

including the fate and transport of leached materials, the appropriate use of treated wood products, and the potential effects on living marine resources and their habitats. In addition to this public comment opportunity, the reports will also be subject to independent peer review.

**DATES:** Public comments must be received by 5 p.m., Pacific standard time May 2, 2006.

**ADDRESSES:** Comments on these reports may be submitted by mail to the National Marine Fisheries Service, 777 Sonoma Avenue, Suite 325, Santa Rosa, CA 95409, Attn: Water Quality Coordinator/Treated Wood Comments. Comments concerning the Treated Wood in Aquatic Environments report may be sent via facsimile to (301) 427-2538. Comments concerning the Creosote-Treated Wood in Aquatic Environments report may be sent via facsimile to (301) 427-2540. Comments may also be submitted electronically. For comments regarding the Treated Wood in Aquatic Environments report, please e-mail your comments to [SWR.CopperWood@noaa.gov](mailto:SWR.CopperWood@noaa.gov). For comments regarding the Creosote-Treated Wood in Aquatic Environments report, please e-mail your comments to [SWR.CreosoteWood@noaa.gov](mailto:SWR.CreosoteWood@noaa.gov). The reports are available at <http://swr.nmfs.noaa.gov/> or may be requested by calling or emailing the contact person listed below. Please include appropriate contact information when requesting the documents.

**FOR FURTHER INFORMATION CONTACT:** Joseph Dillon, Southwest Region Water Quality Coordinator at 707-575-6093 or by email, [Joseph.J.Dillon@noaa.gov](mailto:Joseph.J.Dillon@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of the technical review documents is to present a summary of existing literature, prepared independently by Stratus Consulting, Inc. for NMFS, that analyzes the potential effects and mitigations for the use of treated wood products in aquatic environments. The documents focus on copper treated wood, primarily ammoniacal copper zinc arsenate (ACZA), as this is the most prominent material used on the west coast of the United States and in Alaska, and creosote treated products.

These products are being examined by NMFS to determine the risks generated by their usage to the living marine resources that NMFS is responsible for managing. These include anadromous salmonids managed by NMFS under the Endangered Species Act (ESA), as well as other marine fishery resources including Essential Fish Habitat (EFH) as identified and described under

Federal fishery management plans pursuant to Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The use of treated wood in or near aquatic environments commonly requires a permit issued by the U.S. Army Corps of Engineers pursuant to the Clean Water Act and the Rivers and Harbors Act of 1899. Under the ESA, Federal agencies must consult with NMFS pursuant to section 7 of the statute to ensure that any action authorized, funded or carried out by the Federal agency does not jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of designated critical habitat. Federal action agencies are also required by the Magnuson-Stevens Act to consult with NMFS on any action that may adversely affect EFH. In issuing this permit, the U.S. Army Corps of Engineers will have to conduct an EFH assessment pursuant to 60 CFR 600.920(e) to determine whether the proposed permitted action will adversely affect EFH.

Effects of treated wood that need to be examined under the ESA and Magnuson-Stevens Act regulations include direct, indirect, and cumulative effects. An example of direct effects includes the acute and sublethal impacts of copper and polycyclic aromatic hydrocarbons to salmonids and the EFH of managed species. An example of an indirect effect includes the adverse impacts to the prey base upon which ESA listed and EFH managed species depend. An example of a cumulative effect includes the impacts of multiple structures and contaminants in an area with or without additional loading from urban sources, historic mining, smelters, ships' hulls or any other source. The synthesis of these effects to habitat and to individuals, coupled with local environmental conditions and specific species of concern, defines the risk of a project proposing the use of treated wood.

Since the use of treated wood materials in situations that may expose aquatic ecosystems is widespread along the west coast of the United States and in Alaska, development of guidelines from the information presented in these reports should help to streamline the review of permitting processes as well as the permitting processes themselves. These reports may be used in the future to create new or update existing NMFS policies regarding treated wood.

Dated: February 27, 2006.

**James W. Balsiger,**

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

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**BILLING CODE 3510-22-S**

## COMMODITY FUTURES TRADING COMMISSION

### Recognition of Multilateral Clearing Organizations

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice and order.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission") is issuing an Order pursuant to Section 409(b)(3) of the Federal Deposit Insurance Corporation Improvement Act ("FDICIA"). Section 409 provides that the Commission (or one of several other authorized U.S. financial regulators) may determine that the supervision by a foreign financial regulator of a multilateral clearing organization for over-the-counter derivative instruments satisfies appropriate standards. The Commission is issuing this Order pursuant to Section 409(b)(3) of FDICIA with respect to the Alberta Securities Commission and its supervision of NetThruPut, Inc., a recognized clearing agency in Alberta, Canada.

**DATES:** Effective Date: February 27, 2006.

**FOR FURTHER INFORMATION CONTACT:** Andrew V. Chapin, Special Counsel, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418-5430. Email: [achapin@cftc.gov](mailto:achapin@cftc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission has issued the following Order: *Order Issued Pursuant to Section 409 of the Federal Deposit Insurance Corporation Improvement Act Regarding the Multilateral Clearing Activities of NetThruPut, Inc., in Connection with Transactions Entered into on NTP's Online Trading Platform.*

The Commodity Futures Modernization Act ("CFMA") substantially revised the Commodity Exchange Act ("CEA") and other Federal statutes, including FDICIA.<sup>1</sup> In particular, new Section 409 of FDICIA provides that a clearing organization may operate a multilateral clearing

<sup>1</sup> See Appendix E of Pub. L. 106-554, 114 Stat. 2763 (2000).

organization ("MCO")<sup>2</sup> for over-the-counter derivatives instruments ("OTC derivatives")<sup>3</sup> if, among other alternatives, it is supervised by a foreign financial regulator that the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, or the Commission, as applicable, has determined satisfies appropriate standards.

