

Affairs (OIRA) is necessary. The OIRA reviewed this final rule under Executive Order 12866 and deemed it not a significant regulatory action as defined by the Executive Order.

#### Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. chapter 6) requires that regulatory proposals be analyzed to determine whether they create a significant impact on a substantial number of small entities. The Secretary of Health and Human Services (Secretary) certifies that this final rule does not have such impact.

#### Executive Order 13132

Executive Order 13132, Federalism, requires that Federal agencies consult with State and local government officials in the development of regulatory policies with federalism implications. The Secretary reviewed this final rule as required under the Executive Order and determined that it does not have federalism implications. The Secretary certifies that this final rule will not have an effect on the States, or on the distribution of power and responsibilities among the various levels of government.

#### Paperwork Reduction Act

This final rule does not contain information collection requirements which are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995, as amended (44 U.S.C. chapter 35).

#### Catalogue of Federal Domestic Assistance

The Catalogue of Federal Domestic Assistance numbered program affected by the proposed regulation is: 93.865.

#### List of Subjects in 42 CFR Part 63a

Grant programs—health; Health—medical research.

Dated: April 12, 2006.

**Elias A. Zerhouni,**

*Director, National Institutes of Health.*

Approved: July 18, 2006.

**Michael O. Leavitt,**

*Secretary.*

■ For the reasons set forth in the preamble, we amend chapter 1 of title 42 of the Code of Federal Regulations as set forth below.

#### PART 63a—NATIONAL INSTITUTES OF HEALTH TRAINING GRANTS

■ 1. The authority citation of part 63a is revised to read as follows:

**Authority:** 42 U.S.C. 216, 2421(b)(3), 284(b)(1)(C), 285g–10, 287c(b), 300cc–15(a)(1), 300cc–41(a)(3)(C), 7403(h)(2).

■ 2. Section 63a.1 is amended by revising paragraph (a)(2) to read as follows:

##### § 63a.1 To what programs do these regulations apply?

(a) \* \* \*

(2) Grants awarded by NIH for research training with respect to the human diseases, disorders, or other aspects of human health or biomedical research for which the institute or other awarding component was established, for which fellowship support is not provided under section 487 of the Act and which is not residency training of physicians or other health professionals, as authorized by sections 405(b)(1)(C), 452G, 485B(b), 2315(a)(1), and 2354(a)(3)(C) of the Act; and,

\* \* \* \* \*

■ 3. Section 63a.11 is amended by revising the 18th, 19th, and 20th undesignated paragraphs to read as follows:

##### § 63a.11 Other HHS regulations and policies that apply.

\* \* \* \* \*

“NIH Grants Policy Statement,” (December 1, 2003). This version is located on the NIH Web site at: [http://grants.policy.nihgms\\_2003/index.htm](http://grants.policy.nihgms_2003/index.htm).

[**Note:** this policy is subject to change, and interested persons should contact the Office of Policy for Extramural Research Administration (OPERA), Office of Extramural Research, NIH, 6701 Rockledge Drive, Suite 350, MSC 7974, Bethesda, Maryland 20892–7974, telephone 301–435–0938 (or toll-free 800–518–4726), to obtain references to the current version and any amendments. Information may also be obtained by contacting the OPERA Division of Grants Policy via e-mail at [http://GrantsPolicy@mail.nih.gov](mailto:GrantsPolicy@mail.nih.gov). Previous versions of the NIH Grants Policy Statement are archived at <http://grants.nih.gov/grantspolicy/policy.htm>.]

“Public Health Service Policy on Humane Care and Use of Laboratory Animals,” Office of Laboratory Animal Welfare (Amended August, 2002).

[**Note:** this policy is subject to change, and interested persons should contact the Office of Laboratory Animal Welfare, 6705 Rockledge Drive, Suite 360, MSC 7982, Bethesda, Maryland 20892–7982, telephone 301–594–2382 (not a toll-free number), to obtain references to the current version and any amendments. Information may also be obtained by browsing the Office of Laboratory Animal Welfare Home Page site on the World Wide Web (<http://www.grants.nih.gov/grants/olaw/olaw.htm>).]

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 1

[File No. CCB/CPD No. 00–1; FCC 06–98]

#### Payphone Line Rates; New Services Test

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission issued this document responding to a petition for correction submitted by Verizon, Inc. and a petition for reconsideration submitted by the Wisconsin Pay Telephone Association (WPTA). The Commission granted Verizon's petition to correct the order by clarifying that Verizon's affiliate, Verizon North, is not a Bell Operating Company (BOC) by definition of the Act. The Commission denied the WPTA's petition for reconsideration of the Commission's decision that the Wisconsin Public Utility Commission should properly determine BOC intrastate payphone line rates in the State of Wisconsin to determine compliance with the new services test established by the Commission.

