

**DEPARTMENT OF STATE****22 CFR Part 51**

[Public Notice: 5571]

RIN: 1400-AC27

**Passport Procedures—Amendment to Restriction of Passports Regulation**

AGENCY: State Department.

ACTION: Final rule.

**SUMMARY:** This final rule amends part 51 at Title 22 of the Code of Federal Regulations to change a ground of denying, revoking or canceling a passport. The final rule amends the existing regulation at section 51.70(a) in Title 22 of the Code of Federal Regulations which requires the Secretary of State to deny a passport to a person who has been certified by the Secretary of Health and Human Services to be in arrears of child support by an amount exceeding \$5000 by changing it to \$2500 in accordance with Section 7303 of Public Law 109-171, the Deficit Reduction Act of 2005.

EFFECTIVE DATE: October 1, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Consuelo Pachon, Office of Passport Policy, Planning and Advisory Services, Bureau of Consular Affairs, 2100 Pennsylvania, Avenue, NW., Suite 3000, Washington, DC, telephone number 202-663-2662.

**SUPPLEMENTARY INFORMATION:** Section 452(k) of the Social Security Act, 42 U.S.C. 652 (the "Act") required that the Secretary of Health and Human Services transmit to the Secretary of State a certification by a State agency in accordance with the requirements of Section 42 U.S.C. 654(31) of the Act of a determination that an individual owes arrearages of child support in an amount exceeding \$5000 and requires that the Secretary of State shall upon receipt of such certification by the Secretary of Health and Human Services, refuse to issue a passport to such individual. The Act also authorizes the Secretary to revoke, restrict, or limit a passport previously issued to such an individual. Section 51.70(a) of the passport regulations in Title 22 of the Code of Federal Regulations provides the grounds for denial of passports for other than non-citizenship. Section 51.70(a)(8) to Title 22 of the Code of Federal Regulations requires that the Secretary of State refuse to issue a passport, except one limited for direct return to the United States, to a person who has been certified by the Secretary of Health and Human Services to be in arrears of child support by an amount exceeding \$5000.

Section 7303 of the Deficit Reduction Act of 2005, Public Law 109-171, amended Section 452(k)(1) (42 U.S.C. 652(k)(1)) by decreasing the amount of child support arrearage triggering passport denial from \$5,000 to \$2,500.

**Regulatory Findings***Administrative Procedure Act*

No notice of proposed rulemaking is required under the Administrative Procedure Act (APA) because this regulation falls under the exception for good cause of 5 U.S.C. 553(b)(3)(B) in that notice to the public is unnecessary. The requirements of Public Law 109-171 are clear, do not allow for agency discretion, and permit no alternative interpretation.

*Regulatory Flexibility Act*

The DOS, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

*Unfunded Mandates Act of 1995*

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and import markets.

*Executive Order 12866*

The Department of State does not consider this rule to be a "significant regulatory action" under Executive Order 12866, section 3(f). In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the regulation to

ensure its consistency with the regulatory philosophy and principles set forth in that Executive Order.

*Executive Order 13132*

This regulation will 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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

**Paperwork Reduction Act**

This rule does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

**List of Subjects in 22 CFR Part 51**

Administrative practice and procedure, Passports and visas.

■ Accordingly, for the reasons set forth in the preamble, the part 51 to Title 22 is amended as follows:

**22 CFR PART 51—PASSPORTS**

■ 1. The authority citation for part 51 is revised to read as follows:

**Authority:** 22 U.S.C. 211a, 213, 2651a, 2671(d)(3), 2714, and 3926; 31 U.S.C. 9701; E.O. 11295, 3 CFR, 1966-1970 Comp. p. 570; Sec. 236 Pub. L. 106-113, 113 stat. 1501A-430; 18 U.S.C. 1621(a)(2); 42 U.S.C. 652, as amended by Sec. 370 Pub. L. 104-193 and Sec. 7303 Pub. L. 109-171.

■ 2. Section 51.70(a)(8) is amended by removing the phrase "\$5,000.00" and adding in its place "\$2,500.00".

Dated: September 20, 2006.

