

Atmospheres, Part 0, General Requirements (IEC 60079-0, Fourth Edition, 2004-01); and Part 1, Electrical Apparatus for Explosive Gas Atmospheres, Flameproof Enclosures "d" (IEC 60079-1, Fifth Edition, 2003-11) (which are hereby incorporated by reference and made a part hereof) provided the modifications to the IEC standards specified in § 18.6(a)(3)(i)(A) through (I) are met. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The IEC standards may be inspected at MSHA's Electrical Safety Division, Approval and Certification Center, R.R. 1, Box 251, Industrial Park Road, Triadelphia, West Virginia 26059 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). These IEC standards may be obtained from International Electrical Commission, Central Office 3, rue de Varembe, P.O. Box 131, CH-1211 GENEVA 20, Switzerland.

(A) Enclosures shall be made of metal and not have a compartment exceeding ten (10) feet in length. Glass or polycarbonate materials shall be the only materials utilized in the construction of windows and lenses. External surfaces of enclosures shall not exceed 150 °C (302 °F) and internal surface temperatures of enclosures with polycarbonate windows and lenses shall not exceed 115 °C (240 °F), in normal operation. Other non-metallic materials for enclosures or parts of enclosures will be evaluated, on a case-by-case basis, under the new technology provisions in § 18.20(b) of this part.

(B) Enclosures shall be rugged in construction and should meet existing requirements for minimum bolt size and spacing and for minimum wall, cover, and flange thicknesses specified in paragraph (g)(19) of § 7.304 Technical requirements. Enclosure fasteners should be uniform in size and length, be provided at all corners, and be secured from loosening by lockwashers or equivalent. An engineering analysis shall be provided for enclosure designs that deviate from the existing requirements. The analysis shall show that the proposed enclosure design meets or exceeds the mechanical strength of a comparable enclosure designed to 150 psig according to existing requirements, and that flamepath clearances in excess of existing requirements will not be produced at an internal pressure of 150

psig. This shall be verified by explosion testing the enclosure at a minimum of 150 psig.

(C) Enclosures shall be designed to withstand a minimum pressure of at least 150 psig without leakage through any welds or castings, rupture of any part that affects explosion-proof integrity, clearances exceeding those permitted under existing requirements along flame-arresting paths, or permanent distortion exceeding 0.040-inch per linear foot.

(D) Flamepath clearances, including clearances between fasteners and the holes through which they pass, shall not exceed those specified in existing requirements. No intentional gaps in flamepaths are permitted.

(E) The minimum lengths of the flame arresting paths, based on enclosure volume, shall conform to those specified in existing requirements to the nearest metric equivalent value (e.g., 12.5 mm, 19 mm, and 25 mm are considered equivalent to ½ inch, ¾ inch and 1 inch respectively for plane and cylindrical joints). The widths of any grooves for o-rings shall be deducted in measuring the widths of flame-arresting paths.

(F) Gaskets shall not be used to form any part of a flame-arresting path. If o-rings are installed within a flamepath, the location of the o-rings shall meet existing requirements.

(G) Cable entries into enclosures shall be of a type that utilizes either flame-resistant rope packing material or sealing rings (grommets). If plugs and mating receptacles are mounted to an enclosure wall, they shall be of explosion-proof construction. Insulated bushings or studs shall not be installed in the outside walls of enclosures. Lead entrances utilizing sealing compounds and flexible or rigid metallic conduit are not permitted.

(H) Unused lead entrances shall be closed with a metal plug that is secured by spot welding, brazing, or equivalent.

(I) Special explosion tests are required for explosion-proof enclosures that share leads (electric conductors) through a common wall with another explosion-proof enclosure. These tests are required to determine the presence of pressure piling conditions in either enclosure when one or more of the insulating barriers, sectionalizing terminals, or other isolating parts are sequentially removed from the common wall between the enclosures. Enclosures that exhibit pressures during these tests that exceed those specified in existing requirements must be provided with a warning tag. The durable warning tag must indicate that the insulating barriers, sectionalizing terminals, or

other isolating parts be maintained in order to insure the explosion-proof integrity for either enclosure sharing a common wall. A warning tag is not required if the enclosures withstand a static pressure of twice the maximum value observed in the explosion tests.

