

regulatory evaluation for this proposed rule is available for review in the public docket.

#### C. Executive Order 13132

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This proposed rule preempts State, local, and Indian tribe requirements, but does not propose any regulation having substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

#### D. Executive Order 13175

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"). Because this proposed rule does not have adverse tribal implications and does not impose direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

#### E. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

The Regulatory Flexibility Act (5 U.S.C. 601–611) requires each agency to analyze regulations and assess their impact on small businesses and other small entities to determine whether the rule is expected to have a significant impact on a substantial number of small entities. The provisions of this rule apply specifically to businesses not falling within the small entities category. Therefore, PHMSA certifies this rule would not have a significant economic impact on a substantial number of small entities.

#### F. Unfunded Mandates Reform Act of 1995

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$120.7 million or more, in the aggregate, to any of the following: State, local, or Native American tribal governments, or the private sector.

#### G. Paperwork Reduction Act

Under 49 U.S.C. 5108(i), the information management requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) do not apply to this proposed rule.

#### H. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document may be used to cross-reference this action with the Unified Agenda.

#### I. Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321–4347), requires Federal agencies to consider the consequences of major federal actions and prepare a detailed statement on actions significantly affecting the quality of the human environment. There are no significant environmental impacts associated with this proposed rule. PHMSA is proposing in this rule changes to the requirements in the HMR on the registration and fee assessment program for persons who transport or offer for transportation certain categories and quantities of hazardous materials. The proposed increase in registration fees will provide additional funding for the HMEP program to help mitigate the safety and environmental consequences of hazardous materials transportation accidents.

#### J. Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comments (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 visit <http://dms.dot.gov>.

#### List of Subjects in 49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Penalties, Reporting and record keeping requirements.

In consideration of the foregoing, we propose to amend 49 CFR part 107 as follows:

#### PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 continues to read as follows:

**Authority:** 49 U.S.C. 5101–5127, 44701; Sec 212–213, Pub. L. 104–121, 110 Stat. 857; 49 CFR 1.45, 1.53.

2. In § 107.606, redesignate paragraphs (a)(4), (a)(5), and (a)(6) as

(a)(5), (a)(6), and (a)(7) respectively, and add a new paragraph (a)(4) to read as follows:

#### § 107.606 Exceptions.

- (a) \* \* \*  
(4) An Indian tribe.  
\* \* \* \* \*

3. In § 107.612, revise paragraph (d)(3) to read as follows:

#### § 107.612 Amount of fee.

- \* \* \* \* \*  
(d) \* \* \*

(3) *Other than a small business or not-for-profit organization.* Each person that does not meet the criteria specified in paragraph (d)(1) or (d)(2) of this section must pay an annual registration fee of:

- (i) For registration year 2006–2007, \$975 and the processing fee required by paragraph (d)(4) of this section;  
(ii) For registration year 2007–2008, \$1,975 and the processing fee required by paragraph (d)(4) of this section;  
(iii) For registration year 2008–2009 and following, \$2,975 and the processing fee required by paragraph (d)(4) of this section.  
\* \* \* \* \*

#### § 107.616 [Amended]

4. In § 107.616, paragraph (a) is amended by, in the first sentence, eliminating the phrase "Except as provided in paragraph (d) of this section," and paragraph (d) is removed.

Issued in Washington, DC on August 9, 2006, under authority delegated in 49 CFR part 106.

**Robert McGuire,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. E6–13312 Filed 8–14–06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### 49 CFR Part 389

[Docket No. MARAD–2005–22050]

RIN 2133–AB67

#### Determination of Availability of Coastwise-Qualified Launch Barges

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Proposed rule; Notice of opening of reply comment period.

**SUMMARY:** The Maritime Administration is establishing regulations governing administrative determinations of availability of coastwise-qualified launch barges to be used in the transportation and launching of offshore

oil drilling or production platform jackets in specified projects. This rulemaking implements provisions of the Coast Guard and Maritime Transportation Act of 2004, which, among other things, requires the Secretary of Transportation (acting through the Maritime Administrator) to adopt procedures to determine if coastwise-qualified vessels are available for platform jacket transport and launching, and, if not, to allow the use of non-coastwise qualified foreign built vessels.

The notice of proposed rulemaking for this action was published in the **Federal Register** on August 15, 2005 (70 FR 47771) with comments due by October 14, 2005. The opening comment period was extended on October 19, 2005 (70 FR 60770) and closed on December 13, 2005.

The Maritime Administration is hereby giving notice that we received and have granted a request by a commenting party to open a reply comment period for this rulemaking. Reply comments are responses to comments that were filed during the previous comment periods for this rulemaking.

**DATES:** Reply comments are due October 16, 2006.

**ADDRESSES:** You may submit reply comments [identified by DOT DMS Docket Number MARAD 2005-22050] by any of the following methods:

- *Web site:* <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 7th St., SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 7th St., SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Instructions:* All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to <http://dms.dot.gov> including any personal

information provided. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 7th St., SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

#### **Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets 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 visit <http://dms.dot.gov>.

By order of the Maritime Administrator.

Dated: August 9, 2006.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. E6-13391 Filed 8-14-06; 8:45 am]

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