**Maura Harty,**

*Assistant Secretary for Consular Affairs,  
Department of State.*

[FR Doc. E6-16387 Filed 10-3-06; 8:45 am]

BILLING CODE 4710-06-P

**DEPARTMENT OF STATE****22 CFR Part 126**

[Public Notice: 5570]

**Amendment to the International Traffic in Arms Regulations: Partial Lifting of Arms Embargo Against Haiti**

AGENCY: Department of State.

ACTION: Final rule.

**SUMMARY:** The Department of State is amending the International Traffic in Arms Regulations to reflect

modifications to the U.S. arms embargo against Haiti. The embargo is revised to permit exports of defense articles and services that are destined for security units under the command of the Government of Haiti, or under the command of the United Nations (UN) and UN-authorized missions, and to allow exports of personal protective clothing, including flak jackets and helmets, for use by personnel from the United Nations and other international organizations, representatives of the media, and development workers and associated personnel.

**EFFECTIVE DATE:** October 4, 2006.

**ADDRESSES:** Interested parties may submit comments at any time by any of the following methods:

- *E-mail:*

*DDTCResponseTeam@state.gov* with an appropriate subject line.

- *Mail:* Department of State, Directorate of Defense Trade Controls, Office of Defense Trade Controls Policy, ATTN: Regulatory Change, 12th Floor, SA-1, Washington, DC 20522-0112.

- *Fax:* 202-261-8199.

- *Hand Delivery or Courier (regular work hours only):* Department of State, Directorate of Defense Trade Controls, Office of Defense Trade Controls Policy, ATTENTION: Regulatory Change, SA-1, 12th Floor, 2401 E Street, NW., Washington, DC 20037.

Persons with access to the Internet may also view this notice by going to the regulations.gov Web site at: <http://www.regulations.gov/index.cfm>.

Comments will be accepted at any time.

**FOR FURTHER INFORMATION CONTACT:** Ann Ganzer, Office of Defense Trade Controls Policy, Department of State, 12th Floor, SA-1, Washington DC 20522-0112; Telephone 202-663-2792 or FAX 202-261-8199; e-mail: *DDTCResponseTeam@state.gov*. ATTN: Regulatory Change.

**SUPPLEMENTARY INFORMATION:** On October 9, 1991 the United States suspended all previously issued license and approvals authorizing the export of or other transfers of defense articles and services to Haiti, and instituted a policy of denial for future applications for licenses and other approvals to export or otherwise transfer defense articles and services to Haiti. This step was taken after the overthrow by the Haitian military of the democratically elected government of Haiti. In 1993 the United Nations Security Council imposed an arms embargo against Haiti, and on April 4, 1994 Section 126.1(a) of the International Traffic in Arms Regulations was amended to list Haiti as a country subject to United States embargo. The United Nations lifted its

embargo in 1994 but the United States embargo was maintained for foreign policy reasons.

In view of developments in Haiti, to include the inauguration of a democratically elected president, the U.S. embargo is being revised to permit exports of defense articles and services that are destined for security units under the command of the Government of Haiti, or under the command of the United Nations (UN) and UN-authorized missions, as well as exports of personal protective clothing, including flak jackets and helmets, for use by personnel from the United Nations and other international organizations, representatives of the media, and development workers and associated personnel.

The Department of State is amending the International Traffic in Arms Regulations by removing Haiti from the list of countries identified as subject to a United States arms embargo at 22 CFR 126.1(a) and by adding paragraph (j) to 22 CFR 126.1 to clarify the modifications to the policy regarding Haiti.

#### Regulatory Analysis and Notices

##### *Administrative Procedure Act*

This amendment involves a foreign affairs function of the United States and, therefore, is not subject to the procedures required by 5 U.S.C. 553 and 554.

##### *Regulatory Flexibility Act*

This rule does not require analysis under the Regulatory Flexibility Act.

##### *Unfunded Mandates Act of 1995*

This rule does not require analysis under the Unfunded Mandates Reform Act.

