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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV05–920–2 FR]

Kiwifruit Grown in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate and changes the assessable unit established for the Kiwifruit Administrative Committee (Committee) for the 2005–06 and subsequent fiscal periods from $0.002 per pound of kiwifruit to $0.045 per 9-kilo volume-fill container or equivalent of kiwifruit. The Committee locally administers the marketing order which regulates the handling of kiwifruit grown in California. Assessments upon kiwifruit handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period began on August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: September 29, 2005.

FOR FURTHER INFORMATION CONTACT: Shereen Marino, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901; Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938. Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 920, as amended (7 CFR part 920), regulating the handling of kiwifruit grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California kiwifruit handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable kiwifruit beginning on August 1, 2005, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom.

Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate and changes the assessable unit established for the Committee for the 2005–06 and subsequent fiscal periods from $0.002 per pound of kiwifruit to $0.045 per 9-kilo volume-fill container or equivalent of kiwifruit.

The California kiwifruit marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers of California kiwifruit. They are familiar with the Committee's needs and the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed at a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2004–05 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that continued in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on June 28, 2005, and unanimously recommended 2005–06 expenditures of $91,989 and an assessment rate of $0.045 per 9-kilo volume-fill container or equivalent of kiwifruit. In comparison, last year's budgeted expenditures were $91,839. The assessment rate of $0.045 per 9-kilo volume-fill container or equivalent is about $0.0003 per pound higher than the rate currently in effect. The higher assessment rate is needed because the 2004–2005 crop was smaller than expected and assessment income fell short of expenses. Reserve funds were used to meet the shortfall. The higher assessment rate should generate sufficient income to cover anticipated 2005–06 expenses and maintain an adequate reserve.

The following table compares major budget expenditures recommended by the Committee for the 2004–05 and 2005–06 fiscal periods:

Budget expense categories	2004–05	2005–06
Administrative Staff & Field Salaries	$61,000	$61,000
Travel	6,500	6,500
Office Costs/Annual Audit	14,555	14,705

Budget expense categories	2004–05	2005–06
Vehicle Expense Account	9,784	9,784

The assessment rate recommended by the Committee was derived by the following formula: Anticipated expenses ($91,989), plus the desired 2006 ending reserve ($35,010), minus the 2005 beginning reserve ($15,524), divided by the total estimated 2005–06 shipments (2,475,000 9-kilo volume-fill containers). An additional $100 in interest income is also anticipated, bringing the total projected 2005–06 revenue to $111,475. This calculation requires the $0.045 per 9-kilo volume-fill container assessment rate. This rate should provide sufficient funds to meet the anticipated expenses of $91,839 and result in a July 2006 ending reserve of $35,010, which is within the authorized reserve permitted by the order. The authorized reserve is approximately one fiscal period's expenses (§ 920.41).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2005–06 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 45 handlers of California kiwifruit subject to regulation under the marketing order and approximately 275 growers in the production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those whose annual receipts are less than $6,000,000, and small agricultural producers are defined as those whose annual receipts are less than $750,000.

None of the 45 handlers subject to regulation have annual kiwifruit sales of at least $6,000,000. In addition, six growers subject to regulation have annual sales exceeding $750,000. Therefore, a majority of the kiwifruit handlers and growers may be classified as small entities.

This rule increases the assessment rate and changes the assessable unit established for the Committee and collected from handlers for the 2005–06 and subsequent fiscal periods from $0.002 per pound of kiwifruit to $0.045 per 9-kilo volume-fill container or equivalent of kiwifruit. The Committee unanimously recommended 2005–06 expenditures of $91,989 and an assessment rate of $0.045 per 9-kilo volume-fill container or equivalent of kiwifruit. The assessment rate of $0.045 is $0.0003 higher than the 2004–05 rate. The quantity of assessable kiwifruit for the 2005–06 fiscal period is estimated at 2,475,000 9-kilo volume-fill containers or equivalent of kiwifruit. Thus, the $0.045 rate should provide $111,375 in assessment income and be adequate to meet this year's expenses.

The following table compares major budget expenditures recommended by the Committee for the 2004–05 and 2005–06 fiscal years:

Budget expense categories	2004–05	2005–06
Administrative Staff & Field Salaries	$61,000	$61,000
Travel	6,500	6,500
Office Costs/Annual Audit	14,555	14,705
Vehicle Expense Account	9,784	9,784

The Committee reviewed and unanimously recommended 2005–06 expenditures of $91,989, which included an increase in audit expenses. Prior to arriving at this budget, the Committee considered alternative expenditure levels, but ultimately decided that the recommended levels were reasonable to properly administer the order. The assessment rate recommended by the Committee was derived by the following formula: Anticipated expenses ($91,989), plus the desired 2006 ending reserve ($35,010), minus the 2005 beginning reserve ($15,524), divided by the total estimated 2005–06 shipments (2,475,000 9-kilo volume-fill containers). This calculation resulted in the $0.045 per 9-kilo volume-fill container assessment rate. This rate will provide sufficient funds to meet the anticipated expenses of $91,989 and result in a July 2006 ending reserve of $35,010, which is within the authorized reserve permitted by the order. The authorized reserve is approximately one fiscal period's expenses (§ 920.41). An additional $100 in interest income is also anticipated, bringing the total projected 2005–06 revenue to $111,475.

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the grower price for the 2005–06 season could be about $8.09 per 9-kilo volume-fill container or equivalent of kiwifruit. Therefore, the estimated assessment revenue for the 2005–06 fiscal period as a percentage of total grower revenue is estimated at about 0.56 percent.

This action will increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the California kiwifruit industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 28, 2005, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This final rule imposes no additional reporting or recordkeeping requirements on either small or large California kiwifruit handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

The proposed rule concerning this action was published in the **Federal Register** on August 16, 2005 (70 FR 48082). Copies of the rule were mailed or sent via facsimile to all Committee members and kiwifruit handlers. Finally, the rule was made available through the Internet by USDA and the Office of the Federal Register. A 20-day comment period ending September 6, 2005, was provided to allow interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) The 2005–06 fiscal period began on August 1, 2005, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable kiwifruit handled during such fiscal period; (2) the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis and; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years. In addition, a 20-day comment period was provided for in the proposed rule.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements, Reporting and record keeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 920 is amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 920.213 is revised to read as follows:

§ 920.213 Assessment rate.

On and after August 1, 2005, an assessment rate of $0.045 per 9-kilo volume-fill container or equivalent of kiwifruit is established for kiwifruit grown in California.

Dated: September 22, 2005.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. 05–19309 Filed 9–27–05; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Regulation A]

Extensions of Credit by Federal Reserve Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) has adopted final amendments to its Regulation A to reflect the Board's approval of an increase in the primary credit rate at each Federal Reserve Bank. The secondary credit rate at each Reserve Bank automatically increased by formula as a result of the Board's primary credit rate action.

DATES: The amendments to part 201 (Regulation A) are effective September 28, 2005. The rate changes for primary and secondary credit were effective on the dates specified in 12 CFR 201.51, as amended.

FOR FURTHER INFORMATION CONTACT: Jennifer J. Johnson, Secretary of the Board ((202) 452–3259); for users of Telecommunication Devices for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION: The Federal Reserve Banks make primary and secondary credit available to depository institutions as a backup source of funding on a short-term basis, usually overnight. The primary and secondary credit rates are the interest rates that the twelve Federal Reserve Banks charge for extensions of credit under these programs. In accordance with the Federal Reserve Act, the primary and secondary credit rates are established by the boards of directors of the Federal Reserve Banks, subject to the review and determination of the Board.

The Board approved requests by the Reserve Banks to increase by 25 basis points the primary credit rate in effect at each of the twelve Federal Reserve Banks, thereby increasing from 4.50 percent to 4.75 percent the rate that each Reserve Bank charges for extensions of primary credit. As a result of the Board's action on the primary credit rate, the rate that each Reserve Bank charges for extensions of secondary credit automatically increased from 5.00 percent to 5.25 percent under the secondary credit rate formula. The final amendments to Regulation A reflect these rate changes.

The 25-basis-point increase in the primary credit rate was associated with a similar increase in the target for the federal funds rate (from 3.50 percent to 3.75 percent) approved by the Federal Open Market Committee (Committee) and announced at the same time. A press release announcing these actions indicated that:

> Output appeared poised to continue growing at a good pace before the tragic toll of Hurricane Katrina. The widespread devastation in the Gulf region, the associated dislocation of economic activity, and the boost to energy prices imply that spending, production, and employment will be set back in the near term. In addition to elevating premiums for some energy products, the disruption to the production and refining infrastructure may add to energy price volatility.
>
> While these unfortunate developments have increased uncertainty about near-term economic performance, it is the Committee's view that they do not pose a more persistent threat. Rather, monetary policy accommodation, coupled with robust underlying growth in productivity, is providing ongoing support to economic activity. Higher energy and other costs have the potential to add to inflation pressures. However, core inflation has been relatively low in recent months and longer-term inflation expectations remain contained.
>
> The Committee perceives that, with appropriate monetary policy action, the upside and downside risks to the attainment of both sustainable growth and price stability should be kept roughly equal. With underlying inflation expected to be contained, the Committee believes that policy accommodation can be removed at a pace that is likely to be measured. Nonetheless, the Committee will respond to changes in economic prospects as needed to fulfill its obligation to maintain price stability.

Regulatory Flexibility Act Certification

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Board certifies that the new primary and secondary credit rates will not have a significantly adverse economic impact on a substantial number of small entities because the final rule does not impose any additional requirements on entities affected by the regulation.

Administrative Procedure Act

The Board did not follow the provisions of 5 U.S.C. 553(b) relating to notice and public participation in connection with the adoption of these amendments because the Board for good cause determined that delaying implementation of the new primary and secondary credit rates in order to allow notice and public comment would be unnecessary and contrary to the public interest in fostering price stability and sustainable economic growth. For these same reasons, the Board also has not provided 30 days prior notice of the effective date of the rule under section 553(d).

List of Subjects in 12 CFR Part 201

Banks, Banking, Federal Reserve System, Reporting and recordkeeping.

Authority and Issuance

■ For the reasons set forth in the preamble, the Board is amending 12 CFR chapter II as follows:

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS (REGULATION A)

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 12 U.S.C. 248(i)–(j), 343 *et seq.*, 347a, 347b, 347c, 348 *et seq.*, 357, 374, 374a, and 461.

■ 2. In § 201.51, paragraphs (a) and (b) are revised to read as follows:

§ 201.51 Interest rates applicable to credit extended by a Federal Reserve Bank.[1]

(a) *Primary credit.* The interest rates for primary credit provided to depository institutions under § 201.4(a) are:

Federal Reserve Bank	Rate	Effective
Boston	4.75	September 20, 2005.
New York	4.75	September 20, 2005.
Philadelphia	4.75	September 20, 2005.
Cleveland	4.75	September 22, 2005.
Richmond	4.75	September 20, 2005.
Atlanta	4.75	September 22, 2005.
Chicago	4.75	September 20, 2005.
St. Louis	4.75	September 21, 2005.
Minneapolis	4.75	September 20, 2005.
Kansas City	4.75	September 20, 2005.
Dallas	4.75	September 22, 2005.
San Francisco	4.75	September 20, 2005.

(b) *Secondary credit.* The interest rates for secondary credit provided to depository institutions under 201.4(b) are:

Federal Reserve Bank	Rate	Effective
Boston	5.25	September 20, 2005.
New York	5.25	September 20, 2005.
Philadelphia	5.25	September 20, 2005.
Cleveland	5.25	September 22, 2005.
Richmond	5.25	September 20, 2005.
Atlanta	5.25	September 22, 2005.
Chicago	5.25	September 20, 2005.
St. Louis	5.25	September 21, 2005.
Minneapolis	5.25	September 20, 2005.
Kansas City	5.25	September 20, 2005.
Dallas	5.25	September 22, 2005.
San Francisco	5.25	September 20, 2005.

* * * * *

By order of the Board of Governors of the Federal Reserve System, September 22, 2005.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 05–19395 Filed 9–27–05; 8:45 am]

BILLING CODE 6210–01–P

[1] The primary, secondary, and seasonal credit rates described in this section apply to both advances and discounts made under the primary, secondary, and seasonal credit programs, respectively.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE231, Special Condition 23–171–SC]

Special Conditions; Premier Avionics Design Ltd., EFIS on the Cessna 441; Protection of Systems for High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued to Premier Avionics Design Ltd., 12002 Warfield, Suite 250, San Antonio, TX 78216, for a Supplemental Type Certificate for the Cessna 441 Conquest. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of an electronic flight instrument system (EFIS) in the form of two digital altimeters. The digital altimeters will be Thommen Model AD32E, one on the pilot side and one on the copilot side, for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATES: The effective date of these special conditions is September 13, 2005. Comments must be received on or before October 28, 2005.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. CE231, Room 506, 901 Locust, Kansas City, Missouri 64106. All comments must be marked: Docket No. CE231. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Wes Ryan, Aerospace Engineer, Standards Office (ACE–110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 32-4127.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. CE231.'' The postcard will be date stamped and returned to the commenter.

Background

Premier Avionics made application to the FAA for a new Supplemental Type Certificate for the Cessna 441. The Cessna 441 is currently approved under TC No. A28CE. The proposed modification incorporates a novel or unusual design features, such as digital avionics consisting of digital air data computers that are vulnerable to HIRF external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR part 21, § 21.101, Premier Avionics must show that the Cessna 441 aircraft meets the original certification basis for the airplane, as listed on Type Data Sheet A28CE, the additional certification requirements added for the Thommen AD32E systems, exemptions, if any; and the special conditions adopted by this rulemaking action. The rules that were applied at the amendment appropriate for the application date for this STC include 23.1301, 23.1309, 23.1311, 23.1321, and 23.1322.

Discussion

If the Administrator finds that the applicable airworthiness standards do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, as defined in § 11.19, are issued in accordance with § 11.38 after public notice and become part of the type certification basis in accordance with § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

Novel or Unusual Design Features

Premier Avionics plans to incorporate certain novel and unusual design features into the Cessna 441 airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include EFIS, which are susceptible to the HIRF environment, that were not envisaged by the existing regulations for this type of airplane.

Protection of Systems from High Intensity Radiated Fields (HIRF): Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid-state advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through the cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels, which are lower than previous required values, are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment defined below:

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak root-mean-square (rms) values.

or, (2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform critical functions can withstand a minimum threat of 100 volts per meter, electrical field strength, from 10 kHz to 18 GHz. When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant for approval by the FAA to identify either electrical or electronic systems that perform critical functions. The term ''critical'' means those functions, whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Applicability

As discussed above, these special conditions are applicable to the Cessna 441. Should Premier Avionics apply at a later date for a supplemental type certificate to modify any other model on the same type certificate data sheet to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Cessna 441 airplane modified by Premier Avionics Design Ltd. to add two Thommen AD32E Air Data Display Units.

1. Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF). Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: Critical Functions: Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on September 13, 2005.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–19289 Filed 9–27–05; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R06–OAR–2005–TX–0016; FRL–7975–9]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Permits by Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a State Implementation Plan (SIP) revision for the State of Texas. This action removes a provision from the Texas SIP which provided public notice for concrete batch plants which were constructed under a permit by rule (PBR). On September 1, 2000, Texas replaced the PBR for concrete batch plants with a standard permit for concrete batch plants. The standard permit for concrete batch plants also requires public notice for concrete batch plants subject to the standard permit. Texas maintained the public notice requirements of its PBR to assure that proper procedures were followed for concrete batch plants that were permitted under the PBR prior to the effective date of the standard permit. All authorization requests for concrete batch plants which were constructed under the PBR have now been resolved and the public notice and comment provisions under the PBR are no longer needed.

DATES: This rule is effective on November 28, 2005 without further notice, unless EPA receives adverse comment by October 28, 2005. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Regional Material in DOCKET (RME) ID No. R06–OAR–2005–TX–0016, by one of the following methods:

- Federal rulemaking Portal: *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Agency Web site: *http://docket.epa.gov/rmepub/.* Regional Material in DOCKET (RME), EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Once in the system, select ''quick search,'' then key in the appropriate RME Docket identification number. Follow the on-line instructions for submitting comments.
- U.S. EPA Region 6 ''Contact Us'' Web site: *http://epa.gov/region6/r6coment.htm.* Please click on ''6PD'' (Multimedia) and select ''Air'' before submitting comments.
- E-mail: Mr. David Neleigh at *neleigh.david@epa.gov.* Please also cc the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- Fax: Mr. David Neleigh, Chief, Air Permits Section (6PD–R), at fax number 214–665–7263.
- Mail: Mr. David Neleigh, Chief, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- Hand or Courier Delivery: Mr. David Neleigh, Chief, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Regional Material in DOCKET (RME) ID No. R06–OAR–2005–TX–0016. EPA's policy is that all comments received will be included in the public file without change, and may be made available online at *http://docket.epa.gov/rmepub/,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through Regional Material in DOCKET (RME), Regulations.gov, or e-mail if you believe that it is CBI or otherwise protected from disclosure. The EPA RME Web site and the federal regulations.gov are ''anonymous access'' systems, which means EPA will not

know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through RME or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public file and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the Regional Material in DOCKET (RME) index at *http://docket.epa.gov/rmepub/*. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in the official file which is available at the Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at (214) 665–7523 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The state submittal is also available for public inspection at the state Air Agency listed below during official business hours by appointment:

Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Stanley M. Spruiell, Air Permits Section (6PD–R), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–7212; fax number 214–665–7263; e-mail address *spruiell.stanley@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA. Outline:

I. What Action Are We Taking?
II. What Is a State Implementation Plan?
III. What Does Federal Approval of a SIP Mean to Me?
IV. What Did the State Submit?
V. Why Are We Approving the Removal of Section 106.5?
VI. Final Action
VII. Statutory and Executive Order Reviews

I. What Action Are We Taking?

This action removes 30 TAC, section 106.5 from the Texas SIP. This section provided public notice for concrete batch plants which were constructed under a PBR.[1] On September 1, 2000, Texas replaced the PBR for concrete batch plants with a standard permit[2] for concrete batch plants. The standard permit for concrete batch plants also requires public notice for concrete batch plants which are subject to the standard permit. Texas maintained the public notice requirements of section 106.5 to assure that proper procedures were followed for concrete batch plants that were permitted under the PBR prior to the effective date of the standard permit. All authorization requests for concrete batch plants which were constructed under the PBR have now been resolved and section 106.5 is no longer needed. Texas submitted a SIP revision to remove section 106.5.

II. What Is a State Implementation Plan?

Section 110 of the Act requires States to develop air pollution regulations and control strategies to ensure that the state air quality meets the National Ambient Air Quality Standards (NAAQS) that EPA has established. Under section 109 of the Act, EPA established the NAAQS to protect public health. The NAAQS address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the federally enforceable SIP. Each state has a SIP designed to protect air quality. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

III. What Does Federal Approval of a SIP Mean to Me?

A state may enforce state regulations before and after we incorporate those regulations into a federally approved SIP. After we incorporate those regulations into a federally approved SIP, both EPA and the public may also take enforcement action against violators of these regulations.

IV. What Did the State Submit?

This action addresses Texas' SIP submittal to EPA by letter dated June 28, 2004. In the submittal, Texas submitted its repeal of section106.5—Public Notice, which it adopted June 9, 2004. Section 106.5 required public notice for concrete batch plants permitted under Chapter 106—Permits by Rule. With the creation of the concrete batch plant standard permit on September 1, 2000, and the repeal of the concrete batch plant PBR, section 106.5 is no longer needed. Texas maintained the public notice requirements of section 106.5 to assure that proper procedures were followed for the concrete batch plant PBR registrations received prior to the effective date of the standard permit for concrete batch plants. At this time, Texas has resolved all of the outstanding authorization requests for concrete batch plants permitted under Chapter 106. Consequently, the maintenance of section 106.5 is no longer needed.

V. Why Are We Approving the Removal of Section 106.5?

We approved section 106.5 on November 14, 2003 (68 FR 64543–50) when we approved Chapter 106—Permits by Rule into the Texas SIP. Section 106.5—Public Notice applies to the construction of permanent or temporary concrete batch plants that are constructed under Chapter 106. Under

[1] A PBR is a permit which is adopted under Chapter 106, which provides an alternative process for approving the construction of new and modified facilities which Texas has determined will not make a significant contribution of air contaminants to the atmosphere. These provisions provide a streamlined mechanism for approving the construction of certain small sources which would otherwise be required to apply for and receive a permit before commencing construction or modification. For further description of Texas regulations concerning PBRs see the discussion in our November 14, 2003 approval (68 FR 64544–45).

[2] A standard permit is a permit which is adopted under Chapter 116,Subchapter F, which provides an alternative process for approving the construction of certain categories of new and modified sources for which the TCEQ has adopted a standard permit. These provisions provide a streamlined mechanism for approving the construction of certain sources within categories which contain numerous similar sources. For further description of Texas regulations concerning standard permits, see the discussion in our November 14, 2003 approval (68 FR 64546–47).

section 106.5, each concrete batch plant constructed under Chapter 106 must conduct public notice of the proposed construction. On September 1, 2000, Texas issued a standard permit for concrete batch plants. This standard permit replaced the requirements for PBRs applicable to concrete batch plants. Texas maintained its requirements for concrete batch plants (including the requirements for public notice) to assure that proper procedures were followed for the concrete batch plant PBR registrations received prior to the effective date of the standard permit for concrete batch plants. Because all of the outstanding authorization requests for concrete batch plants permitted under Chapter 106 have been resolved, the maintenance of the requirements for concrete batch plants under Chapter 106 is no longer needed.

On June 9, 2004, Texas repealed its PBRs for concrete batch plants and section 106.5. Section 106.5 is no longer necessary due to the issuance of the standard permit for concrete batch plant standard which was in accordance with section 116.602—Issuance of Standard Permits and because Texas has resolved all outstanding authorization requests for concrete batch plants permitted under Chapter 106 received prior to the effective date of the standard permit.

Under Texas Health and Safety Code, section 382.058, concrete batch plant PBRs are subject to notice and opportunity for hearing provisions. The concrete batch plant PBR was the only PBR in Chapter 106 that required public notice. With the creation of the concrete batch plant standard permit, concrete batch plants are no longer authorized by a PBR under Chapter 106. The public notice requirements for concrete batch plants are now contained in the standard permit; therefore section 106.5 is no longer needed.

The removal of section 106.5 will not affect the obligation for Texas to provide for public notice when it issues new or revised PBR. The process for issuing, revising, and removing PBR is through rulemaking under which new and revised PBR must undergo public notice and a 30-day comment period which meets the requirements of 40 CFR 51.161, which provides for public notice prior to approval of any new or modified source which is subject to the PBR. The basis for how Texas program for PBR meets these requirements is discussed in our November 14, 2003 approval of Chapter 106. See 68 FR 64545.

The standard permit for concrete batch plants was originally issued in 2000 (effective September 1, 2000) and was later revised in 2003 (effective July 10, 2003). The standard permits for batch concrete plants were issued after notice an opportunity for public comment and public hearing as required under section 116.605. The process for public participation meets our requirements under 40 CFR 51.161, which provides for public notice prior to approval of any new or modified source which is subject to the PBR. The basis for how the Texas program for standard permits meets these requirements is discussed in our November 14, 2003, approval of Texas provisions for standard permits. See 68 FR 64547. The standard permit for batch concrete plants also contain a provision pertaining to public notice which requires public notice for concrete batch plants which are subject to the standard permit.

The public notice requirements under section 106.5 and under the standard permit for concrete batch plants is an additional notice to the public notice required under 40 CFR 51.161. As discussed above and in greater detail in our November 14, 2003, approval of the PBR and standard permits, each new and modified PBR and standard permit (including the PBR and standard permit for concrete batch plants) must be subject public notice and comment. We found that public notice provisions for PBR and standard permits meet the requirement of 40 CFR 51.161. See 68 FR 64545. Accordingly, the adoption of the PBR and later the standard permit for concrete batch plants were subject to public notice which meet these public notice requirements at the time of adoption. The public participation requirement and the standard permit for concrete batch plants is an additional public notice that Texas requires under Texas Health and Safety Code, section 382.058. Our approval of this additional requirement for the public notice provisions for concrete batch plants serves to strengthen the SIP.

Furthermore, the maintenance of section 106.5 in the SIP serves no useful purpose because Texas has repealed the PBR for concrete batch plants. The process for removing these PBR was in accordance with the program that we approved for Texas PBR. Since section 106.5 is limited only to PBR for concrete batch plants, and since Texas has repealed these PBR from Chapter 106, section 106.5 is no longer needed.

VI. Final Action

On the basis of the above analysis and evaluation we conclude that we can remove the provisions of section 106.5 from the SIP on the basis that Texas replaced the PBR for concrete batch plants, which required public notice, with a standard permit for concrete batch plants that also requires public notice for concrete batch plants that are subject to the standard permit.

We are publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are received. This rule will be effective on November 28, 2005 without further notice unless we receive adverse comment by October 28, 2005. If we receive adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

VII. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more

Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 28, 2005. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon Monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen oxides, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

Dated: September 19, 2005.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart SS—Texas

■ 2. The table in § 52.2270(c) entitled ''EPA Approved Regulations in the Texas SIP'' is amended under chapter 106, subchapter A, by removing the entry for section 106.5, ''Public Notice.''

[FR Doc. 05–19358 Filed 9–27–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2005–0244; FRL–773-5]

Muscodor albus QST 20799 and the Volatiles Produced on Rehydration; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the *Muscodor albus* (*M. albus*) QST 20799 and the volatiles produced on its rehydration on all food commodities when applied or used for all agricultural applications, including seed, propagule and post harvest treatments. This action is in response to a pesticide petition submitted to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *M. albus* QST 20799 and the volatiles produced on its rehydration.

DATES: This regulation is effective September 28, 2005. Objections and requests for hearings must be received on or before November 28, 2005.

ADDRESSES: To submit a written objection or hearing request follow the detailed instructions as provided in Unit IX. of the **SUPPLEMENTARY INFORMATION**. EPA has established a docket for this action under Docket identification (ID) number OPP–2005–0244. All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket.* Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Shanaz Bacchus, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: 703–308–8097; e-mail address: *bacchus.shanaz@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111);

- Animal production (NAICS code 112);
- Food manufacturing (NAICS code 311);
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET (*http://www.epa.gov/edocket/*), you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at *http://www.gpoaccess.gov/ecfr/*. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at *http://www.epa.gpo/opptsfrs/home/guidelin.htm/*.

II. Background and Statutory Findings

In the **Federal Register** of April 7, 2004 (69 FR 18370–18375) (FRL–734-4), EPA issued a notice pursuant to section 408(d)(3) of the FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 3F6745) by AgraQuest, Inc. (EPA Company No. 69592), 1530 Drew Avenue, Davis, CA 95616. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of *M. albus* QST 20799. This notice included a summary of the petition prepared by the petitioner AgraQuest, Inc. There were no comments received in response to the notice of filing.

Section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of the FFDCA defines ''safe '' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Pursuant to section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....'' Additionally, section 408(b)(2)(D) of the FFDCA requires that the Agency consider ''available information concerning the cumulative effects of a particular pesticide's residues'' and ''other substances that have a common mechanism of toxicity.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

M. albus QST 20799, a fungus, was originally isolated from the bark of a cinnamon tree in Honduras. It was imported into the United States with appropriate permits issued by the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Services (APHIS). It grows as a white sterile mycelium and does not produce asexual or sexual spores or other reproductive structures such as chlamydospores or sclerotia. When hydrated, *M. albus* QST 20799 produces a number of volatiles, mainly alcohols, acids, and esters, that are claimed to inhibit and kill plant pathogenic organisms that cause diseases such as root rot, damping off, and wilt.

The registrant is seeking to register a microbial pesticide in which the Manufacturing Use Product (MP) contains *M. albus* QST 20799 as the active ingredient. End-use Products (EPs) will be formulated from the MP by addition of inerts. The EPs, which will be registered concurrently with the MP, will be shipped as dried products. The EPs are proposed for use as a seed and propagule or soil treatment to control root diseases in greenhouse and field crops, as well as for control of post-harvest decay in fresh fruits and vegetables and cut flowers.

1. *Acute oral toxicity - rats (OPPTS 870.1100).* Three female and three male rats were dosed with a single dose of *M. albus* QST 20799 in distilled water at 5 grams/kilogram body weight (g/kg bw). The rodents were observed for 14 days (Master Record Identification Number (MRID) 46106401). No mortality was observed, all animals gained weight, and there were no clinical signs, or abnormal findings at necropsy. The oral LD_{50} for males, females, and combined was greater than 5,000 milligram/kilogram (mg/kg) (Biopesticides and Pollution Prevention Division (BPPD) Data Evaluation Record (DER) dated April 28, 2004, hereinafter referred to as ''BPPD DER 04/28/04'').

M. albus QST 20799 produces volatiles when it is rehydrated. Generally, an acute oral test is not required when the test material is volatile. Nevertheless, the Agency considered the patterns of use, and the nature of the volatiles produced under these conditions. *M. albus* QST 20799 and its volatiles are not expected to be present in or on treated food commodities as a result of these proposed uses. The pesticide is incorporated into soil prior to planting, is not viable in soil once its food source is exhausted, and is not in direct contact with treated seed and propagule, or food or feed commodities treated post harvest. It is not a systemic pesticide and, thus, will not be translocated in seed and propagule, or other treated food and feed commodities. The volatiles are well-known fragrances and flavors of food and beverages, are short-lived, and are not expected to remain on treated food or feed commodities. Thus, acute oral tests, as conducted with the test material, *M. albus* QST 20799, are sufficient to evaluate in support of the petition of an exemption from tolerance.

2. *Acute oral toxicity/pathogenicity - rat study (Guideline 152–30; OPPTS 885.3050).* Twenty-two male and 22 female rats were treated by oral gavage for 22 days with a white aqueous suspension of *M. albus* QST 20799 (mean dry weight percentage: 1.82%) (MRID 46039404). Clinical signs were observed and body weights recorded

twice per day. The sacrificed rats were subjected to necropsy. No mortality was observed, all animals gained weight, and there were no clinical signs, or abnormal findings at necropsy. *M. albus* QST 20799 was not detected in kidney, brain, liver, heart, lungs, spleen, mesenteric lymph nodes, blood samples, or intestinal contents. *M. albus* QST 20799 does not appear to be toxic, infective, and/or pathogenic to rats, when dosed at 10^8 cfu (0.1 g total dry weight)/animal. The study results were considered acceptable and the active ingredient is considered in Toxicity Category IV for acute oral effects (BPPD DER 04/28/04).

3. *Acute pulmonary toxicity/ pathogenicity - rat (OPPTS 885.3150).* Twenty-nine female and 29 male rats received, by intratracheal instillation, a dose of 3 milliliters (ml) (1.9×10^3 to 2.4×10^3 cfu) of an aqueous suspension of *M. albus* QST 20799. They were observed for 22 days post treatment (MRID 46039406). However, two rats died early in the experiment likely due to the dosing procedure. Another rat was sacrificed at 4 days due to the severity of the clinical signs. Surviving rats were sacrificed, then subjected to necropsy. Recovery of viable test organism from blood, organs, intestinal contents, and feces was determined. No clinical signs related to the test organism or macroscopic abnormalities were noted in the rats. No test organisms were detected in any tissue sample tested. In general, *M. albus* QST 20799 does not appear to be toxic, infective, and/or pathogenic to rats at this dose. This study was considered acceptable (BPPD DER 04/28/04).

4. *Acute dermal toxicity - rabbits (Guideline 152–31; OPPTS 870–2500/ 885–3100).* To investigate dermal toxicity of *M. albus* QST 20799, five male and five female New Zealand white rabbits were treated with an aqueous suspension of *M. albus* QST 20799. The fur representing approximately 10% of the total body surface was clipped on the dorso-lumbar region of each rabbit. The test substance (2 ml/kg equivalent to 2 g/kg body weight) was applied on the skin site on each rabbit, then covered (MRID #46106402). After the dressings were removed in 24 hours, the rabbits were observed at least twice daily for survival and were checked for clinical signs hourly post treatment and twice on subsequent days for 14 days. Body weight was recorded on days 1, 8, and 15. The Draize method was utilized to rate skin irritation after test substance removal. The rabbits were euthanized and gross necropsied on day 15. No rabbits died and no clinical signs of toxicity were observed throughout the study. No dermal irritation was noted on any animal. One female lost weight during the first week and four males and one female lost weight during the second week. Overall, all animals gained weight. No treatment-related abnormal findings were noted. The test organism was not toxic to rabbits. The acute lethal dose (LD_{50}) was greater than 2 mg/kg. The study is acceptable, and the pesticide is considered Toxicity Category IV for dermal effects (BPPD DER 04/28/04).

5. *Primary eye irritation (OPPTS Guideline 870.2400).* Three female young adult New Zealand White rabbits were treated with *M. albus* QST 20799. A solution of 0.1 ml/eye/animal was applied into the conjunctival sac of one eye, and the eye held closed for approximately 1 second. The contralateral eye served as control. The eyes were examined and scored 1, 24, 48 and 72 hours after test material instillation (MRID 46039407). No corneal opacity, iritis, or positive conjunctival irritation was noted on any rabbit during the study. *M. albus* QST 20799 was practically non-irritating to the eyes of the rabbits. This study was considered acceptable and the pesticide placed in Toxicity Category IV for primary eye irritation (BPPD DER 04/28/ 04).

6. *Data waiver requests: MP and EP.* Requests were made to waive data for the following requirements for the TGAI/MP and EP:

- Acute Inhalation (Guideline 152–32; OPPTS 870.1300);
- Acute Intravenous (IV), Intracerebral (IC), Intraperitoneal (IP) injection Toxicity/Pathogenicity (Guideline 152–33; OPPTS 885.3200);
- Cell Culture (Guideline 152.39; OPPTS 885.3500);
- Immune Response (Guideline 152–38; OPPTS 885.3800);
- Hypersensitivity Study (Guideline 152–36);
- Hypersensitivity Incidents (Guideline 152–37; OPPTS 870.3400).

i. *Acute inhalation toxicity/ pathogenicity.* The registrant cited the acute pulmonary toxicity/pathogenicity study (see Unit III.3, above) to justify waiving the acute inhalation study. In that study the active ingredient cleared tissues and was not toxic, infective, or pathogenic to rats when instilled intratracheally. In addition, the registrant's argument that the exposure during formulations of the granular EPs from the MP justifies granting this request to waive acute inhalation data requirements for the MP.

However, the Agency did consider that exposure to all the volatiles produced during rehydration of the pesticide was not fully addressed. For product characterization and to establish that pesticide residues do not accumulate on treated commodities, the registrant provided data to the Agency about potential volatiles produced during rehydration of the active ingredient. These volatiles occur naturally in food products, and are used as fragrances, flavoring agents or as solvents. In submitted chromatograms, seven peaks (pks) were identified as pks 1, 2, 3, 4, 6, 10 and 11, as discussed below (BPPD DER 06/ /05).

- (Pk 1) Ethyl propionate in wine, white grapes and, cocoa;
- (Pk 2) Isobutyl alcohol in food and beverages;
- (Pk 3) 2-Methylbutyl acetate in apples;
- (Pk 4) Isoamyl isobutyrate in honey, hop oil and whiskey;
- (Pk 6) 2-Methyl-1-butanol in wine, kiwi, apples and alcoholic beverages. It is a volatile component of blue cheese aroma, concord grape juice essence, nectarines, apples, papaya fruit, oranges, tomatoes and is released in the volatile emissions from poultry manure.
- (Pk 10) Isobutyric acid in cheese, fruits, vinegar and alcoholic beverages;

(Pk 11) Phenethyl alcohol in foods such as olive oil, grapes, tea, apple juice, coffee, and alcoholic beverages (BPPD DER 06/ /05).

At room temperature a 10 gram sample of the EP, Arabesque, rehydrated 1:1 with water, produced low concentrations of the volatiles ranging from 0.15 parts per billion (ppb) for 2-Methylbutyl acetate and Isoamyl isobutyrate to 20.5 ppb for Isobutyric acid. The inhalation LC_{50} was reported from published literature for most of the volatiles and found to be within acceptable threshold levels. Volatiles dissipating from the rehydrated pesticide are well below those reported inhalation LC_{50} values. All the volatiles are reported as naturally occurring in foods as fragrances and flavors, and they dissipate shortly after rehydration, without compromising efficacy in the time required for storage or other treatments related to proposed agricultural practices. However, the inhalation LC_{50} was not reported for Ethyl propionate, 2-Methylbutyl acetate, and Isoamyl isobutyrate. The Agency is of the opinion that the exposure to these substances may not pose a dietary risk via inhalation, because they are short-lived, well-characterized flavors and fragrances, which occur naturally in consumed food and feed commodities. This data requirement is satisfied for the purposes of the exemption from tolerance.

ii. *Acute IV/IP/IC study.* In an acute oral toxicity/pathogenicity study (see Unit III.1 and 2 above) with the technical grade active ingredient (TGAI), no clinical signs of toxicity were observed in rats and no viable *M. albus* QST 20799 was recovered from blood, organs, or intestinal contents. Data from the registrant's in-house study show that *M. albus* is not viable at temperatures of 34 °C and above, and, therefore, would not be expected to survive at mammalian body temperatures. Based on the low toxicity potential indicated by these observations, the request to waive the acute IP study was granted.

iii. *Cell culture.* This study is required for a virus and is not required for a fungal active ingredient such as *M. albus* QST 20799. The request to waive this data requirement is granted.

iv. *Immune response.* The lack of pathogenicity seen in the acute oral toxicity/pathogenicity study with the TGAI indicates the immune system was not adversely affected by *M. albus* QST 20799. Based on these considerations, the justifications to support the request to waive data requirements for the immune response studies for the TGAI/MP are acceptable.

v. *Hypersensitivity study.* No incidents of hypersensitivity have occurred during the research, development, or testing of *M. albus* QST 20799 or the Arabesque™ end product. A hypersensitivity study is not required at this time, but may be required in the future if there are reports of hypersensitivity incidents associated with this active ingredient used in pesticides.

vi. *Hypersensitivity incidents (Guideline 152–37; OPPTS 870.3400).* The registrant requested to waive reports of hypersensitivity incidents, because no incidents of hypersensitivity associated with the TGAI or proposed components of the EP have been reported to date. However, the registrant agreed to report hypersensitivity incidents, should they occur in the future. This guideline requirement is satisfied at this time. In order to comply with FIFRA requirements under Section 6(a)(2), any incident of hypersensitivity associated with the use of this pesticide must be reported to the Agency. This data requirement is not waived.

7. *Subchronic, chronic toxicity and oncogenicity, and residue data.* Based on the data generated in accordance with the Tier I data requirements set forth in 40 CFR 158.740(c), the Tier II and Tier III data requirements were not triggered and, therefore, not required in connection with this action. In addition, because the Tier II and Tier III data requirements were not required, the residue data requirements set forth in 40 CFR 158.740(b) also were not required.

IV. Aggregate Exposures

In examining aggregate exposure, section 408 of the FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

Use of *M. albus* QST 20799 and its EPs is not likely to cause any harm via consumption of food or feed treated with the microbe, which is not applied directly to food as discussed below.

1. *Food.* Residues of *M. albus* QST 20799 and its volatiles are not expected on treated food commodities from the proposed use patterns. After pesticides containing *M. albus* QST 20799 are incorporated into soil prior to planting, the fungal active ingredient survives poorly in the soil once the food supply is depleted. Even though the fungal active ingredient itself, does not survive in soil, the volatiles produced by the microbe appear to control the target soil pests. Thus, neither the fungus nor its volatiles are in direct contact with, or expected to remain on, treated food commodities.

Similarly, treatment using pesticides containing *M. albus* Strain QST 20799 after food is harvested (i.e., post harvest) does not involve contact with the treated commodities. Post-harvest treatment involves exposure of the food to the pesticide in warehouses or in shipping containers. Here, the rehydrated pesticides containing the fungal active ingredient are in sachets or containers, and are not in direct contact with the food or feed. During the period of treatment, volatiles released from the microbe inhibit the growth of organisms, which cause disease on food commodities, when they are being stored after harvest.

Furthermore, the active ingredient is not a systemic pesticide. Thus, detectable residues of *M. albus* QST 20799, the microbe, are not expected on treated seed and propagules or food or feed commodities. The volatiles do occur naturally as flavors and fragrances in food and feed commodities. Hence, they are not expected to be present on treated seed and propagules, food or feed, solely as a result of treatment with this pesticide.

As previously discussed in Unit III, data submitted to the Agency indicate that some of the volatiles produced by the fungus are Ethyl propionate, Isobutyl alcohol, 2-Methylbutyl acetate, Isoamyl isobutyrate, 2-Methyl-1-butanol, Isobutyric acid, Phenethyl alcohol. Many of these compounds are found in fruit aromas, fresh leaves, wine and rum aromas, blue cheese aroma, natural essential oils and olive and vegetable oil. Data submissions to the Agency indicate that residues of the volatiles do not appear to adhere to the treated commodities, nor leave any detectable residues on treated apples. Based on the nature of the volatiles, and their natural occurrence in some food commodities, they are not expected to be detectable residues solely as a result of treatment with *M. albus* QST 20799.

From the above discussion it is clear that during any of the proposed uses, residues of the microbe or its volatiles are not expected on treated commodities. Normal washing, peeling, cooking, or processing of treated fruits and vegetables would further reduce any possible residues of *M. albus* QST 20799 or its volatiles. Finally, as discussed in Unit III, the acute oral tests demonstrate low toxicity potential via dietary exposure to this Toxicity Category IV pesticide. Hence, even if the pesticide was present in or on food commodities, exposure via the dietary route is not expected to cause any harm.

Therefore, the Agency has decided that dietary exposure from the proposed uses of *M. albus* QST 20799 and its volatiles is not likely to adversely affect the U.S. adult population, infants and children.

2. *Drinking water exposure.* Exposure to *M. albus* QST 20799 in drinking water is not likely to adversely affect U.S. adult population, infants and children, if the pesticide is used as labeled. The active ingredient belongs to the group referred to as ''mycelia sterilia'' which do not produce spores. This feature of the microbe allows for a short life cycle of *M. albus* QST 20799. Since *M. albus* Strain QST 20799 occurs as a sterile mycelium and has no spores or resting structure, it is unlikely to be capable of substantial growth in soil after its food base in the product has been exhausted. Thus, transfer of *M. albus* Strain QST 20799 from soil to groundwater is unlikely. Even if such a transfer were to occur, the fungus would not tolerate the conditions drinking water treatment would provide, e.g., chlorination, pH adjustments, high temperatures, and/or processing conditions.

The proposed uses of pesticides containing this active ingredient, suggest that neither the parent fungus, nor its volatiles are likely to persist or

accumulate in drinking water when the active ingredient is used as labeled. Potential risks via exposure to drinking water or runoff are adequately mitigated by, among other things, percolation through soil. Thus, exposure via drinking water from the proposed use of this active ingredient is not likely to adversely affect the U.S. population of adult humans, infants and children.

B. Other Non-Occupational Exposure

Non-occupational dermal and inhalation exposure is unlikely, since the use sites are commercial and agricultural. Pesticide drift is expected to be minimal, since the EP is incorporated into the soil for pre-planting treatment, or is used in enclosed containers for post-harvest treatment. Soil survivability of *M. albus* Strain QST 20799 is poor, and it has no spores or resting structure. The volatile compounds produced by *M. albus* Strain QST 20799 dissipate rapidly in the environment. The acute pulmonary toxicity study demonstrated no treatment-related adverse effects when the active ingredient was instilled into rats intratracheally. No hypersensitivity incidents have been reported for either the TGAI/MP or EPs.

1. *Dermal exposure.* The low toxicity potential observed in the acute dermal studies discussed above (Unit III), the low exposure potential based on low application rates, and the lack of persistence of the active ingredient, leads EPA to conclude that this pesticide poses minimal risk to human populations via non-occupational dermal exposure. The volatiles produced by the active ingredient dissipate rapidly, and are thus not likely to adhere to, or penetrate, clothing, or adhere to the skin of the non-occupationally exposed population.

Moreover, potential non-occupational dermal exposure to *M. albus* Strain QST 20799 is unlikely because the use sites are commercial and agricultural. The pesticide is granular in nature and the methods of application minimize pesticide drift. As previously discussed in Units III and IV, a lack of hypersensitivity incidents and the poor survivability of the fungus in soil indicate *M. albus* Strain QST 20799 poses minimal risk to populations via non-occupational dermal exposure.

Thus, the Agency does not expect pesticides containing *M. albus* QST 20799 to pose a non-occupational dermal exposure hazard.

2. *Inhalation exposure.* Non-occupational inhalation exposure to the active ingredient itself is not likely to cause an inhalation hazard. No treatment-related effects associated with the active ingredient were observed in the pulmonary tests reported above. The volatiles are produced on rehydration and are expected to dissipate during storage and shipment of treated commodities. They are also not likely to persist in the environment after application, as discussed above. Furthermore, these volatiles are known as fragrances or flavors associated with food. Based on the low potential for non-occupational inhalation exposure, the Agency does not expect these pesticides containing *M. albus* QST 20799 and its volatiles to pose an inhalation hazard.

In summary, the potential aggregate exposure via treatment of soil, seed and propagules, fruits and vegetables, and cut flowers with *M. albus* Strain QST 20799 is not likely to pose a hazard via aggregate exposure. This includes hazards derived from (a) dietary exposure from the treated food/feed commodities, (b) drinking water potentially exposed secondary to treatment of sites with this pesticide; and (c) dermal and inhalation non-occupational and occupational exposure of populations exposed to *M. albus* Strain QST 20799.

V. Cumulative Effects

Section 408(b)(2)(D)(v) of the FFDCA requires the Agency to consider the cumulative effect of exposure to *M. albus* QST 20799 and to other substances that have a common mechanism of toxicity. These considerations include the possible cumulative effects of such residues on infants and children. Based on tests in mammalian systems, *M. albus* QST 20799 and its volatiles do not appear to be toxic or pathogenic to humans. No other registered pesticide contains *M. albus* QST 20799 as an active ingredient. The pesticide is proposed to be used in a manner which will not directly contact treated food or feed commodities. It will not be translocated in seed and propagule because it is not systemic. One of the proposed uses, as a methyl bromide replacement, is a soil treatment.

The volatiles, which are produced by the rehydrated fungus, appear to dissipate and are not absorbed by treated food commodities, thus leaving no detectable residues. The volatiles are also well-known components of fragrance and flavor associated with food, and are only produced for short periods when the fungus is rehydrated. Based on the low toxicity potential of *M. albus* QST 20799 and its volatiles (see Unit III above), and the low exposure scenario when the proposed pesticides are used as labeled, no cumulative or incremental effect is expected from its use.

VI. Determination of Safety for U.S Population, Infants and Children

There is reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposures to residues of *M. albus* QST 20799, as a result of its proposed uses. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. As discussed previously, there appears to be no potential for harm, from this fungus in its use as an antifungal agent on treated food commodities via dietary exposure since the organism is non-toxic and non-pathogenic to animals and humans. The Agency has arrived at this conclusion based on the very low levels of mammalian toxicity for acute oral, pulmonary, and dermal effects with no toxicity or infectivity at the doses tested (see Unit III. above). Moreover, potential non-occupational inhalation or dermal exposure is not expected to pose any adverse effects to exposed populations via aggregate and cumulative exposure (see Units IV. and V.)

FFDCA section 408(b)(2)(C) provides that EPA shall apply an additional ten-fold margin of exposure (safety) for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure, unless EPA determines that a different margin of exposure (safety) will be safe for infants and children. Margins of exposure (safety), which are often referred to as uncertainty factors, are incorporated into EPA risk assessment either directly, or through the use of a margin of exposure analysis, or by using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk. In this instance, based on all the available information (as discussed in detail above), the Agency concludes that the fungus, *M. albus* QST 20799, is non-toxic to mammals, including infants and children. Because there are no threshold effects of concern to infants, children and adults when *M. albus* QST 20799 is used as labeled, the Agency has determined that the additional margin of safety is not necessary to protect infants and children, and that not adding any additional margin of safety will be safe for infants and children. As a result, EPA has not used a margin of exposure (safety) approach to assess the safety of *M. albus* QST 20799.

VII. Other Considerations

A. Endocrine Disruptors

EPA is required under section 408(p) of the FFDCA, as amended by FQPA, to develop a screening program to determine whether certain substances (including all pesticide active and other ingredients) ''may have an effect in humans that is similar to an effect produced by a naturally-occurring estrogen, or other such endocrine effects as the Administrator may designate.'' Following the recommendations of its Endocrine Disruptor Screening and Testing Advisory Committee (EDSTAC), EPA determined that there was scientific basis for including, as part of the program, the androgen and thyroid systems, in addition to the estrogen hormone system. EPA also adopted EDSTAC's recommendation that the program include evaluations of potential effects in wildlife. For pesticide chemicals, EPA will use FIFRA and, to the extent that effects in wildlife may help determine whether a substance may have an effect in humans, FFDCA authority, to require the wildlife evaluations. As the science develops and resources allow, screening of additional hormone systems may be added to the Endocrine Disruptor Screening Program (EDSP).

At this time, the Agency is not requiring information on the endocrine effects of this active ingredient, *M. albus* QST 20799. The Agency has considered, among other relevant factors, available information concerning whether the microorganism may have an effect in humans similar to an effect produced by a naturally occurring estrogen or other endocrine effects. There is no known metabolite that acts as an ''endocrine disruptor'' produced by this microorganism. The submitted toxicity/infectivity or pathogenicity studies in the rodent (required for microbial pesticides) indicate that, following oral, pulmonary and dermal routes of exposure, the immune system is still intact and able to process and clear the active ingredient (see Unit III.). In addition, based on the low potential exposure level associated with the proposed labeled uses of the pesticide, the Agency expects no adverse effects to the endocrine or immune systems. Thus, there is no impact via endocrine-related effects on the Agency's safety finding set forth in this Final Rule for *M. albus* QST 20799.

B. Analytical Method(s)

The acute oral studies discussed above demonstrate that neither the active ingredient nor the volatiles produced by the rehydrated fungus pose a dietary risk. In addition, the active ingredient is not likely to come into contact with the treated food commodities. The volatiles from the rehydrated fungal active ingredient dissipate quickly. They do not appear to leave any detectable residues on treated food commodities, when used as labeled. Furthermore, the low application rate and non-persistence on food during soil applications suggests very low exposure potential via the dietary route. Since residues are not expected on treated commodities, the Agency has concluded that an analytical method to detect residues of this pesticide on treated food commodities for enforcement purposes is not needed.

Nevertheless, the Agency has concluded that for analysis of the pesticide itself, microbiological and biochemical methods exist and are acceptable for enforcement purposes for product identity of *M. albus* QST 20799, and the volatiles produced by the rehydrated fungus. Other appropriate methods are required for quality control to assure that product characterization, the control of human pathogens and other unintentional metabolites or ingredients are within regulatory limits, and to ascertain storage stability and viability of the pesticidal active ingredient.

C. Codex Maximum Residue Level

There is no Codex maximum residue level for residues of *M. albus* QST 20799.

VIII. Conclusions

The results of the studies discussed above are sufficient to comply with the requirements of the FQPA. They support an exemption from the requirement of a tolerance for residues of *M. albus* QST 20799, on treated food or feed commodities. In addition, the Agency is of the opinion that, if the microbial active ingredient is used as labeled, aggregate and cumulative exposures are not likely to pose any undue hazard. The volatiles produced when the fungus is rehydrated also do not pose an incremental dietary and non-dietary risk to the adult human U.S. population, children and infants. Therefore, an exemption from tolerance is granted in response to pesticide petition 3F6745.

IX. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of the FFDCA, as was provided in the old sections 408 and 409 of the FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2005–0244 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2005.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900L), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. You may also deliver your request to the Office of the Hearing Clerk in Suite 350, 1099 14th St., NW., Washington, DC 20005. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 564–6255.

2. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in **ADDRESSES**. Mail your copies, identified by docket ID number OPP–2005–0244, to: Public Information and Records Integrity Branch, Information Technology and Resource Management Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in **ADDRESSES**. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

X. Statutory and Executive Order Reviews

This final rule establishes an exemption from the tolerance requirement under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of the FFDCA, such as the tolerance exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.) do not apply. The Agency hereby certifies that this rule will not have significant negative economic impact on a substantial number of small entities. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

XI. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 20, 2005.

James Jones,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.1260 is added to subpart D to read as follows:

§ 180.1260 Muscodor albus QST 20799 and the volatiles produced on rehydration; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established on all food/feed commodities, for residues of *Muscodor albus* QST 20799, and the volatiles produced on its rehydration, when the pesticide is used for all agricultural applications, including seed, propagule and post harvest treatments.

[FR Doc. 05–19259 Filed 9–27–05; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 310

[SFUND–2005–0009; FRL–7976–2]

RIN 2050–AE36

Reimbursement to Local Governments for Emergency Responses to Hazardous Substances Releases

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: EPA issued a final rule in the **Federal Register** of February 18, 1998, to streamline procedures used to reimburse local governments for emergency response costs. Local governments may be reimbursed for certain costs they incur in taking temporary emergency measures related to releases of hazardous substances, pollutants and contaminants. This document is being issued to correct the address to mail the completed application and supporting data provided and the telephone numbers listed in Appendix II to the regulations.

DATES: This technical correction is effective on September 28, 2005.

ADDRESSES: *Docket:* All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket.* Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Superfund Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Superfund Docket is (202) 566–0276.

FOR FURTHER INFORMATION CONTACT: Lynn Beasley, Regulation and Policy Development Division, Office of Emergency Management, Office of Solid Waste and Emergency Response (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–1965; fax number: (202) 564–2625; e-mail address: *beasley.lynn@epa.gov.* For further information regarding specific aspects of the final rule for reimbursement to local governments, contact: Lisa Boynton, Local Governments Reimbursement Project Officer, Program Operations and Coordination Division, Office of Emergency Management, Office of Solid Waste and Emergency Response (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–2487; fax number: (202) 564–8211; e-mail address: *boynton.lisa@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

Type of entity	Examples of affected entities
Local or Tribal Governments.	Governing bodies of county, parish, municipality, city, town, township, federally recognized Indian tribe or general purpose unit of local government.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. How Can I Access Electronic Copies of This Document and Other Related Information?

The instructions provided under the **Federal Register** document of February 18, 1998, 63 FR 8284, are no longer current. The current information is as follows:

- Docket ID No. SFUND–2005–0009.
- Federal eRulemaking Portal: *http://www.regulations.gov.*
- Agency Web site: *http://www.epa.gov/edocket.* EDOCKET, EPA's electronic public docket and comment system.
- E-mail: *superfund.docket@epa.gov.*
- Fax: (202) 566–0224.

Mail: Superfund Docket, Environmental Protection Agency, Mailcode: 5202T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

In addition to using EDOCKET at *http://www.epa.gov/edocket/*, you may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at *http://www.epa.gov/fedrgstr/.*

II. What Does This Correction Do?

On February 18, 1998, (63 FR 8284) EPA published streamlined procedures for use by local governments seeking reimbursement for emergency response costs. Local governments may be reimbursed for certain costs they incur in taking temporary emergency measures related to releases of hazardous substances pollutants and contaminants. Those procedures are found in 40 CFR part 310. Section 310.15(d) gives the address to mail the completed application and supporting data for reimbursement. Appendix II to 40 CFR part 310 provides EPA Regions and NRC Telephone Lines. The mailing address and some of the telephone numbers are now incorrect. This technical correction provides the corrected address to mail the completed application and supporting data and the EPA Regions and NRC phone numbers.

III. Why Is This Correction Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's technical correction final without prior proposal and opportunity for comment, because EPA is merely correcting information that

has become out of date since the previously published final rule. The address to submit applications found in 40 CFR 310.15, How do I apply for reimbursement? and some of the telephone numbers listed in Appendix II to part 310 have changed since the February 18, 1998, publication of the final rule. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

IV. Do Any of the Statutory and Executive Order Reviews Apply to This Action?

The applicable statutory and Executive Order reviews were included in the February 18, 1998 **Federal Register** document. This document is a technical correction and as such no new review requirements are applicable.

V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 310

Environmental protection, Administrative practice and procedure, Hazardous substances, Intergovernmental relations, Local governments, Reporting and recordkeeping requirements, Superfund.

Dated: September 22, 2005.

Thomas P. Dunne,

Acting Assistant Administator, Office of Solid Waste and Emergency Response.

■ For the reasons set out in the preamble, it is to amend title 40, chapter I of the Code of Federal Regulations as follows:

PART 310—REIMBURSEMENT TO LOCAL GOVERNMENTS FOR EMERGENCY REPONSE TO HAZARDOUS SUBSTANCE RELEASES

■ 1. The authority citation for part 310 continues to read as follows:

Authority: 42 U.S.C. 9611(c)(11), 9623.

Subpart B—[Amended]

■ 2. Section 310.15 is amended by revising paragraph (d) to read as follows:

§ 310.15 How do I apply for reimbursement?

* * * * *

(d) Mail your completed application and supporting data to the LGR Project Officer, (5401A), Office of Emergency Management, Office of Solid Waste and Emergency Response, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

■ 3. Appendix II to Part 310 is revised to read as follows:

Appendix—II to Part 310—EPA Regions and NRC Telephone Lines

National Response Center	(800) 424–8802
EPA Regional Phone Numbers:	
Region I (ME, NH, VT, MA, RI, CT)	(617) 723–8928
Region II (NJ, NY, PR, VI)	(800) 424–8802
Region III (PA, DE, MD, DC, VA, WV)	(215) 814–3255
Region IV (NC, SC, TN, MS, AL, GA, FL, KY)	(404) 562–8700
Region V (OH, IN, IL, WI, MN, MI)	(312) 353–2318
Region VI (AR, LA, TX, OK, NM)	(866) 372–7745
Region VII (IA, MO, KS, NE)	(913) 281–0991
Region VIII (CO, UT, WY, MT, ND, SD)	(303) 293–1788
Region IX (AZ, CA, NV, AS, HI, GU, TT)	(800) 300–2193
Region X (ID, OR, WA, AK)	(206) 553–1263

[FR Doc. 05–19354 Filed 9–27–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Part 531

[Docket No. 05–05]

RIN 3072–AC31

Non-Vessel-Operating Common Carrier Service Arrangements

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission has revised its exemption for non-vessel-operating common carriers (NVOCCs) from certain tariff requirements of the Shipping Act of 1984 to allow NVOCCs and shippers' associations with NVOCC members to act as shipper parties in NVOCC Service Arrangements.

EFFECTIVE DATE: October 28, 2005.

FOR FURTHER INFORMATION CONTACT: Amy W. Larson, General Counsel, Federal Maritime Commission, 800 N. Capitol St., NW., Washington, DC 20573–0001, (202) 523–5740, *generalcounsel@fmc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On August 3, 2005, the Federal Maritime Commission (''FMC'' or ''Commission'') proposed a revision to its regulations at 46 CFR part 531, Non-Vessel-Operating Common Carrier Service Arrangements. 70 FR 456267 (August 8, 2005) (''NPR''). The NPR proposed revisions to 46 CFR sections 531.3(o), 531.5(a), 531.6(c)(2), and 531.6(d) that would have the effect of allowing non-vessel-operating common carriers (''NVOCCs'') to act as either shippers or carriers in an NVOCC Service Arrangement (''NSA''). *Id.*

On January 19, 2005, 46 CFR part 531 became effective, exempting NVOCCs from certain tariff publication requirements of the Shipping Act of 1984, 46 U.S.C. app. 1701 *et seq.* (''Shipping Act''). 69 FR 75850 (December 20, 2004) (final rule) (''NSA Rule''). The NSA Rule was issued pursuant to the Commission's authority under section 16 of the Shipping Act, 46 U.S.C. app. 1715 (''Section 16''). The exemption relieved NVOCCs from certain tariff requirements of the Shipping Act, provided the carriage in question was done pursuant to an NSA filed with the Commission and the essential terms are published in the NVOCC's tariff. *Id.*

The NSA Rule defined an ''NSA shipper'' as a cargo owner, the person for whose account the ocean transportation is provided, the person to whom delivery is to be made, or a shippers' association. 46 CFR 531.3(o). This definition specifically *excluded*

NVOCCs and shippers' associations with NVOCC members. As discussed below, this Final Rule now removes the limitation from the NSA Rule to allow NVOCCs and shippers' associations with NVOCC members to act as ''NSA shippers.''

II. Summary of the Comments

The Commission received eight comments in response to the NPR from: United States Department of Transportation (''DOT''); American Institute for Shippers'' Associations, Inc. (''AISA''); International Shippers'' Association (''ISA''); Fashion Accessories Shippers'' Association (''FASA''); BDP International, Inc. (''BDP''); Agriculture Ocean Transportation Coalition, BAX Global, Inc., FedEx Trade Networks Transport & Brokerage, Inc., the National Industrial Transportation League, North Atlantic Alliance Association, Inc., Transportation Intermediaries Association, and United Parcel Service (collectively, ''Joint Commenters''); Carotrans International, Inc. (''Carotrans''); and the World Shipping Council (''WSC'').

A. Comments in Support

Comments supporting the adoption of the NPR were received from NVOCCs, shippers' associations with NVOCC members and the U.S. Department of Transportation. The overwhelming majority of the commenters support the revision as proposed in the NPR. DOT at 1; ISA at 1; AISA at 2; BDP at 1; Joint Commenters at 1; Carotrans at 6.

