COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF LABOR AND HUMAN RESOURCES
Office of the Secretary
Hato Rey, Puerto Rico

DEPARTMENT OF STATE
No. 7172
Date: June 27, 2006
Approved: Hon. Fernando J. Bonilla
Secretary of State
By: _____
Assistant Secretary for Services

RESOLUTION

I, Román M. Velasco González, Secretary of Labor and Human Resources, pursuant to the authority conferred by Section 8 of the Puerto Rico Occupational Safety and Health Act, Number 16 of August 5, 1975 as amended (29 LPRA 361 et. seq.), hereby amend the Puerto Rico Occupational Safety and Health Regulation, Number Ten (Part 1926) by adopting the following federal rule:

PART 10 OSH 1926

Roll-Over Protective Structures; Final Rule, 71 FR, No. 39, (9909), February 28, 2006.

The adoption of this amendment was effective on February 27, 2006.

Given at San Juan, Puerto Rico on this April 21, 2006.

by J. Rolon acting Secretary of Labor

Román M. Velasco González
SECRETARY
DEPARTMENT OF LABOR AND
HUMAN RESOURCES

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 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 71.1 of Federal Aviation Administration Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ASO KY E5 Nicholasville, KY [NEW]
Lucas Field Airport, KY
(Lat. 37°52'16" N, long. 84°36'39" W)

That airspace extending upward from 700 feet above the surface within a 6.5-radius of Lucas Field Airport; excluding that airspace within the Lexington, KY, Class E airspace area.

* * * * *

Issued in College Park, Georgia, on February 10, 2006.

Mark D. Ward,

Acting Area Director, Air Traffic Division, Southern Region.

[FR Doc. 06–1813 Filed 2–27–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1926 and 1928

[Docket No. S–270–A]

RIN 1218–AC15

Roll-Over Protective Structures

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule; confirmation of effective date.

SUMMARY: OSHA is confirming the effective date of its direct final rule reinstating its original construction and agriculture standards that regulate the testing of roll-over protective structures used to protect employees who operate wheel-type tractors. The direct final rule stated that it would become effective on February 27, 2006 unless significant adverse comment was received by January 30, 2006. OSHA received only one comment on the direct final rule, which it has determined is not a significant adverse comment.

DATES: The direct final rule published on December 29, 2005 is effective February 27, 2006. For the purpose of judicial review, OSHA considers February 28, 2006 as the date of issuance.

FOR FURTHER INFORMATION CONTACT: *Press Inquiries:* Kevin Ropp, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–1999. *General and technical information:* Mark Hagemann, Acting Director, Office of Safety Systems, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2255.

ADDRESSES: In compliance with 28 U.S.C. 2112(a), OSHA designates the Associate Solicitor for Occupational Safety and Health as the recipient of petitions for review of the final standard. The Associate Solicitor may be contacted at the Office of the Solicitor, Room S–4004, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693–5445.

SUPPLEMENTARY INFORMATION: On March 7, 1996, OSHA published a technical amendment in the **Federal Register** that revised a number of its standards, including the construction and agriculture standards that regulate testing of roll-over protective structures ("ROPS") (61 FR 9228); employers use these structures to protect employees who operate wheel-type tractors. The revision removed the original, detailed ROPS-testing standards and referred instead to national consensus standards for substantive ROPS-testing requirements.

Several years after issuing the 1996 technical amendment, the Agency determined that differences existed between its original construction and agriculture ROPS standards and the ROPS standards adopted under the 1996 technical amendment, and that these differences have a substantial impact on the regulated community. Based on this determination, OSHA found that reinstating the original OSHA standards through a direct final rule was necessary and appropriate; it published this direct final rule in the **Federal Register** on December 29, 2005 (70 FR 76979).

The Agency stated in the direct final rule that it would consider as significant adverse comments only those comments that addressed: (1) The lawfulness of the procedures used to promulgate the 1996 technical amendment as these procedures related to the ROPS testing provisions; and (2) whether a few minor revisions made to the original ROPS standards were unreasonable or inappropriate. OSHA received only one public comment on the direct final rule, which it has determined is not a significant adverse comment. The commenter recommended several technical clarifications to the original ROPS provisions and accompanying figures. The Agency will address these recommendations in a subsequent **Federal Register** notice. In the present notice, OSHA is confirming that the effective date for the December 29, 2005 direct final rule on ROPS is February 27, 2006. For purposes of judicial review, OSHA considers February 28, 2006 to be the date of issuance.

List of Subjects

29 CFR Part 1926

Construction industry, Motor vehicle safety, Occupational safety and health.

29 CFR Part 1928

Agriculture, Motor vehicle safety, Occupational safety and health.

Authority and Signature

This document was prepared under the direction of Jonathan L. Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. The Agency is issuing this final rule under the following authorities: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Section 3704 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701 *et seq.*); Secretary of Labor's Order 5–2002 (67 FR 65008); and 29 CFR Part 1911.

Signed at Washington, DC on February 21, 2006.

Jonathan L. Snare,

Acting Assistant Secretary of Labor.

