

**SUMMARY:** Under the provisions of Title 49 U.S.C. 47153(c), notice is being given that the FAA is considering a request from the Gadsden Airport Authority to waive the requirement that a .98-acre parcel of surplus property, located at the Northeast Alabama Regional Airport, be used for aeronautical purposes.

**DATES:** Comments must be received on or before September 20, 2006.

**ADDRESSES:** Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208-2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to the Gadsden Airport Authority, Gadsden, Alabama at the following address: P.O. Box 961, Gadsden, Alabama 35902-0961.

**FOR FURTHER INFORMATION CONTACT:** Keafur Grimes, Program Manager, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208-2307, (601) 664-9886. The land release request may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA is reviewing a request by the Gadsden Airport Authority to release .98 acres of surplus property at the Northeast Alabama Regional Airport. The property will be purchased by Mr. Todd Davis, which is a manufacturing Company. The property consist of excess right of way land. The net proceeds from the sale of this property will be used for airport purposes.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Gadsden Airport Authority Office in Gadsden, Alabama.

Issued in Jackson, Mississippi, on August 15, 2006.

**Rans D. Black,**

*Manager, Jackson Airports District Office, Southern Region.*

[FR Doc. 06-7059 Filed 8-18-06; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice for Waiver of Aeronautical Land-Use Assurance Watertown Municipal Airport, Watertown, WI

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of intent of waiver with respect to land.

**SUMMARY:** The Federal Aviation Administration (FAA) is giving notice that a portion of the airport property containing 2.3 acres located at the southeast corner of Air Park Drive and Airport Rd. is not needed for aeronautical use as currently identified on the airport Layout Plan.

This parcel was originally acquired through Grant No. AIP-01 in 1989. The parcel was an uneconomic remnant left from reconfiguration of a roadway intersection alongside the edge of the airport. The parcel is segregated from the airport and is not accessible from the air operations area. The land comprising this parcel is, therefore, no longer needed for aeronautical purposes. Income from the sale will be used to improve the airport. There are no impacts to the airport by allowing the airport to dispose of the property.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before September 20, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra E. DePottey, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450-2706. Telephone Number (612) 713-4363/FAX Number (612) 713-4364. Documents reflecting this FAA action may be reviewed at this same location or at the Watertown Municipal Airport, Watertown, WI.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA intends to authorize the disposal of the subject airport property at Watertown Municipal Airport, Watertown, WI.

Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination that all measures covered by the program are eligible for Airport Improvement Program funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

Issued in Minneapolis, MN on August 3, 2006.

**Robert A. Huber,**

*Manager, Minneapolis Airports District Office, FAA, Great Lakes Region.*

[FR Doc. 06-7066 Filed 8-18-06; 8:45 am]

**BILLING CODE 4910-13M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Agency Information Collection Activity Under OMB Review

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** The FAA invites public comments about our intention to request the Office of Management and Budget's (OMB) revision of a current information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 15, 2006, Vol. 71, No. 50, page 13446-13447. Information is collected to provide services to aircraft in-flight and protection of persons/property on the ground.

**DATES:** Please submit comments by September 20, 2006.

**FOR FURTHER INFORMATION CONTACT:** Carla Mauney at [Carla.Mauney@faa.gov](mailto:Carla.Mauney@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Federal Aviation Administration (FAA)

*Title:* Flight Plans (Domestic/International).

*Type of Request:* Revision of a currently approved collection.

*OMB Control Number:* 2120-0026.

*Form(s):* FAA Forms 7233-1, 7233-4.

*Affected Public:* An estimated 300,000 Respondents.

*Abstract:* Title 49 U.S.C., paragraph 40103(b) authorizes regulations governing the flight of aircraft. 14 CFR part 91 prescribes requirements for filing domestic and international flight plans. Information is collected to provide services to aircraft in-flight and protection of persons/property on the ground.

*Estimated Annual Burden Hours:* An estimated 17,246,826 hours annually.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance

of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on August 14, 2006.

**Carla Mauney,**

*FAA Information Collection Clearance Officer, Information Systems and Technology Services Staff, ABA-20.*

[FR Doc. 06-7064 Filed 8-18-06; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA-2006-24063]

#### Disadvantaged Business Enterprises; Western States Guidance for Public Transportation Providers

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of availability and policy guidance.