(ii) [Reserved]

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Parts 1, 4, 6, 14, and 21

RIN 2900-AL10

#### Adjudication; Fiduciary Activities—Nomenclature Changes

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule; technical correction.

**SUMMARY:** The Department of Veterans Affairs (VA) published a document in the **Federal Register** on July 17, 2002 (67 FR 46868), amending its adjudication and fiduciary regulations to update certain titles in parts 3 and 13. At that time, we failed to update parts 1, 4, 6, 14, and 21 to reflect the new titles. This document corrects those regulations by replacing the titles of Adjudication Division, Adjudication Officer, and Veterans Services Officer, with Veterans Service Center, and Veterans Service Center Manager. These nonsubstantive changes are made for clarity and accuracy.

**DATES:** *Effective Date:* May 17, 2006.

**FOR FURTHER INFORMATION CONTACT:** Trude Steele, Consultant, Compensation and Pension Service, Policy and Regulations Staff, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-7210.

**SUPPLEMENTARY INFORMATION:** VA published a document in the **Federal Register** on July 17, 2002, at 67 FR 46868, amending 38 CFR parts 3 and 13 to reflect the reorganization of the Adjudication and Veterans Services Divisions into Veterans Service Centers and to reflect the elimination of the positions of the Adjudication Officer and the Veterans Services Officer and the creation of the position of the Veterans Service Center Manager. At that time, we failed to update parts 1, 4, 6, 14, and 21 to reflect the new position. This document simply updates parts 1, 4, 6, 14 and 21 to reflect the change.

**Administrative Procedures Act**

This final rule consists of nonsubstantive changes and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553.

**List of Subjects****38 CFR Part 1**

Administrative practice and procedure, Archives and records, Cemeteries, Claims, Courts, Crime, Flags, Freedom of information, Government contracts, Government employees, Government property, Infants and children, Inventions and patents, Parking, Penalties, Privacy, Reporting and recordkeeping requirements, Seals and insignia, Security measures, Wages.

**38 CFR Part 4**

Disability benefits, Pensions, Veterans.

**38 CFR Part 6**

Disability benefits, Life insurance, Loan programs-veterans, Military personnel, Veterans.

**38 CFR Part 14**

Administrative practice and procedure, Claims, Courts, Foreign relations, Government employees, Lawyers, Legal services, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Surety bonds, Trusts and trustees, Veterans.

**38 CFR Part 21**

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Education, Employment, Grant programs—education, Grant programs-veterans, Health care, Loan programs-education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 10, 2006.

**Robert C. McFetridge,**

*Acting Assistant to the Secretary for Regulation Policy and Management.*

■ For the reasons set forth in the preamble, 38 CFR parts 1, 4, 6, 14, and 21 are amended as follows:

**PART 1—GENERAL PROVISIONS**

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

**Authority:** 38 U.S.C. 501(a), and as noted in specific sections.

**§ 1.553(b) [Amended]**

■ 2. Section 1.553(b) is amended by removing “Veterans Services Officer” and adding, in its place, “Veterans Service Center Manager”.

**PART 4—SCHEDULE FOR RATING DISABILITIES**

■ 3. The authority citation for part 4 continues to read as follows:

**Authority:** 38 U.S.C. 1155, unless otherwise noted.

■ 4. Part 4 is amended by removing all references to “Adjudication Officer” and adding, in each place, “Veterans Service Center Manager”.

**§ 4.97 [Amended]**

■ 5. In § 4.97, Note (1), immediately following diagnostic code 6724, remove “Adjudication Division” and add, in its place, “Veterans Service Center”.

**PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE**

■ 6. The authority citation for part 6 continues to read as follows:

**Authority:** 38 U.S.C. 501, 1940–1963, 1981–1988, unless otherwise noted.

**§ 6.21 [Amended]**

■ 7. Section 6.21(a) is amended by removing “Veterans Services Officer” and adding, in its place, “Veterans Service Center Manager”.