[FR Doc. 06–1835 Filed 2–27–06; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 174, 175, and 176

DOD–2006–OS–0020

[RIN 0790–AH91]

Revitalizing Base Closure Communities and Addressing Impacts of Realignment

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Department of Defense (DoD) is amending its regulations governing the disposal of property at installations being closed and realigned and how to address the impacts of realignment at receiving installations. This final rule contains amendments to address changes in the laws governing base closure and realignment (BRAC) made since the current regulations were promulgated. This final rule also amends DoD policy and addresses various environmental requirements not previously addressed in the regulations.

DATES: *Effective Date:* This final rule is effective on February 28, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Steven N. Kleiman at (703) 571–9085.

SUPPLEMENTARY INFORMATION:

Preamble Outline

I. Authority
II. Background
III. Summary of Significant Changes to the Final Rule
IV. Response to Comments
  A. General
  B. Definitions
  C. Policy
  D. Responsibilities
  E. LRA and the Redevelopment Plan
  F. Retention for DoD Component Use and Transfer to Other Federal Agencies
  G. Screening Properties After Declaration of Surplus
  H. Economic Development Conveyances
  I. Leasing of Real Property to Non-Federal Entities
  J. Leasing of Transferred Real Property by Federal Agencies
  K. Personal Property
  L. Maintenance and Repair
  M. Indemnification Under Section 330 of the National Defense Authorization Act for Fiscal Year 1993
  N. Real Property Containing Explosive or Chemical Agent Hazards
  O. NEPA
  P. Historic Preservation
V. Administrative Requirements
  A. Regulatory Impact Analysis Pursuant to Executive Order 12866
  B. Regulatory Flexibility Act
  C. Unfunded Mandates
  D. Paperwork Reduction Act
  E. National Technology Transfer and Advancement Act
  F. Environmental Justice Requirements Under Executive Order 12898
  G. Federalism Considerations Under Executive Order 13132

I. Authority

This action is authorized by the Defense Base Closure and Realignment Act of 1990, Title XXIX of the National Defense Authorization Act for Fiscal Year 1991, Pub. L. 101–510; the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, Pub. L. 103–421; the Military Construction Authorization Act for Fiscal Year 1994, Division B of Pub. L. 103–160; and 10 U.S.C. § 113.

II. Background

The Department of Defense (hereinafter the Department) developed the original rule, which this rule would amend, in conjunction with prior rounds of base closures and realignments. The Department published this amendment in the **Federal Register** as a proposed rule on August 9, 2005, at 70 FR 46116.

In the preamble for the proposed rule, the Department explained that the rule was a counterpart to two Department issuances: DoD Directive 4165.66, Revitalizing Base Closure Communities and Community Assistance, and DoD Instruction 4165.67, Revitalizing Base Closure Communities—Base Closure Community Assistance. The Department further advised that these two issuances were being revised in conjunction with the proposed rule. During the public comment period, the Department further considered the need for such counterpart issuances and determined that there was no need for either the DoD Directive or the DoD Instruction. Consequently, DoD Directive 4165.66 and DoD Instruction 4165.67 have been canceled. For purposes of ensuring the necessary and appropriate delegations of authority, DoD Directive 5134.01, Under Secretary of Defense for Acquisition, Technology, and Logistics (USD (AT&L)), has been revised to include delegation language specific to the base closure process. The cancellations of DoD Directive 4165.66 and DoD Instruction 4165.67 do not affect in any way the validity, applicability, or enforceability of the rule but merely reduces the number of additional internal publications issued by the Department.

The public comment period for the proposed rule ended October 11, 2005. Thirty-one commenters submitted comments on the proposed rule. Several commenters submitted comments after the close of the public comment period; to the extent the Department was able to respond to these comments without significantly interfering with the timely publication of this final rule, those comments were also considered. The preamble to this final rule consists mainly of an explanation of the Department's responses to these comments. Therefore, both this preamble and the preamble to the proposed rule should be reviewed should a question arise as to the meaning or intent of the final rule.

The preamble to the final rule provides a discussion of each proposed rule section on which comments were received. Where changes in the rule are being made, specific reference is made to those changes in the discussion. Where no such specific reference is made in the discussion, no change to the rule is being made. Revisions to the proposed rule that are simply editorial or that do not reflect substantive changes are not addressed in this preamble.

All comments the Department received are presented in a document available at either *http://www.defenselink.mil/brac/* or *http://www.oea.gov.*

III. Summary of Significant Changes to the Final Rule

The Department made a number of changes to the proposed rule that are reflected in this final rule. A detailed explanation of modifications is provided in the preamble.

IV. Response to Comments

This section contains the Department's responses to the comments received on the proposed rule, organized by the structure of the proposed and final rules.

The primary purpose of the rule is to bring the Department's regulatory framework into line with statutory enactments made subsequent to the promulgation of the existing regulation. Many of the items of concern noted by commenters are, in fact, changes made to comply with the base closure laws as they have been amended, and such changes have been incorporated into the rule whenever applicable and appropriate. The Department does not see the disposal process as a "zero-sum" arrangement. The purpose of the implementation provisions of the base closure laws and associated provisions of law are to provide an ordered process to achieve a number of Congressional goals. Among these goals (and not in any order of importance) is to ensure a meaningful role for local communities in planning the reuse of the installation, ensure efficient use of excess Federal property, provide support to homeless