**SUMMARY:** This notice announces the Federal Transit Administration's (FTA) implementation of Department of Transportation guidance for participants of the Disadvantaged Business Enterprise (DBE) program. This notice solely concerns FTA implementation procedures applicable to FTA grantees in the states comprising the 9th Federal Judicial Circuit (California, Oregon, Washington, Alaska, Arizona, Idaho, Montana, Nevada, and Hawaii).

**DATES:** *Effective Date:* This policy takes effect on August 21, 2006.

**FOR FURTHER INFORMATION CONTACT:** Scheryl Portee, Attorney Advisor, Office of the Chief Counsel, (202) 366-4011 (telephone) and (202) 366-3809 (fax).

#### SUPPLEMENTARY INFORMATION:

##### 1. Availability of the DOT Guidance and Comments

A copy of the Department of Transportation Guidance for participants of the Disadvantaged Business Enterprise (DBE) program in the affected States and comments received from the public are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, Room PL-401 on the plaza level of the Nassif Building, 400

Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may retrieve the guidance and comments online through the Document Management System (DMS) at: <http://dms.dot.gov>. Enter the docket number 24063 in the search field. The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site. An electronic copy of the document may also be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may also reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's Web page at: <http://www.gpoaccess.gov/fr/index.html>.

##### 2. Background

The General Counsel of the Department of Transportation issued guidance concerning the effects of the *Western States Paving Co. v. United States and Washington State Department of Transportation*, 407 F. 3d 983 (9th Cir. 2005) in January 2006. On March 23, 2006, FTA published a **Federal Register** notice requesting comments on its implementation of the Department's guidance (56 FR 14775).

The guidance applies to recipients of Federal funds authorized under chapter 53 of Title 49 of the United States Code that are located within the states of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington.

The Court of Appeals for the 9th Circuit, like other Federal courts that have reviewed the Department of Transportation's DBE program, held that 49 CFR part 26 and the authorizing statute for the DBE program in TEA-21 were constitutional. The court affirmed that Congress had determined that there was a compelling need for the DBE program and part 26 was narrowly tailored. However, the 9th Circuit opinion held that the Washington State Department of Transportation's program for implementing part 26 was not narrowly tailored because the State's evidence of discrimination supporting the use of race conscious measures in the program was inadequate. The January 2006 DOT guidance provides information to recipients in the 9th Circuit about how to address the implications of the court's decision in their programs. This document provides further information on how FTA will administer the DBE program for FTA

recipients in light of the court decision and the DOT guidance.

##### 3. Response to Comments

This notice responds to comments regarding the procedures that FTA will employ in its review process for overall goal submissions from grantees in 9th Circuit States for Fiscal Year 2006 (that were due August 1, 2005) and subsequent-year submissions. These procedures concern such matters as race-neutral submissions, the evidence gathering process to determine evidence of discrimination or its effects in grantees' markets, and action plans for disparity/availability studies or other appropriate evidence gathering processes.

FTA solicited comments on two transit-specific issues. FTA considered all comments and statements filed that pertained to these two issues. FTA responses to these comments are included in this section. There is no discussion by FTA of comments that addressed Department-wide DBE issues, the content of the January 2006 DOT guidance, or statutory requirements. These issues were beyond the scope of the FTA notice. FTA received 10 comments in response to the two transit-specific issues we raised. The breakdown among commenter categories follows:

- Nonprofits and special transit providers: 1.
- City and County transit providers: 8.
- Trade association: 1.

#### Issues

##### 1. Commitment To Conduct Disparity Studies

On the two matters posed for comment regarding FTA's implementation of the *Western States* guidance, there were limited comments on the first issue, that FTA may require recipients to certify that they will conduct or participate in a disparity or availability study. Those that did respond expressed concern that the Regional Civil Rights Office may require this certification.

*FTA Response:* DBE compliance is a condition of the FTA Master Agreement for all applicable recipients. The Regional Civil Rights Officer, in its review of DBE goal submissions, will work with grantees. In some cases, this will result in grantees having to commit to conducting disparity studies or similar evidence gathering efforts.

The Department's Guidance explicitly states that if a recipient does not currently have sufficient evidence of discrimination or its effects, then an all