

requires either under or overestimating the number of small businesses affected by the proposed rule. For example, for many construction establishments the SBA defines small businesses as having revenues of less than \$12 million. With respect to those establishments, the U.S. Economic Census data groups all establishments with revenues of \$10 million or more into one revenue bracket. On the one hand, using data for the entire industry would overestimate the number of small businesses affected by the proposed rule and would defeat the purpose of estimating impacts on small business. It would also underestimate the proposed rule's impact on small businesses because the impacts would be calculated using the revenues of large businesses in addition to small businesses. On the other hand, applying the closest, albeit lower, revenue bracket would underestimate the number of small businesses affected by the proposed rule while at the same time overestimating the impacts. Comments on the Economic Analysis should be submitted to the docket for the proposed rule. The comment period on the proposed rule (and therefore this Economic Analysis) currently ends on April 10, 2006.

List of Subjects in Part 745

Environmental protection, Housing renovation, Lead, Lead-based paint, Reporting and recordkeeping requirements.

Dated: February 24, 2006.

Susan B. Hazen,

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. E6-2940 Filed 3-1-06; 8:45 am]

BILLING CODE 6560-50-S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Part 2522

RIN 3045-AA46

AmeriCorps Grant Applications From Professional Corps

ACTION: Proposed rule.

SUMMARY: The Corporation for National and Community Service is proposing to amend title 45 Code of Federal Regulations, part 2522.240(b)(2)(ii), to remove the restriction on certain professional corps programs from applying through State Commissions for AmeriCorps State competitive funds. The proposed amendment would realign the regulations with the authorizing statutory language. In the

Rules Section of this **Federal Register**, the Corporation is taking direct final action on the proposed amendment because we view the amendments as non-controversial and anticipate no adverse comments. The Corporation has provided a detailed rationale for the amendment in the direct final rule. If the Corporation receives no adverse comments, the amendment set forth in the direct final action will become effective and we will take no further action on this proposed rule. If the Corporation receives adverse comments on the amendment, we will publish a timely withdrawal in the **Federal Register** of the direct final rule informing the public that the direct final rule will not take effect, and we will address public comments received in a subsequent final rule based on the proposed rule. The Corporation will not institute a second comment period on the subsequent final rule. Any one interested in commenting on this document should do so at this time.

DATES: To be sure your comments are considered, they must reach the Corporation on or before April 3, 2006.

ADDRESSES: You may mail or deliver your comments to Nicola Goren, Associate General Counsel, Corporation for National and Community Service, 1201 New York Avenue NW., Room 10611, Washington, DC 20525. You may also send your comments by facsimile transmission to (202) 606-3467, or send them electronically to professionalcorpscomments@cns.gov or through the Federal government's one-stop rulemaking Web site at <http://www.regulations.gov>. Members of the public may review copies of all communications received on this rulemaking at the Corporation's Washington DC headquarters. During and after the comment period, you may inspect all public comments about this rule in suite 10600, 1201 New York Avenue, NW., Washington, DC, between the hours of 9 a.m. and 4:30 p.m., Eastern Time, Monday through Friday of each week except Federal holidays.

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this rule. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Nicola Goren, Associate General Counsel, Corporation for National and

Community Service, (202) 606-6676. T.D.D. (202) 606-3472. Persons with visual impairments may request this rule in an alternative format.

SUPPLEMENTARY INFORMATION: For additional information, please see the direct final rule, which is published in the Rules section of this **Federal Register**.

Statutory and Executive Order Reviews

Executive Order 12866

The Corporation has determined that this proposed rule, while a significant regulatory action, is not an "economically significant" rule within the meaning of E.O. 12866 because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more, or an adverse and material effect on a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government or communities; (2) the creation of a serious inconsistency or interference with an action taken or planned by another agency; (3) a material alteration in the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) the raising of novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866. As a "significant" regulatory action, this proposed rule was reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

The Corporation has determined that this regulatory action, if promulgated, will not result in a significant impact on a substantial number of small entities. Therefore, the Corporation has not performed the initial regulatory flexibility analysis that is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) for major rules that are expected to have such results.

Other Impact Analyses

This action does not impose any new information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

For purposes of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531-1538, as well as Executive Order 12875, this regulatory action does not contain any Federal mandate that may result in increased expenditures in either Federal, State, local, or tribal governments in the aggregate, or impose an annual burden exceeding \$100 million on the private sector.

List of Subjects in 45 CFR Part 2522

Grant programs-social programs,
Reporting and recordkeeping
requirements, Volunteers.

For the reasons stated in the
preamble, the Corporation for National
and Community Service proposes to
amend chapter XXV, title 45 of the Code
of Federal Regulations as follows:

**PART 2522—AMERICORPS
PARTICIPANTS, PROGRAMS, AND
APPLICANTS**

1. The authority citation for part 2522
continues to read as follows:

Authority: 42 U.S.C. 12571–12595.

