

\$149,954 for salaries; and \$100,000 for a contingency reserve.

The major expenditures recommended by the committee for the 2005–06 production year include \$85,046 for administrative expenses; \$10,000 for compliance expenses; \$129,357 for salaries; and \$100,000 for a contingency reserve.

The assessment rate recommended by the committee was derived by dividing anticipated expenses minus the reserve funds that will be utilized to meet expenses by expected receipts (the assessed weight) of California pistachios during the 2006–07 season (\$340,906 minus \$200,906 divided by 200,000,000 pounds = \$0.0007 per pound). With pistachio receipts for the year estimated at 200,000,000 pounds, assessment income is expected to total \$140,000.

If the assessment rate remains at \$0.0014 per pound (estimated \$280,000 assessment income), the estimated reserve on August 31, 2007, would be \$448,741. Although this amount would still be within the order's reserve requirements, the committee believes it should draw down the reserve in the event that some of the variable components, such as crop estimate, are understated.

The assessment rate recommended by the committee is one-half of the current assessment rate. The committee believes that maintaining the current assessment rate would result in a financial reserve balance that is higher than needed for operations under the order.

The committee reviewed and unanimously recommended these expenditures after considering information from their Executive Subcommittee, which met on March 1, 2006. As noted, the committee considered both eliminating the assessment rate for one year and assessing at the proposed rate before recommending the proposed assessment rate of \$0.0007 per pound of assessed-weight pistachios. This proposed assessment rate is one-half of the assessment rate currently in effect; and, coupled with carry-in funds and assessments to be collected, would provide adequate funds for the committee's 2006–07 production year operations.

A review of historical information and preliminary information pertaining to the upcoming production year indicates that the grower price for the 2006–07 production year could range between \$1.65 and \$1.75 per pound of assessed-weight pistachios. Therefore, the estimated assessment revenue for the 2006–07 production year as a percentage of total grower revenue

could range between .040 and .042 percent.

While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, decreasing the assessment rate would reduce the burden on handlers, and may reduce the burden on producers. In addition, the committee's meeting was widely publicized throughout the production area commodity industry and all interested persons were invited to attend the meeting and encouraged to participate in committee deliberations on all issues. Like all committee meetings, the May 23, 2006, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

Finally, interested persons are invited to submit comments on the informational and regulatory impacts of this action on small businesses.

This proposed rule would not impose additional reporting and recordkeeping on both small and large pistachio handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to compliance with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because the 2006–07 production year begins on September 1, 2006, and the marketing order requires that the rate of assessment for each production year apply to all assessable pistachios handled during such production year.

#### List of Subjects in 7 CFR Part 983

Marketing agreements, Pistachios, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 983 is proposed to be amended as follows:

#### PART 983—PISTACHIOS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 983 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 983.253 is amended by revising paragraph (a) to read as follows:

#### § 983.253 Assessment rate.

(a) On and after September 1, 2006, a continuing assessment rate of \$0.0007 per pound of assessed-weight pistachios is established for California pistachios. The assessment obligation of each handler shall be computed by applying the assessment rate to the assessed weight computed pursuant to § 983.6.

\* \* \* \* \*

Dated: August 21, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E6–14114 Filed 8–24–06; 8:45 am]

**BILLING CODE 3410–02–P**

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2006–25038; Airspace Docket No. 06–ANM–4]

#### Proposed Revision of Class E Airspace; Sheridan, WY

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposal would revise Class E airspace at Sheridan, WY. Additional controlled airspace is necessary to accommodate airspace using the new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Sheridan County Airport. The FAA is proposing this action to enhance the safety and management of aircraft operations at Sheridan County Airport.

**DATES:** Comments must be received by October 10, 2006.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify FAA Docket No. FAA–2006–25038; Airspace Docket No. 06–ANM–4, at the beginning

of your comments. You may also submit comments through the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ed Haeseker, Federal Aviation Administration, Western Service Area Office, 1601 Lind Avenue, SW., Renton, VA 98057; telephone (425) 227-2527.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as the may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2006-25038 and Airspace Docket No. 06-ANM-4) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://dms.dot.gov>

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Continue to FAA Docket No. FAA-2006-25038 and Airspace Docket No. 06-ANM-4". The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the **Federal Register's** Web page at <http://www.gpoaccess.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments

received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Area Office, Airspace Branch, 1601 Lind Avenue, SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Western En Route and Oceanic Area Office, Airspace Branch, 1601 Lind Avenue, SW., Renton, WA 98055. Communications must identify both document numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, 202-267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

**The Proposal**

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by revising the Class E airspace at Sheridan, WY. Additional controlled airspace is necessary to accommodate aircraft using the new RNAV (GPS) SIAP at Sheridan County Airport. This action would enhance the safety and management of aircraft operations at Sheridan County Airport.

Class E airspace designations are published in paragraph 6002 and 6005 of FAA Order 7400.9N, dated September 1, 2005, and effective September 15, 2005, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3)

does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR part 71.1 of the FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 15, 2005, is amended as follows:

*Paragraph 6002 Class E airspace areas extending upward from the surface of the earth.*

\* \* \* \* \*

**ANM WA E2 Sheridan WY [Revised]**

Sheridan County Airport, WY  
(Lat. 44°46'09" N., long. 106°58'49" W.)  
Sheridan VORTAC  
(Lat. 44°50'32" N., long. 107°03'40" W.)