1. Commission Has Adequate Statutory Authority

Carotrans, BDP and the Joint Commenters assert the Commission has sufficiently broad authority to adopt the changes proposed in the NPR and that the proposal meets the criteria of Section 16. Carotrans at 2; BDP at 1–2; Joint Commenters at 2, 4. The Joint Commenters attest that the voluminous record developed in the proceeding leading to the adoption of the NSA Rule also adequately supports this proposal. Joint Comments at 4.

2. Section 16 Criteria Are Met

DOT, Carotrans, BDP and the Joint Commenters assert that the proposed revisions meet the two-part test of Section 16 inasmuch as the proposal would neither cause substantial reduction in competition nor be detrimental to commerce. DOT believes that shippers' associations are unlikely to effectively coordinate resale of space obtained via an NSA. DOT at 3. DOT asserts the revision will ''predictably enhance competition without detriment to commerce.'' DOT at 3.

a. No Substantial Reduction in Competition

Carotrans and BDP further argue that the proposal will not result in a substantial reduction in competition. Carotrans at 4; BDP at 4. Rather, these commenters assert, competition at many levels of the international transportation industry will be stimulated by it. Carotrans at 4–5; BDP at 4–5. ''The carrier-to-shipper NVO[CC] relationships which have naturally proliferated in the marketplace will now evolve into more competitive relationships in a confidential NSA environment'' due to the greater flexibility NSAs afford over tariff-based structures. Carotrans at 5; BDP at 5. These commenters believe that much of this is due to the confidential aspects of NSAs and predict that ''competition will flourish based on real commercial factors and not on the basis of transparencies of the tariff mechanism.'' *Id.*

The Joint Commenters assert that ''removal of the restrictions * * * will foster greater competition in the industry by permitting NVOCCs to compete against vessel-operating common carriers (''VOCCs'') in securing the business of both individual NVOCCs (acting as shippers) and shippers' associations with NVOCC members.'' Joint Commenters at 2. Without the adoption of the proposed changes, the Joint Commenters argue, VOCCs will continue to ''enjoy a distinct commercial advantage'' over NVOCCs. Joint Commenters at 2–3.

b. No Detriment To Commerce

Carotrans and BDP argue adoption of the NPR will not be detrimental to commerce because the Commission's regulations already provide that NVOCCs may deal with each other in co-loading arrangements rated under tariffs. Carotrans at 3; BDP at 3. These NVOCCs assert that the NPR's extension of co-loading practices into more formal contractual arrangements will stabilize those practices, and ultimately result in better pricing opportunities for shippers because NVOCCs will be better able to aggregate cargo to negotiate more favorable rates and terms with VOCCs. *Id.* Carotrans and BDP believe the Commission's rationale expressed with respect to VOCC service contracts is equally applicable to NSAs between NVOCCs and therefore ''patently not detrimental to commerce at any level.'' Carotrans at 3–4; BDP at 3–4.

B. Comment in Opposition

FASA is the sole commenter that opposes adoption of the NPR. FASA at 2. FASA argues the Commission lacks the statutory authority under Section 16 to have adopted 46 CFR part 531 originally. *Id.* at 1–2. FASA re-submits the comments it had made on the NSA Rule. FASA at 1.

In comments dated September 29, 2004, FASA urged the Commission to either reject an industry proposal for a conditional exemption or initiate a new proceeding and re-open the record to ''afford the further opportunity to develop a record specifically addressed to the proposed conditional exemption.'' FASA comments of September 29, 2004 at 2. FASA observed that ''diverse segments of the ocean transportation industry'' had ''repeatedly stressed'' that the petitions, and the joint comments, involved fundamental issues of the Commission's statutory exemption authority. *Id.* FASA urged that the ''Commission's deliberation should not be compromised by the premature adoption now of the conditional exemption.'' *Id.*

FASA also expressed its belief that the arguments it had raised had not been addressed. *Id.* Specifically, FASA argued that the (then-proposed) NSA Rule was inconsistent with the statutory scheme of the Shipping Act, as revised by the Ocean Shipping Reform Act of 1998 (''OSRA'') because (1) it might free NVOCCs from the requirement that they publish tariffs; (2) it might lead to the result of shippers' associations being required to seek redress of grievances outside the FMC; and (3) it might enable NVOCCs to undertake otherwise prohibited actions under section 10 of the Shipping Act. *Id.* at 4–5. Finally, FASA argued a conditional exemption would put shipper/customers at risk of ''dead freight'' for not meeting a minimum volume commitment to an NVOCC under an NSA, although the NVOCC might have already met its volume commitment to the VOCC by aggregating other cargo. *Id.* at 5.

In comments filed in response to the Commission's October 31, 2004 Notice of Proposed Rulemaking, 69 FR 63981 (November 3, 2004), FASA asserted that exemption from the tariff publication requirements of the Shipping Act, whether or not conditional upon filing of an NSA, was not appropriate under Section 16. FASA comments of November 19, 2004 at 2. FASA, however, suggested several additions and revisions to that proposal.[1] *Id.* at 5.

[1] FASA had suggested that the Commission adopt additional prohibitions in the NSA Rule mirroring section 10(c)(8), 46 U.S.C. app. 1709(c)(8), to

C. Comments of the World Shipping Council

WSC takes no position as to whether the proposed amendments would be consistent with Section 16. WSC at 1. WSC is concerned, however, that the proposed rule may enable NVOCCs to avoid the obligations they have as common carriers under the regulations of U.S. Customs and Border Protection (''CBP''), specifically 19 CFR 4.7(b)(2) (''24-Hour Rule'') (requiring carriers to submit vessel manifests to CBP at least 24 hours prior to lading at the foreign port). *Id.* WSC therefore recommends that the Commission clarify that nothing in this rule may be interpreted to release NVOCCs from their duties as ''carriers'' under the 24-Hour Rule, even when acting as ''shippers'' with respect to other NVOCCs. *Id.* at 3.

III. Discussion

Section 16 authorizes the Commission, ''upon application or on its own motion * * * to exempt for the future any * * * specified activity of [persons subject to the requirements of the Shipping Act] from any requirement of this Act if it finds that the exemption will not result in substantial reduction in competition or be detrimental to commerce.'' 46 U.S.C. app. 1715. Section 16 also authorizes the Commission to ''attach any conditions to any exemption.'' *Id.* As it did when originally proposing the NSA Rule in late October, 2004, the Commission again notes that Section 16 authorizes the Commission to exempt by rule or order matters it regulates under the Shipping Act. *See* 69 FR 63981, 63985 (November 3, 2004) (matter concerns ''specified activity'' subject to a ''requirement'' of the Shipping Act as those terms are used in Section 16). The Commission continues to believe that the NSA Rule falls within its exemption authority and comports with the goals of the Shipping Act and Congress's legislative intent as expressed most recently by OSRA. We note that 46 CFR part 531 does not completely exempt NVOCCs from the tariff publication requirements of the Shipping Act, as some commenters in the original proceeding had urged. We again disagree with FASA's assertion that the exemption is beyond the Commission's authority to exercise. *See* 69 FR at 63985.

The Commission is mindful that the authority of Section 16 can be exercised only when the Commission finds that such action will result neither in substantial reduction in competition nor be detrimental to commerce. 46 U.S.C. app. 1715. The Commission has now, through publication and request for comment, sought information to help it determine whether the proposed revision to 46 CFR part 531 would cause either of these untoward effects. As explained more fully below, the Commission finds the proposed revision would cause neither substantial reduction in competition nor be detrimental to commerce.

A. Section 16 Criteria

1. Substantial Reduction in Competition

The Commission has evaluated the possible impact of its proposal on competition between NVOCCs, between NVOCCs and VOCCs, and between shippers' associations. Most commenters suggest that the NPR, which would allow NVOCCs and shippers' associations with NVOCC members to act as NSA shippers, will not result in a substantial reduction in competition among any of these groups. As Carotrans points out, NVOCCs may already deal with each other commercially in shipper-to-carrier co-loading arrangements subject to the Commission's tariff rules. Indeed, rather than reducing competition, NSAs among NVOCCs may lead to a more competitive environment for NVOCCs who serve other NVOCCs.

Similarly, the Commission finds persuasive the assertions of AISA, ISA and DOT that allowing shippers' associations with NVOCC members to act as NSA shippers will not result in substantial reduction in competition among shippers' associations, nor will it have an effect on the resale of space that NVOCCs may obtain as members of a shippers' association. We are persuaded that, as DOT phrases it, this ''leveling of the playing field'' for all shippers' associations will enhance competition.

Furthermore, recent case law gives us some assurance that courts are not likely to find that NVOCCs acting concertedly in NSAs to be immune from the prohibitions of the antitrust laws. *United States* v. *Gosselin World Wide Moving, N.V.*, 411 F.3d. 502 (4th Cir 2005). Therefore, the Commission's previous concerns, that allowing NVOCCs to act as both shipper and carrier parties in an NSA would create a potential for reduction in competition through immunity from the antitrust laws, have been largely alleviated.

Moreover, as Carotrans and BDP assert, the Commission's regulations have recognized and provided for the sale of ocean transportation services by one NVOCC acting as carrier to another acting as shipper under tariff regulations. *See* 46 CFR 520.11(c)(iii) (co-loading). Although this Final Rule addresses basically the same commercial relationship, it should, as the commenters suggest, provide greater flexibility over such transactions done under a tariff.

2. Detriment to Commerce

We find that the Final Rule will not be detrimental to commerce. *See* 69 FR 63987 (discussion of criterion). Neither the original rulemaking nor this Final Rule eliminates the requirement that common carriers publish tariffs and adhere to rates that are either published in tariffs or filed in NSAs. Principles of common carriage inherent in the Shipping Act are preserved by the continuing application of all of the prohibitions contained in section 10 of the Shipping Act, 46 U.S.C. app. 1709, *e.g.*, against retaliation, deferred rebates, unreasonable refusals to deal, etc. Accordingly, the protections provided to the shipping public will be preserved and detriment to commerce will not occur.

The Joint Comments assert that the proposal will *promote* commerce by expanding the opportunity for NVOCCs acting as shippers to choose their service provider and will ultimately lead to greater commercial efficiencies. We are persuaded by the comments that no detriment to ocean commerce will arise from extending the exemption of 46 CFR part 531 to enable NVOCCs to provide all their customers, whether they be other NVOCCs or beneficial cargo owners or shippers' associations, with NSAs tailored to meet the individual needs of those customers. We believe that not only will the exemption not be detrimental to commerce as required by Section 16, but there may also be merit to the assertion that the expansion of the exemption will prove beneficial to commerce.

In summary, the Commission finds the proposed revision meets the criteria of Section 16 as it will cause neither substantial reduction in competition nor detriment to commerce. Further, this Final Rule in no way relieves NVOCCs of any other requirements of the Shipping Act, Commission regulations, or the requirements of other statutes and

prohibit NOVCCs offering NSAs from discriminating against shippers' associations or ocean transportation intermediaries based on status. The Commission did not adopt this recommendation because, with the exception of affiliates, the NSA rule neither contemplates nor sanctions any concerted NSA activity. *See* NSA Rule, 69 FR at 75851–75852. *See also* Docket No. 04–12, *Non-Vessel-Operating Common Carrier Service Arrangements,* 70 FR. *See* Docket No. 05–06, *Non-Vessel-Operating Common Carrier Service Arrangements* (August 30, 2005) (Notice of Inquiry) (requesting public comment on joint unaffiliated NVOCC-offered NSAs).

regulations (*e.g.*, the 24-hour Rule) to which they are subject.

IV. Statutory Reviews

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3507, the collection of information requirements contained in this Final Rule have been submitted to the Office of Management and Budget (''OMB'') for review. The estimated total annual burden for the estimated 635 annual respondents is 190,252 person-hours. No comments were received on this estimate.

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 605, the Chairman of the Federal Maritime Commission has certified to the Chief Counsel for Advocacy, Small Business Administration, that the Final Rule will not have a significant impact on a substantial number of small entities. Although NVOCCs as an industry include small entities, the Final Rule provides, but does not require, an alternative for NVOCCs from certain tariff requirements of the Shipping Act and the Commission's regulations. It potentially relieves a burden. Therefore, the Commission has found that the Final Rule will have no significant economic impact on a substantial number of small entities.

List of Subjects for 46 CFR Part 531

Exports, Non-vessel-operating common carriers, Ocean transportation intermediaries.

■ For the reasons set forth in the preamble, the Federal Maritime Commission amends 46 CFR part 531 as follows:

PART 531—NVOCC SERVICE ARRANGEMENTS

■ 1. The authority citation for part 531 continues to read as follows:

Authority: 46 U.S.C. app. 1715.

■ 2. Revise paragraph (o) of § 531.3 to read as follows:

§ 531.3 Definitions.

* * * * *

(o) *NSA shipper* means a cargo owner, the person for whose account the ocean transportation is provided, the person to whom delivery is to be made, a shippers' association, or an ocean transportation intermediary, as defined in section 3(17)(B) of the Act, that accepts responsibility for payment of all applicable charges under the NSA.

* * * * *

■ 3. Revise paragraph (a) of § 531.5 to read as follows:

§ 531.5 Duty to file.

(a) The duty under this part to file NSAs, amendments and notices, and to publish statements of essential terms, shall be upon the NVOCC acting as carrier party to the NSA.

* * * * *

■ 4. Revise paragraph (c)(2) and add paragraph (d)(4) to § 531.6 to read as follows:

§ 531.6 NVOCC Service Arrangements.

* * * * *

(c) * * *

(2) Make reference to terms not explicitly contained in the NSA itself unless those terms are contained in a publication widely available to the public and well known within the industry. Reference may not be made to a tariff of a common carrier other than the NVOCC acting as carrier party to the NSA.

* * * * *

(d) * * *

(4) No NVOCC may knowingly and willfully enter into an NSA with an ocean transportation intermediary that does not have a tariff and a bond, insurance, or other surety as required by sections 8 and 19 of the Act.

* * * * *

By the Commission.

Karen V. Gregory,

Assistant Secretary.

[FR Doc. 05–19369 Filed 9–27–05; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 23

[IB Docket No. 00–248; FCC 05–130]

Revisions of the Commission's Rules and Spectrum Usage by Satellite Network Earth Stations and Space Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communication Commission (FCC) invited commenters to propose revisions to part 23 of the Commission's rules, governing International Fixed Public Radiocommunication Services (IFRS). Because no one proposed any revisions to part 23, we terminate our consideration of part 23 issues in this context of IB Docket 00–248.

DATES: Effective October 28, 2005.

FOR FURTHER INFORMATION CONTACT: Steven Spaeth (202)418–1539, Satellite Division, International Bureau, Federal Communications Commission, Washington, DC 20554.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Seventh Report and Order* in IB Docket 00–248, adopted June 20, 2005 and released June 24, 2005. The full text of the *Seventh Report and Order* is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20054. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, facsimile 202–488–5563, or via e-mail *FCC@BCPIWEB.com.*

Summary of Notice of Proposed Rulemaking

No one proposed revising or eliminating any provisions in part 23 of the Commission's rules in response to the *NPRM* published elsewhere in this issue. As a result, we find that the record before us at this time does not provide any basis for revising part 23 of the Commission's rules. Accordingly, we will not revise part 23 of the Commission's rules at this time. This terminates our consideration of part 23 of the Commission's rules issues in the context of IB Docket No. 00–248.

Final Regulatory Flexibility Certification. The Regulatory Flexibility Act of 1980, as amended (RFA) requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that ''the rule will not have a significant economic impact on a substantial number of small entities.'' The RFA generally defines ''small entity'' having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). No FRFA is necessary for the *Seventh Report and Order* because we have decided not to make any changes to the Commission's rules at this time.

Ordering Clauses

Accordingly, *it is ordered*, pursuant to section 4(i), 7(a), 11, 303(c), 303(f), 303(g), and 303(r), of the Communication Act of 1934, as

amended 47 U.S.C. 154(i), 161, 303(c), 303(g), and 303(r), that this *Seventh Report and Order* in IB Docket No. 00–248 is hereby adopted.

Accordingly, *it is further ordered* that the Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–19159 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 00–248 and CC Docket No. 86–496, FCC 05–63]

Satellite Licensing Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule, announcement of effective date.

SUMMARY: The Federal Communications Commission announces that adopted rule revisions to streamline the procedures for non-routine earth station applications. Certain rules contained new or modified information requirements and were published in the **Federal Register** on June 2, 2005.

DATES: The revisions to 47 CFR 25.115, 25.130, 25.131, 25.132, 25.133, 25.134, 25.151, 25.154, 25.209, 25.211, 25.212, 25.220, and 25.277, published at 70 FR 32249, June 2, 2005, became effective on September 15, 2005.

FOR FURTHER INFORMATION CONTACT: Steven Spaeth, Assistant Division Chief, Satellite Division, International Bureau, Federal Communications Commission, at (202) 418–1539.

SUPPLEMENTARY INFORMATION: On September 15, 2005, the Office of Management and Budget (OMB) approved the information collection contained in §§ 25.115, 25.130, 25.131, 25.132, 25.133, 25.134, 25.151, 25.154, 25.209, 25.211, 25.212, 25.220, and 25.277, pursuant to OMB Control No. 3060–0678. Accordingly, the information collection requirements contained in these rules became effective on September 15, 2005.

List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–19517 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05–2368; MM Docket No. 00–87; RM–9870, RM–9961]

Radio Broadcasting Services; Bend, Brightwood, Madras, Prineville, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule; dismissal of petition for reconsideration.

SUMMARY: This document dismisses a Petition for Reconsideration filed by Muddy Broadcasting Company directed at the *Report and Order* in this proceeding. *See* 66 FR 56486, published November 8, 2001. This document also waive the provisions of Section 1.420(j) of the Commission's rules, consistent with the *Public Notice* entitled *Window Announced for Universal Settlements of Pending Rulemaking Proceedings to Amend FM Table of Allotments*, 20 FCC Rcd 10756 (MB 2005), with this action, the proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Media Bureau (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 00–87, adopted September 14, 2005, and released September 16, 2005. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals ll, CY–A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC, 20054, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.* The Commission will not send a copy of this *Memorandum Opinion and Order* pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the aforementioned petition for reconsideration was dismissed.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05–19049 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MB Docket No. 03–185; FCC 04–220]

Amendment of the Commission's Rules To Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and the Amend Rules for Digital Class A Television Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date and public information collections approval.

SUMMARY: On May 25, 2005, the Federal Communications Commission received Office of Management and Budget (OMB) approval for the revised public information collections, OMB Control Numbers 3060–0016 and 3060–0932, Amendment of parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and the Amend Rules for Digital Class A Television Stations, MB Docket No. 03–185; FCC 04–220. FCC 04–220 was published at 69 FR 69325 (November 29, 2004). Therefore, the Commission announces that the effective date of the rules contained in 47 CFR 74.701, 74.703, 74.705 74.707, 74.710 and 74.786 through 74.796 is September 15, 2005.

DATES: The effective date for the rules contained in 47 CFR 74.701, 74.703, 74.705, 74.707, 74.710, and 74.786 through 74.796 is September 15, 2005.

FOR FURTHER INFORMATION CONTACT: Questions concerning the rules should be directed to Shaun Maher, Federal Communications Commission, (202) 418–1600 or via the Internet at *Shaun.Maher@fcc.gov*. For additional information concerning OMB control numbers 3060–0016 and 3060–0932 and the expiration dates of the information collections should be directed to Cathy Williams, Federal Communications Commission, (202) 418–2918 or via the Internet at *Cathy.Williams@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission has received OMB approval for the revised information collections, OMB

Control Number 3060–0016 and 3060–0932, Amendment of parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and the Amend Rules for Digital Class A Television Stations, MB Docket No. 03–185; FCC 04–220. FCC 04–220 was published at 69 FR 69325 (November 29, 2004). Through this document, the Commission announces that it received OMB approval for OMB Control Numbers 3060–0016 and 3060–0932 on May 25, 2005 for the public information collections related to the new digital rules. The effective date for the rules contained in 47 CFR 74.701, 74.703, 74.705, 74.707, 74.710, and 74.786 through 74.796 is September 15, 2005.

Pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13, an agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, 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 control number.

OMB Control Number: 3060–0016.

OMB Approval Date: 05/25/2005.

OMB Expiration Date: 05/31/2008.

Title: Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator, or TV Booster Station.

Form Number: FCC Form 346.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, local or tribal government.

Number of Respondents: 4,500.

Estimated Hours per Response: 7 hours.

Total Annual Burden: 31,500 hours.

Total Annual Costs: $13,491,000.

Needs and Uses: Licensees/permittees/applicants use FCC Form 346 to apply for authority to construct or make changes in a Low Power Television, TV Translator, or TV Booster broadcast station. On September 9, 2004, the Commission adopted a Report and Order, FCC 04–220, MB Docket Number 03–185, In the Matter of parts 73 and 74 of the Commission's Rules to Established Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations. To implement the new rules, the Commission revised FCC Form 346 to allow licensees/permittees/applicants to use the revised FCC Form 346 to file for digital stations or for conversion of existing analog to digital.

Applicants are also subject to the third party disclosure requirements under 47 CFR 73.3580. Within 30 days of tendering the application, the applicant is required to publish a notice in a newspaper of general circulation when filing all applications for new or major changes in facilities—the notice is to appear at least twice a week for two consecutive weeks in a three-week period. A copy of this notice must be maintained with the application. FCC staff use the data to determine if the applicant is qualified, meets basic statutory and treaty requirements, and will not cause interference to other authorized broadcast services.

OMB Control Number: 3060–0932.

OMB Approval Date: 05/25/2005.

OMB Expiration Date: 05/31/2008.

Title: Application for Authority to Construct or Make Changes in a Class A TV Broadcast Station.

Form Number: FCC Form 301–CA.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, local or tribal government.

Number of Respondents: 650.

Estimated Hours per Response: 7 hours.

Total Annual Burden: 4,550 hours.

Total Annual Costs: $3,703,700.

Needs and Uses: The FCC 301–CA is to be used in all cases by a Class A television station licensees seeking to make changes in the authorized facilities of such station. The FCC Form 301–CA requires applicants to certify compliance with certain statutory and regulatory requirements. Detailed instructions provide additional information regarding Commission rules and policies.

On September 9, 2004, the Commission adopted a Report and Order, FCC 04–220, MB Docket Number 03–185, In the Matter of parts 73 and 74 of the Commission's Rules to Established Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations. To implement these amendments, the Commission revised FCC Form 301–CA to allow licensees to use the revised FCC Form 301–CA to file for digital broadcast stations or conversion of their analog stations to digital. Class A applicants are also subject to third party disclosure requirement of § 73.3580 which requires local public notice in a newspaper of general circulation of the filing of all applications for major changes in facilities. This notice must be completed within 30 days of the tendering of the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. A copy of this notice must be placed in the public inspection file along with the application.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–19514 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[MM Docket No. 9–339; FCC 00–258]

Implementation of Video Description of Video Programming

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) approved the information collection requirements contained in the *Implementation of Video Description of Video Programming,* Report and Order. The information collections contained in the Report and Order were approved by OMB on February 1, 2001.

DATES: 47 CFR 79.2, published at 65 FR 26757 (May 9, 2000), became effective August 29, 2000, at 65 FR 54176 (September 7, 2000). The revisions to 47 CFR 79.2 (a)(1), (b)(1) and (b)(3), published at 65 FR 54811 (September 11, 2000) became effective February 1, 2001.

FOR FURTHER INFORMATION CONTACT: Amelia Brown, Disability Rights Office, Consumer & Governmental Affairs Bureau, at (202) 418–2799 (voice) or (202) 418–0537 (TTY).

SUPPLEMENTARY INFORMATION: This document announces that OMB approved the information collection requirements contained in the *Implementation of Video Description of Video Programming,* Report and Order, FCC 00–258, published at 65 FR 54811 (September 11, 2000). The information collections were approved by OMB on February 1, 2001. OMB Control Number 3060–0967. The Commission publishes this notice of the effective date of the rules. 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* 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 February 1, 2001, for the collections of information contained in the *Implementation of Video Description of Video Programming* Report and Order, FCC 00–258. The total annual reporting burden associated with these collections of information, including the time for gathering and maintaining the collections of information, was estimated to be: 200 respondents, a total annual hourly burden of 275 hours, and $5,000 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.

List of Subjects in 47 CFR Part 79

Cable television, multi-channel video programming distributors (MVPDs), satellite television service providers, television broadcasters.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–19518 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 02–55; ET Docket No. 00–258; ET Docket No. 95–18, RM–9498; RM–10024; FCC 04–168]

Private Land Mobile Radio Services; 800 MHz Public Safety Interference Proceeding

AGENCY: Federal Communications Commission.

ACTION: Final rule; correcting amendments.

SUMMARY: The Federal Communications Commission published a document in the Federal Register on November 22, 2004 (69 FR 67823), revising Commission rules. That document inadvertently deleted 900 MHz frequencies available in § 90.613. This document corrects the final regulations by revising § 90.613 to add the deleted 900 MHz frequencies.

DATES: Effective September 28, 2005.

FOR FURTHER INFORMATION CONTACT: Brian Marenco, Associate Division Chief, *Brian.Marenco@fcc.gov,* Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, (202) 418–0838, TTY (202) 418–7233.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's (FCC) correction to the **Federal Register** document published on November 22, 2004, (69 FR 67823). Previously, the FCC released a Report and Order, which among other things reconfigured the 800 MHz band to alleviate interference to public safety communications. In the *Report and Order* the FCC revised the table of channel designations for 800 MHz frequencies in Section 90.613 of the rules to reflect its new 800 MHz band plan. However, the Federal Register document inadvertently deleted the portion of the table indicating the channel designations for 900 MHz frequencies in § 90.613. Out of an abundance of caution, in this document we are publishing the entire § 90.613 as it should appear in the CFR.

List of Subjects in 47 CFR Part 90

FCC equipment, Radio, Reporting and recordkeeping requirements.

■ Accordingly, 47 CFR Part 90 is corrected by making the following correcting amendments:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

■ 1. The authority citation for part 90 continues to read as follows:

Authority: Section 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

■ 2. Section 90.613, is revised to read as follows:

§ 90.613 Frequencies available.

The following table indicates the channel designations of frequencies available for assignment to eligible applicants under this subpart. Frequencies shall be assigned in pairs, with mobile and control station transmitting frequencies taken from the 806–824 MHz band with corresponding base station frequencies being 45 MHz higher and taken from the 851–869 MHz band, or with mobile and control station frequencies taken from the 896–901 MHz band with corresponding base station frequencies being 39 MHz higher and taken from the 935–940 MHz band. Only the base station transmitting frequency of each pair is listed in the following tables.

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS

Channel No.	Base frequency (MHz)
1	851.0125
2	.0375
3	.0500
4	.0625
5	.0750
6	.0875
7	.1000
8	.1125
9	.1250
10	.1375
11	.1500
12	.1625
13	.1750
14	.1875
15	.2000
16	.2125
17	.2250
18	.2375
19	.2500
20	.2625
21	.2750
22	.2875
23	.3000
24	.3125
25	.3250
26	.3375
27	.3500
28	.3625
29	.3750
30	.3875
31	.4000
32	.4125
33	.4250
34	.4375
35	.4500
36	.4625
37	.4750
38	.4875
39	.5125
40	.5375
41	.5500
42	.5625
43	.5750
44	.5875
45	.6000
46	.6125
47	.6250
48	.6375
49	.6500
50	.6625
51	.6750
52	.6875
53	.7000
54	.7125
55	.7250
56	.7375
57	.7500
58	.7625
59	.7750
60	.7875
61	.8000
62	.8125
63	.8250
64	.8375
65	.8500

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
66	.8625
67	.8750
68	.8875
69	.9000
70	.9125
71	.9250
72	.9375
73	.9500
74	.9625
75	.9750
76	.9875
77	852.0125
78	.0375
79	.0500
80	.0625
81	.0750
82	.0875
83	.1000
84	.1125
85	.1250
86	.1375
87	.1500
88	.1625
89	.1750
90	.1875
91	.2000
92	.2125
93	.2250
94	.2375
95	.2500
96	.2625
97	.2750
98	.2875
99	.3000
100	.3125
101	.3250
102	.3375
103	.3500
104	.3625
105	.3750
106	.3875
107	.4000
108	.4125
109	.4250
110	.4375
111	.4500
112	.4625
113	.4750
114	.4875
115	.5125
116	.5375
117	.5500
118	.5625
119	.5750
120	.5875
121	.6000
122	.6125
123	.6250
124	.6375
125	.6500
126	.6625
127	.6750
128	.6875
129	.7000
130	.7125
131	.7250
132	.7375
133	.7500
134	.7625

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
135	.7750
136	.7875
137	.8000
138	.8125
139	.8250
140	.8375
141	.8500
142	.8625
143	.8750
144	.8875
145	.9000
146	.9125
147	.9250
148	.9375
149	.9500
150	.9625
151	.9750
152	.9875
153	853.0125
154	.0375
155	.0500
156	.0625
157	.0750
158	.0875
159	.1000
160	.1125
161	.1250
162	.1375
163	.1500
164	.1625
165	.1750
166	.1875
167	.2000
168	.2125
169	.2150
170	.2375
171	.2500
172	.2625
173	.2750
174	.2875
175	.3000
176	.3125
177	.3250
178	.3375
179	.3500
180	.3625
181	.3750
182	.3875
183	.4000
184	.4125
185	.4250
186	.4375
187	.4500
188	.4625
189	.4750
190	.4875
191	.5000
192	.5125
193	.5250
194	.5375
195	.5500
196	.5625
197	.5750
198	.5875
199	.6000
200	.6125
201	.6250
202	.6375
203	.6500

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
204	.6625
205	.6750
206	.6875
207	.7000
208	.7125
209	.7250
210	.7375
211	.7500
212	.7625
213	.7750
214	.7875
215	.8000
216	.8125
217	.8250
218	.8375
219	.8500
220	.8625
221	.8750
222	.8875
223	.9000
224	.9125
225	.9250
226	.9375
227	.9500
228	.9625
229	.9750
230	.9875
231	854.0125
232	.0375
233	.0625
234	.0875
235	.1125
236	.1375
237	.1625
238	.1875
239	.2125
240	.2375
241	.2625
242	.2875
243	.3125
244	.3375
245	.3625
246	.3875
247	.4125
248	.4375
249	.4625
250	.4875
251	.5125
252	.5375
253	.5625
254	.5875
255	.6125
256	.6375
257	.6625
258	.6875
259	.7125
260	.7375
261	.7625
262	.7875
263	.8125
264	.8375
265	.8625
266	.8875
267	.9125
268	.9375
269	.9625
270	.9875
271	855.0125
272	.0375

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
273	.0625
274	.0875
275	.1125
276	.1375
277	.1625
278	.1875
279	.2125
280	.2375
281	.2625
282	.2875
283	.3125
284	.3375
285	.3625
286	.3875
287	.4125
288	.4375
289	.4625
290	.4875
291	.5125
292	.5375
293	.5625
294	.5875
295	.6125
296	.6375
297	.6625
298	.6875
299	.7125
300	.7375
301	.7625
302	.7875
303	.8125
304	.8375
305	.8625
306	.8875
307	.9125
308	.9375
309	.9625
310	.9875
311	856.0125
312	.0375
313	.0625
314	.0875
315	.1125
316	.1375
317	.1625
318	.1875
319	.2125
320	.2375
321	.2625
322	.2875
323	.3125
324	.3375
325	.3625
326	.3875
327	.4125
328	.4375
329	.4625
330	.4875
331	.5125
332	.5375
333	.5625
334	.5875
335	.6125
336	.6375
337	.6625
338	.6875
339	.7125
340	.7375
341	.7625

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
342	.7875
343	.8125
344	.8375
345	.8625
346	.8875
347	.9125
348	.9375
349	.9625
350	.9875
351	857.0125
352	.0375
353	.0625
354	.0875
355	.1125
356	.1375
357	.1625
358	.1875
359	.2125
360	.2375
361	.2625
362	.2875
363	.3125
364	.3375
365	.3625
366	.3875
367	.4125
368	.4375
369	.4625
370	.4875
371	.5125
372	.5375
373	.5625
374	.5875
375	.6125
376	.6375
377	.6625
378	.6875
379	.7125
380	.7375
381	.7625
382	.7875
383	.8125
384	.8375
385	.8625
386	.8875
387	.9125
388	.9375
389	.9625
390	.9875
391	858.0125
392	.0375
393	.0625
394	.0875
395	.1125
396	.1375
397	.1625
398	.1875
399	.2125
400	.2375
401	.2625
402	.2875
403	.3125
404	.3375
405	.3625
406	.3875
407	.4125
408	.4375
409	.4625
410	.4875

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
411	.5125
412	.5375
413	.5625
414	.5875
415	.6125
416	.6375
417	.6625
418	.6875
419	.7125
420	.7375
421	.7625
422	.7875
423	.8125
424	.8375
425	.8625
426	.8875
427	.9125
428	.9375
429	.9625
430	.9875
431	859.0125
432	.0375
433	.0625
434	.0875
435	.1125
436	.1375
437	.1625
438	.1875
439	.2125
440	.2375
441	.2625
442	.2875
443	.3125
444	.3375
445	.3625
446	.3875
447	.4125
448	.4375
449	.4625
450	.4875
451	.5125
452	.5375
453	.5625
454	.5875
455	.6125
456	.6375
457	.6625
458	.6875
459	.7125
460	.7375
461	.7625
462	.7875
463	.8125
464	.8375
465	.8625
466	.8875
467	.9125
468	.9375
469	.9625
470	.9875
471	860.0125
472	.0375
473	.0625
474	.0875
475	.1125
476	.1375
477	.1625
478	.1875
479	.2125

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
480	.2375
481	.2625
482	.2875
483	.3125
484	.3375
485	.3625
486	.3875
487	.4125
488	.4375
489	.4625
490	.4875
491	.5125
492	.5375
493	.5625
494	.5875
495	.6125
496	.6375
497	.6625
498	.6875
499	.7125
500	.7375
501	.7625
502	.7875
503	.8125
504	.8375
505	.8625
506	.8875
507	.9125
508	.9375
509	.9625
510	.9875
511	861.0125
512	.0375
513	.0625
514	.0875
515	.1125
516	.1375
517	.1625
518	.1875
519	.2125
520	.2375
521	.2625
522	.2875
523	.3125
524	.3375
525	.3625
526	.3875
527	.4125
528	.4375
529	.4625
530	.4875
531	.5125
532	.5375
533	.5625
534	.5875
535	.6125
536	.6375
537	.6625
538	.6875
539	.7125
540	.7375
541	.7625
542	.7875
543	.8125
544	.8375
545	.8625
546	.8875
547	.9125
548	.9375

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
549	.9625
550	.9875
551	862.0125
552	.0375
553	.0625
554	.0875
555	.1125
556	.1375
557	.1625
558	.1875
559	.2125
560	.2375
561	.2625
562	.2875
563	.3125
564	.3375
565	.3625
566	.3875
567	.4125
568	.4375
569	.4625
570	.4875
571	.5125
572	.5375
573	.5625
574	.5875
575	.6125
576	.6375
577	.6625
578	.6875
579	.7125
580	.7375
581	.7625
582	.7875
583	.8125
584	.8375
585	.8625
586	.8875
587	.9125
588	.9375
589	.9625
590	.9875
591	863.0125
592	.0375
593	.0625
594	.0875
595	.1125
596	.1375
597	.1625
598	.1875
599	.2125
600	.2375
601	.2625
602	.2875
603	.3125
604	.3375
605	.3625
606	.3875
607	.4125
608	.4375
609	.4625
610	.4875
611	.5125
612	.5375
613	.5625
614	.5875
615	.6125
616	.6375
617	.6625

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
618	.6875
619	.7125
620	.7375
621	.7625
622	.7875
623	.8125
624	.8375
625	.8625
626	.8875
627	.9125
628	.9375
629	.9625
630	.9875
631	864.0125
632	.0375
633	.0625
634	.0875
635	.1125
636	.1375
637	.1625
638	.1875
639	.2125
640	.2375
641	.2625
642	.2875
643	.3125
644	.3375
645	.3625
646	.3875
647	.4125
648	.4375
649	.4625
650	.4875
651	.5125
652	.5375
653	.5625
654	.5875
655	.6125
656	.6375
657	.6625
658	.6875
659	.7125
660	.7375
661	.7625
662	.7875
663	.8125
664	.8375
665	.8625
666	.8875
667	.9125
668	.9375
669	.9625
670	.9875
671	865.0125
672	.0375
673	.0625
674	.0875
675	.1125
676	.1375
677	.1625
678	.1875
679	.2125
680	.2375
681	.2625
682	.2875
683	.3125
684	.3375
685	.3625
686	.3875

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
687	.4125
688	.4375
689	.4625
690	.4875
691	.5125
692	.5375
693	.5625
694	.5875
695	.6125
696	.6375
697	.6625
698	.6875
699	.7125
700	.7375
701	.7625
702	.7875
703	.8125
704	.8375
705	.8625
706	.8875
707	.9125
708	.9375
709	.9625
710	.9875
711	866.0125
712	.0375
713	.0625
714	.0875
715	.1125
716	.1375
717	.1625
718	.1875
719	.2125
720	.2375
721	.2625
722	.2875
723	.3125
724	.3375
725	.3625
726	.3875
727	.4125
728	.4375
729	.4625
730	.4875
731	.5125
732	.5375
733	.5625
734	.5875
735	.6125
736	.6375
737	.6625
738	.6875
739	.7125
740	.7375
741	.7625
742	.7875
743	.8125
744	.8375
745	.8625
746	.8875
747	.9125
748	.9375
749	.9625
750	.9875
751	867.0125
752	.0375
753	.0625
754	.0875
755	.1125

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
756	.1375
757	.1625
758	.1875
759	.2125
760	.2375
761	.2625
762	.2875
763	.3125
764	.3375
765	.3625
766	.3875
767	.4125
768	.4375
769	.4625
770	.4875
771	.5125
772	.5375
773	.5625
774	.5875
775	.6125
776	.6375
777	.6625
778	.6875
779	.7125
780	.7375
781	.7625
782	.7875
783	.8125
784	.8375
785	.8625
786	.8875
787	.9125
788	.9375
789	.9625
790	.9875
791	868.0125
792	.0375
793	.0625
794	.0875
795	.1125
796	.1375
797	.1625
798	.1875
799	.2125
800	.2375
801	.2625
802	.2875
803	.3125
804	.3375
805	.3625
806	.3875
807	.4125
808	.4375
809	.4625
810	.4875
811	.5125
812	.5375
813	.5625
814	.5875
815	.6125
816	.6375
817	.6625
818	.6875
819	.7125
820	.7375
821	.7625
822	.7875
823	.8125
824	.8375

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
825	.8625
826	.8875
827	.9125
828	.9375
829	.9625
830	.9875

TABLE OF 896–901/935–940 MHZ CHANNEL DESIGNATIONS

Channel No.	Base Frequency (MHz)
1	935.0125
2	.0250
3	.0375
4	.0500
5	.0625
6	.0750
7	.0875
8	.1000
9	.1125
10	.1250
11	.1375
12	.1500
13	.1625
14	.1750
15	.1875
16	.2000
17	.2125
18	.2250
19	.2375
20	.2500
21	.2625
22	.2750
23	.2875
24	.3000
25	.3125
26	.3250
27	.3375
28	.3500
29	.3625
30	.3750
31	.3875
32	.4000
33	.4125
34	.4250
35	.4375
36	.4500
37	.4625
38	.4750
39	.4875
40	.5000
41	.5125
42	.5250
43	.5375
44	.5500
45	.5625
46	.5750
47	.5875
48	.6000
49	.6125
50	.6250
51	.6375
52	.6500
53	.6625
54	.6750

TABLE OF 896–901/935–940 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base Frequency (MHz)
55	.6875
56	.7000
57	.7125
58	.7250
59	.7375
60	.7500
61	.7626
62	.7750
63	.7875
64	.8000
65	.8125
66	.8250
67	.8375
68	.8500
69	.8625
70	.8750
71	.8875
72	.9000
73	.9125
74	.9250
75	.9375
76	.9500
77	.9625
78	.9750
79	.9875
80	936.0000
81	.0125
82	.0250
83	.0375
84	.0500
85	.0625
86	.0750
87	.0875
88	.1000
89	.1125
90	.1250
91	.1375
92	.1500
93	.1625
94	.1750
95	.1875
96	.2000
97	.2125
98	.2250
99	.2375
100	.2500
101	.2625
102	.2750
103	.2875
104	.3000
105	.3125
106	.3250
107	.3375
108	.3500
109	.3625
110	.3750
111	.3875
112	.4000
113	.4125
114	.4250
115	.4375
116	.4500
117	.4625
118	.4750
119	.4875
120	.5000
121	.5125
122	.5250
123	.5375

TABLE OF 896–901/935–940 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base Frequency (MHz)
124	.5500
125	.5625
126	.5750
127	.5875
128	.6000
129	.6125
130	.6250
131	.6375
132	.6500
133	.6625
134	.6750
135	.6875
136	.7000
137	.7125
138	.7250
139	.6375
140	.7500
141	.7625
142	.7750
143	.7875
144	.8000
145	.8125
146	.8250
147	.8375
148	.8500
149	.8625
150	.8750
151	.8875
152	.9000
153	.9125
154	.9250
155	.9375
156	.9500
157	.9625
158	.9750
159	.9875
160	937.0000
161	.0125
162	.0250
163	.0375
164	.0500
165	.0625
166	.0750
167	.0875
168	.1000
169	.1125
170	.1250
171	.1375
172	.1500
173	.1625
174	.1750
175	.1875
176	.2000
177	.2125
178	.2250
179	.2375
180	.2500
181	.2625
182	.2750
183	.2875
184	.3000
185	.3125
186	.3250
187	.3375
188	.3500
189	.3625
190	.3750
191	.3875
192	.4000

TABLE OF 896–901/935–940 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base Frequency (MHz)
193	.4125
194	.4250
195	.4375
196	.4500
197	.4625
198	.4750
199	.4875
200	.5000
201	.5125
202	.5250
203	.5375
204	.5500
205	.5625
206	.5750
207	.5875
208	.6000
209	.6125
210	.6250
211	.6375
212	.6500
213	.6625
214	.6750
215	.6875
216	.7000
217	.7125
218	.7250
219	.7375
220	.7500
221	.7625
222	.7750
223	.7875
224	.8000
225	.8125
226	.8250
227	.8375
228	.8500
229	.8625
230	.8750
231	.8875
232	.9000
233	.9125
234	.9250
235	.9475
236	.9500
237	.9625
238	.9750
239	.9875
240	938.0000
241	.0125
242	.0250
243	.0375
244	.0500
245	.0625
246	.0750
247	.0875
248	.1000
249	.1125
250	.1250
251	.1375
252	.1500
253	.1625
254	.1750
255	.1875
256	.2000
257	.2125
258	.2250
259	.2375
260	.2500
261	.2625

TABLE OF 896–901/935–940 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base Frequency (MHz)
262	.2750
263	.2875
264	.3000
265	.3125
266	.3250
267	.3375
268	.3500
269	.3625
270	.3750
271	.3875
272	.4000
273	.4125
274	.4250
275	.4375
276	.4500
277	.4625
278	.4750
279	.4875
280	.5000
281	.5125
282	.5250
283	.5375
284	.5500
285	.5625
286	.5750
287	.5875
288	.6000
289	.6125
290	.6250
291	.6375
292	.6500
293	.6625
294	.6750
295	.6875
296	.7000
297	.7125
298	.7250
299	.7375
300	.7500
301	.7625
302	.7750
303	.7875
304	.8000
305	.8125
306	.8250
307	.8375
308	.8500
309	.8625
310	.8750
311	.8875
312	.9000
313	.9125
314	.9250
315	.9375
316	.9500
317	.9625
318	.9750
319	.9875
320	939.0000
321	.0125
322	.0250
323	.0375
324	.0500
325	.0625
326	.0750
327	.0875
328	.1000
329	.1125
330	.1250

TABLE OF 896–901/935–940 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base Frequency (MHz)
331	.1375
332	.1500
333	.1625
334	.1750
335	.1875
336	.2000
337	.2125
338	.2250
339	.2375
340	.2500
341	.2625
342	.2750
343	.2875
344	.3000
345	.3125
346	.3250
347	.3375
348	.3500
349	.3625
350	.3750
351	.3875
352	.4000
353	.4125
354	.4250
355	.4375
356	.4500
357	.4625
358	.4750
359	.4875
360	.5000
361	.5125
362	.5250
363	.5375
364	.5500
365	.5625
366	.5750
367	.5875
368	.6000
369	.6125
370	.6250
371	.6375
372	.6500
373	.6625
374	.6750
375	.6875
376	.7000
377	.7125
378	.7250
379	.7375
380	.7500
381	.7625
382	.7750
383	.7875
384	.8000
385	.8125
386	.8250
387	.8375
388	.8500
389	.8625
390	.8750
391	.8875
392	.9000
393	.9125
394	.9250
395	.9375
396	.9500
397	.9625
398	.9750
399	.9875

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–18698 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 383 and 384

[Docket No. FMCSA–2005–21603]

RIN 2126–AA94

Commercial Driver's License Standards; School Bus Endorsement

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Interim final rule.

SUMMARY: FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to specify that a driver who passed knowledge and skills tests approved by the Agency for a Commercial Driver's License (CDL) school bus endorsement prior to September 30, 2002, meets the requirements of 49 CFR 383.123. FMCSA also amends the FMCSRs to provide that States have until September 30, 2006, to administer knowledge and skills tests that comply, to all school bus drivers. Finally, to conform with extension of the compliance date, the expiration date for allowing States to waive the driving skills test under 49 CFR 383.123(b) is extended to September 30, 2006. As a result of this interim rule, the 2-year exemptions for drivers in 11 States from the knowledge and skills testing requirement proposed in the FMCSA notice published July 14, 2005, are no longer necessary.

DATES: Effective September 28, 2005. Comments must be received by October 28, 2005.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FMCSA–2005–21603 by any of the following methods:

- Web site: *http://dms.dot.gov*. Follow the instructions for submitting comments on the DOT electronic site.
- Fax: 1–202–493–2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- Hand Delivery: 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.

• Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number (FMCSA–2005–21603) or Regulatory Identification Number (RIN) for this rulemaking (RIN 2126–AA94). Note that all comments received will be posted without change to *http://dms.dot.gov*, including any personal information provided. Please see the Privacy Act heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to 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.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or you may visit *http://dms.dot.gov*.

Comments received after the comment closing date will be included in the docket, and we will consider late comments to the extent practicable. FMCSA may, however, issue a final rule at any time after the close of the comment period.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Lamm, Chief, State Programs Division (MC–ESS), Federal Motor Carrier Safety Administration, 202–366–6830.

SUPPLEMENTARY INFORMATION:

Legal Basis for Rulemaking

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Pub. L. 9–570) established the commercial driver's license (CDL) program and directed the Secretary of Transportation to prescribe regulations establishing minimum standards which States must meet when licensing drivers of commercial motor vehicles (CMVs), as defined in 49 U.S.C. 31301.[1] Sec. 12005 of the CMVSA directed that these regulations must, among other things, prescribe minimum standards for written and driving tests of an individual operating a CMV (see 49 U.S.C. 31305). The regulations governing minimum testing and fitness standards for obtaining a CDL are contained in 49 CFR part 383.

Section 214 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Pub. L. 106–159) directed the Secretary to establish, through rulemaking, a special CDL endorsement for drivers of school buses. At a minimum, this endorsement must include a driving skills test in a school bus, and address proper safety procedures for loading and unloading children, using emergency exits and traversing highway rail grade crossings (see 49 U.S.C. 31305 note). The regulations implementing section 214 of MCSIA are found at 49 CFR 383.123. As provided in 49 CFR 384.301, States must implement § 383.123 no later than September 30, 2005.

Section 4140(a) of the recently enacted Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU or the Act) (Pub. L. 10-59) requires the Secretary to ''* * * recognize any driver who passes a test approved by the Federal Motor Carrier Safety Administration as meeting the knowledge test requirement for a school bus endorsement under section 383.123 of title 49, Code of Federal Regulations.'' Because § 383.123 requires a driver to pass both knowledge and skills tests, FMCSA interprets the Act to require the Secretary to recognize any driver who passes approved knowledge and skills tests. As discussed in greater detail later in this interim final rule, section 4140 was enacted in response to FMCSA's previous determination that a driver who passed a State's knowledge and skills tests before the September 30, 2002, effective date of § 383.123, would not be in compliance with that section, even if the tests were compatible with the Federal standards. Section 4140(a) overrides FMCSA's determination and eliminates the need for States to retest drivers who passed State knowledge and skills tests before September 30, 2002, that FMCSA determines are compatible with § 383.123.

Section 4140(b) of the Act was enacted in response to requests to Congress from interested parties, including the States, to extend the compliance date for meeting the Federal testing requirement from September 30, 2005, to September 30, 2006. Currently section 383.123(b) permits States to waive the driving skills test requirement for currently-licensed school bus drivers who meet certain conditions. However, this provision expires on September 30, 2005. Because this sunset date for waiving the skills tests is part of the testing provisions of § 383.123, FMCSA interprets this section of the Act as also having extended the sunset date of § 383.123(b) from September 30, 2005, to September 30, 2006.

This interim final rule implements section 4140 of SAFETEA–LU. FMCSA issues this interim rule without prior notice and opportunity to comment under section 4 of the Administrative Procedure Act (APA) [5 U.S.C. 553(b)]. Section 4 of the APA allows the Agency to issue a final rule without notice and opportunity to comment when the agency, for good cause, finds that notice and comment procedures are ''impracticable, unnecessary or contrary to the public interest.'' Prior notice and opportunity to comment are impracticable for this interim final rule because Congress directed, in section 4140, that States be given until September 30, 2006, to comply with 49 CFR 383.123, rather than September 30, 2005. Therefore, it is necessary to implement the regulatory changes required by section 4140 before October 1, 2005, to specify that States have an additional year to comply with § 383.123. Because of the need for expedited action, FMCSA finds that providing prior notice and opportunity for public comment under 5 U.S.C. 553(b) is impracticable and contrary to the public interest. Furthermore, because the regulatory changes made by this rule must take effect by no later than September 30, 2005, FMCSA finds there is good cause to make this rule effective upon publication, in accordance with APA provisions found at 5 U.S.C. 553(d).

Background

MCSIA included 17 new provisions aimed at improving the overall effectiveness of the CDL program. Section 214 of MCSIA, codified at 49 U.S.C. 31311(a), directed FMCSA to establish a special CDL endorsement for drivers of school buses. The endorsement is to, at a minimum, include:

1. A driving skills test conducted in a school bus; and
2. A knowledge test that addresses proper safety procedures for—
   a. Loading and unloading children;
   b. Using emergency exits; and
   c. Traversing highway rail grade crossings.

A final rule implementing most of the MCSIA provisions, including the school bus endorsement, was published on July

[1] As pertinent to this rulemaking, a CMV is a motor vehicle used in commerce that is designed to transport at least 16 passengers, including the driver. See 49 U.S.C. 31301(4)(B).

31, 2002, [67 FR 49742] and became effective on September 30, 2002.

Under 49 CFR 384.301(b), States were allowed up to 3 years after the effective date of the regulation to implement the new CDL requirements. Thus, by September 30, 2005, each State was required to pass enabling legislation or issue regulations, as necessary, and begin enforcing the new provisions, including the school bus (''S'') endorsement. States that failed to meet the deadline would be considered ''not in substantial compliance'' with 49 U.S.C. 31311(a) and subject to the loss of highway grant funds, in accordance with 49 CFR part 384, subpart D.

FMCSA worked with States to determine whether their tests would be in compliance with the new school bus endorsement requirement. An example of these efforts is documented by the October 22, 2004, letter to Ohio approving its CDL school bus tests as meeting the requirements of § 383.123. The letter clearly points out that FMCSA approval applies only to drivers who took the tests on or after September 30, 2002. A copy of the letter to Ohio is in the docket for this rulemaking.

At the annual American Association of Motor Vehicle Administrators (AAMVA)/FMCSA co-sponsored meeting for CDL coordinators from all States, held in December 2004, FMCSA was asked to explain more details about the school bus endorsement requirement. FMCSA explained that because § 383.123 sets current and future requirements, tests administered before the rule took effect could not be recognized as complying with the rule. Therefore, every current school bus driver was required to take and pass the tests required by § 383.123 on or after September 30, 2002. Drivers who passed otherwise compatible State tests before September 30, 2002, would have to be retested before September 30, 2005, if the States were to remain in substantial compliance under 49 CFR part 384.

Subsequently, Ohio wrote to FMCSA expressing its disagreement with FMCSA's position that only school bus drivers who had passed the State's FMCSA approved test on or after September 30, 2002, could be issued an ''S'' endorsement. Ohio was unhappy about the costs associated with retesting drivers who had passed an approved test, particularly because it did not see how the retesting requirement contributed to safety. A copy of Ohio's letter to FMCSA is in the docket for this rulemaking. Other States also advised FMCSA that they needed an alternative to reduce the near-term burden on those States that previously administered compatible knowledge and skills tests to drivers, and who did not require such drivers to retake the knowledge and skills tests for the school bus endorsement when they last renewed their CDLs.

Two separate actions were initiated to mitigate the potential adverse impact on school bus operations for the fall of 2005. First, based on expressions from State representatives at the AAMVA meeting, the letter from Ohio and similar expressions from other States, FMCSA began a process to grant 2-year exemptions from testing requirements for school bus drivers who had passed tests compatible with FMCSA's requirements before September 30, 2002. Second, several interested parties, including the States, the National Education Association, and the school bus transportation industry requested Congress to grant authority for FMCSA to accept certain tests administered prior to September 30, 2002, and to extend the September 30, 2005, compliance date for issuing school bus CDL endorsements for all States, as part of the transportation reauthorization bill (subsequently SAFETEA–LU).

FMCSA initiated its effort to offer 2-year exemptions to drivers through a memorandum to all FMCSA Division Administrators, dated March 25, 2005, signed by William Paden, Associate Administrator for Enforcement and Program Delivery. That memorandum and the FMCSA response to Ohio based on this initiative are in the docket for this rulemaking.

Each Division Administrator was to notify his or her State that the State could apply on behalf of its drivers for 2-year exemptions from the retesting requirement. If the State wished to do so, it was to submit copies of its tests administered before September 30, 2002, including what was the minimum allowed passing test score. FMCSA would review the tests and determine whether the tests were compatible. A determination of whether exemptions would be granted to the drivers would be made according to the procedures of Part 381, Subpart C—Procedures for Applying for Exemptions. Sixteen States responded to that announcement.

Tests submitted by three States were not deemed to meet the new requirements of § 383.123, and two States withdrew their tests from consideration. Thus, tests for school bus drivers that were administered by 11 States prior to September 30, 2002, were determined by FMCSA to meet the requirements of the current regulations. The State submissions also provided a measure of the number of school bus CDL drivers who would need to be retested absent the proposed exemption.

FMCSA proposed in a July 14, 2005, notice [70 FR 40779] to grant 2-year exemptions to the approximately 170,000 drivers identified by these 11 approved States. The applications in response to the FMCSA initiative, from the 11 approved States, are in the docket for this rulemaking. Even with the proposed 2-year exemption for those drivers, they would have been required to be retested by the end of the 2-year exemption period.

The 11 States whose tests administered before September 30, 2002 were recognized by FMCSA as meeting Federal regulations are: Alabama, Delaware, Illinois, Minnesota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin. These States required applicants to take a skills test in a school bus of the same vehicle group as the vehicle the applicant intended to drive. They also used school bus knowledge tests that incorporated the three topics required by § 383.123:

1. Loading and unloading children, including the safe operation of stop signals, external mirror systems, flashing lights and other warning devices and passenger safety devices required for school buses by State or Federal law or regulation.

2. Emergency exits and procedures for safely evacuating passengers in an emergency.

3. State and Federal laws and regulations related to safely traversing highway rail grade crossings.

All comments to the docket for the July 14, 2005, notice supported the proposed exemption. The commenters also pointed out that unless some form of relief, such as the driver exemptions in the proposed notice, was granted to their State from the September 30, 2005, compliance retesting deadline, school bus operations would experience major driver shortage problems beginning the first school day in October 2005.

A second initiative took place at the same time. Several interested parties including the States, the National Education Association, and the school bus transportation industry, also requested Congress to: (1) Clarify that tests administered before September 30, 2002 that complied with FMCSA standards meet the compliance provisions of the CDL school bus endorsement; and (2) extend the compliance date for the school bus endorsement requirement.

In response to the first part of their request, Congress enacted section 4140(a) of SAFETEA–LU directing the Secretary to recognize any driver who passes a test approved by FMCSA as meeting the knowledge test requirement

for a school bus endorsement under 49 CFR 383.123. Because § 383.123 requires both knowledge and skills tests, FMCSA believes Congress intended to give FMCSA the authority to accept FMCSA-approved knowledge *and skills* tests administered prior to September 30, 2002, as being in compliance with § 383.123. This is the interpretation FMCSA is adopting today in this IFR. Therefore, 2-year exemptions for such drivers in the 11 approved States are no longer necessary or appropriate.

Additionally, in response to the second part of their request, section 4140(b) requires that all States be given an additional year to fully implement 49 CFR 383.123. Therefore, the compliance date in § 384.301(b) for full implementation and enforcement of the requirements in 49 CFR 383.123 is extended to September 30, 2006. Because § 383.123(b)(3), which includes a sunset date for waiving the skills test, is explicitly tied to the compliance date of September 30, 2005, FMCSA believes Congress also intended that the sunset date be extended to September 30, 2006. This is the interpretation FMCSA is adopting today in this IFR.

The provisions of this IFR, as directed by section 4140 of SAFETEA–LU, provide the required relief cited by the States in the docket, and thus avoids any adverse impact on school bus driver availability beginning the first school day in October 2005.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FMCSA determined this action is a not a significant regulatory action according to Executive Order 12866, and is not significant within the meaning of Department of Transportation regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; 44 FR 11034, February 26, 1979). This rule implements congressionally-mandated changes, including acceptance of approved knowledge and skills tests administered prior to September 30, 2002, for CDL school bus endorsements, and States are provided an additional year to finish administering such knowledge and skills tests to school bus drivers. There are no new costs imposed on the States.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), requires Federal agencies to analyze the impact of rulemakings on small entities, unless the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The Agency certifies that this interim final rule does not have a significant economic impact on a substantial number of small entities. This rule does not impose any additional costs or burdens on school bus companies or local governments. A brief analysis of the impact of this rule on small entities has been placed in the docket for this rulemaking.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; 2 U.S.C. 1532) requires each agency to assess the effects of its regulatory actions on State, local, and tribal governments and the private sector. The Act requires that any agency promulgating a final rule likely to result in a Federal mandate requiring expenditures by a State, local, or tribal government or by the private sector of $100 million or more in any one year must prepare a written statement incorporating various assessments, estimates, and descriptions that are delineated in the Act. The Department of Transportation uses a threshold value of $120.7 million, which is the value of $100 million 1995 dollars inflated to 2003 dollars. FMCSA has determined that the changes in this rulemaking will not have an impact of $120.7 million or more in any one year.

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (April 23, 1997, 62 FR 19885), requires that agencies issuing ''economically significant'' rules that also have an environmental health or safety risk that an agency has reason to believe may disproportionately affect children must include an evaluation of the environmental health and safety effects of the regulation on children. Section 5 of Executive Order 13045 directs an agency to submit for a ''covered regulatory action'' an evaluation of its environmental health or safety effects on children. The agency has determined that this rule is not a ''covered regulatory action'' as defined under Executive Order 13045.

Executive Order 12630 (Taking of Private Property)

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Executive Order 13132 (Federalism)

Congress initially mandated establishment of CDL school bus endorsements in MCSIA. Congress most recently, in section 4140 of SAFETEA–LU, mandated that FMCSA-approved tests given before September 30, 2002, be accepted as meeting the requirement for a school bus endorsement, and that States be given an additional year to meet the school bus endorsement requirement of MCSIA. There are no new Federalism impacts associated with this rulemaking's implementation of the Congressional mandate.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) requires Federal agencies to obtain approval from OMB for each collection of information they conduct, sponsor, or require through regulations. FMCSA has determined that the changes in this interim final rule will not change any of the existing information collection requirements.

National Environmental Policy Act

The agency analyzed this Interim Final Rule for the purpose of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and determined under our environmental procedures Order 5610.1, published March 1, 2004 in the **Federal Register** (69 FR 9680), that this action is categorically excluded (CE) under Appendix 2, paragraph 6.s (6) of the Order from further environmental documentation. That CE relates to establishing regulations and actions taken pursuant to these regulations that concern requirements for States to give knowledge and skills tests to all qualified applicants for commercial driver's licenses. In addition, the agency believes that the action includes no extraordinary circumstances that would have any effect on the quality of the environment. Thus, the action does not

require an environmental assessment or an environmental impact statement.

We have also analyzed this proposed rule under the Clean Air Act, as amended (CAA) section 176(c), (42 U.S.C. 7401 *et seq.*) and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's General conformity requirement since it involves rulemaking and policy development and issuance. See 40 CFR 93.153(c)(2). It would not result in any emissions increase nor would it have any potential to result in emissions that are above the general conformity rule's *de minimis* emission threshold levels. Moreover, it is reasonably foreseeable that the rule would not increase total CMV mileage, change the routing of CMVs, how CMVs operate, or the CMV fleet-mix of motor carriers. This action merely clarifies procedures and extends compliance dates for CDL school bus operators obtaining a school bus endorsement on their CDL.

Executive Order 13211 (Energy Supply, Distribution, or Use)

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. This action is not a significant energy action within the meaning of section 4(b) of the Executive Order because it is not economically significant and not likely to have a significant adverse effect on the supply, distribution, or use of energy. Additionally, the Administrator of the Office of Information and Regulatory Affairs has not designated this rule as a significant energy action. For these reasons, a Statement of Energy Effects under Executive Order 13211 is not required.