**DATES:** Effective August 25, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ana Janckson-Curtis, Wireline Competition Bureau, Pricing Policy Division, (202) 418–1530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's order on reconsideration in File No. CCB/CPD No. 00–01 released on July 7, 2006. The full text of this document is available on the Commission's Web site and for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC 20554.

#### Procedural Matters

##### *Paperwork Reduction Act Analysis*

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified “information collection burden for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, 44 U.S.C. 3506(c)(4).

##### *Report to Congress*

The Commission will not send a copy of this order on reconsideration pursuant to the Congressional Review

Act, see 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability.

#### Background

In the Wisconsin Order, the Commission affirmed a Common Carrier Bureau order holding that section 276 of the Act grants this Commission jurisdiction to require BOCs to set their intrastate payphone line rates in compliance with the Commission's cost-based, forward-looking "new services" test. The Commission also found, however, that it lacks authority to impose this requirement on non-BOC LECs. The order also provided guidance to the states regarding application of the new services test.

#### Discussion

The Act defines "Bell operating company" to include 20 companies specifically named in the statute, as well as "any successor or assign of such company that provides wireline exchange service," but it expressly excludes "an affiliate of such company" other than one of the named companies or their successors or assigns. As a result of a merger between GTE and Verizon, GTE North was renamed Verizon North and became an affiliate of Verizon, but it is not one of the companies defined as a BOC, nor is it a successor or assign of Verizon. Accordingly, the Commission concluded that Verizon North is not a BOC, and it is not within this Commission's jurisdiction to mandate application of the new services test to its intrastate payphone line rates.

The Wisconsin Commission has concluded that it has jurisdiction to determine whether payphone line rates comply with the new services test. It has also undertaken investigations and issued a Notice of Proceeding and Investigation and Assessment of Costs to Wisconsin Bell d/b/a SBC Wisconsin. This action is consistent with the Commission's previously stated view that payphone line rates should, to the extent possible, be reviewed by the appropriate state commission. In light of the decision of the Wisconsin Commission to review intrastate payphone line rates, and the actions of the Wisconsin Commission in undertaking investigations, the Commission denied the WPTA's request to evaluate Ameritech's and Verizon's payphone line rates.

#### Conclusion

This order grants Verizon's petition for correction by clarifying that the Commission's jurisdiction to mandate application of the new services test to

intrastate payphone line rates does not extend to Verizon North, previously known as GTE North. Verizon North is not a BOC under the Act.

The order also denies the WPTA's petition for reconsideration, which asks the Commission to review cost support materials submitted by Verizon and Ameritech, and defers to the Wisconsin Commission to determine whether Ameritech's payphone line rates comply with the new services test established by the Commission and whether the new services test should apply to the payphone line rates of other Wisconsin LECs.

#### Ordering Clauses

Accordingly, *it is ordered*, pursuant to sections 4(i), 4(j), and 276 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 276, and § 1.106 of the Commission's rules, 47 CFR 1.106, that the petition for correction filed by Verizon is granted as discussed herein.

*It is also ordered* that, for the reasons stated above, the WPTA petition for reconsideration *is denied*.

Federal Communications Commission.

**Marlene H. Dortch**,  
Secretary.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CG Docket Nos. 02-278 and 05-338; FCC 06-42]

### Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Junk Fax Prevention Act of 2005

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved for three years the information collections contained in the *Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991, Report and Order and Third Order on Reconsideration (Report and Order)*. The *Report and Order* states that the Commission will publish a document in the **Federal Register** announcing the effective date of this rule.

**DATES:** 47 CFR 64.1200(a)(3)(i), (ii), (iii), (iv) and (vi) published at 71 FR 25967

(May 3, 2006) are effective August 1, 2006.

#### FOR FURTHER INFORMATION CONTACT:

Erica H. McMahon, Consumer Policy Division, Consumer & Governmental Affairs Bureau at (202) 418-0346.

**SUPPLEMENTARY INFORMATION:** This document announces that, on July 19, 2006, OMB approved for three years the information collections contained in 47 CFR 64.1200(a)(3)(i), (ii), (iii), (iv) and (vi), published at 71 FR 25967 (May 3, 2006). The OMB Control Number is 3060-1088. The Commission publishes this notice of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please write to Leslie F. Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW., Washington, DC 20554. Please include the OMB Control Number, 3060-1088, in your correspondence. The Commission will also accept your comments via the Internet if you send them to [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov), or you may call (202) 418-0217.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

#### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received approval from OMB on July 19, 2006, for the collections of information contained in 47 CFR 64.1200(a)(3)(i), (ii), (iii), (iv) and (vi). The total annual reporting burden associated with this collection of information, including the time for gathering and maintaining the collections of information, is estimated to be: 5,000,000 respondents, a total annual hourly burden of 13,180,000 hours, and \$60,000,000 in total annual costs. Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid OMB Control Number.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, 44 U.S.C. 3507.