That airspace extending upward from the surface within a 4.5-mile radius of the Sheridan County Airport, and within 4.5 miles each side of the 157° bearing from the airport, extending from the 4.5-mile radius to 17.6 miles southeast of the airport, and within 3.5 miles each side of the Sheridan VORTAC 312°(T)/299°(M), 327°(T)/314°(M) radials, and 4.0 miles each side of the 336°(T)/323°(M) bearing from the Sheridan County Airport extending from the 4.5-mile radius to 10.1 miles northwest of the VORTAC, and within 3.5 miles each side of the Sheridan VORTAC 140° radial extending from the 4.5-mile radius to 21.4 miles southeast of the VORTAC.

\* \* \* \* \*

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**ANM WY E5 Sheridan, WY [Revised]**

Sheridan County Airport, WY

(Lat. 44°46'09" N., long. 106°58'49" W.)

Gillette VOR/DME

(Lat. 44°20'52" N., long. 105°32'37" W.)

Crazy Woman VOR/DME

(Lat. 43°59'59" N., long. 106°26'09" W.)

That airspace extending upward from 700 feet above the surface within a 7.0 mile radius of Sheridan County Airport; that airspace extending upward from 1,200 feet above the surface beginning at lat. 45°15'00" N., long. 107°30'00" W.; to lat. 45°15'00" N., long. 107°00'00" W.; to lat. 45°00'00" N., long. 106°40'00" W.; to Gillette VOR/DME; to Crazy Woman VOR/DME; to lat. 44°00'00" N., long. 106°45'00" W.; to lat. 44°30'00" N., long. 107°00'00" W.; to lat. 45°00'00" N., long. 107°30'00" W.; to point of beginning.

\* \* \* \* \*

Issued in Seattle, Washington, on July 19, 2006.

**John Warner,**

Manager, Planning and Requirements,  
Western Service Area.

[FR Doc. 06-7130 Filed 8-24-06; 8:45 am]

BILLING CODE 4910-13-M

August 29, 2006, at 10 a.m., in the IRS Auditorium (New Carrollton Federal Building), 5000 Ellin Road, Lanham, MD 20706. The subject of the public hearing is under section 199 of the Internal Revenue Code.

The public written or electronic comment period for these regulations will expire on August 30, 2006. The outlines of oral comments were due on August 8, 2006. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Tuesday, August 15, 2006, no one has requested to speak. Therefore, the public hearing scheduled for August 29, 2006, is cancelled.

**Guy R. Traynor,**

Chief, Publications and Regulations Branch,  
Legal Processing Division, Associate Chief  
Counsel, (Procedure and Administration).

[FR Doc. E6-14090 Filed 8-24-06; 8:45 am]

BILLING CODE 4830-01-P

comments and suggestions on the following key components; royalty rate; fair market value for conversion of preference right acreage and for commercial leasing; diligence; royalty determination point; and small tract leasing. See Section III for a list of specific questions relating to these topics.

**DATES:** We will accept comments and suggestions on the Advance Notice of Proposed Rulemaking until September 25, 2006.

**ADDRESSES:** You may submit comments by any of the following methods:

Mail: Director (630), Bureau of Land Management, Administrative Record, Room 401 LS, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153.

Personal or messenger delivery: Room 401, 1620 L Street, NW., Washington, DC 20036.

Federal eRulemaking Portal: <http://www.regulations.gov>.

E-mail:

[Comments\\_washington@blm.gov](mailto:Comments_washington@blm.gov).

(Include "Attn: 1004-AD90")

**FOR FURTHER INFORMATION CONTACT:** For information on the substance of the Advance Notice, please contact Ted Murphy at (202) 452-0350. For information on procedural matters, please contact Kelly Odom at (202) 452-5028. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, to contact the above individuals during business hours. FIRS is available twenty-four hours a day, seven days a week.

**SUPPLEMENTARY INFORMATION:****I. Public Comment Procedures**

*Commenting on the Advance Notice of Proposed Rulemaking*

Written comments or suggestions should:

- Be specific;
- Explain the reasoning behind your comments and suggestions; and
- Address the issues outlined in the Notice.

For comments and recommendations to be the most useful, and most likely to influence decisions on the content of the proposed rule, they should:

- Be substantive;
- Facilitate the development and implementation of an environmentally-responsible commercial leasing system for Federally owned oil shale resources located on Federal lands.

The BLM is particularly interested in receiving comments and suggestions

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 1**

[REG-111578-06]

RIN 1545-BF56

**Computer Software Under Section 199(c)(5)(B); Hearing Cancellation**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document cancels a public hearing on proposed regulations concerning the application of section 199 of the Internal Revenue Code, which provides a deduction for income attributable to domestic production activities, to certain transactions involving computer software.

**DATES:** The public hearing, originally scheduled for August 29, 2006, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Hurst of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration), at [Richard.A.Hurst@irs.counsel.treas.gov](mailto:Richard.A.Hurst@irs.counsel.treas.gov).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Thursday, June 1, 2006, (71 FR 31128), announced that a public hearing was scheduled for

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****43 CFR Part 3900**

[WO-3201310-PP-OSHL]

RIN 1004-AD90

**Commercial Oil Shale Leasing Program**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Bureau of Land Management (BLM) requests comments and suggestions to assist in the writing of a proposed rule to establish a commercial leasing program for oil shale.

The Energy Policy Act of 2005 directs the Secretary of the Interior to: (1) Complete a Programmatic Environmental Impact Statement (PEIS) for a commercial leasing program for oil shale and tar sands resources on public lands, with emphasis on the most geologically prospective lands within Colorado, Utah and Wyoming, and (2) Publish a final rule establishing such program, not later than 180 days after completion of the PEIS. On May 18, 2006, BLM published a final rule for the leasing of tar sands.

As an aid in preparing the proposed rule to establish an oil shale commercial leasing system and regulate oil shale mining operations, we encourage members of the public to provide