability of Rule 1309.1. The revisions to Rule 1309.1 merely establish an additional source category, EGFs, as eligible to receive ERCs from the priority reserve provided certain criteria are met. The revisions also add some administrative provisions that EGFs must meet to obtain ERCs from the Districts Priority Reserve.

*B. Do the rules meet the evaluation criteria?*

We believe that the revision to Rule 1309.1 to allow EGFs to qualify for ERCs from the Priority Reserve is consistent with the Act, EPA regulations and EPA policy.

*C. EPA Recommendations To Further Improve the Rule*

The TSD describes additional rule revisions that do not affect EPA's current action but are recommended for the next time the District modifies Rule 1309.1.

*D. Public Comment and Final Action*

Because EPA believes revision to the existing Priority Reserve rule, Rule 1309.1, fulfills all relevant requirements, we are proposing to fully approve it as described in section 110(k)(3) of the Act. We will accept comments from the public on this proposal, specifically the proposal to allow the District to add EGFs to the priority sources for receiving ERCs from the Priority Reserve, for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate revised Rule 1309.1 into the federally enforceable SIP.

## III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies

that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve 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 of 1995 (Pub. L. 104-4).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does 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 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: March 17, 2006.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 06-3028 Filed 3-28-06; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 90**

[WT Docket No. 06-49; FCC 06-24]

**Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) undertakes a reexamination of the Commission's regulations governing the licensing and use of frequencies in the 904-909.75 and 919.75-928 MHz portions of the 902-928 MHz band that are used for the provision of multilateration Location and Monitoring Service (M-LMS band). The reexamination of the M-LMS band is being conducted in order to consider whether M-LMS can be afforded a greater opportunity to provide services while ensuring continued access for other licensed and unlicensed uses that share this band. The Commission believes it is in the public interest to evaluate whether it is possible to revise the rules in a way that would promote more efficient and effective use of this spectrum.

**DATES:** Comments due on or before May 30, 2006. Reply comments are due on or before June 30, 2006.

**ADDRESSES:** You may submit comments, identified by WT Docket No. 06-49, 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.

- E-mail: [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

- Mail: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

- Hand Delivery/Courier: 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002.

- Accessible Formats: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) for filing comments either by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.fcc.gov/cgb/ecfs> including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:**

Michael Rowan, Special Counsel, Spectrum & Competition Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Portals I, Room 6315, Washington, DC 20554. Phone: (202) 418-1883.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 06-49 released March 7, 2006. The complete text of the *NPRM* is 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-09A257, Washington, DC 20554. The *NPRM* may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-09B402, 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, FCC 06-24. The *NPRM* is also available on the Internet at the Commission's Web site through its Electronic Document Management System (EDOCS): [http://hraunfoss.fcc.gov/edocs\\_public/SilverStream/Pages/edocs.html](http://hraunfoss.fcc.gov/edocs_public/SilverStream/Pages/edocs.html).

*Initial Paperwork Reduction Act of 1995 Analysis:* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002,

Public Law 107-198, see 44 U.S.C. 3506(c)(4).

**I. Introduction**

1. This rulemaking proceeding considers possible measures that could introduce greater flexibility for licensees in the multilateration Location and Monitoring Service (M-LMS) for the purpose of enabling greater responsiveness to changing market conditions, and more efficient and effective use of the M-LMS Band. M-LMS licensees provide service in the 904-909.75 and 919.75-928 MHz portions of the 902-928 MHz band. Multilateration systems track and locate objects over a wide geographic area (e.g., tracking a bus fleet) by measuring the difference in time of arrival, or difference in phase, of signals transmitted from a unit to a number of fixed points, or from a number of fixed points to the unit to be located. This 14 megahertz of spectrum has been shared by a variety of part 15 devices and, since 1995, has been licensed for specified uses by M-LMS defined in part 90 of the Commission's rules. While the *NPRM* focuses on part 15 and M-LMS operations in the 904-909.75 and 919.75-928 MHz frequency ranges, the Commission acknowledges the many other important uses of these frequencies, including amateur use, and invites such interested parties to comment on the issues raised in the *NPRM*.

2. Although the proceeding originates partly in response to a 2002 Petition for Rulemaking, the Commission initiates this proceeding to evaluate the ability of the part 90 M-LMS rules to afford licensed service providers greater flexibility to respond to changing market conditions. On April 10, 2002, the Wireless Telecommunications Bureau (Bureau) issued a public notice seeking comment on the Petition under RM No. 10403. The Bureau subsequently extended the comment cycle on the Petition. Given the length of time that has passed since the Bureau issued its Public Notice, the Commission is terminating RM No. 10403 and invites interested parties to submit new and/or updated comments and reply comments in WT Docket No. 06-49.

3. While the Commission considers the advantages and disadvantages of rule changes that could facilitate higher-valued licensed uses of the spectrum in the M-LMS Band, the Commission is mindful that this band is shared by a mixture of licensed services (both federal and non-federal), amateur radio operators, and numerous unlicensed devices authorized under part 15 of the