##### *Small Business Regulatory Enforcement Fairness Act of 1996*

This amendment has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996. It will not have substantial direct effects on the States, the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

##### *Executive Orders 12372 and 13132*

It is determined that this rule does not have sufficient federalism implications to warrant application of the consultation provisions of Executive Orders 12372 and 13132.

##### *Executive Order 12866*

This amendment is exempt from review under Executive Order 12866, but has been reviewed internally by the Department of State to ensure consistency with the purposes thereof.

##### *Paperwork Reduction Act*

This rule does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

#### List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

■ Accordingly, for the reasons set forth above, Title 22, Chapter I, Subchapter M, part 126 is amended as follows:

#### PART 126—GENERAL POLICIES AND PROVISIONS

■ 1. The authority citation for part 126 continues to read as follows:

**Authority:** Secs. 2, 38, 40, 42, and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 11958, 2791, and 2797); 22 U.S.C. 2778; E.O. 11958, 42 FR 4311; 3 CFR, 1977 Comp., p. 79; 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; Sec. 1225, Pub. L. 108-375.

■ 2. Section 126.1 is amended by revising paragraph (a) to read as follows and adding paragraph (j):

##### § 126.1 Prohibited exports and sales to certain countries.

(a) *General.* It is the policy of the United States to deny licenses and other approvals for exports and imports of defense articles and defense services, destined for or originating in certain countries. This policy applies to Belarus, Cuba, Iran, Libya, North Korea, Syria and Vietnam. This policy also applies to countries with respect to which the United States maintains an arms embargo (*e.g.*, Burma, China, Liberia, Somalia, and Sudan) or whenever an export would not otherwise be in furtherance of world peace and the security and foreign policy of the United States. Information regarding certain other embargoes appears elsewhere in this section. Comprehensive arms embargoes are normally the subject of a State Department notice published in the **Federal Register**. The exemptions provided in the regulations in this subchapter, except § 123.17 of this subchapter, do not apply with respect to articles originating in or for export to any proscribed countries, areas, or persons in this § 126.1.

\* \* \* \* \*

(j) *Haiti.* It is the policy of the United States to deny licenses, other approvals, exports or imports of defense articles

and defense services, destined for or originating in Haiti. A denial policy will remain for exports or imports of defense articles and defense services destined for or originating in Haiti except, on a case-by-case basis, for supplies of arms and related materials or technical training and assistance intended solely for the support of or use by security units that operate under the command of the Government of Haiti, supplies of arms and related materials for technical training and assistance intended solely for the support of or use by the United Nations or a United Nations-authorized mission, and personal protective clothing, including flak jackets and helmets, for use by personnel from the United Nations and other international organizations, representatives of the media, and development workers and associated personnel. All shipments of arms and related materials consistent with such exemptions shall only be made to Haitian security units as designated by the Government of Haiti, in coordination with the U.S. Government.

Dated: August 31, 2006.

**Robert G. Joseph,**

*Under Secretary for Arms Control and International Security, Department of State.*  
[FR Doc. E6-16386 Filed 10-3-06; 8:45 am]

**BILLING CODE 4710-25-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51, 52, and 80

[OAR 2003-0079; FRL-8227-6]

RIN 2060-AJ99

#### **Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2; Final Rule To Implement Certain Aspects of the 1990 Amendments Relating to New Source Review and Prevention of Significant Deterioration as They Apply in Carbon Monoxide, Particulate Matter and Ozone NAAQS; Final Rule for Reformulated Gasoline; Correction**

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

**ACTION:** Final rule; correction.

**SUMMARY:** The EPA issued a final rule on November 29, 2005, which took action on elements of the program to implement the 8-hour ozone national ambient air quality standard (NAAQS or standard)—Phase 2. The preamble contains a discussion of the Clean Air Act's (CAA's) reasonable further

progress (RFP) requirements, and this document clarifies the correct citation in the CAA that should have been referenced. Finally, this document is modifying several incorrect citations in Appendix A of the preamble which addresses calculation of RFP targets. This action is needed so States will have the correct version of the Phase 2 rule. The intended effect is to correct the errors in the Phase 2 rule.

