

**Executive Order 12866**

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. The Director of the Bureau of Prisons has determined that this rule is not a "significant regulatory action" under Executive Order 12866, section 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

**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 distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Regulatory Flexibility Act**

The Director of the Bureau of Prisons, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reasons: This rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau's appropriated funds.

**Unfunded Mandates Reform 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 \$100,000,000 or more in any one 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 § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 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 export markets.

**List of Subjects in 28 CFR Part 551**

Prisoners.

**Harley G. Lappin,**

*Director, Bureau of Prisons.*

Under rulemaking authority vested in the Attorney General in 5 U.S.C. 301; 28 U.S.C. 509, 510 and delegated to the Director, Bureau of Prisons in 28 CFR 0.96, we propose to amend 28 CFR part 551 as set forth below.

**Subchapter C—Institutional Management****PART 551—MISCELLANEOUS**

1. The authority citation for 28 CFR 551 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 1512, 3621, 3622, 3624, 4001, 4005, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161–4166 (Repealed as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; Pub. L. 99–500 (sec. 209); Attorney General's May 1, 1995 Guidelines for Victim and Witness Assistance.

2. Revise subpart N to read as follows:

**Subpart N—Smoking/No Smoking Areas**

Sec.

- 551.160 Purpose and Scope.
- 551.161 Definitions.
- 551.162 Smoking Generally Prohibited.
- 551.163 Possession of Smoking Apparatus and Tobacco Prohibited.

**§ 551.160 Purpose and Scope.**

To advance towards becoming a clean air environment and to protect the health and safety of staff and inmates, the Bureau of Prisons will restrict areas and circumstances where smoking is permitted within its institutions and offices.

**§ 551.161 Definitions.**

For the purposes of this subpart, *smoking* is defined as inhaling the smoke of any substance through the use of smoking apparatus including, but not limited to, cigars, cigarettes, or pipes.

**§ 551.162 Smoking Generally Prohibited.**

Smoking is generally prohibited in and on the grounds of Bureau institutions and offices, with the following two exceptions:

- (a) Smoking is permitted as part of an authorized inmate religious activity; and
- (b) For Bureau staff and official visitors, smoking is permitted only in smoking areas designated by the Warden.

**§ 551.163 Possession of Smoking Apparatus and Tobacco Prohibited.**

Possession of smoking apparatus and tobacco in any form is prohibited for inmates, unless as part of an authorized inmate religious activity.

[FR Doc. E6–7237 Filed 5–11–06; 8:45 am]

BILLING CODE 4410–05–P

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****36 CFR Part 1253**

RIN 3095–AB50

**NARA Facility Locations and Hours**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Proposed rule.

**SUMMARY:** NARA proposes to revise its regulations on the locations and hours of NARA facilities to reflect the relocation of two facilities in the past fiscal year. This proposed rule will affect the public.

**DATES:** Comments are due by June 12, 2006.

**ADDRESSES:** NARA invites interested persons to submit comments on this proposed rule. Please include "Attn: RIN 3095–AB50" and your name and mailing address in your comments. Comments may be submitted by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: Submit comments by facsimile transmission to 301–837–0319.
- Mail: Send comments to Regulations Comments Desk (NPOL), Room 4100, Policy and Planning Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.
- Hand Delivery or Courier: Deliver comments to 8601 Adelphi Road, College Park, MD.

**FOR FURTHER INFORMATION CONTACT:**

Laura McCarthy at 301–837–3023 or fax number 301–837–0319.

**SUPPLEMENTARY INFORMATION:** The NARA—Southeast Region (Atlanta) records center relocated from East Point, Georgia, to Ellenwood, Georgia. The hours of the facility are Monday through Friday, 7:30 a.m. to 3 p.m. The NARA—Pacific Region (Riverside) records center moved from Laguna Niguel, California, to Riverside, California; the hours at this facility are Monday through Friday, 8:45 a.m. to 3 p.m. for scheduled appointments.

This proposed rule is not a significant regulatory action for the purposes of

Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities because this rule applies to agencies and individual researchers. This regulation does not have any federalism implications.