List of Subjects

49 CFR Part 383

Administrative practice and procedure, Highway safety, and Motor carriers.

49 CFR Part 384

Administrative practice and procedure, Highway safety, and Motor carriers.

■ In consideration of the foregoing, FMCSA amends title 49, Code of Federal Regulations chapter III, subchapter B, as set forth below.

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES

■ 1. The authority citation for 49 CFR part 383 is revised to read as follows:

Authority: 49 U.S.C. 521, 31136, 31301 *et seq.*, 31502; sec. 214 of Pub. L. 106–159, 113 Stat. 1766, 1767; sec. 1012(b) of Pub. L. 107–56, 115 Stat. 397; sec. 4140 of Pub. L. 10-59, 119 Stat. 1144; and 49 CFR 1.73.

■ 2. Amend § 383.123 by adding a new paragraph (a)(4), and revising paragraph (b)(3) to read as follows:

§ 383.123 Requirements for a school bus endorsement.

(a) * * *

(4) *Exception.* Knowledge and skills tests administered before September 30, 2002 and approved by FMCSA as meeting the requirements of this section, meet the requirements of paragraphs (a)(2) and (a)(3) of this section.

(b) * * *

(3) After September 30, 2006, the provisions in paragraph (b) of this section do not apply.

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

■ 3. The authority citation for part 384 is revised to read as follows:

Authority: 49 U.S.C. 31136, 31301 *et seq.*, 31502; sec. 103 of Pub. L. 106–159, 113 Stat. 1753, 1767; sec. 4140 of Pub. L. 10-59, 119 Stat. 1144; and 49 CFR 1.73.

■ 4. Section 384.301 is amended by revising paragraph (b) to read as follows:

§ 384.301 Substantial compliance-general requirements.

* * * * *

(b)(1) A State must come into substantial compliance with the requirements of subpart B of this part in effect as of September 30, 2002 as soon as practical, but, unless otherwise specifically provided in this part, not later than September 30, 2005.

(2) *Exception.* A State must come into substantial compliance with 49 CFR 383.123 not later than September 30, 2006.

Issued on: September 20, 2005.

Annette M. Sandberg,

Administrator.

[FR Doc. 05–19292 Filed 9–27–05; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 223

[Docket No. 050922245–5245–01; I.D. 092005A]

RIN 0648–AT89

Sea Turtle Conservation; Shrimp Trawling Requirements

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

ACTION: Temporary rule.

SUMMARY: NMFS issues this temporary rule for a period of 30 days, to allow shrimp fishermen to use limited tow times as an alternative to Turtle Excluder Devices (TEDs) in state and Federal waters from the Florida/Alabama border, westward to the boundary of Cameron Parish, Louisiana (approximately 92° 37′ W. long.), and extending offshore 50 nautical miles. This action is necessary because environmental conditions resulting from Hurricane Katrina are preventing some fishermen from using TEDs effectively.

DATES: Effective from September 23, 2005 through October 24, 2005.

ADDRESSES: Requests for copies of the Environmental Assessment on this action should be addressed to the Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Michael Barnette, 727–551–5794.

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA). The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) turtles are listed as endangered. The loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered.

Sea turtles are incidentally taken and killed as a result of numerous activities, including fishery-related trawling activities in the Gulf of Mexico and along the Atlantic seaboard. Under the ESA and its implementing regulations,

the taking of sea turtles is prohibited, with exceptions identified in 50 CFR 223.206(d), or according to the terms and conditions of a biological opinion issued under section 7 of the ESA, or according to an incidental take permit issued under section 10 of the ESA. The incidental taking of turtles during shrimp or summer flounder trawling is exempted from the taking prohibition of section 9 of the ESA if the conservation measures specified in the sea turtle conservation regulations (50 CFR 223) are followed. The regulations require most shrimp trawlers and summer flounder trawlers operating in the southeastern United States (Atlantic area, Gulf area, and summer flounder sea turtle protection area, see 50 CFR 223.206) to have a NMFS-approved TED installed in each net that is rigged for fishing to allow sea turtles to escape. TEDs currently approved by NMFS include single-grid hard TEDs and hooped hard TEDs conforming to a generic description, the flounder TED, and one type of soft TED the Parker soft TED (see 50 CFR 223.207).

TEDs incorporate an escape opening, usually covered by a webbing flap, which allows sea turtles to escape from trawl nets. To be approved by NMFS, a TED design must be shown to be 97 percent effective in excluding sea turtles during testing based upon specific testing protocols (50 CFR 223.207(e)(1)). Most approved hard TEDs are described in the regulations (50 CFR 223.207(a)) according to generic criteria based upon certain parameters of TED design, configuration, and installation, including height and width dimensions of the TED opening through which the turtles escape.

The regulations governing sea turtle take prohibitions and exemptions provide for the use of limited tow times as an alternative to the use of TEDs for vessels with certain specified characteristics or under certain special circumstances. The provisions of 50 CFR 223.206(d)(3)(ii) specify that the NOAA Assistant Administrator for Fisheries (AA) may authorize compliance with tow time restrictions as an alternative to the TED requirement if the AA determines that the presence of algae, seaweed, debris, or other special environmental conditions in a particular area makes trawling with TED-equipped nets impracticable. The provisions of 50 CFR 223.206(d)(3)(i) specify the maximum tow times that may be used when tow time limits are authorized as an alternative to the use of TEDs. Each tow may be no more than 55 minutes from April 1 through October 31 and no more than 75 minutes from November 1 through March 31, as measured from the time that the trawl doors enter the water until they are removed from the water. These tow time limits are designed to minimize the level of mortality of sea turtles that are captured by trawl nets not equipped with TEDs.

Recent Events

On September 12, 2005, the NMFS Southeast Regional Administrator received requests from the Marine Fisheries Division of the Alabama Department of Conservation and Natural Resources (ALDCNR) and the Louisiana Department of Wildlife and Fisheries (LADWF) to allow the use of tow times as an alternative to TEDs in state and Federal waters because of the presence of excessive storm-related debris on the fishing grounds as a result of Hurricane Katrina. NMFS received a similar request from the Mississippi Department of Marine Resources (MDMR) on September 13. When a TED is clogged with debris, it can no longer catch shrimp effectively nor can it effectively exclude turtles. Phone conversations between NMFS Southeast Region's Protected Resources staff, fishermen, and state resource agency staffs confirm there are problems with debris in state and Federal waters off Alabama, westward to the boundary of Cameron Parish, Louisiana, and extending offshore 50 nautical miles, which are likely to affect the effectiveness of TEDs.

Special Environmental Conditions

The AA finds that debris washed into state and fFederal waters by Hurricane Katrina from the Florida/Alabama border, westward to the boundary of Cameron Parish, Louisiana (approximately 92° 37′ W. long.), and extending offshore 50 nautical miles, has created special environmental conditions that make trawling with TED-equipped nets impracticable. Therefore, the AA issues this notification to authorize the use of restricted tow times as an alternative to the use of TEDs in state and federal waters off Alabama, westward to the boundary of Cameron Parish, Louisiana (approximately 92° 37′ W. long.), and extending offshore 50 nautical miles, for a period of 30 days. Tow times must be limited to no more than 55 minutes measured from the time trawl doors enter the water until they are retrieved from the water.

Continued Use of TEDs

NMFS encourages shrimp trawlers in the affected areas to continue to use TEDs if possible, even though they are authorized under this action to use restricted tow times.

NMFS' gear experts have provided several general operational recommendations to fishermen to maximize the debris exclusion ability of TEDs that may allow some fishermen to continue using TEDs without resorting to restricted tow times. To exclude debris, NMFS recommends the use of hard TEDs made of either solid rod or of hollow pipe that incorporate a bent angle at the escape opening, in a bottom-opening configuration. In addition, the installation angle of a hard TED in the trawl extension is an important performance element in excluding debris from the trawl. High installation angles can trap debris either on or in front of the bars of the TED; NMFS recommends an installation angle of 45°, relative to the normal horizontal flow of water through the trawl, to optimize the TED's ability to exclude turtles and debris. Furthermore, the use of accelerator funnels, which are allowable modifications to hard TEDs, is not recommended in areas with heavy amounts of debris or vegetation. Lastly, the webbing flap that is usually installed to cover the turtle escape opening may be modified to help exclude debris quickly: the webbing flap can either be cut horizontally to shorten it so that it does not overlap the frame of the TED or be slit in a fore-and-aft direction to facilitate the exclusion of debris. The use of the double cover flap TED will also aid in debris exclusion.

All of these recommendations represent legal configurations of TEDs for shrimpers fishing in the affected areas. This action does not authorize any other departure from the TED requirements, including any illegal modifications to TEDs. In particular, if TEDs are installed in trawl nets, they may not be sewn shut.

Alternative to Required Use of TEDs

The authorization provided by this rule applies to all shrimp trawlers that would otherwise be required to use TEDs in accordance with the requirements of 50 CFR 223.206(d)(2) who are operating in state and Federal waters affected by Hurricane Katrina off Alabama, westward to the boundary of Cameron Parish, Louisiana (approximately 92° 37′ W. long.), and extending offshore 50 nautical miles, for a period of 30 days. Through this temporary rule, shrimp trawlers may chose either restricted tow times or TEDs to comply with the sea turtle conservation regulations, as prescribed above.

Alternative to Required Use of TEDs; Termination

The AA, at any time, may withdraw or modify this temporary authorization to use tow time restrictions in lieu of TEDs through publication of a notice in the **Federal Register**, if necessary to ensure adequate protection of endangered and threatened sea turtles. Under this procedure, the AA may modify the affected area or impose any necessary additional or more stringent measures, including more restrictive tow times, synchronized tow times, or withdrawal of the authorization if the AA determines that the alternative authorized by this rule is not sufficiently protecting turtles or no longer needed. The AA may also terminate this authorization if information from enforcement, state authorities, or NMFS indicates compliance cannot be monitored effectively. This authorization will expire automatically on October 24, 2005, unless it is explicitly extended through another notification published in the **Federal Register**.

Classification

This action has been determined to be not significant for purposes of Executive Order 12866.

The AA has determined that this action is necessary to respond to an environmental situation to allow more efficient fishing for shrimp, while providing adequate protection for endangered and threatened sea turtles pursuant to the ESA and applicable regulations.

Pursuant to 5 U.S.C. 553(b)(B), the AA finds that there is good cause to waive prior notice and opportunity to comment on this rule. The AA finds that unusually high amounts of debris are creating special environmental conditions that make trawling with TED-equipped nets impracticable. Prior notice and opportunity to comment are impracticable and contrary to the public interest in this instance because providing notice and comment would prevent the agency from providing the affected industry relief from the effects of Hurricane Katrina in a timely manner.

The AA finds that unusually high amounts of debris are creating special environmental conditions that make trawling with TED-equipped nets impracticable. Many fishermen may be unable to operate under these conditions without an alternative to the use of TEDs. Therefore, The AA finds that there is good cause to waive the 30–day delay in effective date pursuant to 5 U.S.C. 553(d)(3) to provide alternatives to comply with the sea turtle regulations in a timely manner. For the reasons above, the AA finds that this temporary rule should not be subject to a 30–day delay in effective date, pursuant to 5 U.S.C. 553(d)(1).

Since prior notice and an opportunity for public comment are not required to be provided for this action by 5 U.S.C. 553, or by any other law, the analytical requirements of 5 U.S.C. 601 *et seq.* are inapplicable.

The AA prepared an Environmental Assessment (EA) for this rule. Copies of the EA are available (see **ADDRESSES**).

Dated: September 23, 2005.

James W. Balsiger,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 05–19373 Filed 9–23–05; 2:14 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 091405F]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; inseason catch limit adjustment.

SUMMARY: NMFS has determined that the daily retention limit for Atlantic bluefin tuna (BFT) in the General category should be adjusted to allow maximum utilization of the General category October-January time period. In addition, NMFS is prohibiting the retention of school BFT less than 47 inches (119 cm) in the recreational fishery for the remainder of the fishing year to ensure that U.S. BFT harvest is consistent with recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) pursuant to the Atlantic Tunas Convention Act (ATCA).

DATES: Effective dates for BFT daily retention limits are provided in Table 1 under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Dianne Stephan or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of ATCA and the Magnuson-Stevens Fishery Conservation and Management Act governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. The 2005 BFT fishing year began on June 1, 2005, and ends May 31, 2006. During the rulemaking for the final initial 2005 BFT specifications and General category effort controls that were published on June 7, 2005 (70 FR 33033), NMFS specifically requested comment on options related to a recommendation of ICCAT regarding a four-consecutive-year average 8 percent landings limit for harvest of school BFT. Numerous comments were received on this issue as well as a wide range of topics, including inseason management measures for the Atlantic tunas General, Highly Migratory Species (HMS) Charter/Headboat, and HMS Angling categories throughout the 2005 fishing year.

Daily Retention Limits

Pursuant to this temporary action and the final initial 2005 BFT specifications, noted above, the daily BFT retention limits for Atlantic Tunas General, HMS Charter/Headboat, and HMS Angling categories are as follows:

TABLE 1. EFFECTIVE DATES FOR RETENTION LIMIT ADJUSTMENTS

Permit Category	Effective Dates	Areas	BFT Size Class Limit
General	October 1, 2005, through January 31, 2006, inclusive	All	Two BFT per vessel per day/trip, measuring 73 inches (185 cm) CFL or larger

TABLE 1. EFFECTIVE DATES FOR RETENTION LIMIT ADJUSTMENTS—Continued

Permit Category	Effective Dates	Areas	BFT Size Class Limit
Charter/Headboat	October 1, 2005, through May 31, 2006, inclusive	All	One BFT per vessel per day/trip, measuring 47 to less than 73 inches (119 to less than 185 cm) CFL
Angling	October 1, 2005, through May 31, 2006, inclusive	All	One BFT per vessel per day/trip, measuring 47 to less than 73 inches (119 to less than 185 cm) CFL

Adjustment of General Category Daily Retention Limits

Under 50 CFR 635.23(a)(4), NMFS may increase or decrease the General category daily retention limit of large medium and giant BFT over a range from zero (on Restricted Fishing Days (RFDs)) to a maximum of three per vessel to allow for maximum utilization of the quota for BFT. On June 7, 2005 (70 FR 33039), NMFS adjusted the commercial daily BFT retention limit, in all areas, for those vessels fishing under the General category quota, to two large medium or giant BFT, measuring 73 inches (185 cm) or greater curved fork length (CFL), per vessel per day/trip. This retention limit remained in effect through August 31, 2005, inclusive. Because of low catch rates during the previous time-period, on August 18, 2005 (70 FR 48490), NMFS again adjusted the General category retention limit to two large medium or giant BFT per vessel per day/trip for the month of September. On October 1, 2005, the General category retention limit is scheduled to revert to the default limit of one large medium or giant BFT per vessel per day/trip.

Catch rates have remained low through August and early September 2005. The total quota allocated to the June-August and September time-periods for the 2005 fishing year was 808.5 metric tons (mt). As of September 1, 2005, 59.9 mt have been landed in the General category, which equates to an estimated catch rate of approximately 0.5 mt per day. In combination with the previous subquota rollover from the June-August time-period and current catch rates, NMFS anticipates the full adjusted September time-period subquota of 748.6 mt will not be harvested, which would result in a large rollover of quota into the October through January time-period. The initial subquota for the October through January time-period was established in the initial 2005 BFT fishery specifications as 89.8 mt.

Therefore, based on a review of dealer reports, daily landing trends, available quota, and the availability of BFT on the fishing grounds, NMFS has determined that an increase in the General category daily BFT retention limit effective from October 1, 2005, through January 31, 2006, inclusive, is warranted. Thus, the General category daily retention limit of two large medium or giant BFT per vessel per day/trip (see Table 1) will be extended through January 31, 2006. It is highly likely that the combination of the amount of General category quota available and the RFDs scheduled to begin in November will allow the coastwide General category season to extend into January, and allow for a southern Atlantic fishery to take place on an order of magnitude of prior years.

The intent of this adjustment is to allow for maximum utilization of the U.S. landings quota of BFT while maintaining an equitable distribution of fishing opportunities to help achieve optimum yield in the General category BFT fishery, to collect a broad range of data for stock monitoring purposes, and to be consistent with the objectives of the 1999 Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (1999 FMP).

Adjustment of HMS Charter/Headboat and Angling Category Daily Retention Limits

A recommendation of ICCAT requires that NMFS limit the catch of school BFT, measuring 27 to less than 47 inches (69 to less than 119 cm) CFL, to no more than 8 percent by weight of the total domestic landings quota over each four-consecutive-year period. NMFS is implementing this ICCAT recommendation through annual and inseason adjustments to the school BFT retention limits, as necessary, and through the establishment of a school BFT reserve (64 FR 29090, May 28, 1999; 64 FR 29806, June 3, 1999). The ICCAT recommendation allows for interannual adjustments for overharvests and underharvests, provided that the 8 percent landings limit is not exceeded over the applicable four-consecutive-year period. The 2005 fishing year is the third year in the current accounting period. This multi-year block quota approach provides NMFS with the flexibility to enhance fishing opportunities and to collect information on a broad range of BFT size classes while minimizing the risk of overharvest of the school size class.

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 635.23 set the daily recreational retention limits for BFT and allow for adjustments of the retention limits to use/extend the Angling category quota over the longest possible period of time. NMFS may increase or decrease the retention limit for any size class BFT or change a vessel trip limit to an angler limit or vice versa. Such adjustments to the retention limits may be applied separately for persons aboard a specific vessel type, such as private vessels, headboats, and charter boats.

On June 7, 2005 (70 FR 33039), NMFS adjusted the daily recreational retention limit, in all areas, for vessels permitted in the HMS Charter/Headboat category, to three BFT per vessel per day/trip, consisting of BFT measuring 27 to less than 73 inches (69 to less than 185 cm) CFL in the school, large school, or small medium size classes. Of the three BFT, a maximum of two school BFT were allowed per vessel per day/trip, measuring 27 to less than 47 inches (69 to less than 119 cm) CFL. This retention limit remained in effect through July 31, 2005, inclusive. Starting on August 1, 2005, inclusive, the daily retention limit for vessels permitted in the HMS Charter/Headboat category reverted back to one school, large school, or small medium BFT, per vessel per day/trip. On August 18, 2005 (70 FR 48490), NMFS announced an increase in the Charter/Headboat retention limit beginning on September 1, 2005, through September 30, 2005, to three BFT per vessel per day/trip, consisting of BFT measuring 27 to less than 73 inches (69 to less than 185 cm) CFL in the school, large school, or small medium size classes. Of the three BFT, a maximum of two school BFT were

allowed per vessel per day/trip, measuring 27 to less than 47 inches (69 to less than 119 cm) CFL. Starting on October 1, 2005, the Charter/Headboat category daily retention limit is scheduled to revert to the default of one BFT per vessel per day/trip, measuring 27 to less than 73 inches (69 to less than 185 cm) CFL in the school, large school, or small medium size classes.

The default Angling category retention limit of one BFT per vessel per day/trip, measuring 27 to less than 73 inches (69 to less than 185 cm) CFL in the school, large school, or small medium size classes, as established at 50 CFR 635.23(b)(2)(ii), has been in effect for private vessels since the season began on June 1, 2005.

NMFS has received recent information indicating high catches and catch rates of school BFT. As indicated in the proposed initial BFT 2005 fishing year specifications (March 23, 2005; 70 FR 14630), school BFT landings were approximately 9.3 percent of the base quota for 2003 and preliminary estimates for 2004 appear to be approximately 12.5 percent. Since 2005 is the third year in the accounting for the ICCAT recommended four-consecutive-year average 8 percent landings limit of school BFT, NMFS has determined it is necessary to take action to avoid exceeding the ICCAT 8 percent landings limit.

Thus, based on available quota, BFT availability on the fishing grounds, current recreational BFT catch information derived from the Maryland BFT tagging program and Automated Landing Reporting System (ALRS), and historical information regarding fish migration patterns, NMFS has determined that a prohibition on the retention of school fish sized 27 inches to less than 47 inches CFL (69 to less than 119 cm) for both HMS Charter/Headboat and Angling category permitted vessels is warranted. NMFS adjusts the daily BFT retention limit, in all areas, for vessels permitted in the HMS Charter/Headboat and HMS Angling categories, effective October 1, 2005, through May 31, 2006, inclusive, to one BFT per vessel per day/trip measuring 47 to less than 73 inches (119 to less than 185 cm) CFL in the large school or small medium size classes.

Monitoring and Reporting

NMFS selected the daily retention limits and their duration after examining current and previous fishing year catch and effort rates, analyzing the available quota for the 2005 fishing year, and taking into consideration public comment on the options to achieve the ICCAT recommended four-consecutive-year average 8 percent tolerance on harvest of school BFT, and inseason management measures for the General and HMS Charter/Headboat categories received during the 2005 BFT quota specifications rulemaking process. NMFS will continue to monitor the BFT fishery closely through dealer landing reports, the ALRS, state harvest tagging programs in North Carolina and Maryland, and the Large Pelagics Survey. Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustments are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. Additionally, NMFS may determine that an allocation from the school BFT reserve is warranted to further fishery management objectives.

Closures or subsequent adjustments to the daily retention limits, if any, will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (888) 872–8862 or (978) 281–9260 for updates on quota monitoring and retention limit adjustments. All BFT landed under the Angling category quota must be reported within 24 hours of landing to the NMFS ALRS via toll-free phone at (888) 872–8862; or the Internet www.nmfspermits.com; or, if landed in the states of North Carolina or Maryland, to a reporting station prior to offloading. Information about these state harvest tagging programs, including reporting station locations, can be obtained in North Carolina by calling (800) 338–7804, and in Maryland by calling (410) 213–1531.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action.

NMFS has recently become aware of increased availability of large medium and giant BFT on the fishing grounds. This increase in abundance provides the potential to increase General category landings rates if participants are authorized to harvest two large medium or giant BFT per day. The regulations implementing the 1999 FMP provide for inseason retention limit adjustments in order to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Adjustment of retention limits is also necessary to allow maximum utilization of the U.S. domestic bluefin tuna quota as required by ATCA.

Delays in increasing the General category retention limits would be contrary to the public interest. Such delays would adversely affect those General and HMS Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than one BFT per day and could hinder full utilization of the U.S. domestic BFT quota. Limited opportunities to access the General category quota may have negative social and economic impacts to U.S. fishermen that either depend on catching the available quota or depend on multiple BFT retention limits to attract individuals to book charters. For both the General and the HMS Charter/Headboat sectors, the retention limits should be adjusted as expeditiously as possible for the affected sectors to benefit from the adjustment.

In order to avoid exceeding the ICCAT school size category landings limit, NMFS needs to act promptly to prohibit retention of school BFT by HMS Angling and HMS Charter/Headboat category fishermen. Recent information available to NMFS indicates high catches and catch rates of school BFT occurring on the fishing grounds. A prohibition on harvest of school fish, with continued access to a school catch-and-release fishery and harvest of large school and small medium size categories for the HMS Angling and Charter/Headboat categories, will balance concerns regarding continued utilization of available quota in the HMS Angling category, while reducing the risk of exceeding the ICCAT school size category landings limit recommendation.

A delay in prohibiting the landing of school BFT could result in school landings in excess of the 2005 school quota, which could ultimately risk exceeding the ICCAT recommendation on the four-consecutive-year average 8 percent landings limit of school BFT.

Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, and because a portion of this action relieves a restriction (i.e., General category default retention limit of one fish per vessel/trip is relaxed to allow retention of two fish), there is also good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under 50 CFR 635.23(a)(4) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: September 22, 2005.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 05–19370 Filed 9–23–05; 2:14 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 70, No. 187
Wednesday, September 28, 2005

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL ELECTION COMMISSION

11 CFR Part 300

[Notice 2005–24]

Definitions of ''Solicit'' and ''Direct''

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Election Commission requests comments on proposed revisions to its definitions of the terms ''to solicit'' and ''to direct'' for its regulations on raising and spending Federal and non-Federal funds. Current Commission regulations define ''to solicit'' as ''to ask that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value.'' The regulations define ''to direct'' as ''to ask a person who has expressed an intent to make a contribution, donation, or transfer of funds, or to provide anything of value, to make that contribution, donation, or transfer of funds, or to provide that thing of value.'' These rules were challenged in *Shays* v. *FEC.* Upholding a District Court decision, the Court of Appeals held that the Commission's definitions of ''to solicit'' and ''to direct'' were invalid because they violated Congress's intent. The Commission has filed a petition for a rehearing *en banc* of the Court of Appeals decision. At the same time, to comply with the decisions of the District Court and the Court of Appeals, the Commission is issuing this Notice of Proposed Rulemaking regarding its definitions of ''to solicit'' and ''to direct.'' No final decision has been made by the Commission on the issues presented in this rulemaking. Further information is provided in the supplementary information that follows.

DATES: Comments must be received on or before October 28, 2005. The Commission will hold a hearing on the proposed rules on November 14 or 15, 2005, or both, at 10 a.m. Anyone wishing to testify at the hearing must file written comments by the due date and must include a request to testify in the written comments.

ADDRESSES: All comments must be in writing, must be addressed to Mr. Brad C. Deutsch, Assistant General Counsel, and must be submitted in either e-mail, facsimile, or paper copy form. Commenters are strongly encouraged to submit comments by e-mail or fax to ensure timely receipt and consideration. E-mail comments must be sent to either *solicitdirect@fec.gov* or submitted through the Federal eRegulations Portal at *http://www.regulations.gov.* If e-mail comments include an attachment, the attachment must be in either Adobe Acrobat (.pdf) or Microsoft Word (.doc) format. Faxed comments must be sent to (202) 219–3923, with paper copy follow-up. Paper comments and paper copy follow-up of faxed comments must be sent to the Federal Election Commission, 999 E Street, NW., Washington, DC 20463. All comments must include the full name and postal service address of the commenter or they will not be considered. The Commission will post comments on its Web site after the comment period ends. The hearing will be held in the Commission's ninth-floor meeting room, 999 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Brad C. Deutsch, Assistant General Counsel, Mr. Jonathan Levin, Senior Attorney, or Mr. Ron B. Katwan, Attorney, 999 E Street, NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Bipartisan Campaign Reform Act of 2002 (''BCRA''), Pub. L. 107–155, 116 Stat. 81 (2002), amended the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431 *et seq.* (the ''Act''), by adding to the Act new restrictions and prohibitions on the receipt, solicitation, and use of certain types of non-Federal funds (*i.e.*, funds that do not comply with the amount limits, source prohibitions, and reporting requirements of the Act),[1] which are commonly referred to as ''soft money.'' The terms ''to solicit'' and ''to direct'' are central to three core provisions of BCRA. First, national parties ''may not solicit * * * or direct'' soft money. 2 U.S.C. 441i(a)(1). Second, national, State, district, and local party committees may not solicit any non-Federal funds or direct any donations to certain entities organized under chapter 501(c) or 527 of the Internal Revenue Code. 2 U.S.C. 441i(d); 11 CFR 300.11 and 300.37. Third, Federal candidates and officeholders ''shall not * * * solicit'' or ''direct'' funds in connection with any election unless the funds comply with the Act's contribution limits and prohibitions. 2 U.S.C. 441i(e)(1)(A) and (B); *see also* 2 U.S.C. 441i(e)(2)–(4). In addition, BCRA added prohibitions on soliciting contributions or donations from foreign nationals and on fraudulent solicitations. 2 U.S.C. 441e(a)(2) and 441h(b). However, neither BCRA nor FECA contains a definition of either ''to solicit'' or ''to direct.''

On July 29, 2002, the Commission promulgated regulations implementing BCRA's new limits on raising and spending of non-Federal funds by party committees, and Federal candidates and officeholders. *Final Rules and Explanation and Justification for Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money,* 67 FR 49064 (July 29, 2002) (''*Soft Money Final Rules*''). These regulations for the first time defined the terms ''to solicit'' and ''to direct.'' Section 300.2(m) defines ''to solicit'' as ''to ask that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value, whether the contribution, donation, transfer of funds, or thing of value, is to be made or provided directly, or through a conduit or intermediary.'' 11 CFR 300.2(m). The Commission defined ''to direct'' as ''to ask a person who has expressed an intent to make a contribution, donation, or transfer of funds, or to provide anything of value, to make that contribution, donation, or transfer of funds, or to provide that thing of value, including through a conduit or intermediary.'' 11 CFR 300.2(n).

I. Overview of Court Decisions

In *Shays* v. *FEC,* 337 F. Supp.2d 28 (D.D.C. 2004) (''*Shays District*''), *aff'd, Shays* v. *FEC,* 414 F.3d 76 (D.C. Cir. 2005) (pet. for reh'g *en banc* filed Aug. 29, 2005), the District Court held that the Commission's definitions of ''to solicit'' and ''to direct'' did not survive

[1] *See* 11 CFR 300.2(k).

the *second* step of Chevron review.[2] *Shays District* at 77, 79. The Court of Appeals for the D.C. Circuit affirmed the District Court's decision but instead held that the Commission's definitions of ''to solicit'' and ''to direct'' did not survive the *first* step of *Chevron* review.[3] *Shays* v. *FEC,* 414 F.3d 76, 105–07 (D.C. Cir. July 15, 2005) (''*Shays Appeal*'').

The Court of Appeals held that the Commission's definition of ''to solicit'' was limited to explicit, direct requests for money and, consequently, left ''unregulated 'a wide array of activity' * * * that the term 'solicit' could plausibly cover.'' *Id.* at 104. Specifically, the Court of Appeals determined that the Commission's definition excluded indirect requests for money, ''coded statements,'' and ''winks and nods.'' *Id.* The Court of Appeals concluded that by limiting ''to solicit'' to explicit, direct requests for money, and thus permitting indirect requests for funds, the Commission's definition allows candidates and parties to circumvent BCRA's prohibitions and restrictions on non-Federal funds and thereby violates ''Congress's intent to shut down the soft-money system.'' *Id.* at 105–06.

The Court of Appeals also concluded that the narrow definition of ''to solicit'' was inconsistent with BCRA's rejection of the ''magic words'' standard for advocacy advertisements. *Id.* at 106. The court explained that ''whereas pre-BCRA law permitted unregulated financing of ads lacking 'explicit words of advocacy of election or defeat of a candidate,' BCRA adopts more robust standards for communication oriented towards elections—a change understood to reflect Congress's judgment that the old standard was 'functionally meaningless.' '' *Id.* (internal citations omitted). The Court of Appeals agreed with the District Court's observation that the Commission's ''interpretation of 'solicit' and 'direct' is similar to the pre-BCRA express advocacy test and would allow candidates and parties to avoid regulation by simply refraining from using certain 'magic words.' '' *Id.*

As to the term ''to direct,'' the District Court held that the Commission's definition was not a permissible construction of the statute on two grounds. First, the District Court determined that the term ''to direct'' had more than one meaning but that the Commission's definition of ''to direct'' did not comport with any dictionary definition of the term. *Shays District* at 76. Second, the District Court held that the Commission's definition of ''to direct'' was subsumed under its definition of 'to solicit' because ''[t]he Commission's definition of ''solicit'' covers all requests, regardless of what expressions a requestee may or may not have made.'' *Id.* at 77. The District Court concluded that, as defined by the Commission, the term ''to direct'' had no meaningful function in the regulations. *Id.* Subsequently, the Court of Appeals held that the Commission's definition of ''to direct'' was invalid because it effectively defined ''to direct'' as ''to ask'' (namely, to ask someone who has expressed an intent to make a contribution or donation) and thus, like the definition of ''to solicit'' and contrary to Congress's intent, limited ''to direct'' to explicit requests for funds. The Court of Appeals did not reach the question of whether ''to avoid statutory redundancy, 'direct' must mean more than 'ask in response,' when 'solicit' means 'ask' plain and simple.'' *Shays Appeal* at 107.

The Court of Appeals affirmed the District Court's order that had remanded both definitions to the Commission for further action consistent with its opinion. *Id.* The Commission has filed a petition for a rehearing *en banc* of the Court of Appeals decision. In the event the Commission prevails on rehearing, the Commission may terminate this rulemaking proceeding prior to adoption of final rules.

II. 11 CFR 300.2(m)—Definition of ''To Solicit''

This NPRM proposes a revised definition of ''to solicit'' in section II–A below. The Commission is also considering several other alternatives, which are presented in section II–B below.

A. Proposed Revised Definition

To comply with the *Shays* decisions, the Commission proposes to revise 11 CFR 300.2(m) by defining ''to solicit'' as ''to ask, suggest, or recommend that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value, whether it is to be made or provided directly or through a conduit or intermediary. A solicitation is a written or oral communication, whether explicit or implicit, construed as a reasonable person would understand it in context.''

By including the terms ''suggest'' and ''recommend'' and by explicitly incorporating a reasonable person standard into the revised definition of ''to solicit,'' the Commission seeks to clarify that ''to solicit'' covers not only communications that *explicitly and directly* request contributions or donations, but also communications that *implicitly or indirectly* attempt to motivate another person to make a contribution or donation and also covers all such communications regardless of whether they use certain ''magic words.'' Thus, the proposed amendments to the definition would make clear that the following communications cited by the Court of Appeals as examples of communications that would escape regulation under the current definition of ''solicit,'' are, in fact, solicitations under the current rules: (1) ''It's important for our State party to receive at least $100,000 from each of you in this election'' and (2) ''X is an effective State party organization; it needs to get as many $100,000 contributions as possible.'' *Shays Appeal* at 103.

The revised definition explicitly embodies two principles that already form the basis of the Commission's current definition of ''to solicit'': (1) A solicitation must involve an affirmative verbalization (whether written or oral) and (2) a communication is a solicitation only if a reasonable person would understand the communication to be asking another person to make a contribution or donation. First, as the Commission explained in the BCRA rulemaking on foreign national contributions and donations, ''[b]y using the term 'ask,' the Commission defined 'solicit' to require some affirmative verbalization or writing, thereby providing members of Congress, candidates and committees with an understandable standard.'' *Final Rules and Explanation and Justification for Contribution Limitations and Prohibitions,* 67 FR 69928, 69942 (Nov. 19, 2002) (''*Foreign National Final Rules*''). Under the current regulation, the focus of any determination as to whether a communication is a solicitation is the plain meaning of the words used in the communication. Similarly, in assessing which communications constitute solicitations for purposes of determining whether the funds received in response to the communication are contributions, the Commission focuses on ''the plain

[2] The District Court described the *first* step of the *Chevron* analysis, which courts use to review an agency's regulations: ''a court first asks 'whether Congress has directly spoken to the precise question at issue. If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress.' '' *See Shays District,* at 51 (*quoting Chevron, U.S.A., Inc.* v. *Natural Res. Def. Council,* 467 U.S. 837, 842–43 (1984)). In the *second* step of the *Chevron* analysis, the court determines if the agency's interpretation is a permissible construction of the statute that does not ''unduly compromise'' FECA's purposes by ''creat[ing] the potential for gross abuse.'' *See Shays District* at 91, *citing Orloski* v. *FEC,* 795 F.2d 156, 164–65 (D.C. Cir. 1986) (internal citations omitted).

[3] *See* note 2.

meaning of the words used in the communication.'' *Final Rules and Explanation and Justification for Political Committee Status, Definition of Contribution, and Allocation for Separate Segregated Funds and Nonconnected Committees,* 69 FR 68056, 68057 (Nov. 23, 2004) (''*Political Committee Status Final Rules*'').

Second, while requiring some affirmative verbalization, the Commission clarified in the *Foreign National Final Rules* that it does not intend to restrict the current definition of ''to solicit'' only to communications explicitly asking for contributions or donations but rather ''intended to include 'a[ny] palpable communication reasonably understood to convey a request for some action * * *.' '' *Foreign National Final Rules* at 69942. However, the current rule is limited to communications that ask another person to make a contribution or donation, and does not include any other type of political speech, such as statements of political support.

Thus, in determining whether a communication constitutes a solicitation, the Commission currently looks to whether, in context, the communication would be reasonably understood to ask that another person make a contribution or donation. The Commission believes that the Court of Appeals interpreted the current rule more narrowly than is warranted. The Commission does not regard the term ''ask'' as requiring the use of only certain specified ''magic words.'' Last year, in the Explanation and Justification for new rules regarding contributions received in response to solicitations, the Commission stated that solicitations are not limited to communications ''that use specific words or phrases that are similar to a list of illustrative phrases.'' *Political Committee Status Final Rules* at 68057.

The Commission emphasizes that the reasonable person standard is an objective test that does not turn on subjective interpretations of a communication. Thus, focusing on the plain meaning of the words used in the communication as reasonably understood leaves the person making the communication with substantial control over whether the communication comes within the definition of ''solicit.''

By revising the definition of ''to solicit'' to reflect explicitly these two principles, the proposed rule would address the Court of Appeals' concern that the Commission's current definition permits circumvention of the Act's limits and prohibitions by allowing solicitation through indirect requests for contributions or donations. The Commission seeks comment on this proposal. Would the proposed definition be too broad or too narrow? Would it reduce the opportunities for circumvention of the Act or the actuality or appearance of corruption? Would it properly effectuate Congressional intent? Would it provide sufficient guidance to candidates, their authorized committees, and political party committees, or their agents? Would it affect the exercise of political activity, and if so, how? Would it be practical to enforce?

The proposed regulation defines ''to solicit'' as ''to ask, suggest, or recommend.'' This list is not intended to be comprehensive but, as explained above, is merely intended to make clear that ''to solicit'' encompasses both direct and indirect requests for contributions or donations. Nevertheless, the Commission seeks comment on whether additional terms should be added to the definition of ''to solicit'' or whether one or more of the terms included in the proposed definition should be removed.

The Commission notes that the proposed rule at 11 CFR 300.2(m) would retain the statement, included in the current rule, that merely providing information or guidance as to the requirements of a particular law is not solicitation.

B. Alternative Proposals

The Commission also seeks comment on the following five alternatives to the definition proposed above. First, the Commission seeks comment on whether to modify the definition of ''to solicit'' proposed in section II–A by not including an explicit reasonable person standard. Alternative One would thus revise the second sentence of the definition proposed in section II–A to provide that ''a solicitation is a written or oral communication, whether explicit or implicit.''

Second, the Commission seeks comment on whether, instead, to begin with the current definition of ''to solicit'' (*i.e.* current 11 CFR 300.2(m)) and to modify the current definition to make clear that the regulation applies not only to explicit requests or communications that use certain ''magic words'' but also to indirect, implied requests for contributions or donations. Alternative Two would provide that ''to solicit means to ask, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value.'' Alternative Two, like the current rule, would not include the terms ''suggest'' or ''recommend'' or an explicit reasonable person standard. The Explanation and Justification for Alternative Two would also make clear that a solicitation requires an actual request for funds and does not in any way apply to other types of political speech, such as statements of political support for an organization.

The third alternative on which the Commission seeks comment would not change the current definition of ''to solicit'' at all. Instead, Alternative Three would revise the Explanation and Justification for the current definition to clarify that the current definition embodies the two principles set out above. Under Alternative Three, the Explanation and Justification would state that to qualify as a solicitation, a communication (1) must involve an affirmative verbalization (whether written or oral) and (2) must be reasonably understood in context to be asking another person to make a contribution or donation. The Commission seeks comment on whether this is a proper interpretation of the current rule and is otherwise appropriate. Would revising the Explanation and Justification for the current definition, without amending the definition itself, be consistent with the decision of the Court of Appeals in *Shays?* Would the current definition of ''to solicit,'' if explained with reference to these two principles, be too broad or too narrow? The Commission seeks comments on whether other statements should be added to the Explanation and Justification for the current definition to explain better what communications are covered by the current rules. Is there any evidence that the current definition of ''to solicit'' has led to circumvention of the Act or the actuality or appearance of corruption? Would the current definition, along with a revised Explanation and Justification, provide a standard that is sufficiently clear to make enforcement of the Commission's BCRA rules practical?

Fourth, as indicated above, the Commission has filed a petition for a rehearing *en banc* of the Court of Appeals decision. In the event the Commission should prevail on rehearing, the Commission seeks comment on whether it should adopt a definition that limits solicitations to explicit requests for contributions or donations. Alternative Four would define ''to solicit'' to mean ''to ask explicitly, by oral or written communication, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value.'' Would such an alternative definition be consistent with, and should it draw on, the approach

adopted when the Commission promulgated 11 CFR 100.57(a), which provides that funds received in response to certain communications must be treated as contributions under the Act? As indicated above, the Explanation and Justification for 11 CFR 100.57(a) stated that the regulation ''requires an examination of only the text of a communication. The regulation turns on the plain meaning of the words used in the communication and does not encompass implied meanings or understandings. It does not depend on reference to external events, such as the timing or targeting of a solicitation, nor is it limited to solicitations that use specific words or phrases * * *.'' *Political Committee Status Final Rules,* 69 FR at 68057.

The fifth alternative would be to provide no definition for ''to solicit.'' Several Commission regulations concerning corporate and labor organization activity in 11 CFR part 114 use the terms ''solicit'' and ''solicitation'' without defining them. *See, e.g.*, 11 CFR 114.5(g), 114.6, 114.7, and 114.8. The Commission is considering whether, instead of revising its definition of ''to solicit,'' it should repeal that definition and leave the term undefined for purposes of 11 CFR part 300, allowing the meaning of ''to solicit'' to develop on a case-by-case basis through the advisory opinion and enforcement processes. The Commission seeks comment on whether the meaning of the term ''to solicit'' is sufficiently understandable to candidates, their authorized committees, political party committees, and others governed by BCRA such that a definition by regulation is unnecessary. Does the discussion of the meaning of ''to solicit'' in the Court of Appeals decision provide sufficient guidance to candidates, their authorized committees, and political party committees so that a definition through regulation is not needed? [4] If the Commission decides not to define ''to solicit,'' should it provide additional guidance by including examples of what would and would not be a solicitation in the Explanation and Justification?

C. Conduct

The Court of Appeals observed that solicitations include indirect requests through conduct such as ''winks and nods.'' *Shays Appeal* at 104–05 (relying on *Wisconsin Dep't of Revenue* v. *William Wrigley, Jr. Co.*, 505 U.S. 214, 223 (1992) for the proposition that the term ''solicitation of orders'' ''includes, not just explicit verbal requests for orders, but also any speech or conduct that implicitly invites an order''). The Commission notes that while the proposed definition retains the principle that a solicitation must involve an affirmative verbalization, it also takes into account the context in which the communication is made. Thus, words that would not by their plain meaning convey a solicitation, may in some contexts be reasonably understood as one when, for example, they are accompanied by ''winks and nods.'' Similarly, words that *would* by their plain meaning normally be understood as a solicitation, may not constitute one when taken in context, for example, when the words are used as part of a joke or parody. The Commission seeks comment on whether, in determining if a communication is a solicitation, it is appropriate to consider the non-verbal context of that communication. Does BCRA require the Commission to consider the non-verbal aspects of a communication in determining whether a solicitation has occurred? If the Commission includes the non-verbal aspects of a communication in its definition of ''to solicit,'' will Federal officeholders, candidates, their authorized committees, political party committees, and their agents have adequate notice of the range of statements and actions that are covered by the definition?

The Commission seeks comment on whether it should modify the definition of ''to solicit'' proposed in section II–A, above, by including solicitations conveyed largely through conduct. This modification would revise the second sentence of the rule proposed in section II–A to provide that ''a solicitation is a written or oral communication or conduct, whether explicit or implicit, construed as a reasonable person would understand it in context.'' Is the inclusion of conduct in the definition of ''to solicit'' necessary to comply with the decision of the Court of Appeals? Is it necessary to prevent circumvention of the Act, or actual or apparent corruption? The Commission seeks examples of communications largely conveyed through conduct that should constitute solicitations.

If the Commission does not adopt the proposed definition of ''to solicit'' discussed in section II–A, but rather decides to adopt one of the alternatives discussed in section II–B, should it also include solicitations largely conveyed through conduct in that alternative?

The Commission also invites comment regarding a Federal candidate or officeholder's appearance at a fundraising event (other than an event held by a State, district, or local party) where non-Federal funds are being raised. The Commission raised this issue in a related rulemaking, in which it decided to revise the Explanation and Justification for the Commission's rules at 11 CFR 300.64(b). These rules permit Federal candidates and officeholders to attend and speak at State, district, and local party fundraising events ''without restriction or regulation.'' [5] *See Revised Explanation and Justification for Final Rules on Candidate Solicitation at State, District, and Local Party Fundraising Events*, 70 FR 37649 (June 30, 2005).

In certain advisory opinions, the Commission has permitted attendance and participation by Federal candidates and officeholders at fundraising events for non-Federal funds held by State and local candidates, or by non-Federal political organizations, so long as the solicitations included, or were accompanied by, a disclaimer adequately indicating that the Federal candidate or officeholder was only asking for Federally permissible funds. *See* Advisory Opinions 2003–03, 2003–05, and 2003–36.[6] The Commission requests comment on whether these advisory opinions, allowing attendance and limited participation at such functions, subject to various restrictions and disclaimer requirements, struck the proper balance. Alternatively, are these advisory opinions inconsistent with BCRA's language or Congressional intent and should they therefore be superseded? Does the explicit permission granted in 2 U.S.C. 441i(e)(3) to attend, speak, or be a featured guest at State, district, and local party fundraising events, by implication, indicate that Congress sought to prohibit Federal candidates and officeholders from doing so at other fundraising events unless such events are exclusively raising Federal funds? [7]

Should attendance by Federal candidates and officeholders at fundraising events (other than events held by State, district, or local party committees) where non-Federal funds are being raised constitute a solicitation in and of itself? Alternatively, should the disclaimer and other requirements set forth in Advisory Opinions 2003–03,

[4] *See Shays Appeal* at 105–07.

[5] 11 CFR 300.64 implements 2 U.S.C. 441i(e)(3).

[6] Copies of these advisory opinions can be found at *http://www.fec.gov/law/advisoryopinions.shtml.*

[7] *See* 2 U.S.C. 441i(e)(1)(B) (permitting solicitations by Federal candidates for State candidates so long as such solicitations comply with the source prohibitions and amount restrictions under the Act for Federal candidates). *See also* 2 U.S.C. 441i(e)(4) (permitting certain solicitations, with restrictions, by Federal candidates and officeholders for funds to be used by certain tax-exempt organizations for certain types of Federal election activity).

2003–05, and 2003–36 be incorporated into the Commission's regulations? If a Federal candidate or officeholder does not comply with the ''disclaimer'' requirements set forth in Advisory Opinions 2003–03, 2003–05 and 2003–36, does mere attendance at these fundraising events where non-Federal funds are being raised constitute a solicitation of non-Federal funds in and of itself? In the absence of any ''disclaimers,'' would a ''pure policy'' speech delivered by a Federal officeholder or candidate at an event raising non-Federal funds be a solicitation if the Federal candidate or officeholder stands under a banner reading ''Support the 2005 State Democratic ticket tonight''?

D. Examples of Solicitation

The Commission recognizes that the proposed definition of ''solicit,'' like the current definition, may require the Commission to determine what constitutes solicitation on a case-by-case basis in enforcement matters or advisory opinion requests. In order to provide candidates and political party committees with additional guidance on how the proposed standard would be applied, the Commission is also considering whether to incorporate, either into the Explanation and Justification accompanying the final rule or into the regulation itself, two sets of examples—one of types of communications that would constitute solicitations, and one of types of communications that would not constitute solicitations.

As indicated above, several Commission regulations concerning corporate and labor organization activity in 11 CFR part 114 use the terms ''solicit'' and ''solicitation'' without defining them. *See, e.g.*, 11 CFR 114.5(g), 114.6, 114.7, and 114.8. However, several advisory opinions explain what would or would not constitute a solicitation of contributions to a corporation's separate segregated fund (''SSF''). *See, e.g.*, Advisory Opinions 2003–14, 2000–07, 1999–06, 1991–03, 1988–02, 1983–38, 1982–65, and 1979–13. In those advisory opinions, the Commission generally concluded that the mere publication of the activities conducted by an SSF was not in and of itself a solicitation if the publication did not encourage the recipient of the message to support the SSF, or if the information conveyed in the message did not facilitate the making of contributions to the SSF.

Drawing in part on these advisory opinions and the broader principles expressed in them, the Commission is considering whether to include the following as examples of types of communications that *would* constitute solicitations:

1. Informing a person how to contribute to a candidate, committee, or organization. For example:

• ''Send all contributions to the following address:''

• ''I am not permitted to ask for contributions, but unsolicited contributions can be accepted at the following address:''

2. Informing a person of who, or how many persons, have contributed to a candidate, political committee, or organization, along with a favorable description of the candidate, political committee, or organization, or the goals or purposes of the candidate, committee, or organization.

3. Informing a person of a fundraising event and recommending that the person attend, even where a contribution or donation is not required for admission.

4. Informing a person at a fundraising event,[8] or at some other event sponsored by a candidate, political committee, or organization, that the person is able to contribute to that candidate, political committee, or organization or to some other candidate, political committee, or organization. For example:

• ''You are at the limit of what you can directly contribute to my campaign, but you can further help my campaign by assisting the State party.''

5. A statement that those who contribute may incur some kind of benefit, however intangible. For example:

• ''I will not forget those who contribute at this crucial stage.''

• ''The Senator will be very pleased if we can count on you for $10,000.''

6. Expressing to a person the need of the candidate, committee, or organization for funds or something of value. For example:

• ''It's important for our State party to receive at least $100,000 from each of you in this election.''

• ''X is an effective State party organization; it needs to get as many $100,000 contributions as possible.''

7. Stating that (or how) a candidate, committee, or organization will benefit from a contribution or donation. For example:

• ''The money we raise will allow us to communicate our strategy through Labor Day.''

• ''Your immediate commitment to this project would mean a great deal to the entire party and to me personally.''

• ''All contributions will help the party's election prospects in November.''

8. Expressing hope that the donor will continue to support the donee financially. For example:

• ''I appreciate all you've done in the past for our party in this State. Looking ahead, we face some tough elections. I'd be very happy if you could maintain the same level of commitment to (or support for) our State party this year.''

9. A written communication that provides a method of making a contribution or donation regardless of the text of the communication. For example, providing an addressed envelope and a reply card allowing contributors to select the dollar amount of their contribution or donation to the candidate, political party committee or organization.

The Commission is also considering whether to include the following as examples of types of communications that would *not* constitute ''solicitations:''

1. Describing or praising the activities of a candidate, committee, or organization in and of itself. For example:

• ''Our Senator has done a great job for us this year. The policies she has vigorously promoted in the Senate have really helped the economy of this State.''

2. Identifying the candidates a committee supported with past contributions it received, in and of itself. For example:

• ''Thanks to your contributions we have been able to support our President, Senator, and Representative during the past election cycle.''

3. Expressing gratitude for contributions and donations without expressing hope that the donor will make subsequent contributions or donations. For example:

• ''Thank you for your support.''

The Commission seeks comment on a number of issues related to the above examples. Should examples of what does or does not constitute a solicitation appear in the Explanation and Justification that would accompany the final rule containing a definition of ''to solicit'' or should they be incorporated into the rule itself? Would such a list of examples be helpful in providing guidance to candidates, political party committees, and other political organizations?

The Commission also seeks comment on whether any of the above-listed examples should not be incorporated

[8] The Commission has interpreted section 441i(e)(3) to permit candidates and Federal officeholders to solicit non-Federal funds at State party fundraising events. *See* 11 CFR 300.64; *Revised Explanation and Justification for Final Rules on Candidate Solicitation at State, District, and Local Party Fundraising Events*, 70 FR 37649.

into either the Explanation and Justification or the rule. Are there other examples not included above, that should be incorporated into the Explanation and Justification or into the rule itself? With respect to the ninth example of communications that would constitute solicitations, should the rule or the Explanation and Justification specify that providing an addressed envelope and a reply card allowing contributors to select the dollar amount of their contribution or donation to the candidate, political party committee or organization is always a solicitation, regardless of the content of the written communication because it already constitutes facilitation of the making of a contribution under 11 CFR 114.2(f)(2)(ii)? Should the rule or Explanation and Justification also specify that providing the address of a Web page that is specifically dedicated to facilitating the making of contributions or donations online, or a phone number that is specifically dedicated to facilitating the making of contributions or donations, would always constitute a solicitation? Regarding the third example of communications that would *not* constitute solicitations, comment is also sought on whether a slightly modified version of that example would also *not* be a solicitation: ''Thank you for your continued/continuing support.'' Should the following be included as an example of what is *not* a solicitation: ''Thank you for your past support.''

As explained above, some of the principles underlying the examples set out above are derived from advisory opinions addressing corporate solicitations for contributions to SSFs under 11 CFR part 114. The Court of Appeals concluded that the fact that these advisory opinions construed ''solicit'' broadly as covering indirect requests ''reinforces our sense that Congress anticipated a similarly broad construction of that term here [*i.e.*, BCRA's provisions regarding solicitation].'' *Shays Appeal* at 106. However, the Court of Appeals also noted that '' 'solicit' could carry different meanings in different contexts.'' *Id.* Thus, solicitations of contributions from employees to a corporate SSF can raise concerns about the voluntariness of the solicited contributions that may differ from situations covered by 11 CFR part 300, which generally do not raise such concerns. The Commission seeks comment on the general issue of whether there are differences between these two types of situations that would make it inappropriate to apply principles derived from situations involving corporate solicitations to other solicitations by candidates, political parties, their agents, or entities directly or indirectly established, financed, maintained, or controlled by them. Alternatively, are these two contexts sufficiently similar such that it would be appropriate to apply the same principles to both?

E. 11 CFR Part 114—Corporate and Labor Organization Activity

As indicated above, certain Commission regulations concerning corporate and labor-organization activity in 11 CFR part 114 use the terms ''solicit'' and ''solicitation'' without defining them. *See, e.g.*, 11 CFR 114.5(g), 114.6, 114.7, and 114.8; *see also* 11 CFR 104.7(b)(2). Should the Commission continue to leave the term ''to solicit'' undefined in the regulations governing corporate and labor-organization activity? In the alternative, should it incorporate the proposed definition of ''to solicit'' for the regulations regarding non-Federal funds in 11 CFR part 300 into the corporate and labor-organization regulations in 11 CFR part 114?

F. 11 CFR 110.20(a)(6)—Foreign Nationals

The Commission notes that its regulations prohibiting contributions, donations, expenditures, independent expenditures, and disbursements by foreign nationals currently incorporate the definition of ''to solicit'' in the regulations regarding non-Federal funds. *See* 11 CFR 110.20(a)(6). The Commission proposes to continue to use the same definition of ''to solicit'' for both the regulations regarding non-Federal funds and the foreign national prohibitions, but also invites comments on whether there are reasons for providing two different, independent definitions of the term.

III. 11 CFR 300.2(n)—Definition of ''To Direct''

The Commission proposes to revise 11 CFR 300.2(n) by defining ''to direct'' as ''to guide a person who has expressed an intent to make a contribution, donation, transfer of funds, or otherwise provide anything of value, by identifying a candidate, political committee or organization, for the receipt of a contribution, donation, transfer of funds, or thing of value. The contribution, donation, transfer, or thing of value may be made or provided directly or through a conduit or intermediary.''

As indicated above, although the Court of Appeals held that the Commission's definition of ''to direct'' was invalid because it effectively defined ''to direct'' as ''to ask'' and thus, like the definition of ''to solicit,'' limited ''to direct'' to explicit requests for funds, the court did not provide guidance on how ''to direct'' should be defined. However, the District Court did provide such guidance. Specifically, the District Court observed that the term ''to direct'' has more than one meaning. It ''can mean '[t]o guide (something or someone),' as in to inform someone of where he or she can make a donation. The word can also mean '[t]o instruct someone with authority,' as in to order someone to make a donation.'' *Shays District* at 76 (quoting Black's Law Dictionary 471 (7th ed. 1999)).

The Commission proposes to amend the definition of ''to direct'' to use the meaning, ''to guide.'' This meaning is consistent with BCRA's statutory language, which states in relevant part that the national committee of a political party may not ''*direct to* another person a contribution, donation, or transfer of funds or anything of value.'' 2 U.S.C. 441i(a)(1) (emphasis added). *See also* 2 U.S.C. 441i(d) (''A national, State, district, or local committee of a political party * * * shall not solicit any funds * * * or *direct* any donations *to* an entity * * *.'') (emphasis added). The preposition ''to'' following the term ''to direct'' in these statutory provisions would appear to indicate that Congress intended the use of ''to direct'' in BCRA to mean ''to guide.'' The Commission seeks comment on whether this is a correct interpretation of the statute.

Moreover, the second meaning of ''to direct'' as ''to instruct with authority'' would appear to be a form of asking, suggesting, or recommending—the terms proposed rule 300.2(m) uses to define ''to solicit.'' In other words, the definition of ''to solicit'' proposed in this NPRM already covers all forms of asking, suggesting, or recommending, regardless of whether they are backed by authority. Accordingly, to the extent that ''instructing someone with authority'' to make a contribution or donation is reasonably understood to be asking, suggesting, or recommending someone to make such a contribution or donation, it is already encompassed by the definition of ''to solicit'' proposed in this NPRM. Thus, defining ''to direct'' as to ''instruct someone with authority'' would appear to deprive the term of a meaningful role in the regulation by subsuming it under the meaning of ''to solicit.'' [9]

[9] *See Shays District* at 77.

By making clear that ''to direct'' applies to different actions, the proposed revision is responsive to the holding in *Shays District* that the current definition of ''to direct'' is subsumed under the current definition of ''to solicit,'' and is therefore redundant. Specifically, under the proposed rule, ''to direct'' would encompass situations where a person has already expressed an intent to make a contribution or donation that would advance a particular interest, but lacks the identity of an appropriate candidate or organization to which to make that contribution or donation. The act of direction would consist of providing the contributor with the identity of an appropriate recipient for the contribution or donation. These actions are not covered by the term ''to solicit'' because soliciting, under both the current and the proposed definition, is an attempt to motivate a person to contribute or donate, but would not apply to a person who merely provides information about possible recipients to another person who has already expressed intent to contribute or donate.

The proposed definition of ''to direct'' depends upon ''identification'' of a candidate, political committee, or organization. Examples of such ''identification'' would include providing the names of such candidates, political committees, or organizations, as well as providing any other sufficiently detailed contact information such as a Web or mail address, phone number, or the name or other contact information of a committee's treasurer, campaign manager, or finance director.

The Commission notes that the proposed rule at 11 CFR 300.2(n) would retain the statement, included in the current rule, that merely providing information or guidance on the requirements of particular law is not direction.

The Commission invites comments on the proposed definition of ''direct.'' Is the definition too broad or too narrow? Would the proposed revision reduce the opportunities for circumvention of the Act or actual or apparent corruption? Does it provide sufficient guidance to candidates and political party committees? Would it affect the exercise of political activity, and if so, how?

The Commission also seeks comment on whether providing a person who has expressed intent to contribute or donate with a long list of candidates, political committees, or organizations constitutes direction. Specifically, is there a point at which a list might identify so many candidates, political committees, or organizations from which the person may choose that the list would no longer constitute ''direction?'

Alternatively, understanding that ''to direct'' means ''to guide,'' the Commission is also considering whether to leave the term undefined for purposes of 11 CFR part 300, allowing the meaning of ''to direct'' to develop further through the advisory opinion and enforcement processes. The Commission seeks comment on this alternative proposal. As long as it is made clear that ''to direct'' means ''to guide,'' is the term ''to direct'' sufficiently clear to candidates, their authorized committees, and political party committees such that a definition by regulation is unnecessary?

The Commission notes that the words ''directed'' and ''direction'' appear in the Commission's earmarking rules regarding contributions directed through a conduit or intermediary under 2 U.S.C. 441a(a)(8). *See* 11 CFR 110.6(a), (d). Neither the Act nor the Commission's regulations implementing the earmarking rules defines the words ''directed'' and ''direction'' as they are used in these provisions. However, the Explanation and Justification for 11 CFR 110.6 states that in determining whether a person has direction or control, ''the Commission has considered such factors as whether the conduit or intermediary controlled the amount and timing of the contribution, and whether the conduit selected the intended recipient.'' *Final Rules for Affiliated Committees, Transfers, Prohibited Contributions, Annual Contribution Limitations and Earmarked Contributions*, 54 FR 34098, 34108 (August 17, 1989). Thus, the word ''direction'' in the earmarking rules means ''instructing with authority.'' For the reasons explained above, this meaning for ''to direct'' would seem to be subsumed under the definition of ''to solicit.'' Nevertheless, the Commission seeks comment on whether the term ''to direct'' in BCRA should be interpreted to parallel the earmarking rules regarding contributions directed through a conduit or intermediary. The word ''direction'' in the Commission's earmarking rules has been applied, for example, in Advisory Opinions 2003–23, 1991–29, 1986–4, 1980–46, and 1975–10 and MURs 1028 and 2314. Do these precedents provide a sufficient frame of reference that renders unnecessary a definition for purposes of 11 CFR part 300?

Certification of No Effect Pursuant to 5 U.S.C. 605(b) [Regulatory Flexibility Act]

The Commission certifies that the attached proposed rules if promulgated would not have a significant economic impact on a substantial number of small entities. The basis for this certification is that the organizations affected by these rules are the national, State, district, and local party committees of the two major political parties and other political committees, which are not small entities under 5 U.S.C. 601 because they are not small businesses, small organizations, or small governmental jurisdictions. National, State, district, and local party committees and any other political committees affected by these proposed rules are not-for-profit committees that do not meet the definition of ''small organization,'' which requires that the enterprise be independently owned and operated and not dominant in its field. State political party committees are not independently owned and operated because they are not financed and controlled by a small identifiable group of individuals, and they are affiliated with the larger national political party organizations. In addition, the National and State political party committees representing the Democratic and Republican parties have a major controlling influence within the political arena of their State and are thus dominant in their field. District and local party committees are generally considered affiliated with the State committees and need not be considered separately.