2. Amend § 2522.240 by revising
paragraph (b)(2)(ii) to read as follows:

**§ 2522.240 What financial benefits do
AmeriCorps participants serving in
approved AmeriCorps positions receive?**

* * * * *

(b) * * *

(2) * * *

(ii) The program must be operated
directly by the applicant, selected on a
competitive basis by submitting an
application to the Corporation, and may
not be included in a State's application
for AmeriCorps program funds
distributed by formula under
§ 2521.30(a)(2) of this chapter.

* * * * *

Dated: February 24, 2006.

Frank R. Trinity,

General Counsel.

[FR Doc. E6–2935 Filed 3–1–06; 8:45 am]

BILLING CODE 6050--SS-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

RIN 1018–AU58

**Endangered and Threatened Wildlife
and Plants; Reinstated Proposed Rule
To List the Flat-Tailed Horned Lizard
as Threatened**

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Proposed rule; reopening of
comment period.

SUMMARY: We, the U.S. Fish and
Wildlife Service (Service), announce the
reopening of the public comment period
for the reinstated proposed rule to list
the flat-tailed horned lizard
(*Phrynosoma mcallii*) as a threatened
species pursuant to the Endangered
Species Act of 1973, as amended (Act).
On November 17, 2005, the U.S. District

Court for the District of Arizona vacated
the January 3, 2003, withdrawal of the
proposed rule to list the flat-tailed
horned lizard, remanded the matter to
us for further consideration in
accordance with its August 30, 2005,
and November 17, 2005, orders, and
ordered us to make a new listing
decision by April 30, 2006. Pursuant to
the Court's November 17, 2005, order,
on remand we "need only address the
matters on which the court's August 30,
2005, Order * * * found the January 3,
2003, Withdrawal unlawful, which may
summarily be identified as whether the
lizard's lost historical habitat renders
the species in danger of extinction in a
significant portion of its range." To
ensure our new final listing decision is
based on the best scientific and
commercial data currently available, we
are reopening the public comment
period on the 1993 proposed listing rule
to solicit information and comment
regarding the flat-tailed horned lizard's
lost historical habitat.

DATES: We will accept comments from
all interested parties until March 16,
2006. Comments received after the
closing date may not be considered in
the final decision on this action.

ADDRESSES: If you wish to comment on
the specific issue identified by the
District Court in its November 17, 2005,
order for remand of the January 3, 2003,
withdrawal of the proposed rule to list
the flat-tailed horned lizard, you may
submit your comments and materials by
any one of several methods:

1. You may submit written comments
and information to Jim Bartel, Field
Supervisor, U.S. Fish and Wildlife
Service, Carlsbad Fish and Wildlife
Office (CFWO), 6010 Hidden Valley
Road, Carlsbad CA 92011.

2. You may hand-deliver written
comments to the CFWO, at the address
given above.

3. You may send comments by
electronic mail (e-mail) to
fw8CFWOcomments@fws.gov. Please
submit Internet comments in ASCII
format and avoid the use of special
characters or any form of encryption.
Please also include "ATTN: Flat-Tailed
Horned Lizard" in your e-mail subject
header and your name and return
address in the body of your message. If
you do not receive a confirmation from
the system that we have received your
Internet message, contact us directly by
calling our CFWO at phone number
760–431–9440. Please note that this
Internet address will be closed at the
termination of the public comment
period.

4. You may fax your comments to
760–431–9624.

Our practice is to make comments,
including names and home addresses of
respondents, available for public review
during regular business hours.

Individual respondents may request that
we withhold their home addresses from
the rulemaking record, which we will
honor to the extent allowable by law.
There also may be circumstances in
which we would withhold from the
rulemaking record a respondent's
identity, as allowable by law. If you
wish us to withhold your name and/or
address, you must state this
prominently at the beginning of your
comment. However, we will not
consider anonymous comments. We
will make all submissions from
organizations or businesses, and from
individuals identifying themselves as
representatives or officials of
organizations or businesses, available
for public inspection in their entirety.

Comments and materials received will
be available for public inspection, by
appointment, during normal business
hours at the CFWO at the above address.

FOR FURTHER INFORMATION CONTACT: Jim
Bartel, Field Supervisor, at the above
address, by telephone at 760–431–9440,
or by facsimile at 760–431–9624.

SUPPLEMENTARY INFORMATION:**Public Comments Solicited**

To assist us in making a final listing
determination based on the best
scientific and commercial data
available, we are reopening the public
comment period on the proposed rule to
list the flat-tailed horned lizard for 14
days to accept public comment on the
specific issue identified in the District
Court's November 17, 2005, order,
namely whether the flat-tailed horned
lizard's lost historical habitat renders
the species likely to become in danger
of extinction within the foreseeable
future throughout all or a significant
portion of its range.

Comments relevant to the identified
issue for consideration during the
remand of the January 3, 2003,
withdrawal of the proposed rule to list
the flat-tailed horned lizard that were
previously submitted during prior
comment periods on the proposed rule
need not be resubmitted as they have
been incorporated into the public record
and will be fully considered in
preparation of the final determination.

Background

On November 29, 1993, we published
a proposed rule to list the flat-tailed
horned lizard as a threatened species
pursuant to the Act (58 FR 62624). On
July 15, 1997, we withdrew the 1993
proposed rule (62 FR 37852). Defenders