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Dated: August 21, 2006.

**Robert E. Roberts,**

*Regional Administrator, Region 8.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52 and 81

[EPA-R05-OAR-2006-0399; FRL-8214-4]

#### Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Allen County 8-Hour Ozone Nonattainment Area to Attainment for Ozone

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

**ACTION:** Proposed rule.

**SUMMARY:** On May 30, 2006, the State of Indiana, through the Indiana Department of Environmental Management (IDEM), submitted, in final: A request to redesignate the 8-hour ozone National Ambient Air Quality Standard (NAAQS) nonattainment area of Allen County, Indiana, to attainment for the 8-hour ozone NAAQS; and a request for EPA approval of an Indiana State Implementation Plan (SIP) revision containing a 14-year maintenance plan for Allen County. Today, EPA is proposing to determine that the Allen County, Indiana ozone nonattainment area has attained the 8-hour ozone NAAQS. This determination is based on three years of complete, quality-assured ambient air quality monitoring data for the 2003-2005 ozone seasons that demonstrate that the 8-hour ozone NAAQS has been attained in the area. EPA is also proposing to approve Indiana's request to redesignate the area to attainment for the 8-hour ozone standard and the State's maintenance plan SIP revision. EPA's proposed approval of the 8-hour ozone redesignation request is based on its determination that Allen County, Indiana has met the criteria for redesignation to attainment specified in the Clean Air Act. EPA is also proposing to approve, for purposes of transportation conformity, the motor vehicle emission budgets (MVEBs) for the year 2020 that are contained in the 14-year 8-hour ozone maintenance plan for Allen County.

**DATES:** Comments must be received on or before September 29, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2006-0399, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* [mooney.john@epa.gov](mailto:mooney.john@epa.gov).
- *Fax:* (312) 886-5824.
- *Mail:* John M. Mooney, Chief, Criteria Pollutant Section, (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
- *Hand Delivery:* John M. Mooney, Chief, Criteria Pollutant Section, (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 AM to 4:30 PM excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:**

Steven Rosenthal, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052, [rosenthal.steven@epa.gov](mailto:rosenthal.steven@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that

are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: August 16, 2006.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

[FR Doc. E6-14425 Filed 8-29-06; 8:45 am]

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## COMMISSION ON CIVIL RIGHTS

### 45 CFR Part 706

RIN 3035-AA02

#### Employee Responsibilities and Conduct Residual Cross-References Regulation of the United States Commission on Civil Rights

**AGENCY:** Commission on Civil Rights.

**ACTION:** Proposed rule.

**SUMMARY:** The United States Commission on Civil Rights (Commission) is proposing to repeal its old employee conduct regulations, which have been superseded by the executive branch Standards of Ethical Conduct, financial disclosure and financial interests regulations issued by the Office of Government Ethics (OGE). In place of its old regulations, the Commission is proposing to add a section of residual cross-references to those branchwide regulations as well as its proposed new supplemental standards regulations and certain executive branchwide conduct rules promulgated by the Office of Personnel Management (OPM).

**DATES:** Comments should be submitted on or before September 29, 2006 to be considered in the formulation of final rules.

**ADDRESSES:** Interested parties should submit written comments to: United States Commission on Civil Rights, Office of the Staff Director, Attn: Emma Monroig, Solicitor and Designated Agency Ethics Official, Esq., 624 Ninth Street, NW., Suite 621, Washington, DC 20425. E-mail comments should be addressed to [emonroig@usccr.gov](mailto:emonroig@usccr.gov). Please cite 45 CFR part 706 in all correspondence related to these proposed revisions.

**FOR FURTHER INFORMATION CONTACT:**

Emma Monroig, Esq., Solicitor and Designated Agency Ethics Official, Office of the Staff Director, United States Commission on Civil Rights, 624 Ninth Street, NW., Suite 621, Washington, DC 20425, (202) 376-7796; Facsimile: (202) 376-1163.