Most other political committees affected by these rules are not-for-profit committees that do not meet the definition of ''small organization.'' Most political committees are not independently owned and operated because they are not financed by a small identifiable group of individuals. Most political committees rely on contributions from a large number of individuals to fund the committees' operations and activities.

To the extent that any State party committees representing minor political parties or any other political committees might be considered ''small organizations,'' the number affected by this rule is not substantial.

Finally, candidates and other individuals operating under these rules are not small entities.

List of Subjects in 11 CFR Part 300

Campaign funds, Nonprofit organizations, Political candidates, Political committees and parties, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Federal Election Commission proposes to amend Subchapter C of Chapter I of Title 11 of

the *Code of Federal Regulations* as follows:

PART 300—NON-FEDERAL FUNDS

1. The authority citation for part 300 would continue to read as follows:

Authority: 2 U.S.C. 434(e), 438(a)(8), 441a(a), 441i, 453.

2. Section 300.2 would be amended by revising paragraphs (m) and (n) to read as follows:

§ 300.2 Definitions.

* * * * *

(m) *To Solicit.* For the purposes of part 300, to *solicit* means to ask, suggest, or recommend that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value, whether it is to be made or provided directly or through a conduit or intermediary. A solicitation is a written or oral communication, whether explicit or implicit, construed as a reasonable person would understand it in context. A solicitation does not include merely providing information or guidance as to the requirement of particular law.

(n) *To Direct.* For the purposes of part 300, to *direct* means to guide a person who has expressed an intent to make a contribution, donation, transfer of funds, or otherwise provide anything of value, by identifying a candidate, political committee or organization, for the receipt of a contribution, donation, transfer of funds, or thing of value. The contribution, donation, transfer, or thing of value may be made or provided directly or through a conduit or intermediary. Direction does not include merely providing information or guidance as to the requirement of particular law.

* * * * *

Dated: September 22, 2005.

Scott E. Thomas,

Chairman, Federal Election Commission.

[FR Doc. 05–19330 Filed 9–27–05; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2005–21694; Airspace Docket No. 04–ASO–16]

RIN 2120–AA66

Proposed Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR); Jacksonville, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); Reopening of the comment period.

SUMMARY: This action proposes to establish seven Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR) in the Jacksonville, FL, terminal area. RITTRs are low altitude Air Traffic Service routes, based on Area Navigation (RNAV), for use by aircraft having instrument flight rules (IFR)-approved Global Positioning System (GPS)/Global Navigation Satellite System (GNSS) equipment. The purpose of RITTR is to expedite the handling of IFR overflight aircraft through busy terminal airspace areas. The FAA is proposing this action to enhance the safe and efficient use of the navigable airspace in the Jacksonville, FL, terminal area. This proposed rulemaking action was originally published in the **Federal Register** on July 1, 2005 (70 FR 38053). On that date, the proposal was listed in the table of contents under Proposed Rules, ''Class E airspace,'' rather than ''Area navigation routes.'' Following the close of the comment period, the FAA was contacted by an aviation organization stating that they had not seen the NPRM for this action and desired to submit comments. It was determined that no comments had been received during the comment period. Therefore, the FAA has decided to reopen the comment period for 30 days to provide an additional opportunity for any similarly affected parties to submit comments.

DATES: Comments must be received on or before October 28, 2005.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify FAA Docket No. FAA–2005–21694 and Airspace Docket No. 04–ASO–16, at the beginning of your comments. You may also submit comments through the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Rules, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2005–21694 and Airspace Docket No. 04–ASO–16) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://dms.dot.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2005–21694 and Airspace Docket No. 04–ASO–16.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at *http://dms.dot.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov*, or the **Federal Register's** web page at *http://www.gpoaccess.gov/fr/index.html.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

In March 2000, the Aircraft Owners and Pilots Association (AOPA) requested that the FAA take action to develop and chart IFR RNAV airways for use by aircraft having IFR-approved GPS equipment. Due to the density of air traffic in some areas, en route aircraft are not always able to fly on the existing Federal airway structure when transiting congested terminal airspace. In such cases, air traffic control (ATC) is often required to provide vectors to reroute aircraft transitioning through the area to avoid the heavy flow of arriving and departing aircraft. AOPA stated that RNAV airways should facilitate more direct routings than are possible with the current Federal airway structure and should provide pilots with easier access through terminal airspace. In addition, AOPA encouraged the expanded use of RNAV airways throughout the National Airspace System (NAS).

In response to the AOPA request, a cooperative effort was launched involving the FAA, AOPA, and the Government/Industry Aeronautical Charting Forum. This effort began with the development of RNAV routes to provide more direct routing for en route IFR aircraft to transition through busy terminal airspace areas. This notice proposes to establish seven charted RITTRs for the Jacksonville, FL, terminal area. The RITTRs proposed in this notice would be depicted on the appropriate low altitude IFR en route chart(s).

RITTR Objective

The objective of the RITTR program is to enhance the expeditious movement of suitably equipped IFR aircraft around or through congested terminal airspace using IFR-approved RNAV equipment. RITTRs would enhance the ability of pilots to navigate through the area without reliance on ground-based navigation aids or ATC radar vectors. To facilitate this goal, and reduce ATC workload, RITTR routes would be designed based on the tracks routinely used by ATC to vector aircraft through or around the affected terminal area. Additionally, the routes begin and terminate at fixes or Navigational Aids located along existing VOR Federal airways in order to provide connectivity with the low-altitude en route structure. Initially, only GNSS-equipped aircraft capable of filing flight plan equipment suffix ''/G'' would be able to use RITTRs.

RITTR Identification and Charting

RITTRs are identified by the letter ''T'' prefix, followed by a three digit number. The ''T'' prefix is one of several International Civil Aviation Organization (ICAO) designators used to identify domestic RNAV routes. ICAO has allocated to the FAA the letter ''T'' prefix, along with the number block 200 to 500, for this purpose.

RITTRs would be depicted in blue on the appropriate IFR en route low altitude chart(s). Each route depiction would include a GNSS Minimum Enroute Altitude (MEA) to ensure obstacle clearance and communications reception.

The FAA plans to publish information about the RITTR program in the Aeronautical Information Manual (AIM) and the Notices to Airmen Publication (NTAP). In addition, a Charting Notice would be issued by the FAA's National Aeronautical Charting Office to explain the charting changes associated with the RITTRs.

Related Rulemaking

On April 8, 2003, the FAA published a final rule, request for comments, entitled Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes, and Reporting Points, in the **Federal Register** (68 FR 16943). This rule adopted certain amendments proposed in Notice No. 02–20, RNAV and Miscellaneous Amendments. This rule revised and adopted several definitions in FAA regulations, including Air Traffic Service Routes, to be in concert with ICAO definitions. Additionally, the final rule reorganized the structure of FAA regulations concerning the designation of Class A, B, C, D, and E airspace areas, airways, routes, and reporting points. The rule was designed to facilitate the establishment of RNAV routes in the National Airspace System for use by aircraft with advanced navigation system capabilities.

The Proposal

The FAA is proposing to amend Title 14 Code of Federal Regulations (14 CFR) part 71 to establish seven RITTRs in the Jacksonville, FL, terminal area. The routes would be designated T–204, T–205, T–206, T–207, T–208, T–210, and T–211, and would be depicted on the appropriate IFR Enroute Low Altitude charts. RITTRs are low altitude Air Traffic Service routes, similar to VOR Federal airways, but based on GNSS navigation. RNAV-equipped aircraft capable of filing flight plan equipment suffix ''/G'' may file for these routes.

This proposed action would enhance safety and facilitate more flexible and efficient use of the navigable airspace for en route IFR aircraft transitioning through the Jacksonville, FL, terminal area.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed 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, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE 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 FAA Order 7400.9N,

Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 15, 2005, is amended as follows:

Paragraph 6011—Area Navigation Routes.

* * * * *

T–204 Taylor, FL to Brunswick, GA [New]		
Taylor, FL (TAY)	VORTAC	(lat. 30°30′17″ N., long. 82°33′11″ W.)
Brunswick, GA (SSI)	VORTAC	(lat. 31°03′02″ N., long. 81°26′46″ W.)
T–205 Valdosta, GA to Ocala, FL [New]		
Valdosta, GA (OTK)	VOR/DME	(lat. 30°46′50″ N., long. 83°16′47″ W.)
Ocala, FL (OCF)	VORTAC	(lat. 29°10′39″ N., long. 82°13′35″ W.)
T–206 Cross City, FL to MONIA [New]		
Cross City, FL (CTY)	VORTAC	(lat. 29°35′57″ N., long. 83°02′55″ W.)
MONIA	WP	(lat. 30°28′49″ N., long. 82°02′53″ W.)
T–207 Waycross, GA to Ormond Beach, FL [New]		
Waycross, GA (AYS)	VORTAC	(lat. 31°16′10″ N., long. 82°33′23″ W.)
MONIA, FL	WP	(lat. 30°28′49″ N., long. 82°02′53″ W.)
Cecil, FL (VQQ)	VOR	(lat. 30°12′47″ N., long. 81°53′27″ W.)
CARRA	WP	(lat. 29°43′51″ N., long. 81°36′29″ W.)
Ormond Beach, FL (OMN)	VORTAC	(lat. 29°18′12″ N., long. 81°06′46″ W.)
T–208 Gators, FL to CARRA [New]		
Gators, FL (GVN)	VORTAC	(lat. 29°41′32″ N., long. 82°16′23″ W.)
CARRA	WP	(lat. 29°43′51″ N., long. 81°36′29″ W.)
T–210 Taylor, FL to Cecil, FL [New]		
Taylor, FL (TAY)	VORTAC	(lat. 30°30′17″ N., long. 82°33′10″ W.)
Cecil, FL (VQQ)	VOR	(lat. 30°12′47″ N., long. 81°53′27″ W.)
T–211 Ocala, FL to CARRA [New]		
Ocala, FL (OCF)	VORTAC	(lat. 29°10′39″ N., long. 82°13′35″ W.)
JUTTS	WP	(lat. 29°36′00″ N., long. 82°02′00″ W.)
CARRA	WP	(lat. 29°43′51″ N., long. 81°36′29″ W.)

* * * * *

Issued in Washington, DC, on September 15, 2005.

Edith V. Parish,

Acting Manager, Airspace and Rules.

[FR Doc. 05–19290 Filed 9–27–05; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

RIN 3038—AC20

Definition of ''Client'' of a Commodity Trading Advisor

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) is proposing to amend Rule 1.3(bb) by adding to that rule a definition of the term ''client,'' as it relates to commodity trading advisors (CTAs) (Proposal). This would clarify inconsistencies in the Commission's regulations concerning the advisees of CTAs. The Proposal would also reflect the Commission's longstanding view that its antifraud authority extends to all CTAs, irrespective of whether they provide advice on a personalized or nonpersonalized basis.

DATES: Comments must be received on or before November 28, 2005.

ADDRESSES: Comments on the Proposal should be sent to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Comments may be sent by facsimile transmission to (202) 418–5528, or by e-mail to *secretary@cftc.gov*. Reference should be made to ''Proposed Rule Regarding the Definition of 'Client' of a Commodity Trading Advisor.'' Comments may also be submitted by connecting to the Federal eRulemaking Portal at *http://www.regulations.gov* and following the comment submission instructions.

FOR FURTHER INFORMATION CONTACT: Barbara S. Gold, Associate Director, or R. Stephen Painter, Jr., Staff Attorney, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, telephone number: (202) 418–5450 or (202) 418–5416, respectively; facsimile number: (202) 418–5528; and electronic mail: *bgold@cftc.gov* or *spainter@cftc.gov*, respectively.

SUPPLEMENTARY INFORMATION:

I. The Proposal

A. Background

Section 1a(6)(A) of the Commodity Exchange Act (Act) [1] defines the term ''commodity trading advisor'' to mean any person who:

(i) For compensation or profit, engages in the business of advising others, either directly or through publications, writings, or electronic media, as to the value of or the advisability of trading in—

(I) Any contract of sale of a commodity for future delivery made or to be made on or subject to the rules of a contract market or derivatives transaction execution facility;

(II) Any commodity option authorized under section 4c; or

(III) Any leverage transaction authorized under section 19; or

(ii) For compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the activities referred to in clause (i).

Under the language of Section 1a(6)(A) of the Act, the term ''commodity trading advisor'' can include advisors who provide nonpersonalized advice, such as publishers of advisory newsletters or Web sites, as well as advisors who provide advice tailored to the needs of particular persons and advisors who direct other persons' trading pursuant to a power of attorney or other written

[1] 7 U.S.C. 1a(6) (2000). The Act and the Commission's regulations issued thereunder can be accessed at *http://www.access.gpo.gov/uscode/title7/chapter1_.html* and *http://www.gpoaccess.gov/ecfr*, respectively.

authorization. Section 1a(6)(B) of the Act excludes certain persons from the CTA definition where, as provided for in Section 1a(6)(C) of the Act, their furnishing of advice with respect to trading in commodity futures and options is *solely incidental* to the conduct of their business or profession.[2]

Rule 1.3(bb)[3] contains essentially the same definition of the term ''commodity trading advisor'' as that contained in section 1a(6) of the Act.[4] However, neither the Act nor the Commission's regulations issued thereunder define who the ''others'' are that are advised by CTAs. Moreover, neither the Act nor the regulations are consistent when referring to these advisees. Although most of the relevant provisions refer solely to ''clients,''[5] a few of the provisions refer to ''clients and subscribers.''[6] The Proposal is intended to clarify these inconsistencies.[7]

Specifically, the Proposal is intended to clarify that, as used in provisions of the Act and the regulations relating to CTAs, the term ''client'' refers to all customers of a CTA, including persons who receive advice by subscribing to a newsletter or other information service. A ''subscriber,'' then, as used in these statutory provisions and rules, is one type of ''client.''[8]

In addition, the Commission believes that defining the term ''client'' of a CTA is necessary as a result of several court cases in which various CTAs have argued that, because the antifraud provisions of Section 4*o* of the Act[9] refer to ''client'' rather than ''client or subscriber,'' those provisions apply only to CTAs who provide advice on a personalized basis.[10] As explained more fully below, the proposed definition would clarify that Section 4*o* applies to all CTAs, and not just to those who provide advice on a personalized basis. In this regard, the Commission notes that the only federal appeals court to have reached the merits of the meaning of the term ''client'' in Section 4*o*, the Seventh Circuit in *Commodity Trend Service*,[11] deferred to the Commission's interpretation of Section 4*o*, finding that the Commission's position was a reasonable interpretation of the statutory language and that it appeared to effectuate Congressional intent. The court held that the use of the term ''client'' in Section 4*o* does not connote only a personalized relationship. Instead, according to the court, the term ''client'' ''can refer to * * * those who receive tailored advice from professionals or those who receive any kind of service regardless of whether it is personalized.''[12]

B. Proposed Rule 1.3(bb)(2)

The Commission is proposing to add paragraph (bb)(2) to Rule 1.3, which would define the term ''client,'' as it relates to a CTA, as including:

> Any person (i) to whom a commodity trading advisor provides advice, for compensation or profit, either directly or through publications, writings, or electronic media, as to the value of, or the advisability of trading in, any contract of sale of a commodity for future delivery made or to be made on or subject to the rules of a contract market or derivatives transaction execution facility, any commodity option authorized under section 4c of the Act, or any leverage transaction authorized under section 19 of the Act; or (ii) to whom, for compensation or profit, and as part of a regular business, the commodity trading advisor issues or promulgates analyses or reports concerning any of the activities referred to [above]. The term 'client' includes, without limitation, any subscriber of a commodity trading advisor.

The proposed definition, then, would include clients to whom a CTA provides personalized trading advice as well as clients to whom a CTA provides nonpersonalized trading advice. Such nonpersonalized advice would include, among other things, standardized advice provided by newsletters, seminars, tutorials, periodicals, computer software, Internet Web sites, voicemail recordings, e-mails, and facsimiles. The definition also would cover advice provided over a period of time pursuant to a subscription arrangement or on a one-time basis.

Because the proposed definition of ''client'' of a CTA would include a person to whom the CTA provides advice on either a personalized or nonpersonalized basis, it would make clear that the antifraud provisions of Section 4*o* of the Act apply to *all* persons who come within the statutory definition of the term ''commodity trading advisor,'' and not, for example, just to those who provide personalized trading advice or who direct their clients' trading—*i.e.*, CTAs who must register as such with the Commission pursuant to Section 4m(1) of the Act.[13] This view is consistent with the Commission's longstanding interpretation of the provisions of Section 4*o* of the Act. Specifically, more than 25 years ago, in explaining why it

[2] These excluded persons include, among others, teachers and publishers. In this regard, the Commission notes that, for a teacher or publisher to claim the exclusion from the CTA definition in Section 1a(6)(B) of the Act, the trading advice activity may not be the sole teaching or publishing activity, but instead must be solely incidental to the teacher's or publisher's other teaching and publishing activities. *See e.g., In the Matter of Armstrong, et al.*, [1992–1994 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 25,657 (CFTC Feb. 8, 1993) (holding that publishers of standardized advice are not excluded from the definition of CTA where publication is ''largely devoted to advice about trading commodity futures or options contracts'').

[3] Commission rules cited to herein are found at 17 CFR Ch. I (2005).

[4] The Commodity Futures Modernization Act of 2000 (CFMA) amended the statutory definition of ''commodity trading advisor'' to take account of the new type of trading facility known as a ''derivatives transaction execution facility.'' *See* Commodity Futures Modernization Act of 2000, Pub. L. 106–554, Appendix E, 114 Stat. 2763, Section 123(a)(1)(A). The Commission intends to make a conforming change to its rules in connection with final action on the Proposal. The CFMA can be accessed through the Commission's Web site: *http://www.cftc.gov/files/ogc/ogchr5660.pdf*.

[5] The Act refers solely to ''clients'' of CTAs in, for example, Section 4k(3)(i), 7 U.S.C. 6k(3)(i) (registration of persons associated with CTAs), and 4*o*(1)(A) and (B), 7 U.S.C. 6*o*(1)(A) and (B) (antifraud provisions applicable to CTAs). The regulations refer solely to ''clients'' of CTAs in, for example, Rules 4.30 (prohibited activities of CTAs) and 4.41(a) (advertising by CTAs).

[6] For example, Section 4n(3)(A) of the Act, 7 U.S.C. 6n(3)(A), and Rule 4.33 (recordkeeping requirements for CTAs) refer to ''clients'' and ''subscribers'' of CTAs.

The Act also refers to ''subscribers'' other than advisees of CTAs, but these provisions are not relevant for the purposes of the Proposal. *See, e.g.*, Section 1a(1)(C) of the Act, 7 U.S.C. 1a(1)(C) (definition of alternative trading system) and Section 5f(b) of the Act, 7 U.S.C. 7b–1(b) (designation of securities exchanges and associations as contract markets).

[7] When Congress originally defined the term ''commodity trading advisor'' in 1974, the definition included any person providing trading advice ''either directly or through publications or writings.'' With the advent of various electronic media, Congress expanded the CTA definition in 1982 to include ''publications, writings or *electronic media*.'' Pub. L. 97–444, 96 Stat. 2294, Sec. 201 (Jan. 11, 1983) (emphasis added). Since 1982, these electronic media have proliferated, now including the Internet, email, and any number of software programs developed by CTAs. By defining ''client'' of a CTA using the terms of the statutory CTA definition, the Commission intends to update the scope of that term to include subscribers to, and other advisees of, the various electronic or print media now available.

[8] The usual presumption that different terms in a statute have separate meanings is rebutted as to the terms ''client'' and ''subscriber'' in the provisions of the Act regulating CTAs, by the language of the introductory provision, Section 4*l*(1), which lists ''subscriptions'' as one of the ''arrangements with clients'' entered into by CTAs. This language implies that, in connection with CTAs, a person who arranges for a subscription, in other words a ''subscriber,'' is a type of ''client.'' Moreover, a definition of ''client'' that excludes ''subscribers'' would not make sense in light of the language of Section 1a(6)(A)(i) of the Act defining a ''commodity trading advisor'' to include a person who provides advice ''through publications, writings, or electronic media.'' The customers of such CTAs could reasonably be described as ''subscribers,'' but there is no logical reason for such customers to receive less protection under the statute than other customers of CTAs.

[9] 7 U.S.C. 6*o*.

[10] *Commodity Trend Serv., Inc.* v. *CFTC*, 233 F.3d 981 (7th Cir. 2000); *R & W Technical Servs. Ltd.* v. *CFTC*, 205 F.3d 165 (5th Cir. 2000); *CFTC* v. *Vartuli*, 228 F.3d 94 (2d Cir. 2000).

[11] *Commodity Trend Serv.*, 233 F.3d at 981.

[12] *Id.* at 991.

[13] 7 U.S.C. 6m(1).

adopted certain exemptions from CTA registration—as opposed to exclusions from the CTA definition—the Commission rejected the notion that Section 4*o* applies solely to CTAs who have a personalized relationship with their advisees, stating:

> Section 4*o* should remain applicable to the persons covered by the rule because * * * their *clients and subscribers* are entitled to the protections of the antifraud provisions whether or not these persons remain obligated to be registered[.] [14]

More recently, in connection with its adoption of Rule 4.14(a)(9), the Commission expressly noted that a CTA exempt from registration by virtue of its offering nonpersonalized advice and its not directing client accounts nevertheless remains subject to the provisions of the Act that apply to *all* CTAs, including the antifraud provisions of Section 4*o*.[15]

II. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) [16] requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The Commission has previously established certain definitions of ''small entities'' to be used by the Commission in evaluating the impact of its rules on such entities in accordance with the RFA.[17]

With respect to CTAs, the Commission has previously stated that it would evaluate within the context of a particular rule proposal whether all or some affected CTAs would be considered to be small entities and, if so, the economic impact on them of the proposal.[18] The Commission does not believe that proposed Rule 1.3(bb)(2) would have a significant impact on affected CTAs. This is because the only burden imposed by the proposed amendment would be the obligation to comply with the antifraud provisions of Section 4*o* of the Act. Assuming *arguendo,* however, that compliance with Section 4*o* would constitute a significant burden, the burden is neither new nor additional, because proposed Rule 1.3(bb)(2) is consistent with the Commission's longstanding interpretation of Section 4*o* as applicable to all CTAs.

Accordingly, the Chairman, on behalf of the Commission, certifies pursuant to Section 605(b) of the RFA [19] that the proposed rule will not have a significant economic impact on a substantial number of small entities. However, the Commission invites the public to comment on this finding.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (''PRA'') imposes certain requirements on Federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. The proposed rule amendment does not require a new collection of information on the part of any entities. Accordingly, for purposes of the PRA, the Commission certifies that the proposed rule amendment, if promulgated in final form, would not impose any new reporting or recordkeeping requirements.

C. Cost-Benefit Analysis

Section 15(a) of the Act [20] requires the Commission to consider the costs and benefits of its action before issuing a new regulation under the Act. By its terms, Section 15(a) does not require the Commission to quantify the costs and benefits of a new regulation or to determine whether the benefits of the proposed regulation outweigh its costs. Rather, Section 15(a) simply requires the Commission to ''consider the costs and benefits'' of its action.

Section 15(a) further specifies that costs and benefits shall be evaluated in light of five broad areas of market and public concern: protection of market participants and the public; efficiency, competitiveness, and financial integrity of futures markets; price discovery; sound risk management practices; and other public interest considerations. Accordingly, the Commission could in its discretion give greater weight to any one of the five enumerated areas and could in its discretion determine that, notwithstanding its costs, a particular rule was necessary or appropriate to protect the public interest or to effectuate any of the provisions or to accomplish any of the purposes of the Act.

The Proposal is intended to define the term ''client'' of a CTA and to clarify that all CTAs are within the purview of the antifraud provisions of Section 4*o* of the Act. The Commission is considering the costs and benefits of this rule in light of the specific provisions of Section 15(a) of the Act as follows:

1. Protection of Market Participants and the Public

Because the Proposal expressly brings all CTAs within the purview of the antifraud provision of Section 4*o* of the Act, the Proposal should enhance the Commission's ability to protect market participants and the public.

2. Efficiency and Competition

The Proposal should have no effect, from the standpoint of imposing costs or creating benefits, on efficiency or competition.

3. Financial Integrity of Futures Markets and Price Discovery

The Proposal should have no effect, from the standpoint of imposing costs or creating benefits, on the financial integrity or price discovery function of the commodity futures and option markets.

4. Sound Risk Management Practices

The Proposal should have no effect, from the standpoint of imposing costs or creating benefits, on the available range of sound risk management alternatives.

5. Other Public Interest Considerations

The Proposal should have no effect, from the standpoint of imposing costs or creating benefits, on any other public interest considerations.

After considering these factors, the Commission has determined to propose the amendment discussed above. The Commission invites public comment on its application of the cost-benefit provision. Commenters also are invited to submit any data that they may have quantifying the costs and benefits of the Proposal with their comment letters.

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[14] 43 FR 32291, 32292 (July 26, 1978) (emphasis added).

The Commission additionally explained that ''Section 4*o* basically makes it unlawful, among other things, for *any* CTA to defraud an existing or prospective client *or subscriber*.'' *Id.* at n.2 (emphasis added).

[15] 65 FR 12938, 12941 (March 10, 2000); *see also* 68 FR 47221, 47222 (Aug. 8, 2003) (providing for additional CTA registration exemptions, but noting that ''regardless of registration status, all persons who come within the * * * CTA definition are subject to * * * provisions of the Act and the Commission's rules prohibiting fraud that apply to * * * CTAs''; *see also* 68 FR 34790, 34791 (June 11, 2003) (expanding the class of account managers permitted to bunch orders to include, among others, CTAs who are exempt from the registration requirement, but noting that ''the Commission will retain antifraud and antimanipulation authority over account managers who are exempt from registration.'')

The Commission has consistently enforced the antifraud provisions of Section 4*o* against both registered CTAs and CTAs not required to register under the Act. *E.g.*, *In the Matter of Stephen Alan Pierce*, CFTC Docket No. 02–15 (January 21, 2003) (''Section 4*o* of the Act prohibits both registered and unregistered CTAs from defrauding their clients.''); *In the Matter of Michael Radcliffe*, CFTC Docket No. 02–04 (June 10, 2002); *In the Matter of CTS Fin. Publ'g, Inc., et al.*, CFTC Docket No. 00–34 (July 5, 2001).

[16] 5 U.S.C. 601 *et seq.*

[17] 47 FR 18618 (April 30, 1982).

[18] *Id.* at 18620.

[19] 5 U.S.C. 605(b).

[20] 7 U.S.C. 19(a).

List of Subjects in 17 CFR Part 1

Brokers, Commodity futures, Consumer protection, Reporting and recordkeeping requirements.

For the reasons presented above, the Commission proposes to amend 17 CFR part 1 as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

Authority: 7 U.S.C. 1a, 2, 5, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6*l*, 6m, 6n, 6*o*, 6p 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23 and 24, as amended by the Commodity Futures Modernization Act of 2000, appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

2. Section 1.3 is proposed to be amended by adding new paragraph (bb)(2) to read as follows:

§ 1.3 Definitions.

* * * * *

(bb)(1) * * *

(2) *Client.* This term, as it relates to a commodity trading advisor, means any person (i) to whom a commodity trading advisor provides advice, for compensation or profit, either directly or through publications, writings, or electronic media, as to the value of, or the advisability of trading in, any contract of sale of a commodity for future delivery made or to be made on or subject to the rules of a contract market or derivatives transaction execution facility, any commodity option authorized under section 4c of the Act, or any leverage transaction authorized under section 19 of the Act; or (ii) to whom, for compensation or profit, and as part of a regular business, the commodity trading advisor issues or promulgates analyses or reports concerning any of the activities referred to in paragraph (bb)(2)(i) of this section. The term ''client'' includes, without limitation, any subscriber of a commodity trading advisor.

* * * * *

Issued in Washington, DC, on September 22, 2005 by the Commission.

Catherine D. Daniels,

Assistant Secretary of the Commission.

[FR Doc. 05–19323 Filed 9–27–05; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 61

RIN 1076–AE44

Preparation of Rolls of Indians

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: This document reopens the comment period for the proposed rule published on May 19, 2005, which opened the enrollment applications process for the Western Shoshone Identifiable Group of Indians.

DATES: Written comments must be received on or before October 28, 2005.

ADDRESSES: You may submit comments, identified by the number 1076–AE44, by any of the following methods:

- Federal rulemaking portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Daisy West, Office of Tribal Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Mail Stop 320–SIB, Washington, DC 20240.
- Hand delivery: Office of Tribal Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Room 320–SIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Daisy West, Office of Tribal Services, Bureau of Indian Affairs, (202) 513–7641.

SUPPLEMENTARY INFORMATION: On May 19, 2005, the Bureau of Indian Affairs published a proposed rule to amend its regulations governing the compilation of rolls of Indians in order to open the enrollment applications process for the Western Shoshone Identifiable Group of Indians (70 FR 28859). Last year we made a commitment to hold meetings with the Shoshone people to discuss the proposed rule. We were unable, however, to schedule the meetings in Elko and Reno, Nevada until August 20 and 27, 2005. We must therefore extend the comment period beyond the original deadline of July 18, 2005.

Dated: September 16, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 05–19322 Filed 9–27–05; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG–144615–02]

RIN 1545–BB26

Section 482; Methods To Determine Taxable Income in Connection With a Cost Sharing Arrangement; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking; change of date of public hearing; and extension of time for public comments.

SUMMARY: This document changes the date of the public hearing and provides notice of an extension of time for submitting comments with respect to a notice of proposed rulemaking and notice of public hearing on proposed regulations that provide guidance regarding methods under section 482 to determine taxable income in connection with a cost sharing arrangement.

DATES: The public hearing originally scheduled for Wednesday, November 16, 2005, at 10 a.m. is rescheduled for Friday, December 16, 2005, at 10 a.m. The IRS must receive outlines of the topics to be discussed at the hearing by Friday, November 25, 2005.

ADDRESSES: The public hearing is being held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance.

FOR FURTHER INFORMATION CONTACT: LaNita Van Dyke of the Publications and Regulations Branch, Associate Chief Counsel (Procedure and Administration), at (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing appearing in the **Federal Register** on Monday, August 29, 2005 (70 FR 51116), announced that a public hearing on proposed regulations providing guidance regarding methods under section 482 to determine taxable income in connection with a cost sharing arrangement will be held on Wednesday, November 16, 2005, beginning at 10 a.m., in the IRS Auditorium of the Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

The date of the hearing has changed. The hearing is scheduled for Friday, December 16, 2005, beginning at 10 a.m. in the IRS Auditorium, Internal Revenue

Building, 1111 Constitution Avenue NW., Washington, DC. Because of the controlled access restrictions, attendants will not be admitted beyond the lobby area of the Internal Revenue Building until 9:30 a.m. The IRS will prepare an agenda showing the scheduling of the speakers after the outlines are received from the persons testifying and make copies available free of charge at the hearing.

Guy R. Traynor,

Acting Chief, Publication and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 05–19405 Filed 9–27–05; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R06–OAR–2005–TX–0016; FRL–7975–8]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Permits by Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision for the State of Texas. This action removes a provision from the Texas SIP which provided public notice and opportunity for public comment for concrete batch plants which were constructed under a permit by rule (PBR). On September 1, 2000, Texas replaced the PBR for concrete batch plants with a standard permit for concrete batch plants. The standard permit for concrete batch plants also requires public notice for concrete batch plant subject to the standard permit. Texas maintained the public notice requirements of its PBR to assure that proper procedures were followed for concrete batch plants that were permitted under the PBR prior to the effective date of the standard permit. All authorization requests for concrete batch plants which constructed under the PBR have now been resolved and the public notice and comment provisions under the PBR are no longer needed.

DATES: Written comments must be received on or before October 28, 2005.

ADDRESSES: Comments may be mailed to Mr. David Neleigh, Chief, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Stanley M. Spruiell, Air Permits Section (6PD–R), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–7212; fax number (214) 665–7263; e-mail address *spruiell.stanley@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: September 19, 2005.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. 05–19357 Filed 9–27–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[WT Docket No. 05–265, WT Docket No. 00–193; FCC 05–160]

Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Federal Communications Commission (FCC) initiated a new proceeding to examine whether its roaming requirements applicable to these CMRS providers should be modified, expanded, or eliminated given the current state of the CMRS market. In a related Memorandum Opinion and Order, the FCC terminated a pending proceeding without the adoption of rules concerning roaming requirements applicable to certain Commercial Mobile Radio Services (CMRS) providers because the record in that proceeding had become stale.

DATES: Comments due on or before November 28, 2005 and reply comments are due on or before December 27, 2005. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before November 28, 2005.

ADDRESSES: You may submit comments, identified by WT Docket No. 05–265, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: *http://www.fcc.gov/cgb/ecfs/*. Follow the instructions for submitting comments.
- E-mail: Include the docket number(s) in the subject line of the message.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *Judith-B.Herman@fcc.gov*, and to Kristy L. LaLonde, OMB Desk Officer, Room 10234 NEOB, 725 17th Street, NW., Washington, DC 20503, via the Internet to *Kristy_L._LaLonde@omb.eop.gov*, or via fax at 202–395–5167.

FOR FURTHER INFORMATION CONTACT: Eli Johnson at (202) 418–1395,

Eli.Johnson@fcc.gov, or Won Kim (202) 418–1368, *Won.Kim@fcc.gov*, Wireless Telecommunications Bureau, Spectrum and Competition Policy Division. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Judith B. Herman at (202) 418–0214, or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, WT Docket No. 05–265, WT Docket No. 00–193, released August 31, 2005. The full text of the NPRM is available for public inspection on the Commission's Internet site at *http://www.fcc.gov*. It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The full text of this document also may be purchased from the Commission's duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th St., SW., Room CY–B402, Washington, DC 20554; telephone (202) 488–5300; fax (202) 488–5563; e-mail *FCC@BCPIWEB.COM*.

Initial Paperwork Reduction Act of 1995 Analysis: This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed 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, *see* 44 U.S.C. 3506(c)(4).

Synopsis

1. In the Notice of Proposed Rule Making (NPRM), the FCC initiated a proceeding to examine whether its roaming requirements applicable to CMRS providers should be modified, expanded, or eliminated given the current state of the CMRS market.[1] In a related Memorandum Opinion and Order (MO&O), the FCC also terminated an existing proceeding without the adoption of rules that addressed similar issues because the record had become stale.[2] The FCC found that the tentative conclusions and proposed rules contained in the earlier item no longer reflect the current CMRS marketplace. Accordingly, the FCC terminated the earlier roaming proceeding in WT Docket No. 00–193.[3]

2. In the NPRM, the FCC seeks to develop a record with up-to-date information on the state of roaming in today's CMRS marketplace in order to determine what regulatory regime is currently appropriate for roaming services.[4] Accordingly, the NPRM discusses and seeks comment on issues related to manual and automatic roaming, including issues concerning roaming negotiations, small and rural carrier concerns, and technical considerations.

Manual Roaming

3. The NPRM seeks up-to-date information on the practice of manual roaming and the continued utility of the manual roaming rule.[5] Specifically, the FCC seeks comment on how often subscribers avail themselves of manual roaming.[6] Given the evolution of the CMRS market and advancements in CMRS technologies, the NPRM asks, to what extent has manual roaming fallen into disuse or been replaced by automatic roaming? Further, given the role of manual roaming in today's marketplace, the FCC requests comment regarding whether the manual roaming rule should be eliminated, either in combination with the promulgation of an automatic roaming rule or without such a rule. Alternatively, should the manual roaming rule be kept as a fallback for consumers when automatic roaming is unavailable?[7] In recent merger orders, the FCC imposed a condition prohibiting the merged company from blocking manual roaming.[8] The FCC asks, therefore, to what extent is home carrier blocking of manual roaming a problem?[9] Is a rule change—as opposed to merger conditions—an appropriate way to address this issue?

4. Further, the FCC seeks comment on whether any manual roaming requirement that it retains or adopts should be subject to a sunset provision and, if so, when such a sunset should occur.[10] The FCC also asked whether any sunset of the manual roaming rule should be contingent upon adoption of an automatic roaming rule.

Automatic Roaming

5. The NPRM seeks up-to-date information on automatic roaming that would enable the FCC to fully consider the question and reach an informed decision about whether to adopt an automatic roaming rule.[11] The NPRM invites interested parties to discuss in detail whether, in the absence of an automatic roaming requirement, there have been any CMRS industry changes and trends that have positively or negatively affected the availability of roaming to consumers. The FCC is interested in the effects that the existing roaming environment has on U.S. consumers.[12] For example, what effect has the existing roaming environment had on the availability, quality and price of services to consumers? Is there any disparate impact on consumers using services in rural areas? The FCC seeks comment on the availability of automatic roaming to consumers in the absence of an automatic roaming requirement. Are there instances in which providers refused to enter into automatic roaming agreements with other providers with compatible systems, or where they have discriminated with respect to the prices or other terms on which they make roaming agreements available to different carriers? The FCC also seeks comment on whether CMRS industry mergers could increase the incentive for large, nationwide carriers to deny automatic roaming agreements to their local or regional competitors. The NPRM seeks comment regarding evidence of discriminatory roaming practices on an industry-wide basis as well as on a market-specific basis. Commenters are invited to discuss the current availability of automatic roaming services in various regions with specific data, including the quality of services and the impact of roaming services on ''dead spots'' in many less populated areas.

6. The FCC requests that commenters address both the potential benefits of various regulatory options and the

[1] *See* In the Matter of Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers; Automatic and Manual Roaming Obligations Pertaining to Commercial Mobile Radio Services, WT Docket No. 05–265, *Memorandum Opinion and Order and Notice of Proposed Rulemaking*, FCC 05–160 (rel. August 31, 2005) *(NPRM)*.

[2] The terminated Notice of Proposed Rule Making was published in 65 FR 69891–01 (Nov. 21, 2000). *See* In the Matter of Automatic and Manual Roaming Obligations Pertaining to Commercial Mobile Radio Services, WT Docket No. 00–193, *Notice of Proposed Rulemaking*, FCC 00–361, 65 FR 69891–01.

[3] *See NPRM* at para. 18.

[4] *See NPRM* at para. 20.

[5] *Id.* at para. 22.

[6] *Id.* at para. 23.

[7] *Id.*

[8] *See* Application of AT&T Wireless Services, Inc. and Cingular Wireless Corporation, WT Docket No. 04–70, *Memorandum Opinion and Order*, 19 FCC Rcd 21522, 21592 para. 182 (2004); Application of Western Wireless Corporation and ALLTEL Corporation, WT Docket No. 05–50, *Memorandum Opinion and Order*, FCC 05–138 at para. 108 (rel. July 19, 2005); Applications of Nextel Communications, Inc. and Sprint Corporation, WT Docket No. 05–63, *Memorandum Opinion and Order*, FCC 05–148 at para. 127 (rel. Aug. 8, 2005).

[9] *See NPRM* at para. 23.

[10] *Id.* at para. 24.

[11] *Id.* at para. 25.

[12] *Id.* at para. 27.

potential costs.[13] For example, would an automatic roaming rule create disincentives to the growth of facilities-based competition, or to the continued development of carriers with nationwide footprints? Would such a rule impede the development of new and improved roaming features? Are there new and improved roaming services that have developed over the past few years in the absence of an automatic roaming requirement? In addition, how would constraints imposed by any particular roaming rule affect the competitiveness of particular carriers? Would a nondiscrimination rule or any other automatic roaming rule thwart CMRS carriers' ability to compete vigorously on the basis of the particular roaming services provided, or otherwise impede carriers' ability to differentiate their roaming services? Would the costs of a rule impact small carriers disproportionately, such that some form of exemption for those carriers would be appropriate? The NPRM invites commenters to provide economic analysis and data regarding the potential benefits and costs of imposing an automatic roaming rule.

7. The NPRM also seeks comment on any administrative costs that would arise from a non-discrimination requirement or other automatic roaming rule, were such a rule to be implemented.[14] With respect to a potential non-discrimination requirement in particular, the FCC seeks comment on any burdens that would arise from the need to determine whether carriers seeking roaming agreements are ''similarly situated.''

8. The FCC also seeks comment on how to assess technical compatibility in an automatic roaming environment.[15] Under the existing manual roaming rule, the subscriber seeking to roam must first possess a handset that is technically capable of accessing the roamed-on system. Similarly, the FCC believes that if an automatic roaming requirement were imposed, the carrier seeking to enable its subscribers to roam on another system should have the burden of developing and implementing any technology that is necessary to achieve that result. In addition, the FCC stated that any automatic roaming rule should be sufficiently flexible to permit a carrier to change its system for legitimate business reasons (*e.g.*, increasing capacity, spectrum efficiency, fraud control, or deployment of enhanced features) without any obligation to make its system accessible to roamers. At the same time it may be necessary within such a framework to adopt certain safeguards to ensure that a carrier takes reasonable actions to facilitate another carrier's efforts to achieve the capability to access its system. The FCC asked commenters to address whether and to what extent a carrier should be obligated to facilitate another carrier's efforts to access its system and invited comment on the possible design of a rule to balance these considerations, as well as on any other possible approaches.

9. In addition, the FCC seeks comment on whether carriers currently use any method to inform their subscribers about when they are roaming on another carrier's network and on whether the subscriber may incur additional charges as a result of such roaming.[16] The FCC invites comment on industry practices relating to consumer education about roaming. Further, the FCC seeks comment on any other issue that a commenter believes is important for the Commission to consider as it determines whether it would be in the public interest to impose an automatic roaming requirement on CMRS providers, including, for example, any concerns regarding subscriber privacy or carriers' control over proprietary information and whether any automatic roaming requirement that we adopt in this proceeding should be subject to a sunset provision and, if so, when such a sunset should occur.

Roaming Agreements

10. In the past, the FCC has suggested that one possible automatic roaming rule could require, as a condition of license, that covered providers that enter into roaming agreements with other such providers make like agreements available to similarly situated providers, where technically compatible handsets are being used, under non-discriminatory rates, terms, and conditions.[17] Such a rule could prevent established carriers from entering into favorable agreements with selected providers while unreasonably denying such agreements to similarly situated carriers. The FCC seeks comment on whether an anti-discrimination approach to automatic roaming is appropriate in the current marketplace, or whether any other approaches should be considered.[18]

11. To the extent that a CMRS provider engages in unreasonable and discriminatory behavior by refusing to enter an automatic roaming agreement, the FCC also seeks comment on the adequacy of remedies under existing law, such as the means permitted under sections 201, 202, 208, 251, and 332 of the Act.[19] The FCC seeks general comment on whether the avenues of complaint and redress afforded by these sections provide sufficient and appropriate means of ensuring the development of automatic roaming services in a competitive CMRS market, or whether an automatic roaming requirement is necessary in order to serve the public interest.

12. Assuming that adoption of additional protections against discrimination is needed, the FCC seeks comment on whether an anti-discrimination approach to roaming should be examined on a nationwide or on a market-specific basis.[20] Should any automatic roaming rule require a carrier to enter an automatic roaming arrangement on a nondiscriminatory basis with a facilities-based competitor in the same market (''in-market'' roaming)? For instance, do such agreements diminish carriers' incentives for building out their networks? The NPRM seeks comment on how an exception that permits carriers to deny roaming agreements to ''in-market'' competitors could be administered, given the different geographic scope of cellular, broadband PCS, and SMR licenses.

13. Similarly, the FCC seeks comment on whether providers should be permitted to offer roaming agreements to affiliates on different terms and conditions than to non-affiliates, or whether, instead, agreements favorable to affiliates constitute unreasonable, discriminatory behavior.[21] The FCC seeks comment on whether it would serve the public interest to require carriers to make roaming service available to other carriers in one-way agreements under the same terms and conditions as under reciprocal agreements. The FCC also requests comment on whether a carrier should be able to offer a lower rate to a geographically proximate carrier. In addition, the FCC requests comment as to what extent, if any, an automatic roaming rule should encompass requirements specifically affecting resellers, and on the costs and benefits of any such requirements. The NPRM invites commenters to provide economic analysis and data supporting their positions.

[13] *Id.* at para. 28.
[14] *Id.* at para. 29.
[15] *Id.* at para. 30.
[16] *Id.* at para. 31.
[17] *Id.* at para. 33.
[18] *Id.*
[19] *Id.* at para. 34.
[20] *Id.* at para. 35.
[21] *Id.* at para. 36.

14. Finally, in the FCC proceeding addressing the Sprint-Nextel merger, SouthernLINC Wireless contended that it has been unable to negotiate a satisfactory roaming agreement with Nextel because the agreement restricts its subscribers to basic interconnected voice roaming and denies them access to push-to-talk, dispatch, or data roaming services.[22] The FCC seeks comment on whether such denial of access to roaming services harms competition or consumers and, if so, how any automatic roaming rule should be crafted to address the issue.[23] For example, should an automatic roaming rule require carriers to permit roaming access to all technical features of their systems, and/or require carriers to make the same features accessible to all of their roaming partners on a non-discriminatory basis? The NPRM invites commenters to provide economic and technical analysis and data supporting their positions, including information on how common practices such as those alleged by SouthernLINC are within the industry.

Small and Rural Carrier Concerns

15. In various Commission proceedings, small and rural wireless service providers have asserted that CMRS industry mergers have significantly reduced their nationwide roaming options.[24] The FCC seeks comment on these concerns raised by small and rural carriers.[25] The NPRM invites commenters to submit economic analysis and data regarding evidence of discriminatory or non-discriminatory roaming practices on an industry-wide basis, and the impact of such practices on consumers. If roaming rates are declining among carriers, is this due to a more robust CMRS market or, as small and rural carriers claim, from the dwindling number of nationwide carriers favoring one another in roaming agreements to the exclusion of other carriers? The FCC seeks specific evidence of wireless providers denying roaming agreements to other providers in a manner that harms consumers. The FCC also seeks comment on and evidence of whether large, nationwide carriers are preferring one another over other carriers in roaming agreements, and whether such a preference is a violation of Section 202 of the Communications Act.

16. In addition, the FCC seeks comment on whether large, nationwide carriers are engaging in the practice of barring their subscribers' access to networks operated by other carriers.[26] If so, does this type of practice violate the spirit of the Commission's rule requiring carriers to provide roaming access by preventing subscribers from utilizing such a service? The NPRM invites comment on the assertion by small and rural carriers that large carriers are using their market power to develop one-sided roaming agreements, at terms more favorable to themselves. Should the FCC require nondiscriminatory, rather than one-sided, automatic roaming arrangements? In this regard, should large or nationwide carriers be required to make their networks available to all roaming partners on the same terms and conditions as they offer to their ''most-favored'' roaming partners. Finally, the FCC seeks comment on whether large, nationwide carriers control ''bottleneck'' facilities that impact the ability of customers to roam onto or off of small and rural wireless networks.

17. The FCC also seeks comment on whether the concerns raised by small and rural carriers should be examined on a regional or local basis.[27] The NPRM notes that RTG has proposed ''an automatic roaming mandate'' that would only be applicable to small and ''rural'' markets where roaming partner options are at a minimum.[28] RTG has also suggested in ex parte presentation that the Commission consider a ''Tier IV'' category of CMRS providers that would consist solely of CMRS carriers with 100,000 customers or less.[29] Under this proposal, Tier IV providers would be entitled to automatic roaming in rural markets with large, nationwide carriers at reasonable symmetrical rates as a ''check'' against the abuse of market power by large carriers where they dominate the market.[30] The FCC seeks comment on RTG's proposal.[31] Should the FCC consider an automatic roaming requirement specifically targeted to rural markets? If so, how should we define ''rural'' for this purpose? In the *Rural Report and Order,* the FCC established a baseline definition of ''rural area'' as ''those counties (or equivalent) with a population density of 100 persons per square mile or less, based upon the most recently available Census data * * *.''[32] The FCC seeks comment on whether the definition in the *Rural Report and Order* or any other definition would be appropriate for any automatic roaming obligations contemplated in this proceeding.

Technical Considerations

18. *Roaming on Enhanced Digital Networks.* Another consideration in determining the need for and design of any automatic roaming requirement is the recent development by carriers of enhanced digital networks.[33] If the FCC were to apply some form of automatic roaming requirement to 2G systems, it seeks comment on whether it should also apply to upgraded 2.5G or 3G systems as well.[34] In addition, the FCC seeks comment on what impact an automatic roaming requirement would have on the incentive of carriers to invest in such upgrades.[35] The FCC also seeks comment on whether a carrier that has upgraded its system should be required to enter into roaming agreements only with other carriers that have similarly upgraded their systems, or whether, alternatively, the Commission should require a carrier with 2.5 and 3G capabilities to enter into automatic roaming agreements with all or some subset of carriers (*e.g.*, rural carriers) that employ the same digital technology (*e.g.*, GSM or CDMA), even if the other carriers have not upgraded their systems.

19. The FCC also seeks comment on the effect that automatic roaming would have on the capacity of 2.5 and 3G networks and the ability of carriers to offer full access to their own customers.[36] The Commission stated it would be concerned if requiring a carrier to offer roaming service on its enhanced network to the customers of other carriers resulted in the carrier facing capacity constraints that adversely affect its own customers. The FCC therefore asks whether a carrier should have the right to limit access to its network by roamers, and what parameters should be considered as justification for such limits. The NPRM invites commenters to suggest specific standards for determining when the requirement should or should not apply.

20. *Roaming with Multi-Mode Handsets.* Another technical consideration in the context of roaming

[22] *See* SouthernLINC Wireless Reply Comments, WT Docket No. 05–63, at 5–6.

[23] *See NPRM* at para. 37.

[24] *Id.* at paras. 38–40.

[25] *Id.* at para. 41.

[26] *Id.* at para. 42.

[27] *Id.* at para. 43.

[28] RTG, WT Docket No. 00–193, *Ex Parte,* filed June 28, 2005, at 1.

[29] *Id.*

[30] *Id.*

[31] *See NPRM* at para. 43.

[32] *See* Facilitating the Provisions of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies to Provide Spectrum-Based Services, WT Docket No. 02–381, *Report and Order and Further Notice of Proposed Rulemaking,* FCC 04–166, 19 FCC Rcd 19078, 19087 at para. 11 (2004), 69 FR 75144–01 (Dec. 15, 2004), 69 FR 75174–01 (December 15, 2004).

[33] *See NPRM* at para. 44.

[34] *Id.* at para. 44.

[35] *Id.*

[36] *Id.* at para. 46.

is that, in order for roaming on digital networks to be successful, a customer must have a handset that employs the same digital standard (*e.g.*, GSM or CDMA) as the carrier on whose network the customer is roaming.[37] However, if, in the future, handsets become available that employ multiple digital technologies or software-defined radio capabilities, this may reduce or eliminate technical impediments to the subscribers of any carrier roaming on any other carrier's network. The FCC, therefore, seeks comment as to whether and how soon such technology developments may occur, and if so, what effect the availability of multi-technology handsets will have on carriers' roaming options (*e.g.*, if multi-technology handsets were available, should we require carriers using CDMA technologies to enter into roaming agreements with GSM carriers)? [38]

21. *Roaming on Analog Networks*. In 2002, the Commission established February 18, 2008 as the sunset date for the requirement that cellular carriers provide analog service.[39] In light of the pending sunset of the analog requirement, the FCC seeks comment on whether it is necessary to extend any automatic roaming obligation that the Commission might adopt to analog networks. The FCC seeks comment on the extent to which analog systems are used in roaming today and whether there is a need to adopt automatic roaming for analog.

22. Also, in the past the FCC has considered the possible effect of mergers on the roaming market for those wireless telephony consumers who rely on analog service.[40] The FCC seeks comment on the extent to which roaming options will be affected once the analog requirement no longer exists.[41] This information is relevant to better assess the state of the CMRS market and whether analog sunset will affect the market conditions, in the near future, in a manner that would justify adoption of an automatic roaming rule for digital networks. The NPRM requests that parties comment on this change and other technical changes and their possible effects on the roaming markets.

Ex Parte Rules

23. This is a permit-but-disclose notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed pursuant to the Commission's Rules. (*See generally* 47 CFR 1.1202, 1.1203, 1.1206.)

Comment Period and Procedures

24. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://www.fcc.gov/cgb/ecfs/* or the Federal eRulemaking Portal: *http://www.regulations.gov.* Filers should follow the instructions provided on the Web site for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov,* and include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

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Initial Regulatory Flexibility Act Analysis

25. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[42] the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this Notice of Proposed Rulemaking (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM provided in paragraph 53 of the item, and they must have a separate and distinct heading designating them as responses to the IRFA. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA), in accordance with the RFA.[43] In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.[44]

[37] *Id.* at para. 47.

[38] *Id.*

[39] *Id.* at para. 48.

[40] *Id.* at para. 49.

[41] For example, a small cellular GSM carrier might now enter into a roaming agreement with a nationwide cellular CDMA carrier operating in its area because both provide analog service. However, when the analog requirement terminates, the nationwide carrier would only be able to enter into a roaming agreement with a small CDMA carrier in the area—if one exists—and the GSM carrier would only be able to have a roaming agreement with a nationwide GSM carrier—if one exists in the area.

[42] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601–612, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 1045–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

[43] *See* 5 U.S.C. 603(a).

[44] *Id.*

Need for and Objectives of the Proposed Rules

26. In the Memorandum Opinion and Order (MO&O) and NPRM, the Commission terminates the open proceeding relating to the automatic and manual roaming obligations of Commercial Mobile Radio Services (CMRS) providers in WT Docket No. 00–193, and initiates a new proceeding to examine whether its current rules regarding roaming requirements applicable to CMRS providers should be modified given the current state of the CMRS market. In the MO&O portion of the item, the Commission terminates its previous consideration of roaming issues in WT Docket No. 00–193, primarily on the basis that the comments filed and the matters at issue therein are now stale due to the passage of time and other regulatory and industry changes that have occurred since its commencement. As a result, the Commission decides to terminate the proceeding without the adoption of rules. The Commission also decides to initiate a NPRM in a new proceeding to examine CMRS roaming in a manner that takes into account current technological and market conditions. The Commission's decision will allow it to develop a record with up-to-date information regarding the state of today's CMRS marketplace in an effort to determine whether there is a need for a regulatory regime for roaming services.

27. Specifically, in the NPRM, the Commission seeks to establish a record on the current state of manual roaming and whether there is a continuing need for a manual roaming rule. The Commission also seeks comment on whether carriers should be required to enter into agreements to allow automatic roaming on their networks and, if so, how such a rule should be designed, to whom should it apply, and for what period of time. Furthermore, the Commission requests comment on whether national carriers are negotiating roaming agreements with small or rural carriers in an anti-competitive manner or are simply avoiding their networks altogether and, if so, whether the Commission should establish an automatic roaming rule that applies to a specific market or type of carrier and for what period of time. Finally, the Commission seeks to establish a record on whether digital network and handset technology has advanced enough that there are no longer technical limitations affecting the likely provision of roaming.

Legal Basis

28. The potential actions on which comment is sought in this NPRM would be authorized under sections 1, 4(i), 201(b), 251(a), 253, 303(r), and 332(c)(1)(B) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201(b), 251(a), 253, 303(r), and 332(c)(1)(B).

Description and Estimate of the Small Entities Subject to the Rules

29. The RFA requires that an initial regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' [45] The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' [46] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[47] A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[48]

30. To assist the Commission in its analysis, commenters are requested to provide information regarding which CMRS entities would be affected by the regulations on which the Commission seeks comment in this NPRM. In particular, we seek estimates of how many small entities might be affected.

31. The possible sunset of the existing ''manual'' roaming rule, if adopted, would eliminate the requirement that covered cellular, broadband PCS and SMR carriers make service available to individual users upon request, so long as the roamer's handset is technically capable of accessing their services. Sunsetting of this rule would be expected to reduce the existing regulatory burden, if any, on small businesses that must comply with the requirements of the ''manual'' roaming rule.

32. The ''automatic'' roaming regulations on which the Commission seeks comment, if adopted, would apply to providers of cellular, broadband PCS, and SMR services that offer real-time, two-way switched voice or data service that is interconnected with the public switched network and utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls.

33. *Estimate for Cellular Licensees.* The SBA has developed a small business size standard for small businesses in the category ''Cellular and Other Wireless Telecommunications.'' [49] Under that SBA category, a business is small if it has 1,500 or fewer employees.[50] According to the Bureau of the Census, only twelve firms out of a total of 1,238 cellular and other wireless telecommunications firms operating during 1997 had 1,000 or more employees.[51] Therefore, even if all 12 of these firms were cellular telephone companies, nearly all cellular carriers are small businesses under the SBA's definition.

34. In addition, we can assess data provided annually to the Commission by Telecommunications Relay Service (TRS) carriers. The TRS data compilation, published in the Commission's *Trends in Telephone Service,* groups together cellular, personal communications services, and specialized mobile radio telephony carriers into a single category called ''Wireless Telephony.'' As noted above, under the pertinent SBA small business size standard, a wireless business is small if it has 1,500 or fewer employees.[52] According to *Trends in Telephone Service* data, 447 carriers have reported that they provide Wireless Telephony.[53] Of that total, an estimated 245 are small providers, under the SBA size standard. Thus, we can estimate that the majority of such businesses are small.

35. Additionally, any rules adopted pursuant to this rulemaking will apply to cellular licensees only if they offer

[45] 5 U.S.C. 605(b).

[46] 5 U.S.C. 601(6).

[47] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

[48] Small Business Act, 15 U.S.C. 632.

[49] 13 CFR 121.201, North American Industry Classification System (NAICS) code 517212.

[50] *Id.*

[51] U.S. Census Bureau, 1997 Economic Census, Information—Subject Series, Establishment and Firm Size, Table 5 (Employment Size of Firms Subject to Federal Income Tax), NAICS code 517212 (2002). The Census Bureau will be issuing 2002 Economic Census data relating to telecommunications entities in late 2004.

[52] 13 CFR 121.201, NAICS code 517212.

[53] FCC, Wireline Competition Bureau, Industry Analysis and Technology Division, ''Trends in Telephone Service'' at Table 5.3, page 5–5 (May 2004). This source uses data that are current as of October 22, 2003.

real-time, two-way switched voice or data service that is interconnected with the public switched network and that utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. Although the Commission does not have definitive information, we estimate that most or all small business cellular licensees offer services meeting this description.

36. *Estimate for Broadband PCS Licensees.* The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission has created a small business size standard for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years.[54] For Block F, an additional small business size standard for ''very small business'' was added and is defined as an entity that, together with its affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years.[55] These small business size standards, in the context of broadband PCS auctions, have been approved by the SBA.[56] No small businesses within the SBA-approved small business size standards bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 ''small'' and ''very small'' business bidders won approximately 40 percent of the 1,479 licenses for Blocks D, E, and F.[57] On March 23, 1999, the Commission reauctioned 155 C, D, E, and F Block licenses; there were 113 small business winning bidders.[58]

37. Any rule modifications that will be made pursuant to this proceeding will apply to broadband PCS licensees only if they offer real-time, two-way switched voice or data service that is interconnected with the public switched network and that utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. Although the Commission does not have definitive information, we estimate that most or all small business broadband PCS licensees offer services meeting this description.

38. *Estimate for SMR Licensees.* The Commission awards ''small entity'' bidding credits in auctions for SMR geographic area licenses in the 800 MHz and 900 MHz bands to firms that had revenues of no more than $15 million in each of the three previous calendar years.[59] The Commission awards ''very small entity'' bidding credits to firms that had revenues of no more than $3 million in each of the three previous calendar years.[60] The Commission has held auctions for geographic area licenses in the 800 MHz and 900 MHz bands. The 900 MHz SMR auction began on December 5, 1995, and closed on April 15, 1996. Sixty bidders claiming that they qualified as small businesses under the $15 million size standard won 263 geographic area licenses in the 900 MHz SMR band. The 800 MHz SMR auction for the upper 200 channels began on October 28, 1997, and was completed on December 8, 1997. Ten bidders claiming that they qualified as small businesses under the $15 million size standard won 38 geographic area licenses for the upper 200 channels in the 800 MHz SMR band.[61] A second auction for the 800 MHz band was held on January 10, 2002 and closed on January 17, 2002 and included 23 BEA licenses. One bidder claiming small business status won five licenses.[62]

39. The auction of the 1,050 800 MHz SMR geographic area licenses for the General Category channels began on August 16, 2000, and was completed on September 1, 2000. Eleven bidders won 108 geographic area licenses for the General Category channels in the 800 MHz SMR band qualified as small businesses under the $15 million size standard. In an auction completed on December 5, 2000, a total of 2,800 Economic Area licenses in the lower 80 channels of the 800 MHz SMR service were sold. Of the 22 winning bidders, 19 claimed ''small business'' status and won 129 licenses. Thus, combining all three auctions, 40 winning bidders for geographic licenses in the 800 MHz SMR band claimed status as small businesses.

40. In addition, there are numerous incumbent site-by-site SMR licensees and licensees with extended implementation authorizations in the 800 and 900 MHz bands. We do not know how many firms provide 800 MHz or 900 MHz geographic area SMR pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of no more than $15 million.[63] One firm has over $15 million in revenues. We assume, for purposes of this analysis, that all of the remaining existing extended implementation authorizations are held by small entities, as that small business size standard is established by the SBA.

41. Additionally, any rules adopted pursuant to this rulemaking will apply to SMR licensees only if they offer real-time, two-way switched voice or data service that is interconnected with the public switched network and that utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. Although the Commission does not have definitive information, we estimate that many small business SMR licensees do not offer services meeting this description. Nonetheless, in the absence of definitive information, we assume that all of the Commission's SMR licensees that are small businesses may be subject to any rules that may be adopted in this proceeding.