**EFFECTIVE DATE:** This document is effective on October 4, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Denise Gerth, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-01, Research Triangle Park, NC 27711, phone number (919) 541-5550, fax number (919) 541-0824 or by e-mail at *gerth.denise@epa.gov*. or Mr. John Silvasi, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-01, Research Triangle Park, NC 27711, phone number (919) 541-5666, fax number (919) 541-0824 or by e-mail at *silvasi.john@epa.gov*.

**SUPPLEMENTARY INFORMATION:** The EPA issued the Phase 2 Rule to Implement the 8-Hour Ozone NAAQS on November 29, 2005 (70 FR 71612). The purpose of this document is to correct four technical errors in the final rule.

Section E.1.b. of the preamble (70 FR 71633; first column) provides information on the RFP requirements for areas classified under subpart 2 as serious and above that had met the 15-percent VOC emission reduction requirement for the 1-hour standard. The preamble stated that such areas would be subject to the RFP requirements of section 172(e) of the CAA. The reference to section 172(e) was inaccurate so we are issuing this correction notice to clarify that such areas would be subject to the RFP requirements of section 172(c) of the CAA. The regulatory text promulgated at 40 CFR 51.910(a)(1)(ii)(A) (70 FR 71700) correctly references section 172(c)(2).

The final set of corrections are being made to language in Method 2, Method 3 and Method 4 of Appendix A (70 FR 71696-71697) which addresses calculation of RFP targets.

The reference in Method 2 to areas covered under 40 CFR 51.910(a)(1)(ii)(C) is incorrect and the correct citation is 40 CFR 51.910(a)(1)(ii)(B). The following is the corrected language:

“For areas covered under 40 CFR 51.910(a)(1)(ii)(B) and that meet an 18-percent VOC emission reduction requirement by 2008 with NO<sub>x</sub> substitution allowed,

following EPA's NO<sub>x</sub> Substitution Guidance:”.

The references in Method 3 in paragraphs E and F (71697, column 1) to Steps C, D and E are incorrect. The following is the corrected language:

(E) The target level of VOC and NO<sub>x</sub> emissions in 2011 needed to meet the 2011 ROP requirement is any combination of VOC and NO<sub>x</sub> reductions from the adjusted inventories calculated in Step **D** that total nine percent. For example, the target level of VOC emissions in 2011 could be a four-percent reduction from the adjusted VOC inventory in Step **D** and a five-percent reduction from the adjusted NO<sub>x</sub> inventory in Step **D** \* \* \* [Emphasis Added].

(F) For subsequent \* \* \*. This value is subtracted from the 2011 target level of NO<sub>x</sub> emissions calculated in Step **E** to get the adjusted NO<sub>x</sub> inventory to be used as the basis for calculating the target level of NO<sub>x</sub> emissions in 2014. [Emphasis Added].

The reference Method 4 in paragraph D (71697, second column) to Step **E** is incorrect. The following is the corrected language:

(D) The target level of VOC and NO<sub>x</sub> emissions in 2011 needed to meet the 2011 ROP requirement is any combination of VOC and NO<sub>x</sub> reductions from the adjusted inventories calculated in Step **C** that total nine percent \* \* \* [Emphasis Added].

In addition, for all of Appendix A, the term “ROP” should read “RFP.” This is consistent with the definition of RFP in the Phase 1 rule (69 FR 23974, footnote 32).

#### List of Subjects

##### 40 CFR Part 51

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Ozone, Particulate matter, Transportation, Volatile organic compounds.

##### 40 CFR Part 52

Air pollution control, Carbon monoxide, Intergovernmental relations, Ozone, Particulate matter.

##### 40 CFR Part 80

Fuel additives, Gasoline, Motor vehicle pollution, Ozone.

**Authority:** 42 U.S.C. 7408; 47 U.S.C. 7410; 42 U.S.C. 7501-7511; 42 U.S.C. 7601(a)(1); 42 U.S.C. 7401.

Dated: September 28, 2006.

**Stephen L. Johnson,**  
*Administrator.*

[FR Doc. E6-16377 Filed 10-3-06; 8:45 am]

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