#### List of Subjects in 36 CFR Part 1253

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend part 1253 of title 36, Code of Federal Regulations, as follows:

#### PART 1253—LOCATIONS OF RECORDS AND HOURS OF USE

1. The authority citation for part 1253 continues to read as follows:

**Authority:** 44 U.S.C. 2104(a).

2. Amend § 1253.6 by revising paragraphs (d) and (l) to read as follows:

##### § 1253.6 Records centers.

\* \* \* \* \*

(d) NARA—Southeast Region (Atlanta) is located at 4712 Southpark Blvd., Ellenwood, GA 30294. The hours are 7:30 a.m. to 3 p.m., Monday through Friday. The telephone number is 404-736-2820.

\* \* \* \* \*

(l) NARA—Pacific Region (Riverside) is located at 23123 Cajalco Road, Perris, CA 92570-7298. The hours are 8:45 a.m. to 3 p.m., Monday through Friday for scheduled appointments. The telephone number is 951-956-2000.

\* \* \* \* \*

Dated: May 8, 2006.

**Allen Weinstein,**

*Archivist of the United States.*

[FR Doc. E6-7263 Filed 5-11-06; 8:45 am]

BILLING CODE 7515-01-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 70

[EPA-R07-OAR-2006-0380; FRL-8169-2]

#### Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve a revision to the Missouri State Implementation Plan (SIP) and Operating Permits Program. EPA

proposes to approve a revision to the Missouri rule entitled "Submission of Emission Data, Emission Fees, and Process Information." This revision will ensure consistency between the state and the Federally-approved rules.

**DATES:** Comments on this proposed action must be received in writing by June 12, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R07-OAR-2006-0380 by one of the following methods:

1. <http://www.regulations.gov>: Follow the online instructions for submitting comments.

2. E-mail: [algie-eakin.amy@epa.gov](mailto:algie-eakin.amy@epa.gov).

3. Mail: Amy Algie-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

4. Hand Delivery or Courier: Deliver your comments to: Amy Algie-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8 to 4:30, excluding legal 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:

Amy Algie-Eakin at (913) 551-7942, or by e-mail at [algie-eakin.amy@epa.gov](mailto:algie-eakin.amy@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant 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 action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts 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: May 1, 2006.

**James B. Gulliford,**

*Regional Administrator, Region 7.*

[FR Doc. 06-4433 Filed 5-11-06; 8:45 am]

BILLING CODE 6560-50-P

#### LEGAL SERVICES CORPORATION

#### 45 CFR Part 1624

#### Prohibition Against Discrimination on the Basis of Disability

**AGENCY:** Legal Services Corporation.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** This Notice of Proposed Rulemaking (NPRM) proposes to amend the Legal Services Corporation's regulation on prohibitions against discrimination on the basis of disability. These proposed changes are intended to improve the utility of the regulation for LSC, its grantees and other interested persons, by updating the terminology used throughout the regulation, by adding a reference to compliance with the Americans with Disabilities Act and by adding language to the enforcement provision setting forth LSC policy regarding investigation of complaints of violation of this regulation.

**DATES:** Comments on this NPRM are due on June 26, 2006.

**ADDRESSES:** Written comments may be submitted by mail, fax or e-mail to Mattie Cohan Condray, Senior Assistant General Counsel, Office of Legal Affairs, Legal Services Corporation, 3333 K Street, NW., Washington, DC 20007; 202-295-1624 (ph); 202-337-6519 (fax); [mcondray@lsc.gov](mailto:mcondray@lsc.gov).

#### FOR FURTHER INFORMATION CONTACT:

Mattie Cohan Condray, Senior Assistant General Counsel, 202-295-1624 (ph); [mcondray@lsc.gov](mailto:mcondray@lsc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706), as amended, prohibits discrimination on the basis of handicap by recipients of Federal assistance. As recipients of federal assistance, Legal Services Corporation (LSC) grant recipients are subject to the non-discrimination requirements of Section 504. At the same time, while the Corporation is not obligated to enforce Section 504 of the Rehabilitation Act (since it is not an agency, department or instrumentality of the Federal