Reporting, Recordkeeping, and Other Compliance Requirements

42. The Commission anticipates that any rules that may be adopted pursuant to this Notice will impose at most only limited reporting or recordkeeping requirements. The only compliance costs likely to be incurred are administrative costs to ensure that an entity's practices are in compliance with the rule. The only compliance requirement of any possible new rules is that licensees subject to any automatic roaming requirement (*i.e.*, cellular licenses, broadband PCS licensees, and geographic area 800 MHz and 900 MHz SMR licensees that offer real-time, two-way, interconnected switched voice and data service) will need to provide non-discriminatory access to their wireless

[54] *See* Amendment of Parts 20 and 24 of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, WT Docket No. 96–59, FCC 96–278, *Report and Order,* 11 FCC Rcd 7824, 7850–7852 paras. 57–60 (1996), 61 FR 33859 (July 1, 1996); *see also* 47 CFR 24.720(b).

[55] *See* Amendment of Parts 20 and 24 of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, *Report and Order,* 11 FCC Rcd 7824, 7852 para. 60.

[56] *See* Letter to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, from Aida Alvarez, Administrator, Small Business Administration, dated December 2, 1998.

[57] FCC News, ''Broadband PCS, D, E and F Block Auction Closes,'' No. 71744 (rel. January 14, 1997).

[58] *See* ''C, D, E, and F Block Broadband PCS Auction Closes,'' *Public Notice,* 14 FCC Rcd 6688 (WTB 1999).

[59] 47 CFR 90.814(b)(1).

[60] *Id.*

[61] *See* ''Correction to Public Notice DA 96–586 'FCC Announces Winning Bidders in the Auction of 1020 Licenses to Provide 900 MHz SMR in Major Trading Areas,' '' *Public Notice,* 18 FCC Rcd 18367 (WTB 1996).

[62] *See* ''Multi-Radio Service Auction Closes,'' *Public Notice,* 17 FCC Rcd 1446 (WTB 2002).

[63] These incumbent entities, which were not subject to auctions, may also be assessed under the SBA's generic small business size standard for this category which is 1,500 or few employees.

systems via automatic roaming once they reach an agreement with any carrier to permit automatic roaming. As noted above in this IRFA and in the text of the NPRM, the Commission seeks comment on the potential costs of implementing an automatic roaming requirement in this context, including such potential costs on small business.[64]

Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

43. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[65]

44. As noted, the possible sunset of the manual roaming rule, if adopted, would be expected to reduce any existing economic impact on small business. Therefore, the only possible negative economic impacts that might arise from this NPRM are those what would be associated with an ''automatic'' roaming rule.

45. However, as discussed in the NPRM, small and rural wireless service providers have requested that the Commission adopt an automatic roaming rule in some form. Small and rural service providers assert that CMRS industry mergers have significantly reduced their nationwide roaming options. With a reduced number of nationwide roaming partners available, small and rural carriers are concerned that the remaining nationwide carriers will be able to use increased market power to adversely affect roaming negotiations in the future. These carriers contend that the large nationwide service providers are able to exercise market power through an advantageous bargaining position that affects not just the ability of small and rural carriers to enter into roaming agreements, but the terms of such agreements. Small and rural carriers also claim that numerous incompatible technologies further reduce their bargaining power.

46. Additionally, small and rural carriers assert that the amount of roaming traffic they exchange with other carriers has been significantly reduced as the large carriers enter into roaming agreements with other larger carriers and avoid roaming on smaller carriers' networks. These small carriers believe such behavior is indicative of a larger industry trend where the larger carriers have begun to favor each other to the exclusion of smaller competitors, ignoring high cost rural areas. These carriers state that a substantial portion of their revenue comes from roaming revenue and the loss of such revenue makes it difficult for them to remain viable. They assert that favorable deals between large carriers eliminate a vital source of revenue for small and rural carriers. Furthermore, small carriers contend that the large carriers' practice of negotiating favorable roaming deals with one another constitutes unreasonable discrimination in violation of section 202 of the Communications Act.

47. Small and rural carriers also assert that with industry consolidation, large carriers behave in an anti-competitive manner with respect to roaming. They contend that consolidation has allowed large, nationwide CMRS carriers to use their increased market power to demand asymmetrical roaming rates from small, rural carriers. In certain cases, they assert, rural carriers must pay over five times as much to allow their customers to roam on nationwide carrier networks as the nationwide carriers pay for their customers to roam on rural networks. They argue that these asymmetrical roaming rates harm rural consumers and prevent small and rural carriers from offering their rural subscribers viable nationwide service plans that would allow rural subscribers to roam on nationwide carriers' networks.

48. As a result of these assertions, the Commission seeks comment in the NPRM on the concerns raised by small and rural carriers. The Commission asks commenters to submit economic analysis and data regarding evidence of discriminatory or non-discriminatory roaming practices on an industry-wide basis, and the impact of such practices on consumers. The Commission requests information on whether roaming rates are declining among carriers, and, if so, whether this is due to a more robust CMRS market or, as small and rural carriers claim, from the dwindling number of nationwide carriers favoring one another in roaming agreements to the exclusion of other carriers. The Commission seeks specific evidence of wireless providers denying roaming agreements to other providers in a manner that harms the providers or consumers. The NPRM also seeks comment on and evidence of whether large, nationwide carriers are preferring one another over other carriers in roaming agreements, and whether such a preference is a violation of section 202 of the Communications Act.

49. In addition, the Commission seeks comment on whether large, nationwide carriers are engaging in the practice of barring their subscribers' access to networks operated by other carriers. If so, the Commission asks, does this type of practice violate the spirit of its rule requiring carriers to provide roaming access by preventing subscribers from utilizing such a service? The Commission seeks comment on the assertion by small and rural carriers that large carriers are using their market power to develop one-sided roaming agreements, at terms more favorable to themselves. The NPRM asks whether the Commission should require nondiscriminatory, rather than one-sided, automatic roaming arrangements. In this regard, the NPRM asks whether large or nationwide carriers should be required to make their networks available to all roaming partners on the same terms and conditions as they offer to their ''most-favored'' roaming partners. Moreover, the Commission seeks comment on whether large, nationwide carriers control ''bottleneck'' facilities that impact the ability of customers to roam onto or off of small and rural wireless networks. Finally, the Commission also seeks comment on whether the concerns raised by small and rural carriers should be examined on a regional or local basis.

50. The Commission will draw on the information gained from comments filed in response to the NPRM when considering whether an automatic roaming rule should be promulgated, and if so, how it can best be drafted to minimize any costs placed on small businesses. For instance, the Commission asks whether the alternative of an exemption tailored for small business would be appropriate given the possible costs of an automatic roaming rule.[66]

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

51. None.

Ordering Clauses

52. Pursuant to sections 1, 4(i), 201(b), 251(a), 253, 303(r), and 332(c)(1)(B) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201(b), 251(a), 253, 303(r), and 332(c)(1)(B), and sections 1.411 and 1.412 of the

[64] *See NPRM* at paras. 28, 38–43.

[65] 5 U.S.C. 603(c).

[66] *See NPRM* at para. 28.

Commission's rules, 47 CFR 1.411 and 1.412, the Memorandum Opinion & Order and Notice of Proposed Rulemaking *is adopted.*

53. Pursuant to sections 4(i), 201(b), 251(a), 253, 303(r) and 332(c)(1)(B) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 251(a), 253, 303(r) and 332(c)(1)(B), and sections 1.411 and 1.412 of the Commission's rules, 47 CFR 1.411 and 1.412, the automatic and manual roaming rulemaking proceeding in WT Docket No. 00–193 *is terminated.*

54. The Petition for Commission Action filed by the Rural Telecommunications Group, Inc. on November 1, 2004 *is granted,* to the extent described in the Notice of Proposed Rulemaking.

55. Notice is given of the proposed regulatory changes described in this Notice of Proposed Rulemaking, and comment is sought on these proposals.

56. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–19346 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 23

[IB Docket No. 05–216; FCC 05–130]

Elimination of Part 23 of the Commission's Rules and Spectrum Usage by Satellite Network Earth Stations and Space Stations

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Communications Commission (FCC) proposed to eliminate part 23 of the Commission's rules, governing International Fixed Public Radiocommunication Services (IFPRS). We instead propose to regulate IFPRS services pursuant to part 101, which includes rules applicable to other fixed services. This should simplify the Commission's rules and eliminate necessary burdens on IFPRS licenses.

DATES: Comments are due on or before October 28, 2005 and reply comments are due on or before November 14, 2005.

ADDRESSES: You may submit comment, identified by [docket number and/or rulemaking number], by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: *http://www.fcc.gov/cgb/ecfs*. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone 202–418–0530 or TTY: 202–418–0432.

For detail instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Steven Spaeth (202) 418–1539, Satellite Division, International Bureau, Federal Communications Commission, Washington, DC 20554. For additional information concerning the information collection(s) contained in this document, contact Judith B. Herman at 202–418–0214, or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) in IB Docket No. 05–216, adopted June 20, 2005 and released on June 24, 2005. The full text of the Notice of Proposed Rulemaking is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, facsimile 202–488–5563, or via e-mail *FCC@BCPIWEB.com*.

The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due November 28, 2005. Comments should address; (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

Summary of Notice of Proposed Rulemaking

A. Elimination of Part 23

1. At this time, we initiate a new proceeding to propose eliminating part 23 completely and applying the requirements of part 101 of the Commission's rules to IFPRS services. Part 101 establishes procedures for many terrestrial fixed services other than IFPRS. The Commission created part 101 in 1996, to replace parts 21 and 94 of the Commission's rules. Eliminating part 23 of the Commission's rules and including IFPRS services in the part 101 framework might serve the same purposes. In addition, eliminating distinctions in regulation between international and domestic fixed public radio services would be consistent with the Commission's elimination of such distinctions in fixed satellite service regulations.

2. Specifically, we proposed allowing future IFPRS licensees to apply for a license pursuant to the rules in part 1, subpart F, ''Wireless Telecommunications Services Applications and Proceedings.'' In addition, we invite comments on revising § 101.147 of the Commission's rules to require any future IFPRS licenses to operate in the 3700–4200 MHz and the 10,700–11,700 MHz bands. These bands are available for fixed microwave services, and are currently shared with IFPRS. The 2110–2130 MHz and 2160–2180 MHz bands are also currently assigned to fixed microwave services and shared with IFPRS, but we proposed eliminating the assignment of these bands to IFPRS in part 101 of the Commissions' rules because these bands are in the process of a transition to a reassignment to emerging technology (ET). Together with these revisions to part 101 of the Commission's rules, we also propose revising the Table of Frequency of Allocation to eliminate reference to part 23 in Column 6 and to

revise footnote NG41 to reflect the decision we make this proceeding.

3. Moreover, we seek comment on applying the requirements of part 101, subpart C, ''Technical Standards,'' to IFPRS licensees to the extent that those requirements apply to the frequency bands in which they are authorized to operate. We also prose applying part 101, subpart I, ''Common Carrier Fixed Point-to-Point Microwave Service,'' and subpart E, ''Miscellaneous Common Carrier Provisions,'' to IFPRS licensees. Finally, we request comments to propose any revision to part 101 they believe may be necessary to include IFPRS among the service subject to part 101, in the event that we decide to eliminate part 23.

B. Transition

4. One of the three IFPRS licensees operating in 2000, Interisland, has since stopped providing IFPRS service. Only AT&T of the Virgin Island (AT&T) and Broadcast Media Satellite, Inc. (BMS) remain in operation. AT&T is licensed to transmit at 6256.54 and 6375.14 MHz, and to receive at 5974.85 and 6093.45 MHz. BMS is licensed to transmit at 6695 and 6226.89 MHz, and receive at 6855 and 6004.5 MHz. The AT&T and BMS licenses are scheduled to expire on December 1, 2008 and December 1, 2009, respectively.

5. Abruptly requiring AT&T and BMS to comply with part 101 of the Commission's rules requirement might be disruptive to them and their customers. Therefore, we seek comment on whether to adopt transition provisions for these licensees. Specifically, we propose allowing these licensees to continue operating pursuant to part 23 of the Commission's rules until the date that their licensees are schedule to expire. At that time, we propose permitting AT&T and BMD to apply for a fixed point-to-point microwave license pursuant to the relevant provisions of parts 1 and 101 of the Commission's rules. If either licensee chooses to apply for such a fixed point-to-point microwave license, we proposed grandfathering their use of the frequency band on which they are currently operating. We seek comment on considering any such application under the rules applicable to microwave renewal applications, but only if the licensee applies to continue its use of the frequency bands it is licensed to use now. Finally, we propose limiting this transition to AT7T and BMS, or their successors in interest. In the event that may other IFPRM operator is licensed under part 23 of the Commission's rules before this rulemaking is completed, that operate is on notice that we are considering applying part 101 requirements to IFPRS, and should be prepared to comply with those requirements immediately, should we decide to eliminate part 23.

Procedural Matters

6. *Initial Regulatory Flexibility Certification.* The Regulatory Flexibility Act of 1980, as amended (RFA) requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that ''the rule will not have a significant economic impact on a substantial number of small entities.'' The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

7. In this *Notice of Proposed Rulemaking*, the Commission proposes to eliminate part 23 of the Commission's rules, and apply the rules in part 101 to the IFPRS licensees currently subject to part 23. We expect that the change from the licensing procedure in part 101 of the Commission's rules to the licensing procedure in part 23 of the Commission's rules would have little effect from IFPRS licensees' perspective. Furthermore, the Commission proposes grandfathering measures to lessen any impact that current part 23 licensees might otherwise experience as a result of the application of part 101 of the Commission's rules. Therefore, we certify that the requirements of this *Notice of Proposed Rulemaking*, if adopted, will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the *Notice of Proposed Rulemaking*, including a copy of this certification, in a report to Congress pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A). In addition, the *Notice of Proposed Rulemaking* and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**. See 5 U.S.C. 605(b).

Ordering Clauses

8. *Accordingly, it is* pursuant to section 1, 4(i), 4(j), 7(a), 301, 303(c), 303(f), 303(g), 303(r), 303(y), and 308 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 157(a), 301, 303(c), 303(f), 303(g), 303(r), 303(y), and 308, that is Notice of Proposed Rulemaking in IB Docket No. 05–216 is hereby adopted.

9. *It is furthered ordered* that the Consumer Information Bureau, Reference Information Center, shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–19160 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 70, No. 187

Wednesday, September 28, 2005

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Notice of Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Executive Director of the Joint Board for the Enrollment of Actuaries gives notice of a closed meeting of the Advisory Committee on Actuarial Examinations.

DATES: The meeting will be held on October 17, 2005, from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Segal Company, 101 North Wacker Drive, Suite 500, Chicago, IL.

FOR FURTHER INFORMATION CONTACT: Patrick W. McDonough, Executive Director of the Joint Board for the Enrollment of Actuaries, 202–622–8225.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the Segal Company, 101 North Wacker Drive, Suite 500, Chicago, IL on Monday, October 17, 2005, from 8:30 a.m. to 5 p.m.

The purpose of the meeting is to discuss topics and questions, which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics, pension law and methodology referred to in 29 U.S.C. 1242(a)(1)(B).

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the subject of the meeting falls within the exception to the open meeting requirement set forth in Title 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: September 16, 2005.

Patrick W. McDonough,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 05–19391 Filed 9–27–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF THE INTERIOR

Notice of Guidelines for Public Involvement in Establishing Recreation Fee Areas and for Demonstrating How the Public Was Informed on the Use of Recreation Fee Revenues

AGENCY: Forest Service, USDA; National Park Service, Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, DOI.

ACTION: Establishment of interagency guidelines.

SUMMARY: This notice establishes guidelines on public participation and public outreach for the United States Department of Agriculture, Forest Service, and the United States Department of the Interior, National Park Service; United States Fish and Wildlife Service; Bureau of Land Management; and Bureau of Reclamation (the cooperating agencies). The guidelines apply to the establishment of new recreation fee areas and the demonstration of how the cooperating agencies have informed the public on the use of recreation fee revenues. In addition, each cooperating agency will determine specific public involvement opportunities based on local needs and interests. Detailed guidance on public involvement will be incorporated in each agency's directives, manuals, or orders.

EFFECTIVE DATE: These guidelines are effective September 28, 2005.

FOR FURTHER INFORMATION CONTACT: Jonathan Stephens, Recreation and Heritage Resources Staff, USDA Forest Service, (202) 205–1701; Lee Larson, Bureau of Land Management Recreation Fee Program, (202) 452–5168; Jane Anderson, National Park Service, (202) 513–7087; Rebecca Halbe, U.S. Fish and Wildlife Service, (703) 358–2365; or Bruce Brown, Bureau of Reclamation, (202) 513–0599.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with Section 804(c) of the Federal Lands Recreation Enhancement Act (REA) (16 U.S.C. 6803(c)), the United States Department of Agriculture, Forest Service (FS), and the United States Department of the Interior, Bureau of Land Management (BLM), Bureau of Reclamation (Reclamation), United States Fish and Wildlife Service (FWS), and National Park Service (NPS), referred to collectively as the cooperating agencies, are jointly publishing these public involvement guidelines. These guidelines address public involvement in the establishment of any new recreation fee areas and describe how the cooperating agencies will demonstrate how they have informed the public on the use of recreation fee revenues.

The cooperating agencies are responsible for management of Federal lands, resources, and waters and enhancing the public's knowledge, use, and appreciation of these lands, resources, and waters. The cooperating agencies agree to work together to implement the public involvement requirements in REA efficiently and effectively. The goals of the public involvement guidelines are to provide the public with opportunities to be actively engaged in establishment of any new recreation fee areas and to provide for effective ways to demonstrate annually how the public has been informed of how recreation fee revenues are spent. In addition, REA provides the FS and BLM with additional opportunities for public involvement through the establishment of Recreation Resource Advisory Committees. The public will also have opportunities to work with the cooperating agencies in recommending how the recreation fees will be spent.

II. Establishment of New Recreation Fee Areas

The cooperating agencies will integrate public involvement opportunities in any decision to establish new recreation fee areas.

REA applies to the Secretary of Agriculture as to National Forest System lands and the Secretary of the Interior as to lands managed by NPS, FWS, BLM, and Reclamation (16 U.S.C. 6801(10)). As required by Section 804(b) of REA (16 U.S.C. 6803(b)), the

Secretary with jurisdiction will publish a **Federal Register** notice of the establishment of each new recreation fee area 6 months prior to its establishment.

The cooperating agencies will identify outreach efforts to encourage public involvement in establishment of new recreation fee areas. Outreach efforts may include recreation fee site visits, public meetings, focus groups, newsletters, and Web sites.

Public involvement opportunities will include sharing plans developed by the cooperating agencies for establishment of any recreation fee areas. These plans generally will contain (1) a description of the new recreation fee areas; (2) a financial analysis, including projected development, operating, and maintenance costs and projected income for the fee area; (3) an analysis of existing private and public facilities or services in the vicinity of the fee area that may compete with it, and (4) a description of how the cooperating agencies will inform the public as to how the fees collected at the area are spent.

In addition, each cooperating agency will determine specific public involvement opportunities based on local needs and interests. Detailed guidance on public involvement will be incorporated in each cooperating agency's directives, manuals, or orders.

III. Demonstrating Annually How the Public Was Informed of the Use of Recreation Fee Revenues

The cooperating agencies annually will post notices at each recreation fee area informing the public of the use or anticipated use of recreation fees collected at that site during the previous year. In addition, in the triennial report to Congress on the recreation fee program required by Section 809 of REA (16 U.S.C. 6808), the cooperating agencies will describe how they have informed the public about the use of recreation fee revenues. This information will also be made available on cooperating agencies' Web sites.

Dated: September 15, 2005.

Mark Rey,

Under Secretary, Natural Resources and Environment, Department of Agriculture.

Dated: August 12, 2005.

P. Lynn Scarlett,

Assistant Secretary, Policy, Management and Budget, Department of the Interior.

[FR Doc. 05–19332 Filed 9–27–05; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF AGRICULTURE

Economic Research Service

Notice of Intent To Seek Approval To Collect Information

AGENCY: Economic Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the Economic Research Service's (ERS) intention to request approval for a new information collection from the U.S. population. The study will collect data on consumers' food purchase decisions, consumers' knowledge of food safety and nutrition, and how safety and nutrition information is influencing purchase decisions. The information will be collected four times a year, about once per quarter.

DATES: Comments on this notice must be received by December 2, 2005 to be assured of consideration.

ADDRESSES: Requests for additional information concerning this notice should be directed to Abebayehu Tegene, Food Markets Branch, Food and Rural Economics Division, Economic Research Service, U.S. Department of Agriculture, 1800 M St., NW., Washington, DC 20036–5831. Submit electronic comments to *ategene@ers.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Rapid Consumer Response Survey.

OMB Number: Not yet assigned.

Expiration Date: Three years from date of issuance.

Type of Request: Approval for a new collection of information to be administered by AC Nielsen.

Abstract: The Economic Research Service (ERS), as the lead economic research arm of the U.S. Department of Agriculture, has the responsibility to conduct economic research supporting the mission of the Department. This responsibility includes conducting research and providing information to Department officials on economic issues related to food safety, nutrition and health (including factors related to food choices), expenditure and consumption patterns at and away from home, food prices, food assistance programs, nutrition education, and food industry structure.

USDA faces many demands where information about consumer behavior is necessary. However, there are few sources of such data. These sources, such as the National Health and Nutrition Examination Survey (NHANES), are based on large-scale surveys. Large-scale surveys often take several years for planning, surveying, and data management. Consequently, data are a few years old when released. Policies guided by market conditions have to contend with the fact that markets may change quickly as consumers respond to emerging food safety issues or new nutrition messages.

To make best use of the large-scale surveys, researchers must be able to forecast important issues, sorting out which are transitory and which are more permanent. To better assess issues of importance to consumers and to agriculture, a pilot survey is being proposed that will address topical issues in consumer behavior. Each quarter a panel of consumers will be asked about one important issue they face. With this focused approach, knowledge will be gained about how to ask questions about safety, nutrition, and other issues without alarming consumers or guiding consumers' responses.

The quarterly surveys will be administered by AC Nielsen, a private data management and survey firm, to members of a pre-recruited panel of participants. The survey is to be completed online using the Internet. Administering the survey through the Internet will reduce the burden on respondents because the survey can be answered more quickly by computer than over the phone or in person, and because respondents can complete the survey at a time convenient to them. The panel participants have already provided AC Nielsen with household and personal characteristics such as family income, education, ethnicity, household composition, and region where they live. Thus, this information will not have to be obtained for the surveys. They also report all grocery purchases, including produce, meats and other random weight products, through the use of scanners that have been placed in their homes. By using the AC Nielsen panel of consumers, research can be conducted that links stated positions with actual market behavior. So, even if the panel members may not be representative of the U.S. population, the survey will give insight into how new issues influence markets. Such knowledge will help guide the design of large-scale surveys, and help sort out what issues ought to be addressed in this venue. The information gained from this pilot study will help researchers formulate their

hypotheses and provide key indicators on consumers' attitude or perception on dietary and safety issues.

Although ERS plans to have four surveys per year, unanticipated events, such as unforeseen food safety incidents, or large swings in sales volume, prices, or quantities of major food products, may demand out-of-cycle surveys be conducted to keep information current. For similar reasons, topics for future surveys cannot be determined with certainty.

Estimate of Burden: The reporting burden on each respondent completing a quarterly survey is estimated to be 7 minutes. Each quarterly survey will have 12–14 questions.

Respondents: The panel completing each survey is composed of consumers who have already been recruited by AC Nielsen and agree to report all grocery purchases and participate in several surveys through the Internet.

Estimated Number of Respondents: The sample size for AC Nielsen's online Internet survey is 6,600 respondents.

Estimated Total Burden on Respondents: 770 hours (7 minutes per survey x 6,600 respondents) for each quarterly survey. The annual burden for four surveys totals 3,080 hours.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technology. Comments should be sent to the address stated in the preamble. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will also become a matter of public record.

Dated: September 19, 2005.

Susan E. Offutt,

Administrator, Economic Research Service, USDA.

[FR Doc. 05–19308 Filed 9–27–05; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 04–037N]

Treatment of Live Poultry Before Slaughter

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service (FSIS) is reminding all poultry slaughter establishments that, under the Poultry Products Inspection Act (PPIA) and Agency regulations, live poultry must be handled in a manner that is consistent with good commercial practices, which means they should be treated humanely. Although there is no specific federal humane handling and slaughter statute for poultry, under the PPIA, poultry products are more likely to be adulterated if, among other circumstances, they are produced from birds that have not been treated humanely, because such birds are more likely to be bruised or to die other than by slaughter.

FOR FURTHER INFORMATION CONTACT: Lynn Dickey, PhD, Director, Regulations and Petitions Policy Staff, Office of Policy, Program, and Employee Development, Food Safety and Inspection Service, Cotton Annex Building, 300 12th Street, SW., Room 112, Washington, DC 20250–3700; (202) 720–5627.

Comments

FSIS invites interested persons to submit comments on this notice. Submit comments by October 28, 2005. Comments may be submitted by any of the following methods:

- Mail, including floppy disks or CD–ROM's, and hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102 Cotton Annex, Washington, DC 20250.

All submissions received must include the Agency name and docket number 04–037N. All comments submitted in response to this notice, as well as research and background information used by FSIS in developing this document, will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday. The comments also will be posted on the Agency's Web site at *http://www.fsis.usda.gov/regulations/2004_Notices_Index/Index.asp*.

SUPPLEMENTARY INFORMATION:

The Poultry Products Inspection Act (PPIA) and Implementing Regulations

FSIS considers humane methods of handling animals and humane slaughter operations a high priority and takes seriously any violations of applicable laws and regulations. In poultry operations, employing humane methods of handling and slaughtering that are consistent with good commercial practices increases the likelihood of producing unadulterated product.

FSIS regulations describe the operating procedures that poultry processors must follow to ensure sanitary processing, proper inspection, and the production of poultry products that are not adulterated. Under 9 CFR 381.71, FSIS condemns poultry showing, on ante mortem inspection, certain diseases or conditions. Bruising is one condition that may result in condemnation (9 CFR 381.89). Bruises are likely to result when birds are not treated humanely.

Moreover, the PPIA (21 U.S.C. 453(g)(5)), as well as the Agency's regulations (9 CFR 381.90), provide that carcasses of poultry showing evidence of having died from causes other than slaughter are considered adulterated and condemned. The regulations also require that poultry be slaughtered in accordance with good commercial practices, in a manner that results in thorough bleeding of the poultry carcass, and ensures that breathing has stopped before scalding so that the birds do not drown (9 CFR 381.65(b)). Compliance with these requirements helps ensure that poultry are treated humanely.

The Reason FSIS Is Issuing This Notice at This Time

FSIS is issuing this notice because there has been considerable congressional and public interest in the humane treatment of animals, including poultry. As FSIS explained in the September 9, 2004, **Federal Register**, in recent years, Congress has taken various actions to strengthen USDA's resources and to ensure that FSIS enforces the statutory provisions concerning the humane handling and slaughter of livestock (69 FR 54625). In addition, the U.S. Department of Agriculture has received several letters from members of Congress expressing concerns regarding the humane treatment of poultry and supporting legislation to include provisions for the humane treatment of poultry in the Humane Methods of Slaughter Act (HMSA). The HMSA of 1978 (7 U.S.C.1901 *et seq.*) requires that humane methods be used for handling

and slaughtering livestock but does not include comparable provisions concerning the handling and slaughter of poultry.

In the September 9, 2004, **Federal Register**, FSIS also explained that, in addition to this congressional interest, FSIS has received over 20,000 letters from the public (individuals, consumer organizations, and animal welfare organizations) over the last few years expressing concerns regarding the humane treatment of livestock (69 FR 54626). Some of these letters also expressed concerns regarding the humane treatment of poultry. In addition, the U.S. Department of Agriculture has received nearly 13,000 e-mail messages supporting legislation to include provisions for the humane treatment of poultry in the HMSA.

Finally, FSIS received a petition from the Animal Legal Defense Fund, dated November 21, 1995, requesting that FSIS amend the Federal poultry products inspection regulations to require humane standards of slaughter for poultry. FSIS denied the petition because, as is explained above, there is no specific federal humane handling and slaughter statute for poultry. However, as is also explained above, the PPIA and Agency regulations do require that live poultry be handled in a manner that is consistent with good commercial practices, and that they not die from causes other than slaughter.

Undesirable Consequences of Not Handling Poultry in Accordance With Good Commercial Practices

The abuse of poultry by killing them by an unacceptable method or by treating them in a manner that is not consistent with good commercial practices may render the poultry product adulterated and, hence, not acceptable for human food. The dead birds are considered to be cadavers (carcasses of poultry showing evidence of having died from causes other than slaughter) and are condemned. These carcasses are not of good quality, are undesirable, and are of no profitable advantage to establishments, as they are not marketable and could not be sold. In contrast, the use of good commercial practices tends to produce poultry that is processed according to federal requirements, and that is wholesome and marketable.

It is a prohibited act to slaughter poultry in any way that is not in compliance with the PPIA (21 U.S.C. 458(a)(1)). If birds hung on the slaughter line expire prior to slaughter due to mishandling, or are being killed in a manner that does not comply with good commercial practices, the resultant product is adulterated under the PPIA.

FSIS Perspective on the Treatment of Poultry

Many poultry operations may not be aware of industry guidelines pertaining to the treatment of poultry at slaughter. FSIS has included a list of references at the end of this notice that may assist poultry slaughter establishments in considering means of assessing or improving their handling and slaughter procedures. One method poultry operations may wish to examine is a systematic approach to ensuring that poultry is handled and slaughtered in a manner that is consistent with good commercial practices. By a ''systematic approach,'' FSIS means one in which establishments focus on treating poultry in such a manner as to minimize excitement, discomfort, and accidental injury the entire time that live poultry is held in connection with slaughter. Establishments can achieve such an approach by:

(1) Assessing under what circumstances poultry may experience excitement, discomfort, or accidental injury while being handled in connection with slaughter;

(2) Taking steps to minimize the possibility of such excitement, discomfort, and accidental injury; and

(3) Evaluating periodically how poultry are being handled and slaughtered to ensure (a) that any excitement, discomfort, or accidental injury is being minimized; (b) that all poultry are slaughtered in a manner that results in thorough bleeding of the poultry carcass; and (c) that breathing has stopped before scalding.

In the first step of a systematic approach, establishments conduct an assessment of where handling problems may occur. They would consider such factors as (1) whether they are providing training for their employees in handling live poultry, (2) whether feed and water withdrawal is kept to the minimum level consistent with good processing practices, (3) whether they have appropriately designed and maintained facilities for bird delivery to the establishment, (4) whether holding areas are equipped with an adequate number of fans to ensure proper ventilation for birds, (5) whether stunning equipment (if applicable) and killing equipment are constantly monitored to ensure proper functioning for humane processing, (6) whether all poultry are dead before entering the scalder, and (7) whether establishment personnel and equipment handle poultry in a manner that minimizes broken legs and wings. These factors are based on information provided in the National Chicken Council Animal Welfare Guidelines and Audit Checklist, which is included in the list of references at the end of this notice.

As a second step of a systematic approach, establishments determine whether their facilities are designed and maintained to prevent excitement, discomfort, and accidental injury to poultry the entire time that live poultry is held in connection with slaughter.

In the third step, establishments periodically evaluate their handling methods to ensure that their employees are in fact minimizing excitement, discomfort, or accidental injury to live poultry, that their methods ensure all poultry are slaughtered in a manner that results in thorough bleeding of the carcass, and that their methods ensure poultry breathing has stopped before scalding.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov/regulations/2005_Notices_Index/Index.asp*. FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an electronic mail subscription service that provides an automatic and customized notification when popular pages are updated, including **Federal Register** publications and related documents. This service is available at *http://www.fsis.usda.gov/news_and_events/e-mail_subscription/* and allows FSIS customers to sign up for subscription options in eight categories. Options range from recalls to export information to regulations, directives and notices.

Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

References

The following sources are available for review in the FSIS Docket Room, Cotton Annex, 300 12th Street, SW., Room 102, Washington, DC 20250 between 8:30 a.m. and 4 p.m., Monday through Friday.

Food Marketing Institute/National Council of Chain Restaurants Animal Welfare Audit Program. Information about the program is available at *http://www.awaudit.org/*.

National Chicken Council Animal Welfare Guidelines and Audit Checklist. Available at *http://www.nationalchickencouncil.com/*.

Thaler, A.M., ''The United States Perspective Towards Poultry Slaughter.'' *Poultry Science*. February 1999. v. 78 (2), p. 298–301.

Done at Washington, DC on September 23, 2005.

Barbara J. Masters,

Administrator.

[FR Doc. 05–19378 Filed 9–27–05; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 05–030N]

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Import and Export Inspection and Certification Systems

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, United States Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS), are sponsoring a public meeting on November 10, 2005. The objective of the public meeting is to provide information and receive public comments on agenda items and draft U.S. positions that will be discussed at the 14th Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) of the Codex Alimentarius Commission (Codex), which will be held in Melbourne, Australia, November 28–December 2, 2005. The Under Secretary for Food Safety and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 14th Session of CCFICS and to address items on the agenda.

DATES: The public meeting is scheduled for Thursday, November 10, 2005 from 1 p.m. to 4 p.m.

ADDRESSES: The public meeting will be held in Room 0161 of the South Agriculture Building, 1400 Independence Avenue, SW., Washington, DC (Smithsonian Metro stop). Documents related to the 14th Session of the CCFICS will be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.net/current.asp.*

FSIS invites interested persons to submit comments on this notice. Comments may be submitted by any of the following methods:

• Mail, including floppy disks or CD–ROMs, and hand- or courier-delivered items: Send to the FSIS Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102, Cotton Annex, Washington, DC 20250. All comments received must include the Agency name and docket number 05–030N. All comments submitted in response to this notice, will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday. The comments also will be posted on the Agency's Web site at *http://www.fsis.usda.gov/regulations/2005_Notices_Index/*.

FOR FURTHER INFORMATION CONTACT: About the 14th session of the CCFICS: Dr. Catherine Carnevale, Director, Office of Constituent Operations, Center for Food Safety and Applied Nutrition, FDA, 5100 Paint Branch Parkway (HFS–550), College Park, MD 20740, phone: (301) 436–2380, Fax: (301) 436–2618. E-mail: *Catherine.Carnevale@cfsan.fda.gov.* About the public meeting: Edith Kennard, Staff Officer, U.S. Codex Office, Food Safety and Inspection Service, Room 4861, South Building, 1400 Independence Avenue, SW., Washington, DC 20250, Phone: (202) 720–5261, Fax: (202) 720–3157, E-mail: *edith.kennard@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1962 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the major international organization for encouraging fair international trade in food and protecting the health and economic interests of consumers. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and correctly labeled. In the United States, USDA, FDA, and the Environmental Protection Agency manage and carry out U.S. Codex.

The Codex Committee on Food Import and Export Inspection and Certification Systems was established to develop principles and guidelines for food import and export inspection and certification systems to facilitate trade through harmonization and to supply safe and quality foods to consumers. Included in the charge is application of measures by competent authorities to provide assurance that foods comply with essential requirements.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 14th Session of the Committee will be discussed during the public meeting:

• Proposed draft Appendices to the Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification.

• Proposed draft Guidelines for Risk-based Inspection of Imported Foods

• Proposed draft Principles for the Application of Traceability/Product tracing in the context of Food Inspection and Certification Systems

• Proposed draft Revision of the Guidelines for Generic Official Certificate Formats and the Production and issuance of Certificates

• Discussion Paper on the Revision of the Guidelines for the Exchange of Information between Countries on Rejection of Imported Foods

• Discussion Paper on development of an Appendix on ''Information relating to the need for technical assistance and cooperation between the importing countries to exporting countries'' to the Codex Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification

Members of the public may access or request copies of these documents at: *http://www.codexalimentarius.net/current.asp*

Public Meeting

At the November 10th public meeting, draft U.S. positions on the agenda items will be described, discussed, and attendees will have the opportunity to

pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 14th session of the CCFICS, Dr. Catherine Carnevale (see **FOR FURTHER INFORMATION CONTACT**). Written comments should state that they relate to activities of the 14th Session of the CCFICS.

Additional Public Information

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public, and in particular minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov/regulations/2005_Notices_Index/*.

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The update is communicated via Listserv, a free electronic mail subscription service for industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

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Customers can add or delete subscriptions themselves and have the option to protect their accounts with passwords.

Done at Washington, DC, September 23, 2005.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarius.

[FR Doc. 05–19374 Filed 9–27–05; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Industry and Security.

Title: Requests For Appointment Of Technical Advisory Committee.

Form Number(s): Not applicable.

Agency Approval Number: 0694–0100.

Type of Request: Renewal of an existing collection.

Burden: 5 hours.

Number of Respondents: 1.

Average Hours Per Response: 5.

Needs and Uses: The Technical Advisory Committees (TAC) were established to advise and assist the U.S. Government on export control matters. In managing the operations of the TACs, the Department of Commerce is responsible for implementing the policies and procedures prescribed in the Federal Advisory Committee Act. The Bureau of Industry and Security provides technical and administrative support for these committees. The TACs advise the government on proposed revisions to export control lists, licensing procedures, assessments of the foreign availability of controlled products, and export control regulations.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, DOC Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230. (or via Internet at *DHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, room 10202, New Executive Office Building, Washington, DC 20503.

Dated: September 22, 2005.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–19299 Filed 9–27–05; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security.

Title: National Security and Critical Technology Assessment of the U.S. Industrial Base.

Agency Form Number: N/A.

OMB Approval Number: 0694–0119.

Type of Request: Extension of a currently approved collection of information.

Burden: 24,000 hours.

Average Time Per Response: 4 hours per response.

Number of Respondents: 6,000 respondents.

Needs and Uses: The Department of Commerce/BIS, in coordination with other government agencies and private entities, conduct assessments of U.S. industries deemed critical to our national security. The information gathered is needed to assess the health and competitiveness as well as the needs of the targeted industry sector in order to maintain a strong U.S. industrial base. Data obtained from the surveys will be used to prepare an assessment of the current status of the targeted industry, addressing production, technological developments, economic performance, employment and academic trends, and international competitiveness.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230. (or via Internet at *DHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, e-mail address, *David_Rostker@omb.eop.gov*, or fax number, (202) 395–7285.

Dated: September 22, 2005.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–19300 Filed 9–27–05; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Industry and Security.

Title: Miscellaneous Activities.

Form Number(s): Not applicable.

Agency Approval Number: 0694–0102.

Type of Request: Renewal of an existing collection.

Burden: 201 hours.

Number of Respondents: 2.

Average Hours Per Response: 100.5.

Needs and Uses: This information collection activities is comprised of two activities: ''Registration Of U.S. Agricultural Commodities For Exemption From Short Supply Limitations On Export'', and ''Petitions For The Imposition Of Monitoring Or Controls On Recyclable Metallic materials; Public Hearings.'' These activities are statutory in nature and, though they are seldom applied, must remain a part of BIS's information collection budget authorization.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6613, 14th and Constitution Avenue, NW., Washington, DC 20230. (or via Internet at *Dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, e-mail address, *David_Rostker@omb.eop.gov*, or fax number, (202) 395–7285.

Dated: September 22, 2005.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–19301 Filed 9–27–05; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration; Procedure to Initiate an Investigation Under the Trade Expansion Act of 1962

ACTION: Proposed collection: Comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 28, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, DOC Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via Internet at *DHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Larry Hall, BIS ICB Liaison, (202) 482–4895, Department of Commerce, Room 6703, 14th and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

Upon request, the Department of Commerce shall initiate an investigation to determine the effects of imports of certain commodities on the national security, and will make the findings known to the President for possible adjustments to imports through tariffs. The findings are made publicly available and are reported to Congress. The purpose of this collection of information is to account for the public burden associated with submitting such a request from any interested party, including other government departments or by the Secretary of Commerce.

II. Method of Collection

In written form.

III. Data

A request or application shall describe how the quantity, availability, character and uses of a particular imported article, or other circumstances related to its import affect the national security.

OMB Number: 0694–0120.

Form Number: N/A.

Type of Review: Regular submission for extension of a currently approved collection.

Affected Public: Businesses, or other for profit institutions and the Federal Government.

Estimated Number of Respondents: 1.

Estimated Time Per Response: 3,000 hours.

Estimated Total Annual Burden Hours: 3,000 hours.

Estimated Total Annual Cost: $60 for respondents—no equipment or other materials will need to be purchased to comply with the requirement.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 22, 2005.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–19302 Filed 9–27–05; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Licensing Responsibilities and Enforcement

ACTION: Proposed collection: Comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and

respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 28, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, DOC Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230. (or via Internet at *DHhynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Larry Hall, BIS ICB Liaison, (202) 482–4895, Department of Commerce, Room 6703, 14th and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

This information collection package supports the various collections, notifications, reports, and information exchanges that are needed by the Office of Export Enforcement and Customs to enforce the Export Administration Regulations and maintain the National Security of the United States.

II. Method of Collection

Submitted as required.

III. Data

OMB Number: 0694–0122.
Form Number: N/A.
Type of Review: Regular submission for extension of a currently approved collection.
Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.
Estimated Number of Respondents: 145,372.
Estimated Time Per Response: Up to 2.5 hours per response.
Estimated Total Annual Burden Hours: 70,104 hours.
Estimated Total Annual Cost: No start-up capital expenditures.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: September 22, 2005.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–19303 Filed 9–27–05; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Offsets in Military Exports

ACTION: Proposed collection: Comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 28, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Program Analyst, (202) 482–3129, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 or via internet at (*DHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Larry Hall, BIS ICB Liaison, (202) 482–4895, Department of Commerce, Room 6703, 14th and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection is required by The Defense Production Act. This law requires United States firms to furnish information to the Department of Commerce regarding offset agreements exceeding $5,000,000 in value associated with sales of weapon system or defense-related items to foreign countries or foreign firms. Offsets are industrial or commercial compensation practices required as a condition of purchase in either government-to-government or commercial sales of defense articles and/or defense services as defense as defined by the Arms Export Control Act and the International Traffic in Arms Regulations. Such offsets are required by most major trading partners when purchasing U.S. military equipment or defense related items.

II. Method of Collection

Submission to BIS.

III. Data

OMB Number: 0694–0084.
Form Number: N/A.
Type of Review: Regular submission for extension of a currently approved collection.
Affected Public: Businesses or other for-profit institutions.
Estimated Number of Respondents: 100.
Estimated Time per Response: 10 hours per response.
Estimated Total Annual Burden Hours: 1,000.
Estimated Total Annual Cost: No start-up capital expenditures.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: September 22, 2005.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–19304 Filed 9–27–05; 8:45 am]

BILLING CODE 3510–33–M

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; John H. Carrington; In the Matter of: John H. Carrington, 2316 Wakefield Plantation Drive, Raleigh, NC 27614, Respondent; Order Relating to John H. Carrington

The Bureau of Industry and Security, U.S. Department of Commerce (''BIS'') has notified John H. Carrington (''Carrington'') of its intention to initiate an administrative proceeding against him pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2005)) (''Regulations''),[1] and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401–2420 (2000)) (''Act''),[2] by issuing a proposed charging letter issued to Carrington that alleged that he committed 181 violations of the Regulations. Specifically, the charges are:

1. One Violation of 15 CFR 764.2(d)—Conspiracy to Violate the Regulations: Beginning in or about September 2000 and continuing through in or about March 2004, Carrington conspired and acted in concert with others, known and unknown, to do or bring about an act that violates the Regulations. The purpose of the conspiracy was to export fingerprint imaging equipment and fingerprint ink and powder, items subject to the Regulations, from the United States to the Hong Kong Special Administrative Region (''Hong Kong'') through Italy without the U.S. Department of Commerce licenses required by Section 742.7 of the Regulations. Fingerprint imaging equipment is classified under Export Control Classification Number (''ECCN'') 3A981, and fingerprint ink and powder is classified under ECCN 1A985. Carrington and its co-conspirators took acts in furtherance of the conspiracy by exporting fingerprint imaging equipment and fingerprint ink and powder from the United States to Hong Kong through Italy without the required license.

2. 25 Violations of 15 CFR 764.2(a)—Exporting Fingerprint Imaging Equipment without the Required Licenses: On 25 occasions, between on or about September 29, 2000 and on or about March 31, 2004, Carrington engaged in conduct prohibited by the Regulations by exporting or causing to be exported fingerprint imaging equipment, items classified under ECCN 3A981, to Hong Kong through Italy without the licenses required by Section 742.7 of the Regulations.

3. 25 Violations of 15 CFR 764.2(e)—Selling Fingerprint Imaging Equipment with Knowledge of a Violation of the Regulations: On the same 25 occasions described above, Carrington sold fingerprint imaging equipment, items classified under ECCN 3A981, to Hong Kong through Italy with knowledge that a violation of the Regulations was about to occur in connection with the items. At all times relevant hereto, Carrington knew or should have known that a Department of Commerce license was required to export the fingerprint imaging equipment and Carrington sold the items knowing that the required license has not or would not be obtained.

4. 25 Violations of 15 CFR 764.2(h)—Taking Actions with Intent to Evade the Regulations: On the same 25 occasions described above, Carrington took actions with the intention of evading the Regulations. Specifically, Carrington sold and shipped fingerprint imaging equipment to a distributor in Italy for transshipment to Hong Kong with the intent of evading the license requirements of Section 742.7 of the Regulations. This was done to conceal the ultimate destination of the items.

5. 25 Violations of 15 CFR 764.2(g)—False Statements of Fact on Export Control Documents: On the same 25 occasions described above, Carrington filed or caused to be filed Shippers' Export Declarations (''SEDs''), export control documents as defined in Section 772.1 of the Regulations, with the U.S. Government through the Automated Export System (''AES'') stating that no license was required for the exports. These statements were false because, as described in charges 2–26, licenses were required for the export of fingerprint imaging equipment to Hong Kong.

6. Nine Violations of 15 CFR 764.2(a)—Exporting Fingerprint Ink and Powder without the Required Licenses: On nine occasions, between on or about April 14, 2001 and on or about March 2, 2004, Carrington engaged in conduct prohibited by the Regulations by exporting or causing to be exported fingerprint ink and powder, items classified under ECCN 1A985, to Hong Kong through Italy without the licenses required by Section 742.7 of the Regulations.

7. Nine Violations of 15 CFR 764.2(e)—Selling Fingerprint Ink and Powder with Knowledge of a Violation of the Regulations: On the same nine occasions described above, Carrington sold fingerprint ink and powder, items classified under ECCN 1A985, to Hong Kong through Italy with knowledge that a violation of the Regulations was about to occur in connection with the items. At all times relevant hereto, Carrington knew or should have known that a Department of Commerce license was required to export the fingerprint ink and powder and Carrington sold the items knowing that the required license had not or would not be obtained.

8. Nine Violations of 15 CFR 764.2(h)—Taking Actions with Intent to Evade the Regulations: On the same nine occasions described above, Carrington took actions with the intention of evading the Regulations. Specifically, Carrington sold and shipped fingerprint ink and powder to a distributor in Italy for transshipment to Hong Kong with the intent of evading the license requirements of Section 742.7 of the Regulations. This was done to conceal the ultimate destination of the items.

9. One Violation of 15 CFR 764.2(g)—False Statement of Fact on Export Control Document: On one of the nine occasions described above, Carrington filed or caused to be filed a SED, an export control document as defined in Section 772.1 of the Regulations, with the U.S. Government through the Automated Export System (''AES'') stating that no license was required for the export. This statement was false because a license was required for the export of fingerprint ink and powder to Hong Kong.

10. 20 Violations of 15 CFR 764.2(a)—Exporting Fingerprint Imaging Equipment and Fingerprint Powder without the Required License: On 20 occasions, between on or about November 8, 2000 and on or about January 20, 2004, Carrington engaged in conduct prohibited by the Regulations by exporting or causing to be exported fingerprint imaging equipment or fingerprint powder, items classified under ECCNs 3A981 or 1A985 respectively, to Hong Kong without the

[1] The charged violations occurred from 1999 to 2004. The Regulations governing the violations at issue are found in the 1999 to 2004 versions of the Code of Federal Regulations (15 CFR parts 730–774 (1999–2004)). The 2005 Regulations establish the procedures that apply to this matter.

[2] From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was issued on August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701–1706 (2000)) (''IEEPA''). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by the Notice of August 2, 2005, (70 FR 45273 (August 5, 2005)), has continued the Regulations in effect under IEEPA.

licenses required by Section 742.7 of the Regulations.

11. 20 Violations of 15 CFR 764.2(e)—Selling Fingerprint Imaging Equipment and Fingerprint Powder without the Required License: On the same 20 occasions described above, Carrington sold fingerprint imaging equipment or fingerprint powder, items classified under ECCNs 3A981 or 1A985 respectively, to Hong Kong with knowledge that a violation of the Regulations was about to occur in connection with the items. At all times relevant hereto, Carrington knew or should have known that a Department of Commerce license was required to export the fingerprint imaging equipment and sold the items knowing that the required license had not or would not be obtained.

12. 12 Violations of 15 CFR 764.2(g)—False Statements of Fact on Export Control Documents: On 12 of the 20 occasions described above, Carrington filed or caused to be filed SEDs, export control documents as defined in Section 772.1 of the Regulations, with the U.S. Government through the Automated Export System (''AES'') stating that no license was required for the export. These statements were false because, as described in charges 130–149, licenses were required for the export of fingerprint imaging equipment to Hong Kong.

Whereas, BIS and Carrington have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved the terms of such Settlement Agreement;

It Is Therefore Ordered:

First, for a period five years from the date of entry of the Order, John H. Carrington, 2316 Wakefield Plantation Drive, Raleigh, North Carolina 27614, and when acting for or on behalf of Carrington, his representatives, agents, assigns, or employees (''Denied Person'') may not participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Carrington by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Fifth, that the proposed charging letter, the Settlement Agreement, and this Order shall be made available to the public.

Sixth, that this Order shall be served on the Denied Person and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective upon publication in the **Federal Register**.

Entered this 22nd day of September 2005.

Wendy L. Wysong,

Deputy Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 05–19314 Filed 9–29–05; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with August anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received a request to revoke two countervailing duty orders in part.

EFFECTIVE DATE: September 28, 2005.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4697.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2002), for administrative reviews of various antidumping and countervailing duty orders and findings with August anniversary dates. The

Department also received a timely request to revoke in part the countervailing duty orders on Pure and Alloy Magnesium from Canada.

Initiation of Reviews:

In accordance with sections 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than August 31, 2006.

Antidumping Duty Proceedings	Period to be Reviewed
ARGENTINA: Oil Country Tubular Goods.	
A–357–810	8/1/04 - 7/31/05
Siderca, S.A.I.C.	
ARGENTINA: Seamless Line and Pressure Pipe.	
A–357–809	8/1/04 - 7/31/05
Siderca, S.A.I.C.	
BRAZIL: Seamless Pipe.	
A–351–826	8/1/04 - 7/31/05
V & M do Brasil S.A./V & M Brazil.	
CANADA: Corrosion–Resistant Carbon Steel Flat Products.	
A–122–822	8/1/04 - 7/31/05
Dofasco Inc.	
Stelco Inc.	
FRANCE: Corrosion–Resistant Carbon Steel Flat Products.	
A–427–808	8/1/04 - 7/31/05
Duferco Coating SA.	
Sorral SA.	
GERMANY: Certain Cut–to-Length Carbon Steel Plate.	
A–428–816	8/1/04 - 7/31/05
AG der Dillinger Huttenwerke.	
GERMANY: Seamless Line and Pressure Pipe.	
A–428–820	8/1/04 - 7/31/05
Vallourec & Mannesmann Tubes - V & M Deutschland GmbH.	
Mannesmann Pipe & Steel Corporation.	
Benteler Stahl/Rohr Gmbh.	
Benteler Steel and Tube Corporation.	
ITALY: Granular Polytetrafluoroethylene (PTFE) Resin.	
A–475–703	8/1/04 - 7/31/05
Solvay Solexis, S.p.A.	
JAPAN: Corrosion–Resistant Carbon Steel Flat Products.	
A–588–824	8/1/04 - 7/31/05
Nippon Steel Corporation.	
Kawasaki Steel Corporation.	
JAPAN: Granular Polytetrafluoroethylene Resin.	
A–588–707	8/1/04 - 7/31/05
Asahi Glass Fluroropolymers, Ltd.	
JAPAN: Oil Country Tubular Goods.	
A–588–835	8/1/04 - 7/31/05
JFE Steel Corporation.	
Nippon Steel Corporation.	
NKK Tubes.	
Sumitomo Metal Industries, Ltd.	
MEXICO: Carbon and Alloy Seamless Standard, Line and Pressure Pipe (Over 4 1/2 Inches).	
A–201–827	8/1/04 - 7/31/05
Tubos de Acero de Mexico, S.A..	
MEXICO: Gray Portland Cement and Clinker.	
A–201–802	8/1/04 - 7/31/05
Apasco, S.A. de C.V.	
CEMEX, S.A. de C.V.	
GCC Cemento, S.A. de C.V.	
MEXICO: Oil Country Tubular Goods.	
A–201–817	8/1/04 - 7/31/05
Hylsa, S.A. de C.V.	
Tubos de Acero de Mexico, S.A.	
REPUBLIC OF KOREA: Corrosion–Resistant Carbon Steel Flat Products.	
A–580–816	8/1/04 - 7/31/05
Dongbu Steel Co., Ltd.	
Hyundai HYSCO.	
Pohang Iron and Steel Co., Ltd./Pohang Coated Steel Co., Ltd./Pohang Steel Industries Co., Ltd.	
Union Steel Manufacturing Co., Ltd.	
REPUBLIC OF KOREA: Oil Country Tubular Goods.	
A–580–825	8/1/04 - 7/31/05
Husteel Co., Ltd.	
SeAH Steel Corporation..	
REPUBLIC OF KOREA: Structural Steel Beams.	
A–580–841	8/1/04 - 7/31/05
Dongkuk Steel Mill Co., Ltd.	
INI Steel Company.	

Antidumping Duty Proceedings	Period to be Reviewed
ROMANIA: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe.	
A–485–805	8/1/04 - 7/31/05
S.C. Silcotub S.A.	
ROMANIA: Cut–to-Length Carbon Steel Plate.	
A–485–803	8/1/04 - 7/31/05
MS Galati or Metalexportimport, S.A.	
Mittal Steel (successor to Ispat Sidex).	
Mittal Steel Galati S.A.	
SOCIALIST REPUBLIC OF VIETNAM: Frozen Fish Fillets[1].	
A–552–801	8/1/04 - 7/31/05
An Giang Agriculture and Foods Import Export Company (aka Afiex,.	
A. Seafood, Afiex Seafood, or An Giang Afiex Company).	
An Giang Agriculture Technology Service Company (aka ANTESCO).	
An Giang Fisheries Import and Export Joint Stock Company (aka Agifish).	
An Giang Agriculture and Foods Import–Export Company (An Giang AFIEX Co.).	
Anhaco.	
Bamboo Food Co., Ltd..	
Binh Dinh Import Export Company (aka Imex Binhdinh).	
Can Tho Agricultural and Animal Products Import Export Company (aka CATACO).	
Can Tho (or Cantho) Agricultural and Animal Products Import Export.	
(or IMEX) Company; and CATACO.	
Can Tho Animal Fishery Products Processing Export Enterprise (aka Cafatex).	
Da Nang Seaproducts Import–Export Corporation (aka Da Nang or Seaprodex Danang).	
Duyen Hai Foodstuffs Processing Factory (aka Coseafex).	
Gepimex 404 Company.	
Hai Vuong Co., Ltd.	
Kien Giang Ltd.	
Mekongfish Company (aka Mekonimex or Mekong Fisheries Joint Stock Company).	
Nam Viet Company Limited (aka Navico or Navifishco).	
Phan Quan Trading Co., Ltd.	
Phu Thanh Frozen Factory (aka Phu Thanh Company, Co.).	
Phuoc My Seafoods Processing Factory.	
QVD Food Company Ltd.	
Seaprodex Saigon (aka Ho Chi Minh City Seaproducts Import–Export Corporation).	
Tan Thanh Loi Frozen Food Co. Ltd.	
Thangloi Frozen Food Enterprise.	
Thanh Viet Co. Ltd.	
Thuan Hung Co., Ltd.	
Tin Thinh Co. Ltd.	
Viet Hai Seafood Company Limited (aka Vietnam Fish–One Co., Ltd.).	
Vinh Long Import–Export Company (aka Imex Cuu Long).	
Vifaco.	
Vinh Hoan Company, Ltd.	
THAILAND: Polyethylene Retail Carrier Bags.	
A–549–821	1/26/04 - 7/31/05
Advance Polybag Inc.	
Alpine Plastics Inc.	
APEC Film Ltd.	
API Enterprises Inc.	
Apple Film Co., Ltd.	
CP Packaging Industry Co. Ltd.	
King Pak Ind. Co. Ltd.	
Naraipak Co., Ltd.	
Sahachit Watana Plastic Ind. Co., Ltd.	
Thai Plastic Bags Industries Co., Ltd.	
Universal Polybag Co., Ltd.	
Winner's Pack Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Floor–Standing Metal–Top Ironing Tables[2].	
A–570–888	2/3/04 - 7/31/05
Forever Holdings Limited.	
Since Hardware (Guangzhou) Co., Ltd.	
Shunde Yongjian Housewares Co., Ltd. (aka Foshan Shunde Yongjian Houseware & Hardware Co., Ltd.).	
THE PEOPLE'S REPUBLIC OF CHINA: Petroleum Wax Candles[3].	
A–570–504	8/1/04 - 7/31/05
Qingdao Youngson Industrial Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Polyethylene Retail Carrier Bags[4].	
A–570–886	1/26/04 - 7/31/05
Crown Polyethylene Products (Int'l) Ltd.	
Dongguan Nozawa Plastics and United Power Packaging (collectively "Nozawa").	
Dongguan Nozawa Plastics.	
Dongguan Nozawa Plastic Co., Ltd.	
Dong Guan (Dong Wan) Nozawa Plastic Co., Ltd.	
Dongguan Nozawa Plastic Products Co., Ltd.	
United Power Packaging.	

Antidumping Duty Proceedings	Period to be Reviewed
United Power Packaging Limited.	
United Power Packaging Ltd.	
High Den Enterprises Ltd.	
Rally Plastics Co., Ltd.	
Sea Lake Polyethylene Enterprise Ltd.	
Shanghai Glopack, Inc.	
Shanghai New Ai Lian Import & Export Co., Ltd.	
Countervailing Duty Proceedings.	
CANADA: Alloy Magnesium.	
C–122–815	1/1/04 - 12/31/04
Magnola Metallurgy Inc.	
Norsk Hydro Canada Inc.	
CANADA: Pure Magnesium.	
C–122–815	1/1/04 - 12/31/04
Magnola Metallurgy Inc.	
Norsk Hydro Canada Inc.	
FRANCE: Corrosion–Resistant Carbon Steel Flat Products.	
C–427–810	1/1/04 - 12/31/04
Duferco Coating SA.	
Sorral SA.	
REPUBLIC OF KOREA: Corrosion–Resistant Carbon Steel Flat Products.	
C–580–818	1/1/04 - 12/31/04
Dongbu Steel Co., Ltd.	
POSCO.	
REPUBLIC OF KOREA: Stainless Steel Sheet and Strip in Coils.	
C–580–835	1/1/04 - 12/31/04
Dai Yang Metal Co., Ltd.	
REPUBLIC OF KOREA: Dynamic Random Access Memory Semiconductors.	
C–580–851	1/1/04 - 12/31/04
Hynix Semiconductor Inc. (formerly Hyundai Electronics Industries Co., Ltd.).	
Suspension Agreements.	
None.	

[1] If one of the above named companies does not qualify for a separate rate, all other exporters of frozen fish fillets from the Socialist Republic of Vietnam who have not qualified for a separate rate are deemed to be covered by this review as part of the single Vietnam entity of which the named exporters are a part.

[2] If one of the above named companies does not qualify for a separate rate, all other exporters of floor-standing metal-top ironing tables from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[3] If one of the above named companies does not qualify for a separate rate, all other exporters of petroleum wax candles from the People's Republic of Chinawho have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[4] If one of the above named companies does not qualify for a separate rate, all other exporters of polyethylene retail carrier bags from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistant with *FAG Italia v. United States*, 291 F.3d 806 (Fed Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 USC 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: September 20, 2005.

Holly A. Kuga,

Senior Office Director, AD/CVD Operations, Office 4, for Import Administration.

[FR Doc. 05–19364 Filed 9–27–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–846]

Brake Rotors From the People's Republic of China: Preliminary Results of the Twelfth New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') is currently conducting the twelfth new shipper review of the antidumping duty order on brake rotors from the People's Republic of China (''PRC'') covering the period April 1, 2004, through September 30, 2004. We preliminarily determine that no sales have been made below normal value (''NV'') with respect to the exporters who participated fully and are entitled to a separate rate in this review. If these preliminary results are adopted

in our final results of this review, we will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on entries of subject merchandise during the period of review (''POR'') for which the importer–specific assessment rates are above de minimis.

EFFECTIVE DATE: September 28, 2005.

FOR FURTHER INFORMATION CONTACT: Nicole Bankhead (Dixion) or Kit Rudd (Wally) AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–9068 or (202) 482–1385, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On April 17, 1997, the Department published in the **Federal Register** the antidumping duty order on brake rotors from the PRC. *See Notice of Antidumping Duty Order: Brake Rotors from the People's Republic of China*, 62 FR 18740 (April 17, 1997) (''*Brake Rotors Order*'').