NetThruPut, Inc. ("NTP") has requested that the Commission determine that the oversight of its activities by the Alberta Securities Commission satisfies the criteria for operating as an MCO set forth in Section 409(b)(3) of FDICIA.<sup>4</sup> NTP intends to operate as an MCO with respect to OTC derivatives transactions to be executed on its online trading platform. NTP's online trading platform provides anonymous trading of crude oil, condensate and other energy contracts.

In its request, NTP provided the Commission with a detailed description of the regulatory program applicable to clearing organizations in Alberta, Canada. NTP also provided the Commission with information comparing the regulatory requirements applicable to NTP and the regulatory requirements applicable to derivatives clearing organizations ("DCOs") in the U.S.,<sup>5</sup> as set forth in Section 5b of the CEA and Part 39 of the Commission's regulations.<sup>6</sup> The Commission evaluated the regulatory program of the ASC in the context of the Principles and Objectives

<sup>2</sup> Section 408(1) of FDICIA defines MCO to mean "a system utilized by more than [two] participants in which the bilateral credit exposures of participants arising from the transactions cleared are effectively eliminated and replaced by a system of guarantees, insurance, or mutualized risk of loss."

<sup>3</sup> Section 408(2) of FDICIA defines OTC derivative instrument to include any agreement, contract, or transaction exempt under Section 2(h) of the CEA.

<sup>4</sup> Letter from Kenneth M. Raisler, Esq., Sullivan & Cromwell, counsel to NTP, to Jean Webb, Secretary, Commodity Futures Trading Commission, dated November 7, 2005, with exhibits.

<sup>5</sup> As a matter of first impression, the ASC determined to direct NTP to address in its application for recognition compliance with the fourteen Core Principles set forth under Section 5b(c)(2) of the CEA for registration as a DCO and to provide supporting documentation manifesting its compliance with the Core Principles. See Letter from Allan R. Twa, counsel for NTP, to the ASC, dated November 10, 2004 ("Recognized Clearing Agency Application—NetThruPut Inc.").

<sup>6</sup> See 66 FR 45604 (August 29, 2001). Part 39 of the Commission's regulations stipulates the form and provides guidance for what should be included in applications for DCO registration. Part 39 also addresses ongoing compliance by DCOs with the Core Principles and other provisions of the CEA and regulations thereunder. The guidance set forth in Part 39 merely illustrates the manner in which a clearing organization may meet a Core Principle and is not intended to be a mandatory checklist.

of Securities Regulation issued by the International Organization of Securities Commissions.

In support of NTP's request for relief, the ASC confirmed that:

- The ASC is authorized under the Alberta Securities Act to supervise the clearing of financial instruments by persons located in Alberta, Canada, and has the ability to enforce compliance with the applicable laws, rules and regulations;

- Clearing in Alberta, Canada, of exchange contracts, as defined in the Alberta Securities Act, may be conducted only by a clearing agency recognized by the ASC;<sup>7</sup>

- The clearing of contracts entered into on NTP's online trading platform is subject to regulatory oversight by the ASC;

- The ASC is an associate member of IOSCO, has adopted IOSCO's Principles and Objectives of Securities Regulation, and has established systems consistent with those Principles and Objectives; and

- The ASC has the ability and undertakes to share with the Commission, upon request, information in its possession regarding NTP's activities as a recognized clearing agency and to otherwise cooperate with the CFTC, subject to Alberta law.<sup>8</sup>

Based upon the information and materials submitted by NTP, and the representations made by the ASC, the Commission has determined that the supervision by ASC of an MCO for OTC derivatives operated by NTP satisfies the criteria set forth in Section 409(b)(3) of FDICIA. Any material changes or omissions in the facts and circumstances pursuant to which this Order is issued might require the Commission to reconsider this matter.

Issued in Washington, DC on February 27, 2006.

**Jean A. Webb,**  
*Secretary of the Commission.*

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**BILLING CODE 6351-01-P**

## **CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

### **Proposed Information Collection; Comment Request**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

<sup>7</sup> See Alberta Securities Act Section 67.

<sup>8</sup> See Securities Act, Sections 46 and 46.1; see also the Freedom of Information and Protection of Privacy Act.

**SUMMARY:** The Corporation for National and Community Service (hereinafter the "Corporation"), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning its proposed marketing questionnaire to help inform volunteer and member recruitment efforts for its various programs and initiatives. The survey, which would be completed voluntarily by current and prospective volunteers or program participants (for example, AmeriCorps members or RSVP volunteers), would be conducted online with visitors to the Corporation's website domains and in focus groups and public discussions with current and prospective volunteers and program participants. Completion of the survey is voluntary.

Copies of the information collection requests can be obtained by contacting the office listed in the address section of this notice.

**DATES:** Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by May 2, 2006.

**ADDRESSES:** You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Office of Public Affairs; Attention Shannon Maynard, Senior Marketing Specialist, Room 10304C; 1201 New York Avenue, NW., Washington, DC, 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 8102C at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) By fax to: (202) 606-3460, Attention Shannon Maynard, Senior Marketing Specialist.

(4) Electronically through the Corporation's e-mail address system: smaynard@cns.gov.