**SUPPLEMENTARY INFORMATION:** In 1992, OGE issued a final rule setting forth uniform executive branch Standards of Ethical Conduct (generally effective on February 3, 1993) and an interim final rule on financial disclosure, and in 1996 issued a final rule on financial interests for executive branch departments and agencies of the Federal Government and their employees. Those three executive branchwide regulations, as corrected and amended, are codified in 5 CFR parts 2634, 2635 and 2640. Together those regulations have superseded the old Commission regulations, based on prior OPM standards, on employee responsibilities and conduct at 45 CFR part 706 which the Commission is proposing to remove its superseded regulations, and add in place thereof, a new section containing residual cross-references to the provisions at 5 CFR parts 2634, 2635 and 2640, as well as to the proposed new Commission regulation supplementing the executive branchwide standards that is being separately published today elsewhere in this issue of the **Federal Register** for codification in a new chapter LXVIII of 5 CFR, to consist of part 7801. In addition, the Commission is proposing to include in its residual section a reference to the separate, specific executive branchwide provisions regarding gambling, safeguarding the examination process and conduct prejudicial to the Government which are set forth in 5 CFR part 735, as amended and reissued by OPM in 1992 and 2006. Those specific branchwide restrictions are not covered by in OGE's Standards of Ethical Conduct regulation; furthermore, they are self-executing and do not require any department or agency republication.

#### Matters of Regulatory Procedure

##### *Executive Orders 12866 and 12988*

Because this proposed rule relates to Commission personnel it is exempt from the provisions of Executive Orders 12866 and 12988.

##### *Regulatory Flexibility Act*

It has been determined under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rule as proposed would not have a significant economic impact on a substantial number of small entities because it would primarily affect Commission employees.

##### *Paperwork Reduction Act*

It has been determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this proposed rulemaking document, because it does not contain any

information collection requirements that require the approval of the Office of Management and Budget.

##### *Congressional Review Act*

The Commission has determined that this rulemaking is not a rule as defined in 5 U.S.C. 804, and, thus, does not require review by Congress.

#### List of Subjects in 45 CFR Part 706

Conflict of interests, Government employees.

Dated: August 24, 2006.

**Kenneth L. Marcus,**

*Staff Director, United States Commission on Civil Rights.*

Dated: August 24, 2006.

**Emma Monroig,**

*Solicitor and Designated Agency Ethics Official, United States Commission on Civil Rights.*

For the reasons set forth in this preamble, the Commission is proposing to revise 45 CFR part 706 to read as follows:

#### **PART 706—EMPLOYEE RESPONSIBILITIES AND CONDUCT**

**Authority:** 5 U.S.C. 7301, 42 U.S.C. 1975b(d).

##### **§ 766.1 Cross-references to employee ethical conduct standards, financial disclosure and financial interest regulations and other conduct rules.**

Employees of the United States Commission on Civil Rights are subject to the executive branch standards of ethical conduct contained in 5 CFR part 2635, the Commission regulations at 5 CFR part 7801 (as proposed in a separate proposed rule document published elsewhere in this issue of the **Federal Register**) which supplement the executive branchwide standards, the executive branch financial disclosure regulations contained in 5 CFR part 2634, and the executive branch financial interests regulations contained in 5 CFR part 2640, as well as the executive branch employee responsibilities and conduct regulations contained in 5 CFR part 735.

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**BILLING CODE 6335-01-M**

#### **DEPARTMENT OF TRANSPORTATION**

##### **Federal Motor Carrier Safety Administration**

##### **49 CFR Part 392**

[Docket No. FMCSA-2006-25660]

RIN 2126-AB04

##### **Railroad-Highway Grade Crossing; Safe Clearance; Public Meeting**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** The FMCSA announces that a public meeting will be held to discuss the problem of railroad-highway grade crossing crashes in which a commercial motor vehicle (CMV) is struck by a train because the driver of the CMV, for whatever reason, stops the vehicle prior to clearing the railroad track. The meeting is intended to promote the sharing of information between interested parties and FMCSA, the Federal Highway Administration (FHWA), and the Federal Railroad Administration (FRA) to ensure motor carriers and drivers are prepared to achieve full compliance with a forthcoming, statutorily mandated Federal rule to prohibit drivers from entering a railroad grade crossing unless there is sufficient room to clear the tracks completely without stopping. The meeting will provide all interested parties with an opportunity to voice their concerns about the potential costs and safety benefits of such a rule.

**DATES:** The meeting will be held on Wednesday, September 20, 2006, from 9:30 a.m. to 4:30 p.m. Individuals who wish to make a formal presentation must contact Ms. Ryan Thompson at (703) 934-3432 or e-mail her at [rthompson@icfi.com](mailto:rthompson@icfi.com) no later than 5 p.m., e.t., September 15, 2006. Comments to the docket should be submitted no later than October 20, 2006.

**ADDRESSES:** The meeting will be held in Room 2230, Nassif Building, DOT Headquarters, 400 Seventh Street, SW., Washington, DC 20590. You may also submit comments to the DOT Docket Management System (DMS), referencing Docket Number FMCSA-2006-25660, using any of the following methods:

- *Web Site:* <http://dmses.dot.gov>.

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

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building,