**PART 14—LEGAL SERVICES, GENERAL COUNSEL, AND MISCELLANEOUS CLAIMS**

■ 8. The authority citation for part 14 continues to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 2671–2680; 38 U.S.C. 501(a), 512, 515, 5502, 5902–5905; 28 CFR part 14, appendix to part 14, unless otherwise noted.

**§ 14.629 [Amended]**

■ 9. Section 14.629 introductory text is amended by removing “Adjudication Officer or Service Center Manager” and adding, in its place, “Veterans Service Center Manager”.

**§ 14.709 [Amended]**

■ 10. Section 14.709 is amended by removing all references to “Veterans Services Officer” or “Veterans Service Officer” and adding, in each place, “Veterans Service Center Manager”.

**PART 21—VOCATIONAL REHABILITATION AND EDUCATION****Subpart A—Vocational Rehabilitation under 38 U.S.C.**

■ 11. The authority citation for part 21, subpart A continues to read as follows:

**Authority:** 5 U.S.C. 501(a) 3100–3121, unless otherwise noted.

**§ 21.50(d) [Amended]**

■ 12. Section 21.50(d) is amended by removing “Adjudication Division” and adding, in its place, “Veterans Service Center”.

**Subpart D—Administration of Educational Assistance Programs**

■ 13. The authority citation for part 21, subpart D continues to read as follows:

**Authority:** 10 U.S.C. 2141 note, ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

**§ 21.4009 [Amended]**

■ 14. Section 21.4009(d) is amended by removing “Adjudication Officer” and adding, in its place, “Veterans Service Center Manager”.

**Subpart I—Temporary Program of Vocational Training for Certain New Pension Recipients**

■ 15. The authority citation for part 21, subpart I continues to read as follows:

**Authority:** Pub. L. 98–543, 38 U.S.C. 501 and chapter 15, sections specifically cited, unless otherwise noted.

**§ 21.6056 [Amended]**

■ 16. Section 21.6056(b) is amended by removing “Adjudication Division” and adding, in its place, “Veterans Service Center” each time it appears.

■ 17. The undesignated center heading preceding § 21.6420 is revised to read as follows:

**Coordination With the Veterans Service Center**

■ 18. Section 21.6420 is amended by:

- a. Revising the section heading.
- b. In the introductory text, removing “Adjudication Division” and adding, in its place, “Veterans Service Center”.

The revisions read as follows:

**§ 21.6420 Coordination with the Veterans Service Center.**

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**Subpart J—Temporary Program of Vocational Training and Rehabilitation**

■ 19. The authority citation for part 21, subpart J continues to read as follows:

**Authority:** Pub. L. 98–543, sec 111; 38 U.S.C. 1163; Pub. L. 100–687, sec. 1301.

**§ 21.6521 [Amended]**

■ 20. Section 21.6521(b) is amended by removing “Adjudication Division” and adding, in its place, “Veterans Service Center” each time it appears.

[FR Doc. 06–4579 Filed 5–16–06; 8:45 am]

**BILLING CODE** 8320–01–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 030221039–6127–32; I.D. 051006B]

#### **Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan (ALWTRP)**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule.

**SUMMARY:** The Assistant Administrator for Fisheries (AA), NOAA, announces temporary restrictions consistent with the requirements of the ALWTRP’s implementing regulations. These regulations apply to lobster trap/pot and anchored gillnet fishermen in an area totaling approximately 1,859 nm<sup>2</sup> (6,376 km<sup>2</sup>), east of the Great South Channel, for 15 days. The purpose of this action is to provide protection to an aggregation of northern right whales (right whales).

**DATES:** Effective beginning at 0001 hours May 19, 2006, through 2400 hours June 2, 2006.

**ADDRESSES:** Copies of the proposed and final Dynamic Area Management (DAM) rules, Environmental Assessments (EAs), Atlantic Large Whale Take Reduction Team (ALWTRT) meeting summaries, and progress reports on implementation of the ALWTRP may also be obtained by writing Diane Borggaard, NMFS/Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Diane Borggaard, NMFS/Northeast Region, 978–281–9300 x6503; or Kristy Long, NMFS, Office of Protected Resources, 301–713–2322.

**SUPPLEMENTARY INFORMATION:**

#### **Electronic Access**

Several of the background documents for the ALWTRP and the take reduction planning process can be downloaded from the ALWTRP web site at <http://www.nero.noaa.gov/whaletrp/>.