On October 28, 2004, the Department received timely requests for new shipper reviews under the antidumping duty order on brake rotors from the PRC in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and section 351.214(c) of the Department's regulations, from Laizhou Wally Automobile Co., Ltd. (''Wally'') and Dixion Brake System (Longkou) Ltd. (''Dixion'').

On November 24, 2004, the Department initiated these new shipper reviews for the period April 1, 2004, through September 30, 2004, for Wally and Dixion. *See Brake Rotors from the People's Republic of China: Initiation of the Twelfth New Shipper Antidumping Duty Review*, 69 FR 70632 (December 7, 2004).

On December 3, 2004, the Department requested from the Office of Policy a memorandum listing surrogate countries.

On December 6, 2004, the Department issued its Section A, C, and D of the General Antidumping Duty Questionnaire to Wally and Dixion.

On December 7, 2004, the Department received from the Office of Policy a list of surrogate countries. On December 8, 2004, the Department provided all interested parties the opportunity to submit information pertinent to selecting a surrogate country and valuing factors of production in this review.

On December 20, 2004, the Department requested from CBP copies of all customs documents pertaining to the entry of brake rotors from the PRC exported by Wally and Dixion during the period of April 1, 2004, through September 30, 2004. *See Memorandum from James C. Doyle, Office Director, to William R. Scopa of CBP*, dated December 20, 2004. The Department also issued Wally and Dixion sales and cost reconciliation questionnaires on December 20, 2004.

On January 21, 2005, Wally and Dixion submitted Sections A, C, D, and importer questionnaire responses along with their sales and cost reconciliations.

On January 24, 2005, Dixion submitted an invoice to replace an invoice it claimed it inadvertently submitted in its January 21, 2005, response.

On February 1, 2005, the Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers (''Petitioners'') submitted comments regarding Wally and Dixions' questionnaire responses.

On February 2, 2005, the Department placed documentation provided by CBP on the record pertaining to specific entries of brake rotors and/or brake drums exported by Wally and Dixion during the POR.

On February 9, 2005, Wally and Dixion provided information for valuing factors of production in this review.

On March, 11, 2005, the Department sent Dixion a supplemental Sections A, C, and D questionnaire, as well as a supplemental importer questionnaire.

On March 14, 2005, the Department sent Wally a supplemental Sections A, C, D questionnaire, as well as a supplemental importer questionnaire.

On April 8, 2005, Wally and Dixion submitted their responses to the Department's supplemental questionnaires.

On April 25, 2005, the Department extended the time limit for the preliminary results of the instant review on brake rotors from the PRC. *See Brake Rotors from the People's Republic of China: Extension of the New Shipper Antidumping Duty Reviews*, 70 FR 22298 (April 29, 2005).

On June 22, 2005, the Department sent Wally and Dixion a second supplemental on Sections A, C, and D of the antidumping questionnaires and on the importer questionnaires. On July 14, 2005, Dixion submitted its second supplemental Sections A, C, and D of the antidumping questionnaire and on the importer questionnaire. On July 20, 2005, Wally submitted its response to the second supplemental Sections A, C, and D questionnaire as well as the second importer questionnaire.

On July 25, 2005, the Department issued Dixion a third supplemental sections A, C, and D of the antidumping questionnaire and the importer questionnaire. On July 29, 2005, the Department issued Dixion an additional questionnaire.

On August 4, 2005, Wally submitted its supplemental questionnaire response on August 4, 2005. On August 8, 2005, Dixion submitted its third and fourth supplemental questionnaire responses.

On August 10, 2005, Petitioners submitted verification comments for Wally.

On August 29, 2005, Wally and Dixion submitted their verification exhibits to the Department.

Period of Review

The POR covers April 1, 2004, through September 30, 2004.

Scope of the Order

The products covered by this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, ranging in diameter from 8 to 16 inches (20.32 to 40.64 centimeters) and in weight from 8 to 45 pounds (3.63 to 20.41 kilograms). The size parameters (weight and dimension) of the brake rotors limit their use to the following types of motor vehicles: automobiles, all–terrain vehicles, vans and recreational vehicles under ''one ton and a half,'' and light trucks designated as ''one ton and a half.''

Finished brake rotors are those that are ready for sale and installation without any further operations. Semi–finished rotors are those on which the surface is not entirely smooth, and have undergone some drilling. Unfinished rotors are those which have undergone some grinding or turning.

These brake rotors are for motor vehicles, and do not contain in the casting a logo of an original equipment manufacturer (''OEM'') which produces vehicles sold in the United States. (*i.e.*, General Motors, Ford, Chrysler, Honda, Toyota, Volvo). Brake rotors covered in this order are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake rotors that are made of gray cast iron, which contain a steel plate, but otherwise meet the above criteria. Excluded from the scope of this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, with a diameter less than 8 inches or greater than 16 inches (less than 20.32 centimeters or greater than 40.64 centimeters) and a weight less than 8 pounds or greater than 45 pounds (less than 3.63 kilograms or greater than 20.41 kilograms).

Brake rotors are currently classifiable under subheading 8708.39.5010 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Verification

On August 4, 2005, the Department issued verification outlines to Wally and Dixion. The Department conducted verification of the questionnaire responses of Wally during the period August 15 through 17, 2005, and Dixion from August 18 through August 20, 2005. On September 20, 2005, the Department issued the verification reports for Wally and Dixion.

We used standard verification procedures, including on–site inspection of the manufacturers' and exporters' facilities, and examination of relevant sales and financial records. Our verification results are outlined in the verification report for each company. For further discussion, *see* September 20, 2005, verification reports for Dixion and Wally (''Dixion Verification Report'') and (''Wally Verification Report'').

New Shipper Status - Wally and Dixion

Consistent with our practice, we investigated the *bona fide* nature of the sales made by Wally and Dixion for this new shipper review. We found no evidence that the sales in question were not *bona fide* sales. Based on our investigation into the *bona fide* nature of the sales, the questionnaire responses submitted by each company, and our verification thereof, we preliminarily determine that both respondents have met the requirements to qualify as a new shipper during the POR, and that neither was affiliated with any exporter or producer that had previously shipped subject merchandise to the United States. Therefore, for purposes of these preliminary results of the review, we are treating both respondents' sales of brake rotors to the United States as appropriate transactions for this new shipper review. *See Memorandum from Nicole Bankhead, Case Analyst, through Alex Villanueva, Program Manager, Office 9, to James C. Doyle, Office Director, Office 9, 12th New Shipper Review of Brake Rotors from the People's Republic of China (''PRC''): Bona Fide Nature of the Sale in the New Shipper Review of Dixion Brake System (Longkou) Ltd.*, dated September 20, 2005; *see also Memorandum from Nicole Bankhead, Case Analyst, through Alex Villanueva, Program Manager, Office 9, to James C. Doyle, Office Director, Office 9, 12th New Shipper Review of Brake Rotors from the People's Republic of China (''PRC''): Bona Fide Nature of the Sale in the New Shipper Review of Laizhou Wally Automobile Co., Ltd.*, dated September 20, 2005.

Separate Rates

The Department has treated the PRC as a non–market economy (''NME'') country in all previous antidumping cases. *See, i.e., Notice of Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp from the People's Republic of China*, 69 FR 70997 (December 8, 2004). In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. We have no evidence suggesting that this determination should be changed. Therefore, we treated the PRC as an NME country for purposes of this review and calculated NV by valuing the FOP in a surrogate country. It is the Department's policy to assign all exporters of the merchandise subject to review that are located in NME countries a single antidumping duty rate unless an exporter can demonstrate an absence of governmental control, both in law (*de jure*) and in fact (*de facto*), with respect to its export activities. To establish whether an exporter is sufficiently independent of governmental control to be entitled to a separate rate, the Department analyzes the exporter using the criteria established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (''Sparklers''), as amplified in the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (''*Silicon Carbide*''). Under the separate rates criteria established in these cases, the Department assigns separate rates to NME exporters only if they can demonstrate the absence of both *de jure* and *de facto* governmental control over their export activities.

Absence of De Jure Control

Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities includes: (1) an absence of restrictive stipulations associated with the individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *See Sparklers* at 20589.

In the instant review, Wally and Dixion submitted complete responses to the separate rates section of the Department's questionnaire. The evidence submitted in the instant review by these Respondents includes government laws and regulations on corporate ownership, business licences, and narrative information regarding the companies' operations and selection of management. The evidence provided by Wally and Dixion supports a finding of a *de jure* absence of governmental control over their export activities because: (1) there are no controls on exports of subject merchandise, such as quotas applied to, or licenses required for, exports of the subject merchandise to the United States; and (2) the subject merchandise does not appear on any government list regarding export provisions or export licensing.

Absence of De Facto Control

The absence of *de facto* governmental control over exports is based on whether the Respondent: (1) sets its own export prices independent of the government and other exporters; (2) retains the proceeds from its export sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) has the authority to negotiate and sign contracts and other agreements; and (4) has autonomy from the government regarding the selection of management. *See Silicon Carbide* at 22587; *Sparklers* at 20589; *see also Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol from the People's Republic of China*, 60 FR 22544, 22545 (May 8, 1995).

In their questionnaire responses, Wally and Dixion submitted evidence indicating an absence of *de facto* governmental control over their export activities. Specifically, this evidence indicates that: (1) each company sets its own export prices independent of the government and without the approval of a government authority; (2) each company retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) each company has a general manager, branch manager or division manager with the authority to negotiate and bind the company in an agreement; (4) the general manager is selected by the board of directors or company employees, and the general manager appoints the deputy managers and the manager of each department; and (5) there is no restriction on either companies use of export revenues. Therefore, the Department has

preliminarily found that Wally and Dixion have established *prima facie* that they qualify for separate rates under the criteria established by *Silicon Carbide* and *Sparklers*.

Use of Partial Facts Available for Wally and Dixion

Section 776(a)(2) of the Act, provides that, if an interested party: (A) withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form or manner requested, subject to sections 782(c)(1) and (e) of the Act; (C) significantly impedes a proceeding under the antidumping statute; or (D) provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination.

Furthermore, section 776(b) of the Act states that ''if the administrating authority finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority or the Commission, the administering authority or the Commission ..., in reaching the applicable determination under this title, may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available.'' *See also* Statement of Administrative Action (''SAA'') accompanying the Uruguay Round Agreements Act (''URAA''), H.R. Rep. No. 103–316 at 870 (1994).

For the reasons explained below, and pursuant to section 776(a)(2)(D) of the Act, the Department has preliminarily determined that the use of a partial facts available is warranted for the selection of certain surrogate values. On January 21, 2005, Wally and Dixion each submitted the material inputs used in their production of subject merchandise during the POR. *See* Wally's January 21, 2005, Questionnaire Response (''Wally QR''); *see also* Dixion's January 21, 2005, Questionnaire Response (''Dixion QR''). On March, 11, 2005, the Department sent Dixion a supplemental Sections A, C, and D questionnaire and on March 14, 2005, the Department sent Wally a supplemental Sections A, C, D questionnaire; the Department requested material specifications for certain material inputs Respondents reported using to produce subject merchandise during the POR. Wally and Dixion each provided the specifications of their material inputs as requested by the Department. *See* Wally's April 8, 2005 Supplemental Questionnaire Response at pages 21 - 23 (''Wally SQR''); *see also* Dixion's April 8, 2005 Supplemental Questionnaire Response at pages 22 - 23 (''Dixion SQR''). Respondents' provided the specifications regarding the phosphorous content of the pig iron, the carbon and manganese contents of the ferromanganese, and the silicon content of the ferrosilicon they used to produce subject merchandise during the POR. *Id*. Additionally, Wally reported that the limestone it used in the production process was not limestone flux. *See* Wally SQR at 22.

The Department conducted verification of the questionnaire responses of Wally during the period August 15 through 17, 2005, and Dixion from August 18 through August 20, 2005. While at verification the Department was unable to verify the specifications reported by Respondents in their questionnaire responses for the following material inputs: pig iron, ferromanganese, and ferrosilicon. *See* Dixion Verification Report; *see also* Wally verification report. The Department was also unable to verify Wally's statement that it did not use limestone flux. *Id*. The Department was thus unable to verify certain information provided by the Respondents; therefore, the use of facts available pursuant to section 776(a)(2)(D) of the Act is appropriate.

The Department, however, finds that Respondents acted to the best of their ability, and we have not used an adverse inference, as provided under section 776(b) of the Act, to value their factors of production. Specifically, though the Respondents were unable to support their claims regarding the chemical content of certain inputs used, the Department found that the Respondents submitted the highest surrogate values as being representative of their actual factors of production for pig iron and ferrosilicon. *See* Respondents' February 9, 2005, Factor Value submission. Thus, for the preliminary results, the Department is applying the highest surrogate value to these inputs, which is the value that Respondents proposed the Department use to value these inputs, as facts available.

Surrogate Country

When the Department is investigating imports from an NME country, section 773(c)(1) of the Act directs it to base normal value (''NV''), in most circumstances, on the NME producer's factors of production, valued in a surrogate market–economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, in valuing the factors of production, the Department shall utilize, to the extent possible, the prices or costs of factors of production in one or more market–economy countries that are at a level of economic development comparable to that of the NME country and are significant producers of comparable merchandise. The sources of the surrogate values we have used in this investigation are discussed under the ''Normal Value'' section below.

The Department determined that India, Indonesia, Sri Lanka, the Philippines, and Egypt are countries comparable to the PRC in terms of economic development. *See Memorandum from Ron Lorentzen, Office of Policy, Acting Director, to Brian C. Smith, Program Manager: Antidumping Duty Administrative Review of Brake Rotors from the People's Republic of China (PRC): Request for a List of Surrogate Countries*, dated December 7, 2004. We select an appropriate surrogate country based on the availability and reliability of data from the countries. *See Department Policy Bulletin No. 04.1: Non–Market Economy Surrogate Country Selection Process (''Policy Bulletin'')*, dated March 1, 2004. In this case, we have found that India is a significant producer of comparable merchandise, is at a similar level of economic development pursuant to 773(c)(4) of the Act, and has publicly available and reliable data. *See Memorandum from Nicole Bankhead, Case Analyst, through Alex Villanueva, Program Manager, Office 9 and James C. Doyle, Office Director, Office 9, to The File, 12th New Shipper Review of Brake Rotors from the People's Republic of China (''PRC''): Selection of a Surrogate Country*, dated September 20, 2005 (''*Surrogate Country Memo*'').

U.S. Price

In accordance with section 772(a) of the Act, the Department calculated export prices (''EPs'') for sales to the United States for Wally and Dixion because the first sale to an unaffiliated party was made before the date of importation and the use of constructed EP (''CEP'') was not otherwise warranted. We calculated EP based on the price to unaffiliated purchasers in the United States. In accordance with section 772(c) of the Act, as appropriate, we deducted from the starting price to unaffiliated purchasers foreign inland freight, brokerage and handling, international freight, and marine insurance. For Wally, each of these services was either provided by a NME vendor or paid for using a NME currency. Thus, we based the deduction for these movement charges on surrogate values. For Dixion,

international freight was provided by a market economy provider and paid in U.S. dollars, and therefore we used the actual cost per kilogram of the freight. *See Memorandum from Nicole Bankhead, Case Analyst, through Alex Villanueva, Program Manager, Office 9 and James C. Doyle, Office Director, Office 9, to The File, 12th New Shipper Review of Brake Rotors from the People's Republic of China (''PRC''): Surrogate Values for the Preliminary Results*, dated September 20, 2005 (''*Surrogate Values Memo*'') for details regarding the surrogate values for other movement expenses.

Normal Value

In accordance with section 773(c) of the Act, we calculated NV based on factors of production (''FOP'') reported by the Respondents for the POR. To calculate NV, we valued the reported FOP by multiplying the per–unit factor quantities by publicly available Indian surrogate values. In selecting surrogate values, we considered the quality, specificity, and contemporaneity of the available values. As appropriate, we adjusted the value of material inputs to account for delivery costs. Where appropriate, we increased Indian surrogate values by surrogate inland freight costs. We calculated these inland freight costs using the shorter of the reported distances from the PRC port to the PRC factory, or from the domestic supplier to the factory. This adjustment is in accordance with the United States Court of Appeals for the Federal Circuit's (''CAFC'') decision in *Sigma Corp. v. United States*, 117 F. 3d 1401, 1407–1408 (Fed.Cir. 1997). For those values not contemporaneous with the POR, we adjusted for inflation or deflation using data published in the IMF's *International Financial Statistics*. We excluded from the surrogate country import data used in our calculations imports from Korea, Thailand, and Indonesia due to generally available export subsidies. *See China Nat'l Mach. Import & Export Corp. v. United States*, CIT 01–1114, 293 F. Supp. 2d 1334 (CIT 2003), *aff'd* 104 Fed. Appx. 183 (Fed. Cir. 2004) and *Certain Cut–to-Length Carbon Steel Plate from Romania: Notice of Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 70 FR 12651 (March 15, 2005) and accompanying Issues and Decision Memorandum at Comment 4. Furthermore, we disregarded prices from NME countries. Finally, imports that were labeled as originating from an ''unspecified'' country were excluded from the average value, because the Department could not be certain that they were not from either an NME or a country with general export subsidies. We converted the surrogate values to U.S. dollars as appropriate, using the official exchange rate recorded on the dates of sale of subject merchandise in this case, obtained from Import Administration's website at http://www.ia.ita.doc.gov/exchange/index.html. For further detail, *see* the *Surrogate Values Memo*.

Preliminary Results of Reviews

We preliminarily determine that the following margins exist during the period April 1, 2004, through September 30, 2004:

BRAKE ROTORS FROM THE PRC

Manufacturer/Exporter	Weighted–Average Margin (Percent)
Laizhou Wally Automobile Co., Ltd. (''Wally'')	0.00
Dixion Brake System (Longkou) Ltd. (''Dixion'')	6.61

Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within ten days of the date of announcement of the preliminary results. An interested party may request a hearing within 30 days of publication of the preliminary results. *See* 19 CFR 351.310(c). Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs), which must be limited to issues raised in the case briefs, within five days after the time limit for filing case briefs. *See* 19 CFR 351.309(c)(1)(ii) and 19 CFR 351.309(d). Parties who submit arguments are requested to submit with the argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Further, the Department requests that parties submitting written comments provide the Department with a diskette containing the public version of those comments. Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this new shipper review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days of publication of the preliminary results. The assessment of antidumping duties on entries of merchandise covered by this review and future deposits of estimated duties shall be based on the final results of this review.

Assessment Rates

Upon issuing the final results of the review, the Department shall determine, and CBP shall assess and liquidate, antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions for the companies subject to this review directly to CBP within 15 days of publication of the final results of this review. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer–specific ad valorem duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer–specific assessment rate calculated in the final results of this review is above de minimis.

Cash Deposit Requirements

Upon completion of this review, we will require cash deposits at the rate established in the final results as further described below.

Bonding will no longer be permitted to fulfill security requirements for shipments of brake rotors from the PRC produced and exported by Wally and Dixion that are entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of the new shipper reviews. The following cash deposit requirements will be effective upon publication of the final results of the new shipper reviews for all shipments of subject merchandise from Wally and Dixion entered, or withdrawn from warehouse, for consumption on or after the publication date: (1) for subject merchandise manufactured and exported by Wally and Dixion, the cash deposit rate will be the rate established in the final results of this review, except that no cash deposit will be required if the cash deposit rate calculated in the final results is zero or *de minimis*; and (2) for subject merchandise exported by Wally or Dixion but not manufactured by Wally or Dixion, respectively, the cash deposit rate will continue to be the PRC countrywide rate (*i.e.*, 43.32 percent); and (3) for subject merchandise produced by Wally or Dixion but not exported by the same company, the cash deposit rate will be the rate applicable to the exporter. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This new shipper review and notice are in accordance with sections 751(a)(1), 751(a)(2)(B), and 777(i) of the Act and 19 CFR 351.214.

Dated: September 20, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 05–19363 Filed 9–27–05; 8:45 am]

Billing Code: 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Notice of Amended Final Results of Antidumping Duty Administrative Review: Garlic from the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On June 13, 2005, the Department of Commerce (''the Department'') published the final results of its administrative review of the antidumping duty order on fresh garlic from the People's Republic of China (''PRC'') for the period from November 1, 2002, through October 31, 2003, in the **Federal Register**. *See Final Results of Antidumping Duty Administrative Review: Fresh Garlic from the People's Republic of China*, 69 FR 34082, and accompanying ''Issues and Decision Memorandum,'' dated June 6, 2005 (''*Final Results*''). We released the disclosure documents to the respondents on June 14, 2005, and to the petitioners[1] on June 16, 2005. On June 20, 2005, the following parties filed timely allegations that the Department made various ministerial errors in the *Final Results*: Jinan Yipin Corporation Ltd. (''Jinan Yipin''), Linshu Dading Private Agricultural Co., Ltd. (''Linshu Dading''), Sunny Import and Export Co., Ltd. (''Sunny''), Taian Fook Huat Tong Kee Foodstuffs Co., Ltd. (''FHTK''), Taiyan Ziyang Food Co., Ltd. (''Ziyang''), and Zhengzhou Harmoni Spice Co., Ltd. (''Harmoni''). On June 23, 2005, the petitioners submitted rebuttal comments to one of the ministerial error allegations filed collectively by Jinan Yipin, Linshu Dading, Sunny, and Harmoni. In addition, when examining the ministerial error allegations raised by FHTK and Ziyang, the Department found other ministerial errors. Ziyang and FHTK filed complaints with the Court of International Trade (''CIT''), challenging the final results of review on June 14, and June 15, 2005, respectively. On July 26, 2005, Harmoni, Jinan Yipin, Linshu Dading, and Sunny filed similar complaints with the CIT, challenging the final results of review. On August 9 and August 10, 2005, Jinxiang Dongyun Freezing Storage Co. Ltd. and the petitioners, respectively, also filed complaints with the CIT, challenging the final results of review. When the interested parties noted above filed their complaints with the CIT the Department no longer had jurisdiction to correct the ministerial errors. Therefore, the Department requested leave from the CIT to correct these errors. On September 15, 2005, the CIT granted the Department leave to correct the errors.

We are amending our Final Results to correct ministerial errors for respondents Jinan Yipin, Linshu Dading, FHTK, Ziyang, and Harmoni pursuant to section 751(h) of the Tariff Act of 1930, as amended (''the Act'').

EFFECTIVE DATE: September 28, 2005.

FOR FURTHER INFORMATION CONTACT: Sochieta Moth, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0168.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by this antidumping duty order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing, and level of decay.

The scope of this order does not include the following: (a) garlic that has been mechanically harvested and that is primarily, but not exclusively, destined for non–fresh use; or (b) garlic that has been specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed.

The subject merchandise is used principally as a food product and for seasoning. The subject garlic is currently classifiable under subheadings 0703.20.0010, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, and 2005.90.9700 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive. In order to be excluded from the antidumping duty order, garlic entered under the HTSUS subheadings listed above that is (1) mechanically harvested and primarily, but not exclusively, destined for non–fresh use or (2) specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed must be accompanied by declarations to the U.S. Customs and Border Protection (''CBP'') to that effect.

Amendment to Final Determination

In accordance with sections 751(a) and 777(i)(1) of the Act, on June 13, 2005, the Department published the *Final Results*. On June 20, 2005, the following parties filed timely allegations that the Department made various ministerial errors in the Final Determination: Jinan Yipin, Linshu Dading, Sunny Import and Export Co., Ltd. (''Sunny''), FHTK, Ziyang, and Harmoni. On June 23, 2005, the petitioners submitted rebuttal comments to one of the ministerial error allegations filed by Jinan Yipin, Linshu Dading, Sunny, and Harmoni.

After analyzing all interested parties' comments and rebuttal comments, we have determined, in accordance with section 751(h) of the Act and 19 CFR 351.224(e), that the Department has made ministerial errors in the final determination calculations for Harmoni, Jinan Yipin, Linshu Dading, FHTK, and Ziyang. In addition, when examining FHTK's and Ziyang's ministerial error allegations, the Department found additional ministerial errors that affected our margin calculations in the *Final Results*. For a detailed discussion of these ministerial errors, and our analysis, *see* Memorandum from Barbara E. Tillman to Joseph A. Spetrini re: Issues and Decision Memorandum for the Amended Final Determination in the Administrative Review on Fresh Garlic from the People's Republic of China, dated September 22, 2005

[1] The Fresh Garlic Producers Association and its individual members (Christopher Ranch L.L.C., The Garlic Company, Valley Garlic, and Vessey and Company, Inc).

(''Amended Final Issues and Decision Memorandum''), and the company–specific amended final determination analysis memoranda dated September 22, 2005.

Therefore, in accordance with section 751(h) of the Act, we are amending the final determination of sales at less than fair value in the antidumping duty administrative review of fresh garlic from the PRC for the period November 1, 2002, through October 31, 2003. The revised weighted–average dumping margins are listed in the ''Amended Final Results of Review'' section below.

Amended Final Results of Review

As a result of correcting the ministerial errors discussed in the Amended Final Issues and Decision Memorandum, the amended weighted–average dumping margins for FHTK, Harmoni, Jinan Yipin, Linshu Dading, and Ziyang are as follows:

Company	Weighted–Average Margin
FHTK	19.68%
Harmoni	14.20%
Jinan Yipin	15.92%
Linshu Dading	10.78%
Ziyang	15.09%

Duty Assessment and Cash Deposit Requirements

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the amended final results of this review, where injunctions are not in place.

Further, the following cash–deposit requirements will be effective upon publication of these final amended results of the administrative review for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final amended results, as provided by section 751(a)(2)(C) of the Act: (1) for subject merchandise exported by FHTK, Harmoni, Jinan Yipin, Linshu Dading, and Ziyang, the cash–deposit rate will be that established in these amended final results of review; (2) for all other PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash–deposit rate will be the PRC–wide rate of 376.67 percent; (3) for all non–PRC exporters of subject merchandise, the cash–deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

These final amended results of administrative review and notice are issued and published in accordance with sections 751(a)(1), 751(h) and 777(i)(1) of the Act.

Dated: September 22, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 05–19362 Filed 9–27–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–839]

Final Results of Countervailing Duty New Shipper Review: Certain Softwood Lumber Products From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On May 3, 2005, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the new shipper review of Seed Timber Co. Ltd. (Seed Timber) under the countervailing duty (CVD) order on certain softwood lumber products from Canada. *See Certain Softwood Lumber Products from Canada: Preliminary Results of Countervailing Duty New Shipper Review*, 70 FR 22848 (May 3, 2005) (*Preliminary Results*).

Based on our analysis of comments received in this review, the Department has not revised the net subsidy rate for Seed Timber, the only producer/exporter of subject merchandise covered by this review. For further discussion of our analysis of the comments received for these final results, see the September 22, 2005, Issues and Decision Memorandum from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, concerning the Final Results of Countervailing Duty New Shipper Review: Certain Softwood Lumber Products from Canada. (*New Shipper Decision Memorandum*). The final net subsidy rate for Seed Timber is listed below in ''Final Results of Review.''

EFFECTIVE DATE: September 28, 2005.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, AD/CVD Operations, Office 3, Import Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4793.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2004, we initiated a new shipper review for Seed Timber covering the review period January 1, 2003, through December 31, 2003 (POR). *See Certain Softwood Lumber Products From Canada: Notice of Initiation of Antidumping Duty New Shipper Review for the Period May 1, 2003, through April 30, 2004, and Notice of Initiation of Countervailing Duty New Shipper Review for the Period January 1, 2003, Through December 31, 2003*, 69 FR 41229 (July 8, 2004).[1] On May 3, 2005, the preliminary results of Seed Timber's new shipper review were published in the **Federal Register** . *See Preliminary Results*, 70 FR 22848. Interested parties submitted case briefs to the Department on June 2, 2005.[2]

In accordance with 19 CFR 351.214(a), this new shipper review covers only the exporter or producer for which a review was specifically requested. Accordingly, this new shipper review only covers subject merchandise exported and produced by Seed Timber.

Scope of Order

The products covered by this order are softwood lumber, flooring and siding (softwood lumber products). Softwood lumber products include all products classified under subheadings 4407.1000, 4409.1010, 4409.1090, and 4409.1020, respectively, of the Harmonized Tariff Schedule of the United States (HTSUS), and any softwood lumber, flooring and siding described below. These softwood lumber products include:

(1) Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger–jointed, of a thickness exceeding six millimeters;

(2) Coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v–jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger–jointed;

(3) Other coniferous wood (including

[1] Seed Timber's antidumping new shipper review was subsequently rescinded as a result of the company's withdrawal of its request for a review (69 FR 54766, September 10, 2004).

[2] Case briefs were submitted on behalf of the Coalition of Fair Lumber Imports Executive Committee (the petitioners), the Government of Canada, and the Government of British Columbia.

strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v–jointed, beaded, molded, rounded or the like) along any of its edges or faces (other than wood moldings and wood dowel rods) whether or not planed, sanded or finger–jointed; and

(4) Coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v–jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger–jointed.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this order is dispositive.

As specifically stated in the Issues and Decision Memorandum accompanying the *Notice of Final Determination of Sales at Less Than Fair Value: Certain Softwood Lumber Products from Canada*, 67 FR 15539 (April 2, 2002) (see comment 53, item D, page 116, and comment 57, item B–7, page 126), available at www.ia.ita.doc.gov/frn, drilled and notched lumber and angle cut lumber are covered by the scope of this order.

The following softwood lumber products are excluded from the scope of this order provided they meet the specified requirements detailed below:

(1) *Stringers* (pallet components used for runners): if they have at least two notches on the side, positioned at equal distance from the center, to properly accommodate forklift blades, properly classified under HTSUS 4421.90.98.40.

(2) *Box–spring frame kits*: if they contain the following wooden pieces - two side rails, two end (or top) rails and varying numbers of slats. The side rails and the end rails should be radius–cut at both ends. The kits should be individually packaged, they should contain the exact number of wooden components needed to make a particular box spring frame, with no further processing required. None of the components exceeds 1'' in actual thickness or 83'' in length.

(3) *Radius–cut box–spring-frame components*, not exceeding 1'' in actual thickness or 83'' in length, ready for assembly without further processing. The radius cuts must be present on both ends of the boards and must be substantial cuts so as to completely round one corner.

(4) *Fence pickets* requiring no further processing and properly classified under HTSUS 4421.90.70, 1'' or less in actual thickness, up to 8'' wide, 6' or less in length, and have finials or decorative cuttings that clearly identify them as fence pickets. In the case of dog–eared fence pickets, the corners of the boards should be cut off so as to remove pieces of wood in the shape of isosceles right angle triangles with sides measuring 3/4 inch or more.

(5) *U.S.-origin lumber* shipped to Canada for minor processing and imported into the United States, is excluded from the scope of this order if the following conditions are met: 1) the processing occurring in Canada is limited to kiln–drying, planing to create smooth–to-size board, and sanding, and 2) if the importer establishes to the satisfaction of U.S. Customs and Border Protection (CBP) that the lumber is of U.S. origin.

(6) *Softwood lumber products contained in single family home packages or kits*,[3] regardless of tariff classification, are excluded from the scope of this order if the importer certifies to items 6 A, B, C, D, and requirement 6 E is met:

A. The imported home package or kit constitutes a full package of the number of wooden pieces specified in the plan, design or blueprint necessary to produce a home of at least 700 square feet produced to a specified plan, design or blueprint;

B. The package or kit must contain all necessary internal and external doors and windows, nails, screws, glue, sub floor, sheathing, beams, posts, connectors, and if included in the purchase contract, decking, trim, drywall and roof shingles specified in the plan, design or blueprint.

C. Prior to importation, the package or kit must be sold to a retailer of complete home packages or kits pursuant to a valid purchase contract referencing the particular home design plan or blueprint, and signed by a customer not affiliated with the importer;

D. Softwood lumber products entered as part of a single family home package or kit, whether in a single entry or multiple entries on multiple days, will be used solely for the construction of the single family home specified by the home design matching the entry.

E. For each entry, the following documentation must be retained by the importer and made available to CBP upon request:

i. A copy of the appropriate home design, plan, or blueprint matching the entry;

ii. A purchase contract from a retailer of home kits or packages signed by a customer not affiliated with the importer;

iii. A listing of inventory of all parts of the package or kit being entered that conforms to the home design package being entered;

iv. In the case of multiple shipments on the same contract, all items listed in E(iii) which are included in the present shipment shall be identified as well.

Lumber products that CBP may classify as stringers, radius cut box–spring-frame components, and fence pickets, not conforming to the above requirements, as well as truss components, pallet components, and door and window frame parts, are covered under the scope of this order and may be classified under HTSUS subheadings 4418.90.45.90, 4421.90.70.40, and 4421.90.97.40.

Finally, as clarified throughout the course of the investigation, the following products, previously identified as Group A, remain outside the scope of this order. They are:

1. Trusses and truss kits, properly classified under HTSUS 4418.90;
2. I–joist beams;
3. Assembled box spring frames;
4. Pallets and pallet kits, properly classified under HTSUS 4415.20;
5. Garage doors;
6. Edge–glued wood, properly classified under HTSUS 4421.90.98.40;
7. Properly classified complete door frames;
8. Properly classified complete window frames;
9. Properly classified furniture.

In addition, this scope language was further clarified to specify that all softwood lumber products entered from Canada claiming non–subject status based on U.S. country of origin will be treated as non–subject U.S.-origin merchandise under the countervailing duty order, provided that these softwood lumber products meet the following condition: upon entry, the importer, exporter, Canadian processor and/or original U.S. producer establish to CBP's satisfaction that the softwood lumber entered and documented as U.S.-origin softwood lumber was first

[3] To ensure administrability, we clarified the language of exclusion number 6 to require an importer certification and to permit single or multiple entries on multiple days as well as instructing importers to retain and make available for inspection specific documentation in support of each entry.

produced in the United States as a lumber product satisfying the physical parameters of the softwood lumber scope.[4] The presumption of non–subject status can, however, be rebutted by evidence demonstrating that the merchandise was substantially transformed in Canada.

Analysis of Comments Received

All issues raised in the case briefs submitted by interested parties to this new shipper review are addressed in the *New Shipper Decision Memorandum*, which is hereby adopted by this notice. A list of the issues contained in that decision memorandum is attached to this notice as Appendix I. Parties can find a complete discussion of the issues raised in this review and the corresponding recommendations in that public memorandum, which is on file in the Central Records Unit (CRU), room B–099 of the Main Commerce Building. In addition, a complete copy of the *New Shipper Decision Memorandum* can be accessed directly on the World Wide Web at http://ia.ita.doc.gov, under the heading ''**Federal Register** Notices.'' The paper copy and electronic version of the decision memorandum are identical in content.

Final Results of Review

In accordance with section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Act), we have determined an individual rate for Seed Timber. We determine the total net countervailable subsidy rate to be:

Producer/Exporter	Net Subsidy Rate
Seed Timber Co. Ltd. ...	2.22 percent *ad valorem*

In accordance with 19 CFR 356.8(a), we will issue appropriate assessment instructions directly to CBP on or after 41 days following the publication of the final results of this review, to liquidate shipments of the subject merchandise produced or exported by Seed Timber entered, or withdrawn from warehouse, for consumption from January 1, 2003, through December 31, 2003, at 2.22 percent *ad valorem* of the f.o.b. invoice price.

We will also instruct CBP to collect cash deposits of estimated countervailing duties at 2.22 percent *ad valorem* of the f.o.b. invoice price on all shipments of the subject merchandise from Seed Timber entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this new shipper review. This cash deposit requirement will remain in effect until publication of the final results of the second administrative review of the countervailing duty order on certain softwood lumber products from Canada.[5]

Return or Destruction of Proprietary Information

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply is a violation of the APO.

This review and notice is issued and published in accordance with sections 751(a) and 777(i)(1) of the Act.

Dated: September 22, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

APPENDIX I - Issues and Decision Memorandum

I. Analysis of Programs

A. Program Determined to Be Countervailable

1. British Columbia's Provincial Stumpage Program

B. Programs Determined to Be Not Used

1. Non–Stumpage Programs of the Government of British Columbia
   a. Grants, Loans, and Loan Guarantees Provided from Forest Renewal BC
   b. Payments Associated with Tenure Reclamation
   c. Land–Base Investment Program
   d. Forestry Innovation Investment Program
   e. Allowances for Harvesting Beetle–Infested Timber
   f. Tax Breaks for Timber Harvesters on Private Timber Land
2. Non–Stumpage Programs of the Federal Government of Canada
   a. Non–Repayable Grants and Conditionally Repayable Contributions from the Department of Western Economic Diversification
   b. Workers Assistance Packages
   c. Softwood Marketing Subsidies
   d. Litigation Related Payments to Lumber Trade Associations

II.Total Ad Valorem Rate

III. Analysis of Comments

Comment 1: U.S. Log Data
Comment 2: Lower–Grade Cedar
Comment 3: Pond Values
Comment 4: Domestic Log Prices
Comment 5: Cross–Border U.S. Log Price Benchmarks
Comment 6: Net Benefit Calculation

[FR Doc. 05–19361 Filed 9–27–05; 8:45 am]

BILLING CODE 3510–DS–S

[4] *See* scope clarification message 3034202, dated February 3, 2003, to CBP, concerning treatment of U.S.-origin lumber on file in the Department's Central Records Unit, room B-099.

[5] The Department has extended the time limit for completion of the final results of the second administrative review until December 4, 2005. *See Notice of Extension of Time Limit for Final Results of Countervailing Duty Administrative Review: Certain Softwood Lumber from Canada*, 70 FR 51751 (August 31, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

U.S. Microelectronics Trade Mission

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice to Microelectronics Trade Mission to Shanghai, China, March 20–23, 2006.

SUMMARY: The United States Department of Commerce, International Trade Administration, U.S. Commercial Service, Office of Global Trade Programs is organizing a microelectronics trade mission to China, March 20–23, 2006. This trade mission will take place during the highly acclaimed annual Shanghai exhibition Electronica and Productronica China 2006—co-located with SEMICON China. Participating firms will not only have pre-arranged one-on-one meetings scheduled for them by the U.S. Commercial Service in Shanghai, but will also have the opportunity to make additional business contacts at the exhibition. A similar microelectronics trade mission took place in March 2005.

Contact: Office of Global Trade Programs; Room 2012; Department of Commerce; Washington, DC 20230; Tel: (202) 482–4457; Fax: (202) 482–0178.

SUPPLEMENTARY INFORMATION: Microelectronics Trade Mission, Shanghai, China, March 20–23, 2006.

Mission Statement

I. Description of the Mission

The United States Department of Commerce, International Trade Administration, U.S. Commercial Service, Office of Global Trade Programs is organizing a microelectronics trade mission to China, March 20–23, 2006. This trade mission will take place during the highly acclaimed annual Shanghai exhibition Electronica and

Productronica China 2006—co-located with SEMICON China. Participating firms will not only have pre-arranged one-on-one meetings scheduled for them by the U.S. Commercial Service in Shanghai, but will also have the opportunity to make additional business contacts at the exhibition. A similar microelectronics trade mission took place in March 2005.

Trade mission participants will include representatives from U.S. firms specializing in microelectronics design, manufacturing, and distribution, including semiconductor devices, integrated circuit design services, semiconductor manufacturing equipment, clean room equipment, and electronics packaging/interconnects.

II. Commercial Setting for the Mission

Microelectronics design, manufacturing, and distribution make the foundation for the rapid growth of e-commerce, Web-enabled technologies, and wireless technologies that will be the major business prospects in the 21st century in Asia. The Chinese Government is strongly committed to the development of a domestic microelectronics industry to enable the adoption of Information Technology (IT) nationwide and to improve economic productivity.

The first wave of semiconductor manufacturing activity and investment is well under way in China, based on the growth of wafer fabrication facilities (fabs) and semiconductor packaging and test houses producing older-generation devices. China represents only a small portion of worldwide semiconductor production capacity. This is changing dramatically as more investment pours into the country, significantly increasing the number of fabs, assembly and test plants, electronics material production and very likely, semiconductor manufacturing equipment production in China. There is a sizeable overseas influence in China, and of all the announced semiconductor industry projects, those with overseas support are the most likely to survive in the rapidly growing China market.

China's total semiconductor consumption reached $42 billion in 2004. IT products, consumer electronics, communications and industrial instrumentation are the main applications driving Chinese semiconductor demand. In 2004, new semiconductor manufacturing equipment sales in China were $2.73 billion, while used/refurbished equipment revenues were an estimated $180 million. The used and refurbished equipment market in China is expected to grow in the coming years, approaching $500 million by 2007. Most Chinese fabs and foundries are confident that 150 mm and 0.35 micron to 1.0 micron technology will remain strong over the next five years in China, though the majority of capacity and output will gradually shift to 200 mm and 0.25 micron to 0.13 micron production lines. The 300 mm fab era has also come to China with one fab in operation and several additional fabs possible over the next three years.

These development trends indicate that China is emerging as a new and strong production base for electronic and IT products in Asia. With this rapid growth in the IT sector, China is forced to build its strong microelectronics industry primarily on imports and investment from foreign suppliers. Shanghai, Beijing, and Hong Kong are among the cities that lead China's IT industry growth.

III. Goals for the Mission

The goal is to assist U.S. microelectronics industry's small- to medium-sized enterprises (SMEs) in achieving their export business objectives in the Chinese market through participation in this trade mission, which will take place during a major microelectronics exhibition. Mission participants will gain first-hand market exposure; meet with potential agents, distributors, and business partners from the private sector; and obtain information that will help to position their firms to take advantage of the strong business opportunities in China's microelectronics market.

IV. Scenario for the Mission

The primary focus of the mission is on Shanghai. The schedule includes site visits, briefings by the U.S. government, and an export control seminar sponsored by the Semiconductor Equipment Materials International (SEMI) Association. The purpose of the site visits will be to provide a broad vision of the Chinese electronics/semiconductor industry, which will help the participants to better understand the Chinese market. Attendance at the export control seminar will be invaluable for mission participants, as it will cover the full gamut of export control requirements for technology companies. It will include government requirements and perspective, industry perspective and best practices, and business advantages for companies that manage export controls strategically. A SEMICON forum, which all of the participants will be invited to attend, will also be on the agenda. The dates of the exhibition are March 21–23, 2006. The U.S. Commercial Service in Shanghai will set aside time for pre-arranged individual business meetings for the mission participants. In addition, the participants will have the opportunity to conduct business with exhibitors at the show, as well as display company literature in a booth at the exhibition. No other types of exhibition items may be displayed. A hospitality reception for the participants will be held the evening of March 23.

Timetable

Saturday, March 18—Arrive Shanghai (optional); activities open.

Sunday, March 19—Arrive Shanghai (optional); no host dinner at hotel and/or activities open.

Monday, March 20—Breakfast briefing for participants with Commercial Service Shanghai staff; and high-tech industry park meetings and/or site tours to:

HHNEC (Shanghai Hua Hong NEC Electronics Company) Intel.

Grace Semiconductor Manufacturing Corp. (GSMC). Semiconductor Manufacturing International Corp. (SMIC).

Tuesday, March 21—All-day individual one-on-one pre-arranged business meetings for participants.

Wednesday, March 22—SEMI association market briefing in morning. Attend exhibition in afternoon.

Thursday, March 23—Attend SEMI China export control seminar in morning. Attend exhibition in afternoon. Reception in evening.

Friday, March 24—Participants may wish to have follow-up business visits/appointments or depart for U.S.

Note: These dates and activities are tentative and subject to change. The final schedule will depend on the availability of Chinese officials, specific goals of mission participants, and air travel schedules.

V. Criteria for Participation

- Relevance of the company's business line to mission's scope and goals;
- Potential for business in the China market;
- Timeliness of the company's signed and completed application, and participation agreement, and payment of the mission participation fee of $2,500 for the first company representative, and $500 each for additional representatives;
- Provision of adequate information on the company's products and/or services and communication of the company's primary objectives to facilitate appropriate matching with potential business partners;

• Certification that the company meets Departmental guidelines for participation, including certification that the company's products and/or services are manufactured or produced in the United States, or if manufactured/produced outside of the United States, the product/services should be marketed under the name of the U.S. firm and have U.S. content of at least fifty-one percent of the value of the finished good or service.

A minimum of eight and a maximum of fifteen participating companies will be recruited in an open and public manner, including publication in the **Federal Register**; posting on the Internet; press releases to general and trade media; direct mail and broadcast fax; notices by industry trade associations and other multiplier groups; and announcements at industry meetings, symposiums, conferences, and trade shows.

Any partisan political activities (including political contributions) of an applicant are entirely irrelevant to the selection process. The $2,500 trade mission participation fee does not include the cost of travel, lodging, and meals. Recruitment will begin immediately and will close on February 3, 2006.

Contact, Marlene Ruffin, Global Trade Programs, U.S. & Foreign Commercial Service, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Room 2114, Washington, DC 20230, Phone: 202–482–0570, Fax: 202–482–0872, E-mail: *marlene.ruffin@mail.doc.go.*

Dated: September 22, 2005.

Todd Thurwachter,

Director, Office of Trade Event Programs.

[FR Doc. E5–5306 Filed 9–27–05; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management, National Ocean Service, Commerce.

ACTION: Notice of intent to evaluate and notice of availability of final findings.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Rhode Island Coastal Management Program, the Chesapeake Bay-Maryland National Estuarine Research Reserve, the Delaware Coastal Management Program and Delaware National Estuarine Research Reserve, and the Georgia Coastal Management Program.

The Coastal Zone Management Program evaluations will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA) and regulations at 15 CFR part 923, subpart L. The National Estuarine Research Reserve evaluations will be conducted pursuant to sections 312 and 315 of the CZMA and regulations at 15 CFR part 921, subpart E and part 923, subpart L. The CZMA requires continuing review of the performance of states with respect to coastal program implementation. Evaluation of Coastal Management Programs and National Estuarine Research Reserves requires findings concerning the extent to which a state has met the national objectives, adhered to its Coastal Management Program document or Reserve final management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

Each evaluation will include a site visit, consideration of public comments, and consultations with interested Federal, state, and local agencies and members of the public. A public meeting will be held as part of the site visit.

Notice is hereby given of the dates of the site visits for the listed evaluations, and the dates, local times, and locations of the public meeting during the site visits.

The Rhode Island Coastal Management Program evaluation site visit will be held November 14–18, 2005. One public meeting will be held during the week. The public meeting will be held on Tuesday, November 15, 2005, at 7:30 p.m. at the Narragansett Bay Commission Board Room, One Service Road, Providence, Rhode Island.

The Chesapeake Bay-Maryland National Estuarine Research Reserve evaluation site visit will be held November 14–16, 2005. One public meeting will be held during the week. The public meeting will be held on Monday, November 14, 2005, at 7 p.m. at the Jug Bay Sanctuary, 1361 Wrighton Road, Lothian, Maryland.

The Delaware Coastal Management Program and Delaware National Estuarine Research Reserve joint evaluation site visit will be held December 5–9, 2005. One public meeting will be held during the week. The joint public meeting will be held on Wednesday, December 7, 2005, at 6 p.m. at 818 Kitts Hummock Road, Dover, Delaware.

The Georgia Coastal Management Program evaluation site visit will be held December 12–16, 2005. One public meeting will be held during the week. The public meeting will be held on Tuesday, December 13, 2005, at 1 p.m. at the Coastal Electric Membership Cooperative, 1265 South Coastal Highway (U.S. 17), Midway, Georgia.

Copies of states' most recent performance reports, as well as OCRM's evaluation notification and supplemental information request letters to the states, are available upon request from OCRM. Written comments from interested parties regarding these Programs are encouraged and will be accepted until 15 days after the public meeting held for a Program. Please direct written comments to Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910. When the evaluations are completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Notice is hereby given of the availability of the final evaluation findings for the Florida, Mississippi, and Washington Coastal Management Programs (CMPs); and the Padilla Bay (Washington) and North Carolina National Estuarine Research Reserves (NERRs). Sections 312 and 315 of the Coastal Zone Management Act of 1972 (CZMA), as amended, require a continuing review of the performance of coastal states with respect to approval of CMPs and the operation and management of NERRs.

The states of Florida, Mississippi, and Washington were found to be implementing and enforcing their federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA Section 303(2)(A)–(K), and adhering to the programmatic terms of their financial assistance awards. Padilla Bay (Washington) and North Carolina NERRs were found to be adhering to programmatic requirements of the NERR System.

Copies of these final evaluation findings may be obtained upon written request from: Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, or *Ralph.Cantral@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, (301) 563–7118.

(Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration)

Dated: September 19, 2005.

Eldon Hout,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 05–19296 Filed 9–27–05; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army; DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Department of the Army is proposing to add system of records to its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on October 28, 2005 unless comments are received that would result in a contrary determination.

ADDRESSES: Department of the Army, Freedom of Information/Privacy Division, U.S. Army Records Management and Declassification Agency, ATTN: AHRC–PDD–FPZ, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 428–6497.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on September 21, 2005, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 22, 2005.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0025–2c SAIS DoD

SYSTEM NAME:

Department of Defense Detainee Biometric Information System.

SYSTEM LOCATION:

Department of Defense Biometrics Fusion Center, 347 West Main Street, Clarksburg, WV 26306–2947.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals in the custody of the Department of Defense as a result of military operations overseas, to include enemy combatants, enemy prisoners of war, and civilian internees, that have been determined to be U.S. citizens or aliens lawfully admitted to the United States for permanent residence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, biometrics templates, biometric images, supporting documents, and biographic information including, but not limited to, date of birth, place of birth, height, weight, eye color, hair color, race, gender, and similar relevant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; Department of Defense Directive 8500.1, Information Assurance (IA); DoD Instruction 8500.2, Information Assurance Implementation; Army Regulation 25–2, Information Assurance; and E.O. 9397 (SSN).

PURPOSE(S):

To identify or verify the identity of individuals, who are detained due to overseas military operations, by using a measurable physical or behavioral characteristic.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Name, Social Security Number, biometric template, and other biometric data.

SAFEGUARDS:

Computerized records maintained in a controlled area are accessible only to authorized personnel. Physical and electronic access is restricted to designated individuals having a need for access in the performance of official duties.

RETENTION AND DISPOSAL:

Destroy when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Department of Defense Biometrics Management Office, 2530 Crystal Drive, Arlington, VA 22202–3934.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Department of Defense Biometrics Management Office, 2530 Crystal Drive, Arlington, VA 22202–3934.

Written requests should include the individual's full name, current address, and home telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Department of Defense Biometrics Management Office, 2530 Crystal Drive, Arlington, VA 22202–3934.

Written requests should include the individual's full name, current address, and home telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, system managers, and computer facility managers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 05–19327 Filed 9–27–05; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Meeting Notice for Air Force Academy Board of Visitors

Pursuant to section 9355, Title 10, United States Code, the U.S. Air Force Academy Board of Visitors will meet at the Russell Senate Office Building in Washington, DC, October 6, 2005. The purpose of the meeting is to consider the morale and discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

A portion of the meeting will be open to the public while other portions will be closed to the public to discuss matters listed in paragraphs (2), (6), and subparagraph (9)(B) of subsection (c) of section 552b, Title 5, United States Code. The determination to close certain sessions is based on the consideration that portions of the briefings and discussion will involve information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy or involve discussions of information or planned or considered action the premature disclosure of which would be likely to frustrate implementation of future agency action. Meeting sessions will be held in the Veteran's Committee Room (SR–418) of the Russell Senate Office Building, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Major Brian Lewis, Chief, USAFA Policy & Program Support, Directorate of Airman Development & Sustainment, Deputy Chief of Staff, Personnel, AF/DPDOA, 1040 Air Force Pentagon, Washington, DC 20330–1040, (703) 697–8650.

Eugenia Harms,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 05–19434 Filed 9–27–05; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Department of the Army is proposing to add a system of records to its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on October 28, 2005 unless comments are received that would result in a contrary determination.

ADDRESSES: Department of the Army, Freedom of Information/Privacy Division, U.S. Army Records Management and Declassification Agency, ATTN: AHRC–PPD–FPZ, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 428–6497.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552(r) of the Privacy Act of 1974, as amended, was submitted on September 21, 2005, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 22, 2005.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0715–9 DCS, G–4

SYSTEM NAME:

Support Personnel Deployment Records.

SYSTEM LOCATION:

Primary location: The Army Knowledge Office, 10125 Beach Road, Fort Belvoir, VA 22060–5801.

Secondary location: Major Army commands, field operating agencies, installations and activities Army-wide. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees and contractors who are supporting ongoing contingency operations for active military missions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include a profile containing: full name of the individual; social security number; home, office, and deployed telephone numbers; home address and deployed address; home, office, and deployed e-mail addresses; emergency contact name and telephone numbers; contract number and contractor organization name, along with employer's contact name, address, and telephone number; next of kin name, phone and address; air travel itineraries and movements in theater of operations; copies of passport and/or visa and common access or identification card; photograph; trip information (e.g., destinations, reservation information); travel authorization information (e.g., Government orders or letters of authorization); trip dates; deployment processing information including training completed certifications, medical and dental screenings, blood type; and other official deployment-related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 108–375, Section 1205 and 1206; 10 U.S.C. 3013, Secretary of the Army; AR 715–9, Army Contractor Accompanying The Force; Field Manual 3–100.21, Contactor on the Battlefield; and E.O. 9397 (SSN).

PURPOSE(S):

To plan and manage support personnel who deploy in support of ongoing contingency operations for active military missions; to conduct statistical studies for assisting in the management and accountability of support services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b(3) as follows: The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Name and Social Security Number (SSN).

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of lock, guards, and administrative procedures. Access to any specific record is based on the need-to-know and the specific level of authorization granted to the user. Physical and electronic access is restricted to designated individuals having a need-to-know in the performance of official duties. Access to personal information is further restricted by the use of the Army Knowledge Online database (AKO) single sign-on and password authorization.

RETENTION AND DISPOSAL:

Disposition pending (until the National Archives and Records Administration has approved retention and disposition of these records, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Communication—Electronics Life Cycle Management Command, ATTN: CE–LCMC SPO, Fort Monmouth, NJ 07703–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the appropriate administrative office of their employing agency.

For verification purposes, individual should provide full name, SSN, sufficient details to permit locating pertinent records, and signature.

RECORDS ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the appropriate administrative office of their employing agency.

For verification purposes, individual should provide full name, SSN, sufficient details to permit locating pertinent records, and signature.

CONTESTING RECORDS PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, their employers, travel documentation, and service providers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 05–19326 Filed 9–27–05; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF ENERGY

DEPARTMENT OF THE INTERIOR

Notice of Intent To Prepare a Programmatic Environmental Impact Statement, Amend Relevant Agency Land Use Plans, Conduct Public Scoping Meetings, and Notice of Floodplain and Wetlands Involvement

AGENCIES: Office of Electricity Delivery and Energy Reliability, Department of Energy (DOE) and the Bureau of Land Management (BLM), Department of the Interior (DOI).

ACTION: Notice of intent to prepare a programmatic environmental impact statement, amend relevant agency land use plans, conduct public scoping meetings, and notice of floodplain and wetlands involvement.

SUMMARY: Section 368 of the Energy Policy Act of 2005 (the Act), Public Law 109–58 (H.R. 6), enacted August 8, 2005, directs the Secretaries of Agriculture, Commerce, Defense, Energy, and the Interior (the Agencies) to designate under their respective authorities corridors on Federal land in the 11 Western States for oil, gas and hydrogen pipelines and electricity transmission and distribution facilities (energy corridors). The Agencies have determined that designating corridors as required by Section 368 of the Act constitutes a major Federal action which may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, the Agencies intend to prepare a programmatic environmental impact statement (PEIS) entitled, ''Designation of Energy Corridors on Federal Land in the 11 Western States'' (DOE/EIS–0386) to address the environmental impacts from the proposed action and the range of reasonable alternatives. DOE and BLM will be co-lead agencies for this effort, with the Department of Agriculture's Forest Service (FS) participating as a cooperating agency.

The purpose of this Notice of Intent is to inform the public about the proposed action, announce plans to conduct 11 public scoping meetings, invite public participation in the scoping process, and solicit public comments for consideration in establishing the scope and content of the PEIS. Because the proposed action may involve actions in a floodplain or wetland, the draft PEIS will include a floodplain and wetlands assessment and the final PEIS or Record of Decision will include a floodplain statement of findings.

The Agencies will prepare the PEIS in accordance with NEPA, the Council on Environmental Quality (CEQ) regulations, 40 CFR 1500–1508, DOE's regulations developed pursuant to NEPA, 10 CFR 1021, BLM's planning regulations 43 CFR 1600 and applicable FS planning regulations to amend land use plans.

DATES: The Agencies invite interested agencies, states, organizations, Native American tribes, and members of the public to submit comments or suggestions to assist in identifying significant environmental issues and in determining the scope of this PEIS. The public scoping period starts with the publication of this notice in the **Federal Register** and will continue until November 28, 2005. Written and oral comments will be given equal weight, and the Agencies will consider all comments received or postmarked by November 28, 2005 in defining the scope of this PEIS. Comments received or postmarked after that date will be considered to the extent practicable.

Dates for the public scoping meetings are:

1. October 25, 2005, Denver, Colorado
2. October 26, 2005, Albuquerque, New Mexico
3. October 26, 2005, Salt Lake City, Utah
4. October 27, 2005, Cheyenne, Wyoming
5. October 27, 2005, Helena, Montana
6. November 1, 2005, Boise, Idaho
7. November 1, 2005, Sacramento, California
8. November 2, 2005, Las Vegas, Nevada
9. November 2, 2005, Portland, Oregon
10. November 3, 2005, Phoenix, Arizona
11. November 3, 2005, Seattle, Washington

The Agencies will announce the times and locations of the public meetings through the local media, newsletters, and the project Web site (*http://corridoreis.anl.gov*) at least 15 days prior to the meeting.

Requests to speak at a public scoping meeting(s) should be received by Julia Souder at the addresses indicated below on or before October 18, 2005. Requests to speak may also be made at the time of registration for the scoping meeting(s). However, persons who submitted advance requests to speak will be given priority if time should be limited during the meetings.

ADDRESSES: Comments or suggestions on the scope of the PEIS and requests to

speak at the scoping meeting(s) should be sent to: Julia Souder by mail at U.S. Department of Energy, Office of Electricity Delivery and Energy Reliability, 1000 Independence Avenue, SW., Washington, DC 20585; by facsimile at (202) 586–1472 or phone at (202) 586–9052.

Please note that regular postal mail to DOE tends to be delayed because of anthrax screening. In order to avoid these delays, if you wish to comment or request to speak at the scoping meeting(s) by mail, we suggest that your submission be sent by using overnight service, or that your letter first be sent to us by facsimile or electronic mail, and then followed by regular mailing of the original documents.

FOR FURTHER INFORMATION CONTACT: For information on the proposed project or to receive a copy of the Draft PEIS when it is issued, contact Julia Souder by any of the means indicated in the **ADDRESSES** section of this notice. A complete description of the proposed action also may be found on the project Web site at *http://corridoreis.anl.gov.*

For general information on the DOE NEPA process please contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119, Phone: 202–586–4600; or leave a message at 1–800–472–2756; Facsimile: 202–586–7031.

SUPPLEMENTARY INFORMATION:

Background and Need for Agency Action

Section 368 of the Act, entitled ''Energy Right-of-Way Corridors on Federal Land,'' and specifically subsection 368(d) require the Agencies to designate energy corridors, taking into account the ''need for upgraded and new electricity transmission and distribution facilities'' in order to ''improve reliability,'' ''relieve congestion,'' and ''enhance the capability of the national grid to deliver electricity.'' See Electricity Modernization Act, Pub. L. 109–58 (H.R. 6) section 368(d)(1)–(3). Section 368 applies only to Federal lands.

Specifically, Section 368 requires the Agencies to cooperate using their respective authorities to (1) ''designate corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the eleven contiguous Western States (as defined in Section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o)); (2) perform any environmental reviews that may be required to complete the designations of such corridors; and (3) incorporate the designated corridors into the relevant agency land use and resource management plans or equivalent plans''. See Pub. L. 109–59 § 368(a)(1)–(3).

Section 368 divides the Agencies' schedules for designating transmission corridors on public lands into two groups: (1) ''Western States'', consisting of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (2) all other states. This PEIS relates solely to corridors in the Western States.

Proposed Action and Alternatives

The Proposed Action in this PEIS is to designate corridors on Federal land in the eleven Western States for oil, gas and hydrogen pipelines and electricity transmission and distribution facilities. Based upon the information and analyses developed in this PEIS, each Agency would amend its respective land use plans by designating a series of energy corridors effective upon signing of the Record(s) of Decision.

No Action Alternative

Under the No Action alternative, no new energy corridors would be designated through this coordinated approach. The No Action alternative will identify the environmental impacts associated with each of the Agencies continuing to designate energy corridors through use of their present practices. These practices would include the application of local planning criteria by each regional land management office.

Increased Utilization Alternative

Under the Increased Utilization alternative, the Agencies will assess the environmental impacts associated with increasing the capacity of existing energy corridors through the application of new technologies and/or operational techniques. This alternative will assesss the impacts of developing multiple projects within existing corridors and rights-of-way and the application of new technologies to increase the energy capacities of existing facilities within those corridors.

New Corridor Alternative

Under the New Corridor alternative, the Agencies will assess the impacts associated with designating new energy corridors on Federal land. A preliminary set of new corridors will be identified through information obtained through scoping as well as information from the energy transport industry including, but not limited to: The Western Utility Group; the Seams Steering Group—Western Interconnection; Colorado Coordinating Planning Group; the Northwest Transmission Assessment Committee; the Southwest Area Transmission Study; the Southwest Transmission Expansion Plan; and the Rocky Mountain Area Transmission Study. The scoping process will afford other stakeholders such as environmental groups, counties, states, Native American tribes, and interested citizens an opportunity to propose new corridors. The Agencies will use this information to identify new energy corridors that will be analyzed in the PEIS.