#### **Background**

The ALWTRP was developed pursuant to section 118 of the Marine Mammal Protection Act (MMPA) to reduce the incidental mortality and serious injury of three endangered species of whales (right, fin, and humpback) due to incidental interaction with commercial fishing activities. In addition, the measures identified in the ALWTRP would provide conservation benefits to a fourth species (minke), which are neither listed as endangered nor threatened under the Endangered Species Act (ESA). The ALWTRP, implemented through regulations codified at 50 CFR 229.32, relies on a combination of fishing gear modifications and time/area closures to reduce the risk of whales becoming entangled in commercial fishing gear (and potentially suffering serious injury or mortality as a result).

On January 9, 2002, NMFS published the final rule to implement the ALWTRP’s DAM program (67 FR 1133). On August 26, 2003, NMFS amended the regulations by publishing a final rule, which specifically identified gear modifications that may be allowed in a DAM zone (68 FR 51195). The DAM program provides specific authority for NMFS to restrict temporarily on an expedited basis the use of lobster trap/pot and anchored gillnet fishing gear in areas north of 40° N. lat. to protect right whales. Under the DAM program, NMFS may: (1) require the removal of all lobster trap/pot and anchored gillnet fishing gear for a 15-day period; (2) allow lobster trap/pot and anchored gillnet fishing within a DAM zone with gear modifications determined by NMFS to sufficiently reduce the risk of entanglement; and/or (3) issue an alert to fishermen requesting the voluntary removal of all lobster trap/pot and anchored gillnet gear for a 15-day period and asking fishermen not to set any additional gear in the DAM zone during the 15-day period.

A DAM zone is triggered when NMFS receives a reliable report from a qualified individual of three or more right whales sighted within an area (75 nm<sup>2</sup> (139 km<sup>2</sup>)) such that right whale density is equal to or greater than 0.04 right whales per nm<sup>2</sup> (1.85 km<sup>2</sup>). A qualified individual is an individual ascertained by NMFS to be reasonably able, through training or experience, to

identify a right whale. Such individuals include, but are not limited to, NMFS staff, U.S. Coast Guard and Navy personnel trained in whale identification, scientific research survey personnel, whale watch operators and naturalists, and mariners trained in whale species identification through disentanglement training or some other training program deemed adequate by NMFS. A reliable report would be a credible right whale sighting.

On May 5, 2006, an aerial survey reported a sighting of five right whales in the proximity 41° 24’ N. lat. and 67° 42’ W. long. This position lies east of the Great South Channel. After conducting an investigation, NMFS ascertained that the report came from a qualified individual and determined that the report was reliable. Thus, NMFS has received a reliable report from a qualified individual of the requisite right whale density to trigger the DAM provisions of the ALWTRP.

Once a DAM zone is triggered, NMFS determines whether to impose restrictions on fishing and/or fishing gear in the zone. This determination is based on the following factors, including but not limited to: the location of the DAM zone with respect to other fishery closure areas, weather conditions as they relate to the safety of human life at sea, the type and amount of gear already present in the area, and a review of recent right whale entanglement and mortality data.

NMFS has reviewed the factors and management options noted above relative to the DAM under consideration. As a result of this review, NMFS prohibits lobster trap/pot and anchored gillnet gear in this area during the 15-day restricted period unless it is modified in the manner described in this temporary rule.

The DAM Zone is bound by the following coordinates:

41° 45’ N., 68° 12’ W. (NW Corner)  
41° 45’ N., 67° 13’ W.  
41° 03’ N., 67° 13’ W.  
41° 03’ N., 68° 12’ W.  
41° 45’ N., 68° 12’ W. (NW Corner)

In addition to those gear modifications currently implemented under the ALWTRP at 50 CFR 229.32, the following gear modifications are required in the DAM zone. If the requirements and exceptions for gear modification in the DAM zone, as described below, differ from other ALWTRP requirements for any overlapping areas and times, then the more restrictive requirements will apply in the DAM zone. Special note for gillnet fisherman: A portion of this DAM zone overlaps the year-round Closure Area II for Northeast