Optimization Criteria Alternative

Under the Optimization Criteria alternative, the Agencies will assess the impacts of new energy corridors that will be identified through a combination of new and existing corridors based on a set of criteria and strategies that incorporate environmental concerns, projected supply and demand, network efficiencies, landscape features, the availability of new technologies, and costs.

The Agencies will consider any additional reasonable alternatives that result from comments received in response to the scoping process described in this notice.

Identification of Environmental Issues

Note that environmental issues identified should be related to: Restriction of conflicting uses within the corridors, adequacy of potential plan direction within the corridors, any identifiable environmental concerns within the potential corridors. Any corridor designation, and subsequent incorporation into an agencies land use plan by this plan amendment process does not, itself, authorize project activities. Any new proposed project activities, such as construction of a new pipeline or electric transmission line or retrofitting utilities within an existing corridor, would be analyzed in subsequent NEPA analyses which would also involve public notice and comment. This PEIS is for corridor designation only.

The purpose of this notice is to solicit comments and suggestions for consideration in the preparation of the PEIS. As background for public comment, this notice contains a list of potential environmental issues that the Agencies have tentatively identified for analysis. This list is not intended to be all-inclusive or to imply any predetermination of impacts. Following is a preliminary list of issues that may be analyzed in the PEIS:

(1) Socioeconomic and recreational impacts of development of the land tracts and their subsequent uses;

(2) Impacts on protected, threatened, endangered, or sensitive species of animals or plants, or their critical habitats;

(3) Impacts on floodplains and wetlands;

(4) Impacts on archaeological, cultural, or historic resources;

(5) Impacts on human health and safety;

(6) Impacts on existing and future land uses;

(7) Visual impacts; and

(8) Disproportionately high and adverse impacts on minority and low-income populations, also known as environmental justice considerations.

Scoping Process

Interested parties are invited to participate in the scoping process, both to refine the preliminary alternatives and environmental issues to be analyzed in depth and to eliminate from detailed study those alternatives and environmental issues that are not feasible or pertinent. The scoping process is intended to involve all interested agencies (Federal, State, county, and local), public interest groups, Native American tribes, businesses, and members of the public. Public scoping meetings will be held as indicated above under the **DATES** and **ADDRESSES** sections. These scoping meetings will be informal. The presiding officer will establish only those procedures needed to ensure that everyone who wishes to speak has a chance to do so and that the Agencies understand all issues and comments. Speakers will be allocated approximately 5 minutes for their oral statements. Depending upon the number of persons wishing to speak, the presiding officer may allow longer times for representatives of organizations. Consequently, persons wishing to speak on behalf of an organization should identify that organization in their request to speak. Persons who have not submitted a request to speak in advance may register to speak at the scoping meeting(s), but advance requests are encouraged. Meetings will begin at the times specified and will continue until all those present who wish to participate have had an opportunity to do so. Should any speaker desire to provide for the record further information that cannot be presented within the designated time, such additional information may be submitted in writing by the date listed in the **DATES** section.

Oral, written, and electronic (*i.e.*, by facsimile or by e-mail) comments will be impartially considered and given equal weight by the Agencies.

A complete transcript of the public scoping meetings will be retained by the Agencies and made available to the public for review on the DOE Web site at *http://www.electricity.doe.gov*, on the project Web site at *http://corridoreis.anl.gov*, and during business hours at the Department of Energy, Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC.

Draft PEIS Schedule and Availability

The Draft PEIS is scheduled to be issued in early spring 2006. The availability of the Draft PEIS and dates for public hearings soliciting comments on it will be announced in the **Federal Register** and local media. Comments on the Draft PEIS will be considered in preparing the Final PEIS.

Those interested parties who do not wish to submit comments at this time, but who would like to receive a copy of the Draft PEIS and other project materials, please contact Julia Souder as provided in the **ADDRESSES** section of this notice.

Tom Lonnie,

Assistant Director, Minerals, Realty and Resource Protection, Bureau of Land Management.

John Spitaleri Shaw,

Assistant Secretary for Environment, Safety and Health, Department of Energy.

[FR Doc. 05–19375 Filed 9–27–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Impact Statement: Site Selection for the Expansion of the Strategic Petroleum Reserve

AGENCY: Department of Energy (DOE).

ACTION: Notice to extend the public scoping period and reschedule public scoping meetings.

SUMMARY: Due to the extraordinary circumstances created by Hurricane Katrina in the region where the proposed action and public scoping meetings will take place, DOE has extended the public scoping period and revised the dates and locations of the public scoping meetings originally announced in the Notice of Intent to Prepare an Environmental Impact Statement (70 FR 52088; September 1, 2005).

DATES:

Extended: The public scoping period is extended by 2 weeks to October 28, 2005.

Cancelled: The public scoping meeting at Hattiesburg, Mississippi, originally scheduled on October 4, 2005, is cancelled.

Cancelled: The public scoping meeting at Pascagoula, Mississippi, originally scheduled on October 5, 2005, is cancelled.

Rescheduled: The public scoping meeting at Houma, Louisiana, originally scheduled on October 6, 2005 has been rescheduled to October 19, 2005, at the Ramada Inn, 1400 West Tunnel Boulevard, from 7 p.m. to 9 p.m. Telephone: (985) 879–4871.

No Change to Original Schedule: The public scoping meeting at Lake Jackson, Texas, will take place as originally scheduled on October 11, 2005, 7 p.m. to 9 p.m. at the Cherotel Brazosport Hotel and Conference Center, 925 Hwy 332. Telephone: (979) 297–1161.

New Public Scoping Meeting: A public scoping meeting will be held at Jackson, Mississippi, on October 18, 2005, 7 p.m. to 9 p.m. at the Jackson Marriott Downtown, 200 East Amite Street. Telephone: (601) 969–5100.

FOR FURTHER INFORMATION CONTACT: Comments or suggestions on the scope and content of the EIS and requests to speak at the scoping meetings should be directed to Donald Silawsky, Office of Petroleum Reserves (FE–47), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0301; telephone: (202) 586–1892; fax: (202) 586–4446; or electronic mail at *Donald.Silawsky@hq.doe.gov.* Envelopes and the subject line of e-mails or faxes should be labeled ''Scoping for the SPR EIS.'' Please note that conventional mail to DOE may be delayed by anthrax screening.

For information on the proposed project or to receive a copy of the Draft EIS when it is issued, contact Donald Silawsky by any of the means listed above. Additional information may also be found on the DOE Fossil Energy Strategic Petroleum Reserve proposed expansion Web site at *http://fossil.energy.gov/news/techlines/2005/tl_spr_noi.html.*

For information on the DOE NEPA process, contact Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119; telephone: (202) 586–4600; fax: (202) 586–7031; or leave a toll-free message at: (800) 472–2756.

Issued in Washington, DC, on September 25, 2005.

Mark J. Matarrese,

NEPA Compliance Officer, Office of Fossil Energy.

[FR Doc. 05–19507 Filed 9–26–05; 2:34 pm]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–479–001]

Alliance Pipeline L.P.; Notice of Compliance Filing

September 21, 2005.

Take notice that on September 16, 2005, Alliance Pipeline L.P. (Alliance) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Third Revised Sheet No. 276 and Substitute Third Revised Sheet No. 277, proposed to become effective September 1, 2005.

Alliance states that copies of its filing have been mailed to all customers, State commissions, and other interested parties.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5273 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–133]

ANR Pipeline Company; Notice of Negotiated Rate Filing

September 20, 2005.

Take notice that on September 15, 2005, ANR Pipeline Company (ANR) tendered for filing and approval an amendment to an existing negotiated rate service agreement between ANR and Wisconsin Public Service Corporation and an amendment to an existing negotiated rate service agreement between ANR and Wisconsin Gas LLC. ANR requests an effective date of November 1, 2005.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5255 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC05–138–000]

Arroyo Energy LP, Calpine Energy Services, L.P., Calpine Merchant Services Company, Inc.; Notice of Filing

September 19, 2005.

Take notice that on September 13, 2005, Arroyo Energy LP (Arroyo Energy), Calpine Energy Services, L.P. (CES) and Calpine Merchant Services Company, Inc. (Applicants) filed an application pursuant to section 203 of the Federal Power Act requesting authorization from the Federal Energy Regulatory Commission for: (1) A proposed internal corporate restructuring upstream of Arroyo Energy; and (2) certain contractual arrangements pursuant to which CMSC would perform certain energy trading and related functions for and on behalf of each of CES and CalBear Energy LP, the successor of Arroyo Energy (Transaction). Applicants also request that the Commission grant limited waivers of its part 33 filing requirements to the extent that such information is not necessary to ensure that the Transaction meets the statutory requirements of section 203, and that the Commission grant confidential treatment of the contractual arrangements as they contain sensitive commercial and financial information. Applicants further request that the Commission issue an order authorizing the Transaction by October 18, 2005, to permit business under the proposed Transaction to commence as expeditiously as possible.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the

comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 4, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5241 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2100]

California Department of Water Resources; Notice of Posting of Privileged and Confidential Information on Elibrary

September 16, 2005.

On August 15, 2005, the California Department of Water Resources (DWR) filed with the Commission in the above-captioned proceeding a document entitled ''Responses to Deficiencies, Clarifications, Additional Information Requests, and Revisions of January 2005 License Application.'' Consistent with Commission regulation, this filing was provided in three separate binders: public information (in Binder #1), non-internet public (NIP) information (in Binder #2), and certain documents and information that DWR asserts to be privileged and confidential, and therefore exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. 552 (in Binder #3). 18 CFR 388.112(b).

When processing DWR's filing, Commission staff inadvertently made all three binders publicly available on the eLibrary system, before the Commission rendered any decision with regard to DWR's privilege claim for the documents and information in Binder #3. Cf. 18 CFR 388.112(c). According to Commission records, all three binders were publicly available from approximately 5 pm EDT August 16, 2005, until approximately 8:30 am EDT August 17, 2005, during which time the NIP information and privileged and confidential information were accessed a total of fourteen (14) times on eLibrary.

In furtherance of the Commission's designated procedures for processing documents for which privileged treatment is sought, therefore, all entities that accessed Binder #3 from the Commission's eLibrary system are hereby requested to destroy all paper and electronic copies of any and all of the documents and information included in Binder #3.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5203 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–513–001]

CenterPoint Energy Gas Transmission Company; Notice of Compliance Filing

September 16, 2005.

Take notice that on September 9, 2005, CenterPoint Energy Gas Transmission Company (CEGT) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Substitute Second Revised Sheet No. 456A, with an effective date of September 1, 2005.

CEGT states that the filing is being made in compliance with the Commission's Order issued on August 25, 2005 in the above-referenced proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5230 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–674–000]

CenterPoint Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

September 21, 2005.

Take notice that on September 19, 2005, CenterPoint Energy Gas Transmission Company (CEGT) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following revised tariff sheets to be effective November 1, 2005:

Sixth Revised Sheet No. 17
Sixth Revised Sheet No. 18
Sixth Revised Sheet No. 19
Sixth Revised Sheet No. 31
Sixth Revised Sheet No. 32

CEGT states that the purpose of this filing is to adjust CEGT's fuel percentages and Electric Power Costs (EPC) Tracker pursuant to sections 27 and 28 of its general terms and conditions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by

the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5278 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–404–001]

Central New York Oil and Gas Company, LLC; Notice of Compliance Filing

September 16, 2005.

Take notice that, on September 9, 2005, Central New York Oil and Gas Company, LLC (CNYOG) submitted a revised compliance filing as part of its FERC Gas Tariff, Original Volume No. 1, First Revised Sheet No. 103A, to comply with the Commission's Order No. 587–S. CNYOG requests all necessary waivers to make this tariff sheet effective September 1, 2005.

CNYOG states that copies of the filing were served on parties on the official service list as well as the company's jurisdictional customers and interested State commissions.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5219 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–414–000]

Clark Fork & Blackfoot, L.L.C., EnCana Border Pipelines Limited; Notice of Application

September 21, 2005.

Take notice that on September 13, 2005, Clark Fork & Blackfoot, L.L.C. and EnCana Border Pipeline Limited, filed in Docket No. CP05–414–000, an application pursuant to section 3 of the Natural Gas Act (NGA), Executive Order Nos. 10485 and 12038 and the Secretary of Energy's Delegation Order No. 0204–112, to transfer the Natural Gas Act section 3 authorization and Presidential Permit for border crossing facilities in Toole County, Montana from Clark Fork & Blackfoot, L.L.C. to EnCana Border Pipeline Limited, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be also viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (202) 502–8659 or TTY, (202) 208–3676.

Any questions regarding this application should be directed to Stefan M. Krantz, Esquire, Hogan & Hartson L.L.P., Columbia Square, 555 13th St., NW., at (202) 637–5547 or (202) 637–5910 (fax).

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: October 11, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5283 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–426–001]

Destin Pipeline Company, L.L.C.; Notice of Compliance Filing

September 20, 2005.

Take notice that on September 14, 2005, Destin Pipeline Company, L.L.C. (Destin) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the tariff sheets listed on Appendix A.

Destin states that the purpose of this filing is to comply with the Commission's Letter Order issued August 30, 2005, in Docket No. RP05–426–000.

Destin states that copies of this filing are being served on all parties to the proceedings, affected shippers, and applicable state regulatory agencies.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5259 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–413–000]

East Tennessee Natural Gas, LLC; Notice of Application

September 16, 2005.

Take notice that on September 8, 2005, East Tennessee Natural Gas, LLC (East Tennessee), 5400 Westheimer Court, Houston, Texas 77056–5310, filed an application for a certificate of public convenience and necessity, in Docket No. CP05–413–000, pursuant to section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations requesting authorization to: (1) Construct and operate 32 miles of 20-inch pipeline (Jewell Ridge Lateral), in Tazewell and Smyth Counties, Virginia, connecting CNX Gas Company, LLC's Cardinal States Gathering System to East Tennessee's system to provide up to 235,000 Dth/d of firm transportation capacity; (2) implement new Rate Schedules FT–L and IT–L for service on the Jewell Ridge Lateral; and (3) implement initial incremental recourse rates for such service. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''e-Library'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676, or for TTY, (202) 502–8659.

On November 24, 2004, the Commission's staff granted a request to utilize the National Environmental Policy Act (NEPA) Pre-Filing Process for staff activities involving the Jewell Ridge Lateral Project and assigned to that process Docket No. PF05–3–000. Now, as of the filing of East Tennessee's application on September 8, 2005, the NEPA Pre-Filing Process for the Jewell Ridge Lateral Project is closed. From this time forward, the proceeding will be conducted in Docket No. CP05–413–000.

Any questions regarding this application should be directed to Steven E. Tillman, General Manager, Regulatory Affairs, East Tennessee Natural Gas, LLC, P.O. Box 1642, Houston, Texas 77251–1642, Phone: (713) 627–5113, Fax: (713) 627–5947.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be

taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Protests and interventions may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: October 7, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5208 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–672–000]

East Tennessee Natural Gas, LLC; Notice of Petition for Approval of Settlement Agreement

September 21, 2005.

Take notice that on September 15, 2005, East Tennessee Natural Gas, LLC (East Tennessee) tendered for filing a ''Petition for Approval of Settlement Agreement,'' including a proposed settlement agreement and associated pro forma tariff sheets.

East Tennessee states that copies of its filing have been served upon all affected customers of East Tennessee and interested State commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 27, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5277 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05–1054–000 and ER05–1054–001]

Eastern Landfill Gas, LLC; Notice of Issuance of Order

September 16, 2005.

Eastern Landfill Gas, LLC (Eastern) filed an application for market-based rate authority, with an accompanying rate tariff. The proposed rate tariff provides for the sales of capacity and energy at market-based rates. Eastern also requested waiver of various Commission regulations. In particular, Eastern requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Eastern.

On September 14, 2005, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Eastern should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protests is October 14, 2005.

Absent a request to be heard in opposition by the deadline above, Eastern is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Eastern, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Eastern's issuances of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the

''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5210 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–445–001]

Enbridge Offshore Pipelines (UTOS) LLC; Notice of Compliance Filings

September 16, 2005.

Take notice that on September 14, 2005, Enbridge Offshore Pipelines (UTOS) LLC, (UTOS) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following revised tariff sheets, with an effective date of September 1, 2005:

Substitute First Revised Sheet No. 107
Substitute First Revised Sheet No. 108
Substitute First Revised Sheet No. 117
Substitute Original Sheet No. 117A
Substitute Third Revised Sheet No. 121
Substitute Third Revised Sheet No. 122A
Substitute First Revised Sheet No. 137
Substitute First Revised Sheet No. 153
Substitute Fourth Revised Sheet No. 164

UTOS states that it had inadvertently not included WGQ standard 1.3.2(v) verbatim in its FERC Gas Tariff as required, and thus tenders Substitute Third Revised Sheet No. 121 to incorporate such standard in its FERC Gas Tariff, Fifth Revised Volume No. 1.

UTOS states that complete copies of its filing are being mailed to all of the parties on the Commission's official service list, all of its jurisdictional customers, and applicable State commissions.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' *link at http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5222 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–387–003]

Enbridge Pipelines (AlaTenn) L.L.C.; Notice of Compliance Filing

September 21, 2005.

Take notice that on September 19, 2005, Enbridge Pipelines (AlaTenn) L.L.C. (AlaTenn) submitted one (1) fully executed amendment to a prior amendment to a firm transportation service agreement, in compliance with the Commission's July 21, 2005 Order, 112 FERC ¶ 61,084 (2005) issued in this proceeding.

AlaTenn states that copies of its filing have been mailed to all customers, interested State regulatory commissions, and any parties on the Commission's official service.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 29, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5272 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EY05–14–001, RM01–10–000 and EY05–13–000]

Standards of Conduct for Transmission Providers and Entergy Services, Inc.; Notice Granting Extension of Waiver of Recordkeeping Requirements

September 16, 2005.

Due to the emergency conditions in the Gulf Coast area of the United States created by Hurricane Katrina, on August 31, 2005, the Commission issued a notice that, among other things, allowed affected transmission providers to delay, until September 30, 2005, compliance with the requirement of section 358.4(a)(2) of the Commission's regulations, 18 CFR 358.4(a)(2)(2005), to report to the Commission and post on the OASIS or Internet Web site, as applicable, each emergency that resulted in any deviation from the standards of conduct.[1]

Due to the extreme nature of the emergency, the Commission also waived, on September 7, 2005, the requirement to record and retain a record of each deviation of the standards of conduct, until September 16, 2005.[2] The notice added that ''[t]he

[1] Notice Granting Extension Of Time To Comply With Posting And Other Requirements, Standards of Conduct for Transmission Providers, Docket No. EY05–14–000, *et al.* (August 31, 2005).

[2] Notice Waiving Recordkeeping Requirements, Standards of Conduct for Transmission Providers,

Continued

Commission [would] consider extending the waiver if it continues to be needed after that date.''

Entergy Services, on behalf of Entergy Operating Companies, seeks a two-week extension, through September 30, 2005, of the waiver of the requirement that Entergy record a log of each individual deviation from the standards of conduct associated with the information sharing and joint operations activities necessitated by the hurricane. It explains that due to the extreme flooding and damage caused by the hurricane in the City of New Orleans and the Amite-South area, it continues to experience emergency circumstances affecting system reliability, including a previously-unseen stability limit. These circumstances, according to Entergy, require detailed communication, coordination and joint operations among Entergy's transmission and merchant units on virtually an hourly basis and the requirement to log each individual deviation would be an extremely burdensome task that would complicate Entergy's restoration operation. Entergy proposes to limit the application of the waiver to deviations associated with information sharing and joint operations activities necessitated by Hurricane Katrina, but would not apply to deviations from standard OATT practices.

The Commission grants Entergy's request for this limited waiver under these emergency circumstances.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5214 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05–1262–000]

Flat Rock Windpower, LLC; Notice of Issuance of Order

September 16, 2005.

Flat Rock Windpower, LLC (Flat Rock) filed an application for market-based rate authority, with an accompanying rate tariff. The proposed rate tariff provides for the sales of capacity and energy at market-based rates. Flat Rock also requested waiver of various Commission regulations. In particular, Flat Rock requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Flat Rock.

On September 14, 2005, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Flat Rock should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protests is October 14, 2005.

Absent a request to be heard in opposition by the deadline above, Flat Rock is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Flat Rock, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Flat Rock's issuances of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5211 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–509–004]

Granite State Gas Transmission, Inc.; Notice of Compliance Filing

September 16, 2005.

Take notice that on September 8, 2005, Granite State Gas Transmission, Inc. (Granite) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheets, with a proposed effective date of October 10, 2005:

First Revised Sheet No. 102
First Revised Sheet No. 117
Second Revised Sheet No. 321
First Revised Sheet No. 401
First Revised Sheet No. 413

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5216 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

Docket Nos. EY05–14–001 and RM01–10–000 (September 7, 2005).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–361–054]

Gulfstream Natural Gas System, L.L.C.; Notice of Negotiated Rate

September 21, 2005.

Take notice that on September 15, 2005, Gulfstream Natural Gas System, L.L.C. (Gulfstream) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, First Revised Sheet Nos. 8.01d and 8.01e, as well as Original Sheet Nos. 8.01s, 8.01t, and 8.01u, reflecting an effective date of September 15, 2005.

Gulfstream states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing a protest must serve copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5271 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM05–4–001]

Interconnection for Wind Energy; Notice of Filing

September 21, 2005.

On September 19, 2005, the North American Electric Reliability Council (NERC) and the American Wind Energy Association (AWEA) filed a joint report describing the final results of their discussions and recommending revisions to the low voltage ride-through provisions of the Commission's Final Rule issued June 2, 2005. Interconnection for Wind Energy, Order No. 661, 111 FERC ¶ 61,353 (2005), 70 FR 34993 (June 16, 2005). By this notice, the Commission is providing interested parties with an opportunity to file comments on NERC and AWEA's report.

Notice is hereby given that comments on the joint report shall be filed on or before October 3, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5270 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–461–001]

MarkWest New Mexico L.P.; Notice of Compliance Filing

September 16, 2005.

Take notice that on September 9, 2005, MarkWest New Mexico L.P. (MarkWest), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, Substitute First Revised Sheet No. 155 which has a proposed effective date of September 1, 2005.

MarkWest states that the filing is being submitted in compliance with the order issued by the Commission in the above-referenced docket on August 26, 2005.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5226 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–657–000]

Midwestern Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

September 21, 2005.

Take notice that on September 2, 2005, Midwestern Gas Transmission Company (Midwestern) tendered for filing to become part of Midwestern's FERC Gas Tariff, Third Revised Volume No. 1, Second Revised Sheet No. 241, to become effective October 2, 2005.

Midwestern states that the filing is being made to amend subsection 8.9.2 of the General Terms and Conditions of Midwestern's Tariff to change Midwestern's Operational Flow Order charge from a fixed price to a formula based on a daily index price to more appropriately reflect today's volatile and

increasing natural gas price environment.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5276 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–677–000]

Midwestern Gas Transmission Company; Notice of Waiver of Gas Research Institute Refund

September 21, 2005.

Take notice that on September 16, 2005, Midwestern Gas Transmission Company (Midwestern) tendered for filing a motion to request a waiver from its *de minimis* refund obligation of $106.58 regarding over-collection of the Gas Research Institute surcharge covering a six year period.

Midwestern is requesting approval to donate such amount to the American Red Cross to assist victims of Hurricane Katrina rather than issue refund checks to its customers.

Midwestern states that it has served copies of the motion upon contracted shippers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time September 29, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5281 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–454–001]

Mississippi Canyon Gas Pipeline, LLC; Notice of Compliance Filing

September 16, 2005.

Take notice that on September 14, 2005, Mississippi Canyon Gas Pipeline, LLC (Mississippi Canyon) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective September 1, 2005:

Sub First Revised Sheet No. 74
Original Sheet No. 74A
First Revised Sheet No. 122A
Sub Third Revised Sheet No. 123
First Revised Sheet No. 123A
Third Revised Sheet No. 139B
Sub Fifth Revised Sheet No. 151
Sub Fifth Revised Sheet No. 152
Sub Original Sheet No. 153
Sub Original Sheet No. 154
Sub Original Sheet No. 155

Mississippi Canyon states that the above-referenced tariff sheets are being filed in accordance with Section 154.204 of the Commission's regulations in order to comply with the directives contained in Letter Order Pursuant to 375.307(f)(1) and (f)(3) pertaining to Order No. 587–S issued by the Commission on August 30, 2005 in Docket No. RP05–454–001.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu

of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5225 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–448–001]

Mojave Pipeline Company; Notice of Compliance Filing

September 16, 2005.

Take notice that on September 9, 2005, Mojave Pipeline Company (Mojave) submitted a compliance filing pursuant to Commission Letter Order dated August 26, 2005 at Docket No. RP05–448–000.

Mojave states that copies of the filing were served on parties on the official service list in the above-captioned proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5223 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–71–003]

Mystic Development, LLC v. Boston Edison Company and NSTAR Electric & Gas Corporation; Notice of Filing

September 19, 2005.

Take notice that on September 15, 2005, Boston Edison Company (Boston Edison) tendered for filing a revised Interconnection Agreement between Boston Edison and Mystic Development, LLC (Mystic), in compliance with the Commission's August 15, 2005 Order. *Mystic Development, LLC*, 112 FERC ¶ 61,183. Boston Edison requests an effective date of March 6, 2001.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 6, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5238 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–675–000]

National Fuel Gas Supply Corporation; Notice of Petition for Waiver of Tariff Provisions

September 21, 2005.

Take notice that on September 19, 2005, National Fuel Gas Supply Corporation (National Fuel) tendered for filing a Petition for Waiver of Tariff Provisions in connection with proposed transportation services for Seneca Resources Corporation (Seneca).

National Fuel requests a waiver of provisions concerning facility costs and financial assurances that would permit the parties' agreed deferred contribution-in-aid-of-construction mechanism and associated financial assurances related to a proposed facility construction project.

National Fuel is requesting that the Commission grant the requested waiver by October 17, 2005, so that the transaction may proceed as contemplated by the parties.

National Fuel states that copies of the filing were mailed to all customers of National Fuel and affected state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by

the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on September 29, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5279 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–363–012]

North Baja Pipeline, LLC; Notice of Refund Report

September 16, 2005.

Take notice that on September 12, 2005, North Baja Pipeline, LLC (NBP) tendered for filing a Refund Report to report refunds associated with a reduction in NBP's maximum recourse rates for the period August 12, 2002 through June 30, 2005.

NBP further states that a copy of this filing has been served on NBP's jurisdictional customers and interested State regulatory agencies.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 23, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5217 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–656–000]

Northern Border Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

September 19, 2005.

Take notice that on September 2, 2005, Northern Border Pipeline Company (Northern Border) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Third Revised Sheet No. 260E, with an effective date of October 2, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: September 26, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5237 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–410–000]

Northern Natural Gas Company; Notice of Application

September 16, 2005.

Take notice that on September 2, 2005, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP05–410–000, an application pursuant to section 7 of the Natural Gas Act (NGA) to increase the certificated storage capacity of the Redfield Storage

Field by 2 Bcf to 122 Bcf and to increase the certificated withdrawal rates to 460 MMcf/d at the Redfield Storage Field located in Dallas County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be also viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application may be directed to Michael T. Loeffler, Director of Certificates for Northern, 1111 South 103rd Street, Omaha, Nebraska 68124, (402) 398–7103 or Bret Fritch, Senior Regulatory Analyst, at (402) 398–7140.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, before the comment date of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: October 5, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5205 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–411–000]

Northern Natural Gas Company; Notice of Application

September 16, 2005.

Take notice that on September 2, 2005, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP05–411–000, an application pursuant to section 7 of the Natural Gas Act (NGA) to replace two existing 2,400 horsepower compressor units with two new 3,550 horsepower compressor units at the Cunningham Compressor Station located in Pratt County, Kansas, and increase the certificated withdrawal rate to 720 MMcf/d and the certificated injection rate to 545 MMcf/d at the Cunningham Storage Field located in Pratt and Kingman counties, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be also viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application may be directed to Michael T. Loeffler, Director of Certificates for Northern, 1111 South 103rd Street, Omaha, Nebraska 68124, (402) 398–7103 or Bret Fritch, Senior Regulatory Analyst, at (402) 398–7140.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, before the comment date of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: October 5, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5206 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–667–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

September 16, 2005.

Take notice that on September 13, 2005, Northern Natural Gas Company (Northern) tendered for filing to become part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Eleventh Revised Sheet No. 66C, to be effective October 14, 2005.

Northern states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and

385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5232 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–409–001]

Northern Natural Gas Company; Notice of Compliance Filing

September 20, 2005.

Take notice that on September 15, 2005, Northern Natural Gas Company (Northern) tendered for filing FERC Gas Tariff, Fifth Revised Volume No. 1, Substitute Eleventh Revised Sheet No. 204, with an effective date of September 1, 2005.

Northern states that it is filing the above-referenced tariff sheet in compliance with the Commission's August 31, 2005 Order in compliance with Order No. 587–S.

Northern further states that copies of the filing have been mailed to each of its customers and interested State commissions.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5258 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER05–981–000, ER05–981–001 and ER05–981–002]

Pocono Energy Services, LLC; Notice of Issuance of Order

September 16, 2005.

Pocono Energy Services, LLC (Pocono Energy) filed an application for market-based rate authority, with an accompanying rate tariff. The proposed rate tariff provides for the sales of capacity and energy at market-based rates. Pocono Energy also requested waiver of various Commission regulations. In particular, Pocono Energy requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Pocono Energy.

On September 14, 2005, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Pocono Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protests is October 14, 2005.

Absent a request to be heard in opposition by the deadline above, Pocono Energy is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Pocono Energy, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Pocono Energy's issuances of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the

''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5213 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–550–001]

Portland General Electric Company; Notice of Compliance Filing

September 16, 2005.

Take notice that on September 12, 2005, Portland General Electric Company (PGE) tendered for filing as part of its FERC Gas Tariff, Original Volume No.1, the tariff sheets listed in its filing, to be effective September 1, 2005.

PGE states that the purpose of this filing is to revise PGE's FERC Gas Tariff to comply with the Commission's Letter Order issued on August 31, 2005 accepting PGE's initial revised tariff sheets effective September 1, 2005, subject to the following two conditions: Deleting reference to GISB standard 2.4.3 and GISB standard 2.3.4 and incorporating NAESB WGQ Standards 4.3.89 through 4.3.92.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5231 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–550–002]

Portland General Electric Company; Notice of Compliance Filing

September 21, 2005.

Take notice that on September 16, 2005, Portland General Electric Company (PGE) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the tariff sheets listed in its filing, to be effective September 1, 2005.

PGE states that the purpose of this filing is to revise PGE's FERC Gas Tariff to comply with the Commission's letter order issued on August 31, 2005 accepting PGE's initial revised tariff sheets effective September 1, 2005 subject to the following two conditions: deleting reference to GISB standard 2.4.3 and GISB standard 2.3.4 and incorporating NAESB WGQ Standards 4.3.89 through 4.3.92.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5275 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–671–000]

Portland Natural Gas Transmission System; Notice of Proposed Changes in FERC Gas Tariff

September 20, 2005.

Take notice that on September 15, 2005, Portland Natural Gas Transmission System (PNGTS) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheets, to become effective on September 1, 2005:

Second Revised Sheet No. 1
First Revised Sheet No. 300
Third Revised Sheet No. 303
Second Revised Sheet No. 323
First Revised Sheet No. 344
Fourth Revised Sheet No. 345
Second Revised Sheet No. 345A
Third Revised Sheet No. 357
Fifth Revised Sheet No. 380

PNGTS states that the purpose of its filing is to comply with the Commission's Order No. 587-S. PNGTS requests an extension of time to comply with certain standards adopted by Order No. 587–S.

PNGTS states that copies of this filing are being served on all jurisdictional customers and interested State commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or

protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5264 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–402–001]

SCG Pipeline, Inc.; Notice of Compliance Filing

September 20, 2005.

Take notice that on September 13, 2005, SCG Pipeline, Inc., (SCG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with an effective date of September 1, 2005:

Substitute First Revised Sheet No. 70A
Substitute First Revised Sheet No. 104
First Revised Sheet No. 104A
Substitute First Revised Sheet No. 161

SCG states that the filing is being made in compliance with the Commission's Order issued on August 30, 2005 in Docket No. RP05–402–000.

SCG states that copies of the filing has been served to all of its customers, affected state commissions and all parties on the service list.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5257 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL05–102–000, EL05–102–001, ER97–4166–018, ER97–4166–021, ER96–780–007, ER96–780–010, EL05–104–000, and EL05–104–001]

Southern Company Services, Inc., Southern Company Energy Marketing, L.P. and Southern Company Services, Inc.; Notice of Designation of Commission Staff as Non-Decisional

September 21, 2005.

Effective the date of issuance of this notice, Daniel Larcamp, of the Federal Energy Regulatory Commission (Commission), is designated as non-decisional staff in the above-captioned dockets. As non-decisional staff, Mr. Larcamp will not participate in an advisory capacity in deliberations on the issues pending therein. In addition, as non-decisional staff, Mr. Larcamp will also take no part in the Commission's review of any offer of settlement. Separated non-decisional and advisory staffs are prohibited from communicating with one another concerning the deliberations set forth above, including any pertinent settlement offer.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5268 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–395–001]

Southern LNG Inc.; Notice of Compliance Filing

September 20, 2005.

Take notice that on September 15, 2005, Southern LNG Inc. (SLNG) submitted a compliance filing pursuant to the Commission's Order in Docket No. RP05–395 issued on August 31, 2005.

SLNG states that copies of the filing were served on parties on the official service list.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC.

There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5256 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–668–000]

Southern Star Central Gas Pipeline, Inc.; Notice of Proposed Changes in FERC Gas Tariff

September 16, 2005.

Take notice that on September 14, 2005, Southern Star Central Gas Pipeline, Inc. tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, to become effective November 1, 2005:

First Revised Sheet No. 300
First Revised Sheet No. 301
First Revised Sheet No. 302

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5233 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–669–000]

Steuben Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

September 16, 2005.

Take notice that on September 14, 2005, Steuben Gas Storage Company (Steuben), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Sixth Revised Sheet No. 5, and Original Volume No. 2, Eight Revised Sheet No. 1(A), both to become effective October 1, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5234 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–499–001]

Stingray Pipeline Company, L.L.C.; Notice of Compliance Filing

September 16, 2005.

Take notice that on September 14, 2005, Stingray Pipeline Company, L.L.C. (Stingray) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to become effective September 1, 2005:

Sub First Revised Sheet No. 127
Sub First Revised Sheet No. 142
Sub Ninth Revised Sheet No. 199

Stingray states that the above-referenced tariff sheets are being filed in accordance with Section 154.204 of the Commission's regulations in order to comply with the directives contained in Letter Order Pursuant to 375.307(f)(1) and (f)(3) pertaining to Order No. 587–S issued by the Commission on August 30, 2005 in Docket No. RP05–499–000.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone

filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5229 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–412–000]

Tennessee Gas Pipeline Company; Notice of Application

September 16, 2005.

Take notice that on September 6, 2005, Tennessee Gas Pipeline Company (Tennessee), 1001 Louisiana, Houston, Texas 77002, filed in Docket No. CP05–412–000, an application pursuant to section 7 of the Natural Gas Act and Part 157 of the regulations of the Federal Energy Regulatory Commission, for an order authorizing Tennessee to add a net 44,850 horsepower of compression at one new and six existing compressor stations located in Onondaga, Herkimer, Schoharie, Columbia, and Steuben Counties, New York; Worcester County, Massachusetts; and Potter County, Pennsylvania. The proposed facilities will provide an additional 136,300 Dekatherms per day of firm transportation service to Tennessee's New England Area market. Tennessee also requested that an order be issued by August 1, 2006, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be also viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application may be directed to, Jay V. Allen, Senior Counsel, 1001 Louisiana, Houston, Texas 77002, telephone: (713) 420–5589.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, before the comment date of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: October 6, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5207 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–150]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

September 21, 2005.

Take notice that on September 16, 2005, Tennessee Gas Pipeline Company (Tennessee) tendered for filing a negotiated rate arrangement between Tennessee and Coral Energy Resources, L.P. (Coral). Tennessee requests that the negotiated rate arrangement between Tennessee and Coral become effective on October 15, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call

(866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5267 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–149]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

September 21, 2005.

Take notice that, on September 16, 2005, Tennessee Gas Pipeline Company (Tennessee) submitted a compliance filing pursuant to the Commission's September 9, 2005, Order in the above-referenced proceeding.

Tennessee states that copies of the filing were served on parties on the official service list in the above-captioned proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5282 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–654–000]

Texas Eastern Transmission, LP; Notice of Compliance Report

September 20, 2005.

Take notice that on September 1, 2005, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing pursuant to section 9.1 of the general terms and conditions of its FERC Gas Tariff, Seventh Revised Volume No. 1, its report of recalculated Operational Segment Capacity Entitlements to become effective November 1, 2005.

Texas Eastern states that copies of the filing were served on all affected customers of Texas Eastern and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5261 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–524–001]

Texas Eastern Transmission, LP; Notice of Compliance Filing

September 21, 2005.

Take notice that on September 16, 2005, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets to become effective September 1, 2005:

Seventh Revised Volume No. 1
Sub First Revised Sheet No. 516
Sub First Revised Sheet No. 521
Sub First Revised Sheet No. 521A

Texas Eastern states that it is making this filing in compliance with an order issued by the Commission in Docket No. RP05–524–000 on August 31, 2005.

Texas Eastern states that copies of its filing have been served upon all affected customers of Texas Eastern and interested State commissions, and all parties on the Commission's official service list in this proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to

file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5274 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–428–002]

Total Peaking Services, L.L.C.; Notice of Compliance Filing

September 16, 2005.

Take notice that on September 12, 2005, Total Peaking Services, L.L.C. (TPS), tendered for filing a revised tariff sheet for inclusion in TPS's FERC Gas Tariff, Original Volume No. 1. TPS requests that this revised tariff sheet be made effective September 1, 2005.

Fourth Revised Sheet No. 97

TPS states that the purpose of this filing is to correct a header designation on the revised sheet from ''Third'' to ''Fourth'' and no change is made in the tariff text on the sheet in question.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5220 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–480–001]

Transcontinental Gas Pipe Line Corporation; Notice of Revised Compliance Filing

September 16, 2005.

Take notice that on September 9, 2005, Transcontinental Gas Pipe Line Corporation (Transco) submitted a revised compliance filing to correct a wording error contained in its July 1, 2005 filing to comply with the Commission's Order No. 587–S issued May 9, 2005.

Transco states that copies of the filing were served on parties on the official service list.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5227 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–658–000]

Transcontinental Gas Pipe Line Corporation; Notice of Refund Report

September 20, 2005.

Take notice that on August 31, 2005 Transcontinental Gas Pipe Line Corporation (Transco) filed a report reflecting the overcollection of the Storage Amortization Adder of flow through refunds received from Dominion Transmission, Inc. (Dominion) in Docket No. RP05–632–018. Transco states that on August 31, 2005, in accordance with section 4 of its Rate Schedules LSS and section 3 of its Rate Schedule GSS, flowed through the amount of $13,280.93 refund by Dominion to its LSS and GSS customers.

Transco states that copies of this filing are available for public inspection, during regular business hours in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as

appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5262 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2299–057]

Turlock and Modesto Irrigation Districts; Notice of Additional Time for Comment and Response Periods

September 20, 2005.

This notice applies to the Don Pedro Project, FERC No. 2299. The project is licensed to the Turlock and Modesto Irrigation Districts, and is located on the Tuolumne River in Stanislaus and Tuolumne Counties, California.

A Notice of Filing of Fisheries Studies Report and Study Proposals, and Soliciting Comments, Motions to Intervene, and Protests was issued on June 24, 2005, for the Ten-Year Summary Report on Fisheries Studies in the Tuolumne River. The report was filed with the Commission on March 25, 2005. The period for filing comments and/or motions ended July 25, 2005; the period for filing responses to comments and/or motions ended August 24, 2005.

Several parties requested on July 25, 2005, an additional 120 days to provide comments. This notice provides additional time for filing comments until November 22, 2005; and additional time for filing responses to comments until December 22, 2005.

For additional information contact Philip Scordelis at (415) 369–3335.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5266 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–484–001]

Vector Pipeline L.P.; Notice of Compliance Filing

September 16, 2005.

Take notice that on September 12, 2005, Vector Pipeline L.P. (Vector), tendered for filing revised tariff sheets to its FERC Gas Tariff, Volume No. 1, for the purpose of implementing the NAESB standards adopted by FERC Order No. 587–S, issued May 9, 2005, and in compliance with the order issued September 6, 2005. Vector requests an effective date of September 1, 2005.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5228 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–430–003]

Venice Gathering System, LLC; Notice of Compliance Filing

September 16, 2005.

Take notice that on September 12, 2005, Venice Gathering System, LLC (VGS) submitted for filing corrected tariff sheets to VGS' compliance filing. VGS request an effective date of September 1, 2005, as follows:

Substitute Fourth Revised Sheet No. 51
Substitute Fifth Revised Sheet No. 52
Substitute Third Revised Sheet No. 185
Substitute Fourth Revised Sheet No. 187

VGS states that the tariff sheets were filed in compliance with the Commission's August, 26, 2005, Letter Order accepting VGS' Order No. 587–S tariff filing.

VGS further states that copies of the filing was served on each customer and interested State commission.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5221 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–670–000]

Viking Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

September 20, 2005.

Take notice that on September 14, 2005, Viking Gas Transmission Company (Viking) tendered for filing to become part of Viking's FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective October 14, 2005:

Sixth Revised Sheet No. 7
Third Revised Sheet No. 120
Sixth Revised Sheet No. 8
Eleventh Revised Sheet No. 50
Third Revised Sheet No. 127
Fifth Revised Sheet No. 87.01
Ninth Revised Sheet No. 141
Second Revised Sheet No. 87E.01
Fourth Revised Sheet No. 142
Fourth Revised Sheet No. 87I
Fourth Revised Sheet No. 143

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5263 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–673–000]

Viking Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

September 20, 2005.

Take notice that on September 15, 2005, Viking Gas Transmission Company (Viking) tendered for filing to be part of its FERC Gas Tariff, First Revised Volume No. 1, Fourteenth Revised Sheet No. 5B, to become effective November 1, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5265 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–676–000]

Viking Gas Transmission Company; Notice of Waiver of Gas Research Institute Refund

September 21, 2005.

Take notice that on September 16, 2005, Viking Gas Transmission Company (Viking) tendered for filing a motion to request a waiver from its *de minimis* refund obligation of $287.97 regarding over-collection of the Gas Research Institute surcharge covering a six year period.

Viking is requesting approval to donate such amount to the American Red Cross to assist victims of Hurricane Katrina rather than issue refund checks to its customers.

Viking states that it has served copies of the motion upon contracted shippers and interested State commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of

the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time September 29, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5280 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05–1288–000]

Wheelabrator North Andover, Inc.; Notice of Issuance of Order

September 16, 2005.

Wheelabrator North Andover, Inc. (Wheelabrator) filed an application for market-based rate authority, with an accompanying rate tariff. The proposed rate tariff provides for the sales of capacity and energy at market-based rates. Wheelabrator also requested waiver of various Commission regulations. In particular, Wheelabrator requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Wheelabrator.

On September 14, 2005, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Wheelabrator should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protests is October 14, 2005.

Absent a request to be heard in opposition by the deadline above, Wheelabrator is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Wheelabrator, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Wheelabrator's issuances of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5212 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP01–256–001 and RP03–284–001]

Williston Basin Interstate Pipeline Company; Notice of Refund Report and Revised Tariff Sheets

September 16, 2005.

Take notice that on September 9, 2005, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the revised tariff sheets provided in Attachment A to the filing, and a Refund Report refunding amounts billed pursuant to Williston Basin's filings in Docket Nos. RP01–256–000 and RP03–284–000.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 26, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5235 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP01–256–001 and RP03–284–001]

Williston Basin Interstate Pipeline Company; Notice of Refund Report

September 19, 2005.

Take notice that on September 9, 2005, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the revised tariff sheets provided in Attachment A to the filing, and a Refund Report refunding amounts billed pursuant to Williston Basin's filings in Docket Nos. RP01–256–000 and RP03–284–000.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on September 26, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5240 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–432–001]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

September 20, 2005.

Take notice that on September 15, 2005, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets to become effective September 1, 2005:

Sixth Revised Sheet No. 227A
Third Revised Sheet No. 227A.01a
First Revised Sheet No. 227A.01b
Substitute Tenth Revised Sheet No. 371

Williston Basin states that the tariff sheets reflect modifications to its FERC Gas Tariff in compliance with the Commission's Letter Order issued September 1, 2005, in Docket No. RP05–432–000.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5260 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–450–001]

Wyoming Interstate Company, Ltd.; Notice of Compliance Filing

September 16, 2005.

Take notice that on September 9, 2005, Wyoming Interstate Company, Ltd. (WIC) submitted a compliance filing pursuant to Commission Letter Order dated August 26, 2005 at Docket No. RP05–450–000.

WIC states that copies of the filing were served on parties on the official service list.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call

(866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5224 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–151–000]

Public Service Company of New Mexico, Complainant, v. Southwestern Public Service Company, Respondent; Notice of Complaint

September 16, 2005.

Take notice that on September 15, 2005, Public Service Company of New Mexico (PNM) filed a formal complaint against Southwestern Public Service Company (SPS) pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2000), and Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206 (2005). PNM states that: (1) SPS's cost-based rates for Interruptible Power Service to PNM pursuant to Service Schedule C of the Interconnection Agreement between PNM and SPS are excessive, are not just and reasonable and are unduly discriminatory or preferential, (2) SPS historically violated the fuel cost adjustment clause (FCAC) provisions applicable to Interruptible Power Service to PNM, as well as the Commission's FCAC regulations; and (3) SPS has historically and continues to violate the FCAC provisions applicable to two firm power sales contracts to PNM, as well as the Commission's FCAC regulations. PNM requests that the Commission establish a refund effective date of September 13, 2005 for SPS's cost-based rates for Interruptible Power Service, and that the Commission establish an investigation of SPS's FCAC charges to PNM from January 2001 through the present and on an ongoing basis during the pendency of the complaint proceeding.

PNM certifies that copies of the complaint were served on the contacts for SPS as listed on the Commission's list of Corporate Officials, as well as on counsel for all parties to the proceedings in Docket Nos. EL05–19–000 and ER05–168–000.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 6, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5209 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

September 16, 2005.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: *ER05–1097–002.*

Applicants: BJ Energy LLC.

Description: *BJ Energy, LLC submits its compliance filing to Commission's Letter Order issued 8/11/2005.*

Filed Date: 09/08/2005.

Accession Number: *20050912–0034.*

Comment Date: 5 p.m. Eastern Time on Thursday, September 29, 2005.

Docket Numbers: *ER05–1445–000.*

Applicants: PPL Electric Utilities Corporation.

Description: *PPL Electric Utilities Corp submits an addition to its Electric Rate Schedule FERC No. 117 designated in accordance with Order 614.*

Filed Date: 09/07/2005.

Accession Number: *20050909–0037.*

Comment Date: 5 p.m. Eastern Time on Wednesday, September 28, 2005.

Docket Numbers: *ER05–1446–000.*

Applicants: Southern California Edison Company.

Description: *Southern California Edison Co submits revised sheets for the Interconnection Facilities Agreement with PPM Energy, LLC, Service Agreement No. 36 under SCE's Transmission Owner Tariff.*

Filed Date: 09/07/2005.

Accession Number: *20050909–0028.*

Comment Date: 5 p.m. Eastern Time on Wednesday, September 28, 2005.

Docket Numbers: *ER05–1450–000.*

Applicants: ISO New England Inc. and New England Power Pool.

Description: *ISO New England Inc and New England Power Pool (NEPOOL) Participants Committee jointly submit attachments revising Appendix E to establish a Demand Response Reserve Pilot Program.*

Filed Date: 09/07/2005.

Accession Number: *20050912–0025.*

Comment Date: 5 p.m. Eastern Time on Wednesday, September 28, 2005.

Docket Numbers: *ER05–1451–000.*

Applicants: Southwestern Public Service Company.

Description: *Southwestern Public Service Co submits a Notice of Cancellation of Rate Schedule FERC No. 108, Agreement for Wholesale Full Requirements Service with Lyntegar Electric Cooperative, effective 12/31/05.*

Filed Date: 09/07/2005.

Accession Number: *20050912–0024.*

Comment Date: 5 p.m. Eastern Time on Wednesday, September 28, 2005.

Docket Numbers: *ER05–1452–000.*

Applicants: Duke Energy Corporation.

Description: *Duke Energy Corp on behalf of Duke Electric Transmission filed an unexecuted affected systems operating agreement with North Carolina Electric Membership Corporation.*

Filed Date: 09/08/2005.

Accession Number: *20050912–0019.*

Comment Date: 5 p.m. Eastern Time on Thursday, September 29, 2005.

Docket Numbers: *ER05–1453–000; ER05–1454–000; ER05–1455–000; ER05–1456–000; ER05–1457–000; ER05–1458–000; ER05–1459–000.*

Applicants: DeSoto County Generating Company, LLC; Effingham County Power, LLC, MPC Generating, LLC; Progress Ventures, Inc.; Rowan County Power, LLC; Walton County Power, LLC; Washington County Power, LLC.

Description: *Progress Energy, Inc on behalf of DeSoto County Generating Co, LLC et al submits revisions to the market-based rate tariff.*

Filed Date: 09/07/2005.

Accession Number: *20050912–0026.*

Comment Date: 5 p.m. Eastern Time on Wednesday, September 28, 2005.

Docket Numbers: *ER05–508–000.*

Applicants: New England Power Pool.

Description: *ISO New England Inc, on behalf of itself and other settling parties submits Partial Settlement Agreement and related materials pursuant to section 385.602 of FERC's Rules and Procedures.*

Filed Date: 09/08/2005.

Accession Number: *20050909–0081.*

Comment Date: 5 p.m. Eastern Time on Thursday, September 29, 2005.

Docket Numbers: *ER99–3911–003.*

Applicants: Northbrook New York, LLC.

Description: *Northbrook New York, LLC notifies FERC of a change in status regarding its upstream ownership pursuant to Order 652.*

Filed Date: 09/07/2005.

Accession Number: *20050912–0022.*

Comment Date: 5 p.m. Eastern Time on Wednesday, September 28, 2005.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other and the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5201 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

September 16, 2005.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: *ER02–2366–002.*

Applicants: Louis Dreyfus Energy LLC.

Description: *Louis Dreyfus Energy, LLC submits an updated market power analysis demonstrating that LDE continues to lack market power pursuant to Order 652.*

Filed Date: 09/09/2005.

Accession Number: *20050915–0111.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Docket Numbers: *ER05–1146–002.*

Applicants: Shiloh I Wind Project LLC.

Description: *Shiloh I Wind Project LLC submits First Revised Sheet 1 to FERC Electric Tariff, Volume No. 1 in compliance with FERC's 8/24/05 Order.*

Filed Date: 09/09/2005.

Accession Number: *20050913–0141.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Docket Numbers: *ER05–1322–001.*

Applicants: Xcel Energy Operating Companies.

Description: *Xcel Energy Services Inc submits an errata to replace Original Sheet No. 351 to correct the typographical error in proposed Section 1.6.1 of the Small Generation Interconnection Agreement.*

Filed Date: 09/09/2005.

Accession Number: *20050913–0144.*

Comment Date: 5 p.m. Eastern Time on Friday, September 23, 2005.

Docket Numbers: *ER05–1461–000.*

Applicants: Alfalfa Electric Cooperative, Inc.

Description: *Alfalfa Electric Coop, Inc advises that due to amendments to section 201(f) of the Federal Power Act it is no longer subject to Commission's public utility jurisdiction.*

Filed Date: 09/09/2005.

Accession Number: *20050913–0008.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Docket Numbers: *ER05–1462–000.*

Applicants: Palomar Energy, LLC.

Description: *Palomar Energy, LLC submits a Power Purchase Agreement for Short Term Sales of Test Power with Sempra Generation.*

Filed Date: 09/09/2005.

Accession Number: *20050913–0007.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Docket Numbers: *ER05–1463–000.*

Applicants: Mirant Potrero, LLC.

Description: *Mirant Potrero, LLC submits revisions to its Must-Run Service Agreement with California Independent System Operator Corporation.*

Filed Date: 09/09/2005.

Accession Number: *20050913–0006.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Docket Numbers: *ER05–1464–000.*

Applicants: Mountainview Power Company, LLC.

Description: *Mountainview Power Co., LLC seeks amendments to FERC-approved Power Purchase Agreement with Southern California Edison Company.*

Filed Date: 09/09/2005.

Accession Number: *20050913–0005.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Docket Numbers: *ER05–1465–000.*

Applicants: California Independent System Operator Corporation.

Description: *California Independent System Operator Corp submits revisions to its Transmission Revenue Requirement of San Diego Gas & Electric Company.*

Filed Date: 09/09/2005.

Accession Number: *20050913–0004.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Docket Numbers: *ER05–1466–000.*

Applicants: *South Carolina Electric & Gas Company*

Description: *South Carolina Electric & Gas Co. submits conforming changes to its Open Access Transmission Tariff in*

compliance with FERC's Order No. 2003–C.

Filed Date: 09/09/2005.

Accession Number: *20050913–0003.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Docket Numbers: *ER05–1467–000.*

Applicants: DC Energy Midwest, LLC.

Description: *Application of DC Energy Midwest, LLC for Order Authorizing Market-Based Rates, Waivers, Blanket Authorizations and request for expedited action. September 12 errata to this filing under accession No. 20050913–0088.*

Filed Date: 09/09/2005.

Accession Number: *20050913–0002.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Docket Numbers: *ER05–1468–000.*

Applicants: Ridge Generating Station, Limited Partnership.

Description: *Petition of Ridge Generating Station, Limited Partnership for order accepting market-based rate schedule, granting certain waivers and certain blanket approvals.*

Filed Date: 09/09/2005.

Accession Number: *20050913–0001.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Docket Numbers: *ER05–1469–000; ER05–1470–000.*

Applicants: DTE East China, LLC; DTE Energy Trading, Inc.

Description: *Application of DTE East China, LLC and DTE Energy Trading, Inc. for blanket authorizations, certain waivers and order approving market-based rate tariff and conforming rate schedule changes.*

Filed Date: 09/09/2005.

Accession Number: *20050913–0012.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Docket Numbers: *ER05–1471–000.*

Applicants: Connexus Energy.

Description: *Connexus Energy advises that due to amendments to section 201(f) of the Federal Power Act it is no longer a public utility.*

Filed Date: 09/09/2005.

Accession Number: *20050913–0010.*

Comment Date: 5 p.m. Eastern Time on Friday, September 30, 2005.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other and the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5202 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC05–136–000, et al.]

EBG Holdings, LLC and EBG Custodial Company, LLC; Electric Rate and Corporate Filings

September 16, 2005.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. EBG Holdings, LLC and EBG Custodial Company LLC

[Docket No. EC05–136–000]

On September 9, 2005, EBG Holdings, LLC (EBG) filed an application pursuant to section 203 of the Federal Power Act requesting authorization for a change in ownership structure involving future EBG's upstream owners to allow a portion of their EBG membership interests to be held by a single Delaware limited liability company, currently denoted as EBG Custodial Company LLC, that will elect to be treated as a ''C corporation'' for U.S. Federal tax purposes (Custodial Company). EBG states that the membership interests or units of the Custodial Company will in turn be owned by various yet-to-be-identified foreign financial institutions, banks, institutional investors, investment companies or related entities that are not primarily engaged in energy-related business activities in the U.S., which desire to hold their interests in EBG indirectly through the Custodial Company because of the tax consequences associated with that structure.

Comment Date: 5 p.m. Eastern Time on September 30, 2005.

2. Michigan Electric Transmission Co., LLC and Wolverine Power Supply Cooperative, Inc.

[Docket Nos. EC05–137–000 and ER05–1472–000]

Take notice that on September 12, 2005, Michigan Electric Transmission Company, LLC (METC) and Wolverine Power Supply Cooperative, Inc., (Wolverine) submitted an application under sections 203 and 205 of the Federal Power Act, 16 U.S.C. 824b and 824d and parts 33 and 35 of the Commission's regulations, 18 CFR parts 33 and 35, for approval to transfer undivided ownership interests in certain of Wolverine's transmission facilities to METC and certain related easements, and for approval or acceptance of a new Redwood Interconnection Facilities Agreement to reflect the transfer of facilities.

Comment Date: 5 p.m. Eastern Time on October 3, 2005.

3. Ontelaunee Power Operating Company, LLC

[Docket No. EG05–100–000]

Take notice that on September 9, 2005, Ontelaunee Power Operating Company, LLC (Applicant) filed with the Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Applicant states that it is a Delaware limited liability company, proposes to own and operate an approximately 584 megawatt natural gas-fired electric generating facility located in Ontelaunee, Pennsylvania. Applicant further states that copies of the application were served upon the United States Securities and Exchange Commission and Pennsylvania Public Utility Commission.

Comment Date: 5 p.m. Eastern Time on September 30, 2005.

4. Carolina Power & Light Company and Florida Power Corporation

[Docket Nos. EL05–77–000, ER97–2846–005, and ER99–2311–006]

Take notice that on September 6, 2005, Progress Energy, Inc. on behalf of its public utility affiliates, Carolina Power & Light Company, and Florida Power Corporation tendered for filing additional information requested by the Commission in its August 5, 2005 letter.

Comment Date: 5 p.m. Eastern Time on September 27, 2005.

Standard Paragraph

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5236 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

September 19, 2005.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER02–2330–038.
Applicants: ISO New England, Inc.
Description: ISO New England, Inc submits its Twelfth Quarterly Status Report concerning implementation of the proposed Standard Market design.
Filed Date: 09/12/2005.
Accession Number: 20050915–0007.
Comment Date: 5 p.m. eastern time on Monday, October 03, 2005.

Docket Numbers: ER05–1221–001.
Applicants: Commonwealth Edison Company.
Description: Commonwealth Edison Co. requests that FERC defer its consideration of the 7/15/05 Transmission Interconnection Agreement filing pending the refiling of the agreement with PJM Interconnection's signature.
Filed Date: 09/12/2005.
Accession Number: 20050914–0084.
Comment Date: 5 p.m. eastern time on Monday, October 03, 2005.

Docket Numbers: ER04–1252–003.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. files proposed revisions to the Midwest ISO's Open Access Transmission & Energy Market Tariff, Third Revised Volume No. 1.
Filed Date: 09/12/2005.
Accession Number: 20050913–0139.
Comment Date: 5 p.m. eastern time on Monday, October 03, 2005.

Docket Numbers: ER05–1265–002.
Applicants: MidAmerican Energy Company.
Description: MidAmerican Energy Co. provides additional clarification regarding the reasons for making the amendments to MidAmerican Rate Schedule No. 19.
Filed Date: 09/09/2005.
Accession Number: 20050913–0142.
Comment Date: 5 p.m. eastern time on Friday, September 30, 2005.

Docket Numbers: ER05–1282–001.
Applicants: Storm Lake Power Partners I, LLC.
Description: Storm Lake Power Partners I, LLC submits an amendment to its pending market-based rate schedule submittal to make correction to its proposed tariff, by replacing its Rate Schedule FERC No. 1 with original Volume No. 1.
Filed Date: 09/12/2005.
Accession Number: 20050914–0089.
Comment Date: 5 p.m. eastern time on Monday, October 03, 2005.

Docket Numbers: ER05–1460–000.
Applicants: Mitchell Electric Membership Corporation.
Description: Mitchell Electric Membership Corp. advises that due to amendments to section 201(f) of the Federal Power Act, it is no longer a public utility.
Filed Date: 09/08/2005.
Accession Number: 20050913–0009.
Comment Date: 5 p.m. eastern time on Thursday, September 29, 2005.

Docket Numbers: ER05–1474–000.
Applicants: PJM Interconnection L.L.C.
Description: PJM Interconnection, LLC submits an executed interconnection service agreement among PJM, Lancaster Wind Farm, LLC & Commonwealth Edison Co.
Filed Date: 09/12/2005.
Accession Number: 20050913–0133.
Comment Date: 5 p.m. eastern time on Monday, October 03, 2005.

Docket Numbers: ER05–1475–000.
Applicants: Midwest Independent Transmission System Operator.
Description: Midwest Independent Transmission System Operator, Inc. submits proposed revisions to the Midwest ISO's Open Access Transmission & Energy Markets Tariff, Third Revised Volume No.1.
Filed Date: 09/12/2005.
Accession Number: 20050913–0132.
Comment Date: 5 p.m. eastern time on Monday, October 03, 2005.

Docket Numbers: ER05–1477–000.
Applicants: Access Energy Cooperative.
Description: Access Energy Cooperative advises that due to amendments to section 201(f) of the Federal Power Act, it is no longer a public utility.
Filed Date: 08/18/2005.
Accession Number: 20050819–0082.
Comment Date: 5 p.m. eastern time on Thursday, September 29, 2005.

Docket Numbers: ER05–1478–000.
Applicants: North Central Missouri Electric Cooperative, Inc.
Description: North Central Missouri Electric Cooperative, Inc. advises that

due to amendments to section 201(f) of the Federal Power Act, it is no longer a public utility.

Filed Date: 08/18/2005.

Accession Number: 20050819–0083.

Comment Date: 5 p.m. eastern time on Thursday, September 29, 2005.

Docket Numbers: ER05–1479–000.

Applicants: Florida Keys Electric Cooperative Association, Inc.

Description: Florida Keys Electric Cooperative Association, Inc. advises that due to amendments to section 201(f) of the Federal Power Act, it is no longer a public utility.

Filed Date: 08/18/2005.

Accession Number: 20050819–0084.

Comment Date: 5 p.m. eastern time on Thursday, September 29, 2005.

Docket Numbers: ER05–795–002.

Applicants: ISO New England, Inc., and New England Power Pool.

Description: ISO New England, Inc. and New England Power Pool (NEPOOL) Participants Committee jointly submit a compliance filing relating to modifications to Phase I of the Ancillary Services Market Project.

Filed Date: 09/12/2005.

Accession Number: 20050914–0083.

Comment Date: 5 p.m. eastern time on Monday, October 03, 2005.

Docket Numbers: ER05–980–002.

Applicants: American Transmission Systems, Incorporated.

Description: American Transmission Systems Incorporated submits an amended construction agreement to establish a new 138 kV delivery point with Buckeye Power Inc. and Holmes-Wayne Electric Coop. dated 2/28/05.

Filed Date: 09/12/2005.

Accession Number: 20050913–0140.

Comment Date: 5 p.m. eastern time on Monday, October 03, 2005.

Docket Numbers: ER05–989–001.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits the Amendatory Agreement No. 4 to the Municipal Participation Agreement between Kansas City Power & Light Co and the City of Garnett, Kansas.

Filed Date: 09/12/2005.

Accession Number: 20050915–0006.

Comment Date: 5 p.m. eastern time on Monday, October 03, 2005.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214) on or before 5 p.m. eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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Magalie R. Salas,

Secretary.

[FR Doc. E5–5242 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

September 20, 2005.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER01–2317–005.

Applicants: Metro Energy, L.L.C.

Description: Metro Energy, LLC submits revisions to its tariff to comply with the change in status reporting requirements provision of Order 652.

Filed Date: 09/06/2005.

Accession Number: 20050908–0127.

Comment Date: 5 p.m. eastern time on Friday, September 30, 2005.

Docket Numbers: ER04–902–003.

Applicants: Oklahoma Gas and Electric Company.

Description: Oklahoma Gas & Electric Co submits a revised copy of its Rate Schedule No. 126 to comply with Order No. 614.

Filed Date: 09/13/2005.

Accession Number: 20050915–0010.

Comment Date: 5 p.m. eastern time on Tuesday, October 04, 2005.

Docket Numbers: ER05–1018–001.

Applicants: Midwest Independent Transmission System Operator.

Description: The Midwest Independent Transmission System Operator, Inc submits a Large Generator Interconnection Agreement among PPM Energy, Inc, Midwesy ISO and Northern States Power Co dba Xcel Energy.

Filed Date: 09/13/2005.

Accession Number: 20050915–0215.

Comment Date: 5 p.m. eastern time on Tuesday, October 04, 2005.

Docket Numbers: ER05–1036–001.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc submits the Large Generator Interconnection Agreement among Fenton Power Partners I, LLC and Northern States Power Co dba Xcel Energy pursuant to FERC's July 15 Order.

Filed Date: 09/13/2005.

Accession Number: 20050915–0009.

Comment Date: 5 p.m. eastern time on Tuesday, October 04, 2005.

Docket Numbers: ER05–814–000.

Applicants: Wabash Valley Power Association, Inc.

Description: Wabash Valley Power Association, Inc advises that it is submitting a requests to withdraw its filing.

Filed Date: 09/02/2005.

Accession Number: 20050915–0217.

Comment Date: 5 p.m. eastern time on Friday, September 23, 2005.

Docket Numbers: ER98–4095–005; ER99–1764–006; ER05–98–002.

Applicants: Carr Street Generating Station, L.P.; Erie Boulevard Hydropower, L.P.; Brascan Power St., Lawrence River LLC.

Description: Carr Street Generating Station, LP et al. submitted a consolidated updated market power analysis.

Filed Date: 09/14/2005.

Accession Number: 20050916–0142.

Comment Date: 5 p.m. eastern time on Wednesday, October 05, 2005.

Docket Numbers: ER05–969–001.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc submits the Large Generator Interconnection Agreement with Northern States Power Co dba Xcel Energy pursuant to the Commission's July 15th Order.

Filed Date: 09/13/2005.

Accession Number: 20050915–0011.

Comment Date: 5 p.m. eastern time on Tuesday, October 04, 2005.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214) on or before 5 p.m. eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5253 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

September 20, 2005.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER05–1175–002.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corp submits a revised, unexecuted amended Firm Point-to-Point Transmission Service Agreement 18–SD, in compliance with FERC's 9/1/05 Order.

Filed Date: 09/16/2005.

Accession Number: 20050919–0121.

Comment Date: 5 p.m. eastern time on Friday, October 07, 2005.

Docket Numbers: ER05–1229–001.

Applicants: Old Dominion Electric Cooperative.

Description: Old Dominion Electric Cooperative's files amended application for providing cost-based Reactive Power & Voltage Control from Generation Sources Service.

Filed Date: 09/14/2005.

Accession Number: 20050919–0060.

Comment Date: 5 p.m. eastern time on Wednesday, October 05, 2005.

Docket Numbers: ER05–1255–001.

Applicants: Horizon Power, Inc.

Description: Horizon Power, Inc submits tariff sheets amending its market behavior tariff provisions in compliance with FERC's 9/14/05 Letter Order.

Filed Date: 09/15/2005.

Accession Number: 20050919–0061.

Comment Date: 5 p.m. eastern time on Thursday, October 06, 2005.

Docket Numbers: ER05–1273–001.

Applicants: Mid-Continent Area Power Pool.

Description: Mid-Continent Area Power Pool requests that FERC grant an effective date of 9/28/05, for its revisions to Schedule 1 under MAPP Schedule F.

Filed Date: 09/15/2005.

Accession Number: 20050919–0115.

Comment Date: 5 p.m. eastern time on Thursday, October 06, 2005.

Docket Numbers: ER05–1347–001.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc's proposed revisions to Attachment X of the Open Access Transmission & Energy Markets Tariff, FERC Electric Tariff, Third Revised Volume No. 1.

Filed Date: 09/14/2005.

Accession Number: 20050920–0056.

Comment Date: 5 p.m. eastern time on Wednesday, October 05, 2005.

Docket Numbers: ER05–1473–000.

Applicants: PJM Interconnection L.L.C.

Description: PJM Interconnection, LLC submits an executed Interconnection Service Agreement with Benson Wind Farm LLC and Commonwealth Edison Co., pursuant to section 205 of the Federal Power Act.

Filed Date: 09/12/2005.

Accession Number: 20050913–0134.

Comment Date: 5 p.m. eastern time on Monday, October 03, 2005.

Docket Numbers: ER05–1475–001–002.

Applicants: Midwest Independent Transmission. System Operator, Inc.

Description: Midwest Independent Transmission Operator Inc submits proposed revisions to Attachment X (Standard Large Generator Interconnection Procedures) of its Open Access Transmission & Energy Markets Tariff. September 16 proposed revision to Attachment X to correct errors to September 12 filing.

Filed Date: 09/15/2005.

Accession Number: 20050919–0116.

Comment Date: 5 p.m. eastern time on Thursday, October 06, 2005.

Docket Numbers: ER05–1481–000.

Applicants: American Electric Power Service Corporation.

Description: American Electric Power Service Corp submits Notices of Cancellation of a Network Operating Agreement & a Service Agreement for Network Integration Transmission Service with CSW Operating Companies et al.

Filed Date: 09/14/2005.

Accession Number: 20050919–0062.

Comment Date: 5 p.m. eastern time on Wednesday, October 05, 2005.

Docket Numbers: ER05–1482–000.

Applicants: Electric Energy Inc.

Description: Electric Energy, Inc submits a market-based tariff for the sale of electric capacity, energy, & firm transmission rights, and the reassignment of transmission capacity rights at negotiated rates.

Filed Date: 09/15/2005.

Accession Number: 20050919–0063.

Comment Date: 5 p.m. eastern time on Thursday, October 06, 2005.

Docket Numbers: ER05–1483–000.
Applicants: Smarr EMC.
Description: Smarr EMC advises that due to amendments to section 201(f) of the Federal Power Act, it is no longer a public utility.
Filed Date: 09/15/2005.
Accession Number: 20050916–0181.
Comment Date: 5 p.m. eastern time on Thursday, October 06, 2005.

Docket Numbers: ER05–1484–000.
Applicants: Xcel Energy Services, Inc.
Description: Xcel Energy Services Inc submits the Connection Agreements for Great River Energy's Eagle Creek, Rockville, Oakwood, Westwood # 2 and Northstar Ethanol Substations between Northern States Power Company's and Great River Energy.
Filed Date: 09/15/2005.
Accession Number: 20050916–0182.
Comment Date: 5 p.m. eastern time on Thursday, October 06, 2005.

Docket Numbers: ER05–1485–000.
Applicants: Alcoa Power Generating Inc—Yadkin Division.
Description: Alcoa Power Generating Inc submits revisions to its Open Access Transmission Tariff—Yadkin Division which owns and operates transmission facilities in the Southeastern Electric Reliability Council.
Filed Date: 09/16/2005.
Accession Number: 20050919–0099.
Comment Date: 5 p.m. eastern time on Friday, October 07, 2005.

Docket Numbers: ER05–1486–000.
Applicants: Graham County Electric Cooperative, Inc.
Description: Graham County Electric Cooperative, Inc advises that due to amendments to section 201(f) of the Federal Power Act, it is no longer a public utility.
Filed Date: 09/15/2005.
Accession Number: 20050919–0119.
Comment Date: 5 p.m. eastern time on Thursday, October 06, 2005.

Docket Numbers: ER05–1487–000.
Applicants: Fall River Rural Electric Cooperative, Inc.
Description: Fall River Rural Electric Cooperative, Inc. advises that due to amendments to section 201(f) of the Federal Power Act, it is no longer a public utility.
Filed Date: 09/16/2005.
Accession Number: 20050919–0118.
Comment Date: 5 p.m. eastern time on Friday, October 07, 2005.

Docket Numbers: ER05–1488–000.
Applicants: Pacific Gas & Electric Company.
Description: Pacific Gas & Electric Co submits an executed Letter of Agreement with the California Department of Water Resources-State Water Project.
Filed Date: 09/16/2005.
Accession Number: 20050919–0117.
Comment Date: 5 p.m. eastern time on Friday, October 07, 2005.

Docket Numbers: ER05–665–003.
Applicants: Barrick Goldstrike Mines Inc.
Description: Barrick Goldstrike Mines Inc submits Substitute Original Sheet No. 4 to FERC Electric Tariff, Original Volume No. 1 in compliance with FERC's 8/16/05 Order.
Filed Date: 09/15/2005.
Accession Number: 20050916–0176.
Comment Date: 5 p.m. eastern time on Thursday, October 06, 2005.

Docket Numbers: ER05–939–002.
Applicants: Vesta Trading LP.
Description: Vesta Trading LP submits Substitute Original Sheet No. 4 to FERC Electric Tariff, Original Volume No. 1 in compliance with FERC's 8/18/05 Order.
Filed Date: 09/13/2005.
Accession Number: 20050919–0059.
Comment Date: 5 p.m. eastern time on Tuesday, October 04, 2005.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,
Secretary.
[FR Doc. E5–5254 Filed 9–27–05; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–405–000]

Natural Gas Pipeline Company of America; Notice of Intent To Prepare an Environmental Assessment for the Proposed North Lansing NSS Project and Request for Comments on Environmental Issues

September 16, 2005.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the North Lansing NSS Project involving construction and operation of facilities by Natural Gas Pipeline Company of America (Natural) in Harrison County, Texas.[1] The proposed facilities include new storage wells, field pipelines and appurtenances, storage well recompletions, a new 30-inch-diameter loop pipeline, 13,000 horsepower (hp) of compression and related facilities. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by

[1] Natural's application was filed with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice Natural provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

Summary of the Proposed Project

Natural is proposing to provide additional cycled working gas capacity at its North Lansing Storage Field in Harrison County, Texas by increasing the withdrawal rate during late season conditions. Natural's proposed construction would allow 10 billion cubic feet (Bcf) of cushion gas to be converted into cycled working gas, for a total working gas capacity of 95.2 Bcf in the North Lansing Storage Field. In addition, Natural seeks authority to increase the field's certificated peak day withdrawal level from 1100 million cubic feet (MMcf) to 1240 MMcf. There would be no change in the maximum inventory level of the field. Natural seeks authority to:

- Drill twelve new injection/withdrawal storage wells from seven well pads;
- Recomplete sixteen existing injection/withdrawal storage wells (non jurisdictional);
- Install new pigging facilities and modify existing pipeline and compressor station appurtenances (non jurisdictional);
- Install about 1.8 miles of 12-inch-diameter field pipelines and appurtenances;
- Upgrade existing field pipelines, meters, and appurtenances;
- Construct 8.7 miles of 30-inch-diameter loop pipeline;
- Add a 30-inch-diameter tap to the Gulf Coast #3 mainline; and
- Add 13,000 hp of compression, gas cooling, separation, metering, a transformer, and related equipment at the existing Compressor Station 388.

The general location of the project facilities is shown in Appendix 1.[2]

Land Requirements for Construction

Construction of all project facilities, including pipelines, well pads, access roads, a pipe storage yard and extra workspaces would impact approximately 209 acres. Construction disturbance includes a 100-foot-wide construction right-of-way for the new 30-inch-diameter pipeline, an 80-foot-wide construction right-of-way for the new field pipelines, one new well pad and the expansion of six existing well pads. The alignment of all new pipelines would be adjacent to existing maintained pipeline right-of-way. Modifications to the compressor station would be performed completely within Natural's property at the station site, with the exception of a 4-inch-diameter water line that would run outside of the station fencing. The sixteen well recompletions and meter upgrades would be performed on existing well pads and would result in no new disturbance areas.

Following construction, about 88 acres would be maintained as new aboveground facility sites, access roads, or 50-foot-wide permanent pipeline right-of-way. The remaining 121 acres of land would be restored and allowed to revert to its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission staff requests public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

In the EA we[3] will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources and wetlands
- Fisheries, vegetation, and wildlife
- Endangered and threatened species
- Land use, recreation, and visual resources
- Socioeconomics
- Cultural resources
- Air quality and noise
- Reliability and safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section beginning on page 5.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Natural. This preliminary list of issues may be changed based on your comments and our analysis.

- There are thirteen existing and planned residences and out buildings within 50 feet of the construction work areas.
- The project would permanently impact approximately 12 acres of soils that are potentially prime farmland soils.
- There are three private wells located within 150 feet of the project construction boundary.
- Five perennial streams, fourteen intermittent streams, and ten wetlands would be crossed by the proposed project.
- Clearing of 83 acres of upland forest would be necessary for well pad and pipeline construction.
- Suitable habitat is present for the federally listed threatened Louisiana black bear, and Texas State listed

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices, other than Appendix 1 (maps), are available on the Commission's Web site at the ''eLibrary'' link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

threatened species including the northern scarlet snake, timber/canebrake rattlesnake, and Rafinesque's big-eared bat.

• Three noise sensitive areas (*i.e.* residences) are located approximately 875 feet north, 1,210 feet northeast, and 837 feet northwest from the compressor station.

Also, we have made a preliminary decision to not address the impacts of the nonjurisdictional facilities that do not require clearing, grading or excavation. We will briefly describe their location and status in the EA. Nonjurisdictional facilities that require disturbance will be included in the project analysis.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations/routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.

• Label one copy of the comments for the attention of Gas Branch 3.

• Reference Docket No. CP05–405–000.

• Mail your comments so that they will be received in Washington, DC on or before October 17, 2005.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created on-line.

We may mail the EA for comment. If you are interested in receiving it, please return the Information Request (Appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding, or ''intervenor''. To become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). Intervenors have the right to seek rehearing of the Commission's decision. Motions to Intervene should be electronically submitted using the Commission's eFiling system at *http://www.ferc.gov*. Persons without Internet access should send an original and 14 copies of their motion to the Secretary of the Commission at the address indicated previously. Persons filing Motions to Intervene on or before the comment deadline indicated above must send a copy of the motion to the Applicant. All filings, including late interventions, submitted after the comment deadline must be served on the Applicant and all other intervenors identified on the Commission's service list for this proceeding. Persons on the service list with e-mail addresses may be served electronically; others must be served a hard copy of the filing.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities. By this notice we are also asking governmental agencies, especially those in Appendix 2, to express their interest in becoming cooperating agencies for the preparation of the EA.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm*.

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5204 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–396–000]

Sabine Pass LNG, L.P.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Sabine Pass LNG Terminal Phase II Project and Request for Comments on Environmental Issues

September 14, 2005.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Sabine Pass LNG Phase II Project involving construction and operation of liquefied natural gas (LNG) import terminal facilities by Sabine Pass LNG, L.P. (SPLNG) in Cameron Parish, Louisiana.[1] These facilities would consist of three additional LNG storage tanks and new and expanded LNG vaporization systems. This EA will be used by the Commission in its decision-

[1] SPLNG's application was filed with the Commission under section 3 of the Natural Gas Act and Part 153 of the Commission(s regulations.

making process to determine whether the project is in the public convenience and necessity.

The SPLNG Phase II Project would complement the SPLNG Phase I Project that was authorized by the Commission on December 21, 2004 in Docket No. CP04–47–000. The SPLNG Phase I Project is currently under construction. The SPLNG Phase II Project would increase the LNG import terminal's planned send-out capacity from 2.6 billion standard cubic feet per day (Bscfd) to 4 Bscfd and the number of LNG ships from 300 to 400 ships per year.

Summary of the Proposed Project

In the Commission's December 21, 2004 Order for the Phase I Project, SPLNG was authorized to construct and operate an LNG import terminal consisting of a ship turning basin and two protected ship berths, three LNG storage tanks, associated vaporization facilities, and a 16-mile-long, 42-inch-diameter natural gas send-out pipeline.

SPLNG wants to expand the throughput capacity of the Phase I Project to import, store, vaporize, and send out an additional 1.4 Bscfd. SPLNG seeks authority to construct and operate:

- Three 160,000 m^3 single containment LNG storage tanks;
- Sixteen Ambient Air Vaporization (AAV) Trains, each with a high-pressure sendout pump;
- Eight Submerged Combustion Vaporization (SCV) Trains, each with a high-pressure sendout pump;
- One Pilot AAV Train;
- Two additional parallel stainless steel LNG transfer lines;
- Two 50 percent Boil off gas (BOG) compressors;
- Two additional BOG condensing systems;
- Four shell-and-tube heat exchangers;
- Two vapor return blowers
- One 27 megawatt simple-cycle gas turbine generator; and
- Two 30-inch sendout pipelines to new main meters.

The location of the project facilities is shown in Appendix 1.[2] The SPLNG Phase II facilities would be adjacent to or within the boundary of the Phase I site.

Land Requirements for Construction

Construction of the proposed facilities would require about 322.8 acres of land, entirely within 852 acres of private land that SPLNG has leased for the Phase I and Phase II projects. Of the 322.8 acres, about 211.0 acres overlaps with Phase I Project construction and operation area. Following construction, about 73.9 acres would be used for operation of the Phase II Project. The remaining 248.9 acres of land would be allowed to revert to pre-construction conditions once construction is complete. No nonjurisdictional facilities are proposed for this project.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission staff requests public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

In the EA we [3] will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Land use
- Water resources, fisheries, and wetlands
- Cultural resources
- Vegetation and wildlife
- Air quality and noise
- Hazardous waste
- Endangered and threatened species
- Public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission(s official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Currently Identified Environmental Issues

We have already identified three issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by SPLNG. This preliminary list of issues may be changed based on your comments and our analysis.

- Impacts associated with the additional LNG ship traffic in Sabine Pass.
- Impacts associated with the use of Ambient Air Vaporizers.
- About 100 acres of wetland would be impacted during construction, including about 60.3 acres of permanent wetland impact from operation.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative site layouts), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. We are extending our normal comment period of 30 days to 60 days due to the effects of Hurricane Katrina. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas Branch 2.
- Reference Docket No. CP05–396.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices, other than Appendix 1 (maps), are available on the Commission's Web site at the ''eLibrary'' link or from the Commission(s Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

• Mail your comments so that they will be received in Washington, DC on or before November 15, 2005.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created online.

We may mail the EA for comment. If you are interested in receiving it, please return the Information Request (Appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding, or ''intervenor''. To become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). Intervenors have the right to seek rehearing of the Commission's decision. Motions to Intervene should be electronically submitted using the Commission's eFiling system at *http://www.ferc.gov.* Persons without Internet access should send an original and 14 copies of their motion to the Secretary of the Commission at the address indicated previously. Persons filing Motions to Intervene on or before the comment deadline indicated above must send a copy of the motion to the Applicant. All filings, including late interventions, submitted after the comment deadline must be served on the Applicant and all other intervenors identified on the Commission's service list for this proceeding. Persons on the service list with e-mail addresses may be served electronically; others must be served a hard copy of the filing.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners whose property may be affected for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities. By this notice we are also asking governmental agencies, especially those in Appendix 2 to express their interest in becoming cooperating agencies for the preparation of the EA.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5215 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Surrender of Exemption From Licensing and Soliciting Comments, Motions To Intervene, and Protests

September 19, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of Small Conduit Exemption.

b. *Project No:* 9699–001.

c. *Date Filed:* July 6, 2005.

d. *Applicant:* Albany Hydro Associates.

e. *Name of Project:* Albany Hydro Development Project.

f. *Location:* At the Water Transmission Main at the Albany Water Filtration Plant, Albany County, New York. No lands of the United States would be affected.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Timothy D. Butler, Albany Hydro Associates, 7 Hemlock Street, Latham, NY 12110, (518) 785–5546, Ext. 2.

i. *FERC Contact:* James Hunter, (202) 502–6086.

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

k. *Deadline for filing comments or motions to intervene:* October 19, 2005.

All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–9699–001) on any comments or motions filed.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

l. *Description of Request:* The Applicant proposes to surrender its exemption for the 130-kilowatt Albany Hydro Development Project because the power sales contract has expired and new rates are not cost effective to keep the facility operating. The Applicant states further that the City of Albany will not renew the lease for site usage.

m. *Locations of the Application:* This filing is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street, NE., Washington, DC 20426. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, here P–9699, in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

q. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5239 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12514–000—Indiana]

Northern Indiana Public Service Company; Norway and Oakdale Hydroelectric Project; Notice of Meeting To Discuss Project Boundary Location

September 21, 2005.

a. *Date and Time of Meeting:* October 6, 2005 at 2 p.m. (EST).

b. *Place:* Federal Energy Regulatory Commission's (FERC) Headquarters, 888 1st St, NE., Washington, DC 20426; Room 62–22.

c. *FERC Contact:* Sergiu Serban at (202) 502–6211, or *sergiu.serban@ferc.gov*.

d. *Purpose of Meeting:* To discuss the location of the project boundary in the pending proceeding on the license application for the Norway and Oakdale Project. A summary of the meeting will be placed in the project's public record.

e. All local, State, and Federal agencies, Indian tribes, and other interested parties are invited to participate either in person or by phone. Please call Sergiu Serban at (202) 502–6211 by October 4, 2005, to RSVP and to receive specific instructions on how to participate.

f. FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 208–1659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5269 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–317–000]

Texas Gas Transmission, LLC; Notice of Informal Settlement Conference

September 16, 2005.

Take notice that an informal settlement conference will be convened in this proceeding commencing at 10 a.m. (EST) on Tuesday, September 27, 2005, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or (202) 208–1659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

For additional information, please contact Bill Collins at (202) 502–8248, *william.collins@ferc.gov* or Bob Keegan at (202) 502–8158, *james.keegan@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5218 Filed 9–27–05; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7976–4]

Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods: Designation of a New Equivalent Method for PM_{10}

AGENCY: Environmental Protection Agency.

ACTION: Notice of the designation of a new equivalent method for monitoring ambient air quality.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has designated, in accordance with 40 CFR part 53, a new equivalent method for measuring concentrations of particulate matter as PM_{10} in the ambient air.

FOR FURTHER INFORMATION CONTACT: Elizabeth Hunike, Human Exposure and Atmospheric Sciences Division (MD–D205–03), National Exposure Research Laboratory, U.S. EPA, Research Triangle Park, North Carolina 27711. Phone: (919) 541–3737, e-mail: *Hunike.Elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with regulations at 40 CFR part 53, the EPA evaluates various methods for monitoring the concentrations of those ambient air pollutants for which EPA has

established National Ambient Air Quality Standards (NAAQSs) as set forth in 40 CFR part 50. Monitoring methods that are determined to meet specific requirements for adequacy are designated by the EPA as either reference methods or equivalent methods (as applicable), thereby permitting their use under 40 CFR part 58 by States and other agencies for determining attainment of the NAAQSs.

The EPA hereby announces the designation of a new equivalent method for measuring concentrations of particulate matter as PM_{10} in ambient air. This designation is made under the provisions of 40 CFR part 53, as amended on July 18, 1997 (62 FR 38764).

The new equivalent method for PM_{10} is an automated method (analyzer) that utilizes a measurement principle based on sample collection by filtration and analysis by beta-ray attenuation. The newly designated equivalent method is identified as follows:

EQPM–0905–0156, ''DKK–TOA Models FPM–222, FPM–222C, FPM–223, FPM–223C, DUB–222(S), and DUB–223(S) Particulate Monitor'' for monitoring PM_{10} in Ambient Air (beta attenuation monitor), configured for PM_{10}, with Firmware Version DUB4–658355, Corrected Slope Factor (FACT SLOPE) set to 1.232, Corrected Zero Value (FACT ZERO) set to 1.8, and with or without any of the following options: Auto Check and Serial Recorder.

An application for an equivalent method determination for this method was received by the EPA on February 10, 2005. The method is available commercially from the applicant, DKK–TOA Corporation, 29–10, 1-Chome, Takadanobaba, Shinjuku-Ku, Tokyo 169–8648, Japan (*http://www.toadkk.co.jp/*).

Test analyzers representative of this method have been tested by the applicant in accordance with the applicable test procedures specified in 40 CFR part 53 (as amended on July 18, 1997). After reviewing the results of those tests and other information submitted by the applicant, EPA has determined, in accordance with part 53, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file, either at EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711 or in an approved archive storage facility, and will be available for inspection (with advance notice) to the extent consistent with 40 CFR part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated reference or equivalent method, this method is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, the method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any specifications and limitations (*e.g.*, configuration or operational settings) specified in the applicable designation method description (see the identification of the method above).

Users of the method should also note that its equivalent method designation applies only to 24-hour average PM_{10} concentration measurements. The DKK–TOA Model FPM–222 and associated model monitors can also provide average PM_{10} concentration measurements over other, shorter averaging periods. However, such shorter average concentration measurements may be less precise than the 24-hour measurements and are not required for use in determining attainment under the air quality surveillance requirements of part 58 (although they may be useful for other purposes). Use of the method should also be in general accordance with the guidance and recommendations of applicable sections of the ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I,'' EPA/600/R–94/038a and ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Part 1,'' EPA–454/R–98–004. Vendor modifications of a designated reference or equivalent method used for purposes of part 58 are permitted only with prior approval of the EPA, as provided in part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR part 58.

In general, a method designation applies to any sampler or analyzer which is identical to the sampler or analyzer described in the application for designation. In some cases, similar samplers or analyzers manufactured prior to the designation may be upgraded or converted (*e.g.*, by minor modification or by substitution of the approved operation or instruction manual) so as to be identical to the designated method and thus achieve designated status. The manufacturer should be consulted to determine the feasibility of such upgrading or conversion.

Part 53 requires that sellers of designated reference or equivalent method analyzers or samplers comply with certain conditions. These conditions are specified in 40 CFR 53.9 and are summarized below:

(a) A copy of the approved operation or instruction manual must accompany the sampler or analyzer when it is delivered to the ultimate purchaser.

(b) The sampler or analyzer must not generate any unreasonable hazard to operators or to the environment.

(c) The sampler or analyzer must function within the limits of the applicable performance specifications given in 40 CFR parts 50 and 53 for at least one year after delivery when maintained and operated in accordance with the operation or instruction manual.

(d) Any sampler or analyzer offered for sale as part of a reference or equivalent method must bear a label or sticker indicating that it has been designated as part of a reference or equivalent method in accordance with part 53 and showing its designated method identification number.

(e) If such an analyzer has two or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(f) An applicant who offers samplers or analyzers for sale as part of a reference or equivalent method is required to maintain a list of ultimate purchasers of such samplers or analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the method has been canceled or if adjustment of the sampler or analyzer is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(g) An applicant who modifies a sampler or analyzer previously designated as part of a reference or equivalent method is not permitted to sell the sampler or analyzer (as modified) as part of a reference or equivalent method (although it may be sold without such representation), nor to attach a designation label or sticker to the sampler or analyzer (as modified) under the provisions described above, until the applicant has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified, or until the applicant has applied for and received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the sampler or analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to:

Director, Human Exposure and Atmospheric Sciences Division (MD–E205–01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this new equivalent method is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR part 58. Questions concerning the commercial availability or technical aspects of the method should be directed to the applicant.

Lawrence W. Reiter,

Director, National Exposure Research Laboratory.

[FR Doc. 05–19356 Filed 9–27–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7976–3]

Clean Water Act; Contractor Access to Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intended Transfer of Confidential Business Information to Contractors and Subcontractors.

SUMMARY: The Environmental Protection Agency (EPA) intends to transfer confidential business information (CBI) collected from the drinking water treatment industry, airport deicing operations, and other industries to Battelle and its subcontractors. Transfer of the information will allow the contractor and subcontractors to support EPA in the planning, development, and review of effluent limitations guidelines and standards under the Clean Water Act (CWA) and the development of discharge standards for certain Alaskan cruise ship operations. The information being transferred was or will be collected under the authority of section 308 of the CWA. Some information being transferred from the pulp, paper, and paperboard industry was collected under the additional authorities of section 114 of the Clean Air Act (CAA) and section 3007 of the Resource Conservation and Recovery Act (RCRA). Interested persons may submit comments on this intended transfer of information to the address noted below.

DATES: Comments on the transfer of data are due October 3, 2005.

ADDRESSES: Comments may be sent to Mr. M. Ahmar Siddiqui, Document Control Officer, Engineering and Analysis Division (4303T), Room 6231S EPA West, U.S. EPA, 1200 Pennsylvania Ave, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. M. Ahmar Siddiqui, Document Control Officer, at (202) 566–1044, or via e-mail at *siddiqui.ahmar@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has transferred CBI to various contractors and subcontractors over the history of the effluent guidelines program. EPA determined that this transfer was necessary to enable the contractors and subcontractors to perform their work in supporting EPA in planning, developing, and reviewing effluent guidelines and standards for certain industries.

Today, EPA is giving notice that it has entered into a contract with Battelle, number EP–C–05–030, located in Columbus, Ohio. The reason for this contract is to secure additional statistical analysis support for EPA in its development, review, implementation, and defense of water-related initiatives. To obtain assistance in responding to this contract, Battelle has entered into contracts with the following subcontractors: Waterstone Environmental Hydrology and Engineering, Inc. (located in Boulder, Colorado) and Jorge Scientific Corporation (Arlington, Virginia).

All EPA contractor, subcontractor, and consultant personnel are bound by the requirements and sanctions contained in their contracts with EPA and in EPA's confidentiality regulations found at 40 CFR Part 2, Subpart B. Battelle and its subcontractors adhere to EPA-approved security plans which describe procedures to protect CBI. The procedures in these plans are applied to CBI previously gathered by EPA for the industries identified below and to CBI that may be gathered in the future for these industries. The security plans specify that contractor and subcontractor personnel are required to sign non-disclosure agreements and are briefed on appropriate security procedures before they are permitted access to CBI. No person is automatically granted access to CBI: a need to know must exist.

The information that will be transferred to Battelle and its subcontractors consists primarily of information previously collected by EPA to support the development and review of effluent limitations guidelines and standards under the CWA and the development of discharge standards for certain Alaskan cruise ship operations. In particular, information, including CBI, collected for the planning, development, and review of effluent limitations guidelines and standards for the following industries may be transferred: Airport deicing; aquaculture; concentrated animal feeding operations; centralized waste treatment; coal mining; drinking water treatment; industrial container and drum cleaning; industrial laundries; industrial waste combustors; iron and steel manufacturing; landfills; meat and poultry products; metal finishing; metal products and machinery; nonferrous metals manufacturing; oil and gas extraction (including coalbed methane); ore mining and dressing; organic chemicals, plastics, and synthetic fibers; pesticide chemicals; pharmaceutical manufacturing; petroleum refining; pulp, paper, and paperboard manufacturing; steam electric power generation; textile mills; timber products processing; tobacco; and transportation equipment cleaning. In addition, for the development of standards for Alaskan cruise ships, EPA may transfer information, including CBI, about large cruise ships that operate in the waters around Alaska.

EPA also intends to transfer to Battelle and its subcontractors all information listed in this notice, of the type described above (including CBI) that may be collected in the future under the authority of section 308 of the CWA or voluntarily submitted (*e.g.*, in comments in response to a **Federal Register** notice), as is necessary to enable Battelle and its subcontractors to carry out the work required by their contracts to support EPA's effluent guidelines planning process, the development of effluent limitations guidelines and standards, and the development of discharge standards for cruise ships.

Dated: September 21, 2005.

Pamela Barr,

Acting Director, Office of Science and Technology.

[FR Doc. 05–19355 Filed 9–27–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7976–1]

Good Neighbor Environmental Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act, Pub. L. 92463, EPA gives notice of a meeting of the Good Neighbor Environmental Board (GNEB). The Board provides advice and recommendations to the U.S. President

and Congress on environmental and infrastructure issues along the U.S. border with Mexico. EPA is charged with administering the activities of the Board. The purpose of the meeting is to continue to hear, first-hand, from border-region communities about their own concerns and priorities for environmental and infrastructure issues. A copy of the agenda for the meeting will be posted at *http://www.epa.gov/ocem/gneb*.

DATES: The Good Neighbor Environmental Board will hold a one-day open meeting, on Monday, October 17, from 8:30 a.m. to 5:30 p.m. This meeting will include presentations on the theme of border-region security and the environment. There will also be a public comment session from 4:30 p.m. to 5:30 p.m. The GNEB will also hold a routine half-day business meeting from 8 a.m. to 12 noon on Wednesday, October 19, 2005. This meeting is also open to the public.

ADDRESSES: For the first time in the history of the Board, it will be meeting on Tribal land (near Tucson, Arizona). The meeting site is the Tohono O'odham Nation Desert Diamond Casino, 1100 Pima Mind Road, Saguarita, Arizona (I–19, Exit 80, San Xavier District; phone: 520–294–7777). The meeting is open to the public, with limited seating on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Elaine Koerner, Designated Federal Officer, *koerner.elaine@epa.gov*, 202–233–0069, U.S. EPA, Office of Cooperative Environmental Management (1601E), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments or provide written comments to the Board should be sent to Elaine Koerner, Designated Federal Officer, at the contact information above. The public is welcome to attend all portions of the meetings on the 17th and 19th.

Meeting Access: For information on access or services for individuals with disabilities, please contact Elaine Koerner at 202–233–0069 or *koerner.elaine@epa.gov*. To request accommodation of a disability, please contact Elaine Koerner, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: September 19, 2005.

Rafael Deleon,

Acting Designated Federal Officer.

[FR Doc. 05–19353 Filed 9–27–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

September 16, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law No. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid 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 control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 28, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit your Paperwork Reduction Act (PRA) comments by e-mail or U.S. postal mail. To submit your comments by e-mail send them to *PRA@fcc.gov.* To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554 and/or to Kristy L. LaLonde, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–3087 or via the Internet at *Kristy_L_LaLonde@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Cathy Williams at (202) 418–2918. If you would like to obtain or view a copy of this information collection, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0126.

Title: Section 1820, Station Log.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents: 15,200.

Estimated Time per Response: 0.017—0.5 hours.

Frequency of Response: Recordkeeping requirement.

Total Annual Burden: 15,095 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR Section 73.1820 requires that each licensee of an AM, FM or TV broadcast station maintain a station log. Each entry must accurately reflect the station's operation. This log should reflect adjustments to operating parameters for AM stations with directional antennas without an approved sampling system, for all stations the actual time of any observation of extinguishment or improper operation of tower lights, and entry of each test of the Emergency Alert System (EAS) for commercial stations. The data is used by FCC staff in field investigations to assure that the licensee is operating in accordance with the technical requirements as specified in the FCC Rules and with the station authorization, and is taking reasonable measures to preclude interference to other stations. It is also used to verify that the EAS is operating properly.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–19050 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–10–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

September 16, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other

Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid 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 control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 28, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit your Paperwork Reduction Act (PRA) comments by e-mail or U.S. postal mail. To submit you comments by e-mail send them to: *PRA@fcc.gov*. To submit your comments by U.S. mail, mark it to the attention of Judith B. Herman, Federal Communications Commission, 445 12th Street, SW., Room 1–C804, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Judith B. Herman at 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0219.

Title: Section 90.49(a)(2)(xi), Communications Standby Facilities ''Special Eligibility Showing''.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 200.

Estimated Time Per Response: .75 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 150 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: Section 90.49(a)(2)(xi) requires each communications common carrier that operates communications circuits that normally carry essential communications is eligible to apply for standby radio facility authorization only for transmissions during periods when normal circuits are inoperable due to special circumstances. The initial application for authorization must include a statement describing the desired radio communications facilities, the proposed operating method, a description of the normal messages, and an explanation of how their disruption will endanger life or public property.

Commission personnel use the information to ensure the requested private land mobile facilities are necessary for the safety of life or protection of public property.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–19162 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

September 14, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid 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 (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 28, 2005. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov.* If you would like to obtain or view a copy of this new or revised information collection, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0204.

Title: Section 90.20(a)(2)(v), Physically Handicapped ''Special Eligibility Showing''.

Form No.: N/A.

Type of Review: Reinstatement without change, of a previously approved collection for which approval has expired.

Respondents: Business or other for-profit.

Number of Respondents: 20.

Estimated Time Per Response: .05 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 1 hour.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: Section 90.20(a)(2)(v) provides that persons claiming eligibility in the Special Emergency Radio Service on the basis of being physically handicapped must present a physician's statement indicating that they are handicapped. Submission of this information is necessary to ensure that frequencies reserved for licensing to handicapped individuals are not licensed to non-handicapped persons.

Commission personnel use the data to determine the eligibility of applicants to hold a radio station authorization for specific frequencies. If the information were not collected, the Commission has no way to determine eligibility.

OMB Control No.: 3060–0223.

Title: Section 90.129, Supplemental Information to be Routinely Submitted with Applications.

Form No.: N/A.

Type of Review: Reinstatement without change, of a previously approved collection for which approval has expired.

Respondents: Business or other for-profit, not-for-profit institutions, and State, local or tribal government.

Number of Respondents: 100.

Estimated Time Per Response: .33 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 34 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: Section 90.129 requires applicants proposing to use transmitting equipment that is not type certified by FCC laboratory personnel to provide a description of the proposed equipment. This assures that the equipment is capable of performing within certain tolerances that limit the interference potential of the device. The information collected is used by FCC staff engineers to determine the interference potential of the proposed equipment.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–19163 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

September 20, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law No. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid 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 control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 28, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit all your Paperwork Reduction Act (PRA) comments by e-mail or U.S. postal mail. To submit your comments by e-mail send them to *PRA@fcc.gov*. To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0029.

Title: Application for TV Broadcast Station License; Application for Construction Permit for Reserved Channel Noncommercial Educational (NCE) Broadcast Station; Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station.

Form Number: FCC Form 302–TV, FCC Form 340 and FCC Form 349.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, local or tribal government.

Number of Respondents: 2,655.

Estimated Time per Response: 1–4 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; One time reporting requirement; Third party disclosure requirement.

Total Annual Burden: 8,000 hours.

Total Annual Cost: $12,239,625.00.

Privacy Impact Assessment: No impact(s).

Needs and Uses: FCC Form 302–TV is used by licensees and permittees of TV broadcast stations to obtain a new or modified station license and/or to notify the Commission of certain changes in the licensed facilities of these stations. FCC staff use the data to confirm that the station has been built to terms specified in the outstanding construction permit.

FCC Form 340 is used to apply for authority to construct a new noncommercial educational FM and TV station or to make changes in the existing facilities of such a station. The FCC Form 340 is to be used for channels that are reserved exclusively for noncommercial educational use and on non-reserved channels if the applicant proposes to build and operate a Noncommercial Educational Broadcast Station.

Existing authorized noncommercial educational analog stations seeking to receive authorization for commencement of Digital TV (DTV) operation must file FCC Form 340 for a construction permit. This application may be filed anytime after receiving the initial DTV channel allotment, but must be filed before the mid-point in a particular applicant's required construction period. The Commission will consider these applications as minor changes in facilities. Applicants do not have to supply full legal or financial qualification information. In addition, applicants for a newly allotted DTV channel reserved for noncommercial educational use(s) must also file the FCC Form 340.

FCC Form 349 is used to apply for authority to construct a new FM translator or FM booster broadcast station, or to make changes in the existing facilities of such stations. This form also includes the third party disclosure requirement of 47 CFR 73.3580. Section 73.3580 requires local public notice in a newspaper of general circulation of all application filings for new or major changes in facilities. This notice must be completed within 30 days of the tendering of the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. A copy of this notice must be placed in the public inspection file along with the application.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–19345 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–10–P

FEDERAL COMMUNICATIONS COMMISSION

[DA–05–2421]

Maintaining Wireless Service for Consumers Affected by Hurricane Katrina

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Wireless Telecommunications Bureau (WTB) and Consumer & Governmental Affairs Bureau (CGB) take steps to ensure that wireless service providers do no improperly disconnect consumers displaced by Hurricane Katrina because they are unable to pay their bills.

FOR FURTHER INFORMATION CONTACT: Leon Jackler, Consumer & Governmental Affairs Bureau, at (202) 418–0946 or Chelsea Fallon, Wireless Telecommunications Bureau, at (202) 418–7991.

SUPPLEMENTARY INFORMATION: This is summary of the Commission's document DA 05–2421, released September 7, 2005, in which the Wireless Telecommunications Bureau (WTB) and Consumer & Governmental Affairs Bureau (CGB) take steps to ensure consumers are not improperly disconnected from wireless service in the wake of Hurricane Katrina. 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* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Document DA 05–2421 can also be downloaded in Word or Portable Document Format (PDF) at: *http://www.fcc.gov/.*

Synopsis

In this document, the Wireless Telecommunications Bureau (WTB) and Consumer & Governmental Affairs Bureau (CGB) take steps to ensure that wireless service providers do not improperly disconnect consumers displaced by Hurricane Katrina because they are unable to pay their bills. Hurricane Katrina displaced hundreds of thousands of residents of Louisiana, Mississippi, and Alabama, and many thousands of these customers rely on their wireless service during this difficult time to remain in touch with loved ones. As of this date, the United States Post Office is not operating fully throughout the affected area, commercial power capability is not yet available throughout the affected area, and the communications networks (including access to the Internet for online bill pay options) are not at pre-hurricane capabilities. Based on the representations of a number of wireless carriers serving consumers displaced by the hurricane, WTB and CGB understand that the common practice in the wireless industry at this time is to continue providing service to displaced people who cannot pay their bills in the wake of Hurricane Katrina. WTB and CGB understand that consumers displaced by Hurricane Katrina are concerned that wireless service providers may disconnect service for failure to pay their bills. To ensure that consumers of these services continue to maintain access to their wireless service during this difficult time, all licensees of wireless services serving consumers affected by the hurricane are required to submit a report no later than Thursday, September 8, 2005 verifying their compliance with the standard industry practice of maintaining service to people displaced by Hurricane Katrina despite failure to pay bills. Reports should describe the grace period or other relief licensees are providing for this issue. Reports may be submitted in letter format addressed to the chiefs of the respective bureaus. Electronic copies of the reports should be provided to *Katrina_Wireless_Report@fcc.gov.* In addition, licensees must also serve one copy with the Commission's copy contractor, Best Copying and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (202) 488–5300, or via e-mail to *fcc@bcpiweb.com.*

Federal Communications Commission.

Monica Desai,

Chief, Consumer & Governmental Affairs Bureau.

[FR Doc. 05–19158 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

Network Reliability and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), this notice advises interested persons of the fifth meeting of the Network Reliability and Interoperability Council (Council) under its charter renewed as of December 29, 2003. The meeting will be held at the Federal Communications Commission in Washington, DC.

DATES: Wednesday October 19, 2005 beginning at 2 p.m. and concluding at 5 p.m.

ADDRESSES: Federal Communications Commission, 445 12th St., SW., Room TW–305, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jeffery Goldthorp, the Designated Federal Officer (DFO) at (202) 418–1096 or *Jeffery.Goldthorp@fcc.gov.* The TTY number is: (202) 418–2989.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to provide recommendations to the FCC and to the communications industry that, if implemented, shall under all reasonably foreseeable circumstances assure optimal reliability and interoperability of wireless, wireline, satellite, cable, and public data networks. At this fifth meeting under the Council's new charter, the Council will discuss potential recommendations in the areas of E911 implementation and evolution, network security, network reliability, and broadband. The Council will also review the status of various working groups.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. Admittance, however, will be limited to the seating available. The public may submit written comments before the meeting to Jeffery Goldthorp, the Commission's Designated Federal Officer for the Network Reliability and Interoperability Council, by e-mail (*Jeffery.Goldthorp@fcc.gov*) or U.S. Postal Service mail (7–A325, 445 12th St., SW., Washington, DC 20554). Real Audio and streaming video access to the meeting will be available at *http://www.fcc.gov/realaudio/.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–19516 Filed 9–27–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements

are available through the Commission's Office of Agreements (202–523–5793 or *tradeanalysis@fmc.gov*).

Agreement No.: 011346–014.

Title: Israel Trade Conference Agreement.

Parties: Farrell Lines, Inc.; P&O Nedlloyd Limited; and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment limits the parties' authority to cargo moving for the account of specific governmental organizations as well as under existing agreement service contracts.

Agreement No.: 011920.

Title: CMA CGM/Maruba Space Charter Agreement.

Parties: CMA CGM, S.A. and Maruba S.A.

Filing Party: Paul M. Keane, Esq.; Cichanowicz, Callan, Keane, Vengrow & Textor, LLP; 61 Broadway; Suite 3000; New York, NY 10006–2802.

Synopsis: The agreement establishes a space charter arrangement between the parties in the trade between U.S. East Coast ports and ports in Brazil, Argentina, Uruguay, Venezuela, and Colombia.

By order of the Federal Maritime Commission.

Dated: September 23, 2005.

Karen V. Gregory,

Assistant Secretary.

[FR Doc. 05–19368 Filed 9–27–05; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License No.	Name/address	Date reissued
018231N	All American Cargo-Servicios Nicaraguenses, Corp., 1925 NW. 21 Terrace, Miami, FL 33142	August 12, 2005.
003170F	GAP Forwarding, Inc., 2790 NW 104th Court, Suite 101, Miami, FL 33172	May 11, 2005.
000225F	H.W. Robinson & Co., Inc., One Cross Plaza Island, Suite #119, Rosedale, NY 11422	August 6, 2004.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 05–19366 Filed 9–27–05; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding date shown below:

License Number: 017555F.
Name: AM Express, Inc.
Address: 2928–B Greens Road, Suite 450, Houston, TX 77032.
Date Revoked: August 15, 2005.
Reason: Failed to maintain a valid bond.

License Number: 003590F.
Name: Action International, Inc.
Address: 8933 NW. 23rd Street, Miami, FL 33172.
Date Revoked: August 31, 2005.
Reason: Failed to maintain a valid bond.

License Number: 018387NF.
Name: Angel's Maritime Services Inc.
Address: 6630 Harwin Drive, Suite 108, Houston, TX 77036.
Date Revoked: July 21, 2005.
Reason: Surrendered license voluntarily.

License Number: 002863F.
Name: Associated Customhouse Brokers, Inc.
Address: 4101 Ravenswood Road, Suite 108, Dania, FL 33312.
Date Revoked: August 18, 2005.
Reason: Failed to maintain a valid bond.

License Number: 001833N.
Name: Commodity Forwarders, Inc.
Address: 11101 South La Cienega Blvd., Los Angeles, CA 90045.
Date Revoked: September 5, 2005.
Reason: Failed to maintain a valid bond.

License Number: 003296N.
Name: Consuelo E. Kelly dba Kelly International.
Address: 10257 Switzer, Overland Park, KS 66212.
Date Revoked: August 26, 2005.
Reason: Failed to maintain a valid bond.

License Number: 001225F.
Name: Gaylor International Corp.
Address: 29–16 165th Street, Flushing, NY 11358–1432.
Date Revoked: July 31, 2005.
Reason: Surrendered license voluntarily.

License Number: 018473F.
Name: Global U.S.A., Inc.
Address: 32 Broadway, Suite 1714, New York, NY 10004.
Date Revoked: September 14, 2005.
Reason: Failed to maintain a valid bond.

License Number: 019360N.
Name: International Express, Inc.
Address: 11435 NE. 34th Street, Miami, FL 33178.
Date Revoked: August 17, 2005.
Reason: Failed to maintain a valid bond.

License Number: 018657NF.
Name: International Freight Management, LLC.
Address: 1840 Gateway Drive, Suite 200, San Mateo, CA 94404.
Date Revoked: September 9, 2005.
Reason: Failed to maintain valid bonds.

License Number: 007881NF.
Name: (John) Kyungsoo Lee dba Trans World Freight Services dba California Express dba Albatross Logistics.
Address: 550 E. Carson Plaza Drive, Suite 201, Carson, CA 90746.
Date Revoked: July 31, 2005.
Reason: Failed to maintain valid bonds.

License Number: 017408F.
Name: Maraly International Corp.
Address: 7206 NW 84th Avenue, Miami, FL 33166.
Date Revoked: August 10, 2005.
Reason: Failed to maintain a valid bond.

License Number: 003735F.
Name: Marco Trans Corporation.
Address: 7 Dey Street, New York, NY 10007.
Date Revoked: September 12, 2005.
Reason: Failed to maintain a valid bond.

License Number: 018410F.
Name: Onebin.Com, Inc.
Address: 3406 SW 26 Terrace, Unit C–10, Fort Lauderdale, FL 33312.
Date Revoked: September 7, 2005.
Reason: Failed to maintain a valid bond.

License Number: 016940F.
Name: PLS International LP.
Address: c/o Pittsburg Logistics Systems, Inc., The Quad Center, Rochester, PA 15074.
Date Revoked: September 15, 2005.
Reason: Surrendered license voluntarily.

License Number: 018332F.
Name: Pioneer Logistics, Inc.
Address: 2300 Higgins Road, Suite 204, Elk Grove Village, IL 60007.
Date Revoked: August 25, 2005.
Reason: Failed to maintain a valid bond.

License Number: 018948NF.
Name: Reliable International Logistics, Inc.
Address: 33442 Western Avenue, Union City, CA 94587.
Date Revoked: August 14, 2005.
Reason: Failed to maintain valid bonds.

License Number: 009602N.
Name: Sea Traders Line, Inc.
Address: 2350 North Sam Houston Pkwy East, Suite 750, Houston, TX 77032.
Date Revoked: September 15, 2005.
Reason: Failed to maintain a valid bond.

License Number: 019102N.
Name: Starlink Consolidation Service (New York), Inc.
Address: JFK Cargo Area, Bldg., #75, North Hangar Rd., Suite #230, Jamaica, NY 11430.
Date Revoked: July 26, 2005.
Reason: Surrendered license voluntarily.

License Number: 004408F.
Name: Richard A. Banuelos dba Surface Sea Forwarding.
Address: 8432 Lindante Drive, Whittier, CA 90903.
Date Revoked: August 29, 2005.
Reason: Surrendered license voluntarily.

Sandra L. Kusumoto,
Director, Bureau of Certification and Licensing.

[FR Doc. 05–19367 Filed 9–27–05; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel—Operating Common Carrier Ocean Transportation Intermediary Applicants:

Global Port Ship Lines, Inc., 11067 60th Avenue, Prole, IA 50229. *Officers:* Timothy Stephen Mansfield, Secretary (Qualifying Individual) Timothy F. Pontier, President.

Amer-Asia Trading Corporation, 99–984 Iwaena Street, Aiea, HI 96701. *Officers:* Ove-Christensen, Asst. Secretary (Qualifying Individual) Thang Huy Pham, President.

NSM Logistics, Inc. dba Skyy Logistics, Inc., 163 Burlington Path Road, Suite H, Cream Ridge, NJ 08514. *Officer:* Sandeep Sharma, President (Qualifying Individual).

Oceanika Express, Inc., 8231 NW 68 Street, Miami, FL 33166. *Officer:* Luis Suarez, President (Qualifying Individual).

Marco Polo Logistics (Chi) Inc., 10929 Franklin Drive, Unit W, Franklin Park, IL 60131. *Officers:* Philip Lee, CFO (Qualifying Individual) James Ya-Hsiung Wu, President.

Non-Vessel—Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

R.T.I. Shipping Inc., 191–03 Jamiaca Aveune, Hollis, NY 11423. *Officers:* Romain Singh, Owner (Qualifying Individual) Tyrone Singh, Owner.

Anchor Global (USA), Inc., 11133 Oakton Road, Oackton, VA 22124. *Officers:* Ellen Haiyan Sun, Vice President (Qualifying Individual) Hao Peng, President.

General Logistics Solutions, Corp., 3520 NW 115th Avenue, Miami, FL 33178. *Officer:* Alejandro Orsini, President (Qualifying Individual).

Servicios Hondurenos, 6601 Hillcroft, Suite 207, Houston, TX 77081, Francis Mendez Alvarez, Sole Proprietor.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:

ACD Cargo, Inc., 7100 N.W. 36th Avenue, Miami, FL 33147. *Officer:* Maria (a/k/a Mercy Flores, President (Qualifying Individual) Jair Alberto Pitty, Partner.

Oceanpac Transport, Inc., 1428 Brett Place, Unit 81, San Pedro, CA 90732. *Officers:* Nobuyuki Kase, President (Qualifying Individual) Fumiko Kase, CFO.

Dated: September 23, 2005.

Karen V. Gregory,
Assistant Secretary.

[FR Doc. 05–19365 Filed 9–27–05; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act (''PRA'') (44 U.S.C. 3501–3520). The FTC is seeking public comments on its proposal to extend through December 31, 2008 the current PRA clearances for information collection requirements contained in four product labeling rules enforced by the Commission. Those clearances expire on December 31, 2005.

DATES: Comments must be received on or before November 28, 2005.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Apparel Rules: FTC File No. P948404'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope and should be mailed or delivered, with two complete copies, to the following address: Federal Trade Commission/Office of the Secretary, Room H–135 (Annex J), 600 Pennsylvania Avenue, NW., Washington, DC 20580. Because paper mail in the Washington area and at the Commission is subject to delay, please consider submitting your comments in electronic form, (in ASCII format, WordPerfect, or Microsoft Word) as part of or as an attachment to e-mail messages directed to the following e-mail box: *paperworkcomment@ftc.gov.* However, if the comment contains any material for which confidential treatment is requested, it must be filed in paper form, and the first page of the document must be clearly labeled ''Confidential.'' [1]

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments will be considered by the Commission and will be available to

[1] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

the public on the FTC Web site, to the extent practicable, at *www.ftc.gov.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy at *http://www.ftc.gov/ftc/privacy.htm.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed as follows:

For the Fur Act Regulations, Wool Act Regulations, and Textile Act Regulations, contact Carol Jennings, Attorney, Enforcement Division, Bureau of Consumer Protection, 600 Pennsylvania Ave., NW., Washington, DC 20580, (202) 326–2996.

For the Care Labeling Rule, contact Connie Vecellio, Attorney, Enforcement Division, Bureau of Consumer Protection, 600 Pennsylvania Ave., NW., Washington, DC 20580, (202) 326–2996.

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(C). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the regulations noted herein.

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before November 28, 2005.

Staff's burden estimates for the four rules in question are based on data from the Bureau of Census, U.S. Customs and International Trade Commission, the Department of Labor, and data or other input from industry sources. The relevant information collection requirements within these rules and corresponding burden estimates follow.

1. Regulations Under the Fur Products Labeling Act, 15 U.S.C. 69 et seq. (''Fur Act'') (OMB Control Number: 3084–0099)

The Fur Act prohibits the misbranding and false advertising of fur products. The Fur Act Regulations, 16 CFR 301, establish disclosure requirements that assist consumers in making informed purchasing decisions, and recordkeeping requirements that assist the Commission in enforcing these regulations. The Regulations also provide a procedure for exemption from certain disclosure provisions under the Fur Act.

Estimated annual hours burden: 168,000 hours, rounded to the nearest thousand (54,080 hours for recordkeeping + 113,633 hours for disclosure).

Recordkeeping: The Regulations require that retailers, manufacturers, processors, and importers of furs and fur products keep certain records in addition to those they may keep in the ordinary course of business. Staff estimates that 1,300 retailers incur an average recordkeeping burden of about 13 hours per year (16,900 hours total); 115 manufacturers and fur processors combined incur an average recordkeeping burden of about 52 hours per year (5,980 total); and 1,200 importers of furs and fur products incur an average recordkeeping burden of 26 hours per year (31,200 hours total). The combined recordkeeping burden for the industry is approximately 54,080 hours annually.

Disclosure: Staff estimates that 1,400 respondents (100 manufacturers + 1,300 retail sellers of fur garments) each require an average of 20 hours per year to determine label content (28,000 hours total), and an average of five hours per year to draft and order labels (7,000 hours total). Staff estimates that the total number of garments subject to the fur labeling requirements is approximately 3,000,000.[2] Staff estimates that for approximately half of these garments, labels are attached manually, requiring approximately two minutes per garment for a total of 50,000 hours annually. For the remaining 1,500,000, the process of attaching labels is semi-automated and requires an average of approximately two seconds per item, for a total of 1,000 hours (rounded to the nearest thousand). Thus, the total burden for attaching labels is 51,000 hours, and the total burden for labeling garments is 86,000 hours per year.

Staff estimates that the incremental burden associated with the Regulations' invoice disclosure requirement, beyond the time that would be devoted to preparing invoices in its absence, is approximately 30 seconds per invoice.[3] The invoice disclosure requirement applies to fur garments, which are generally sold individually, and fur pelts, which are generally sold in groups of at least 50, on average. Assuming invoices are prepared for sales of 3,000,000 garments and 160,000 groups (an estimated 8 million pelts ÷ 50) each of imported and domestic pelts, the invoice disclosure requirement entails an estimated total burden of 26,333 hours.

Staff estimates that the Regulations' advertising disclosure requirements impose an average burden of one hour per year for each of the approximately 1,300 domestic fur retailers, or a total of 1,300 hours.

Thus, staff estimates the total disclosure burden to be approximately 113,633 hours (86,000 hours for labeling + 26,333 hours for invoices + 1,300 hours for advertising).

Estimated annual cost burden: $2,153,000, rounded to the nearest thousand (solely relating to labor costs).

[2] The total number of fur garments, fur-trimmed garments, and fur accessories is estimated to be approximately 3,500,000, based on International Trade Commission data. Of that number, approximately 500,000 items are estimated to be exempt from the labeling requirements pursuant to 16 CFR 301.39 (items where either the cost of the fur trim to the manufacturer or the manufacturer's selling price for the finished product is less than $150 are exempt).

[3] The invoice disclosure burden for PRA purposes excludes the time that respondents would spend for invoicing, apart from the Fur Act Regulations, in the ordinary course of business. *See* 5 CFR 1320.3(b)(2).

[4] Per industry sources, most fur labeling is done in the U.S., and this rate is reflective of an average domestic hourly wage for such tasks. Conversely, attaching labels with regard to the others regulations discussed herein is mostly performed by foreign labor, as detailed in note 5.

Task	Hourly rate	Burden hours	Labor cost
Determine label content	$20.00	28,000	$560,000
Draft and order labels	13.00	7,000	91,000
Attach labels	[4] 8.50	51,000	433,500
Invoice disclosures	13.00	26,333	342,329
Prepare advertising disclosures	18.00	1,300	23,400
Recordkeeping	13.00	54,080	703,040
Total			2,153,269

Staff believes that there are no current start-up costs or other capital costs associated with the Regulations. Because the labeling of fur products has been an integral part of the manufacturing process for decades, manufacturers have in place the capital equipment necessary to comply with the Regulations' labeling requirements. Industry sources indicate that much of the information required by the Fur Act and its implementing Regulations would be included on the product label even absent the regulations. Similarly, invoicing, recordkeeping, and advertising disclosures are tasks performed in the ordinary course of business so that covered firms would incur no additional capital or other non-labor costs as a result of the Act or the Regulations.

2. Regulations Under the Wool Products Labeling Act, 15 U.S.C. 68 et seq. (''Wool Act'') (OMB Control Number: 3084–0100)

The Wool Act prohibits the misbranding of wool products. The Wool Act Regulations, 16 CFR 300, establish disclosure requirements that assist consumers in making informed purchasing decisions and recordkeeping requirements that assist the Commission in enforcing the Regulations.

Estimated annual hours burden: 407,000 hours, rounded to the nearest thousand (80,000 recordkeeping hours + 326,667 disclosure hours).

Recordkeeping: Staff estimates that approximately 4,000 wool firms are subject to the Regulations' recordkeeping requirements. Based on an average annual burden of 20 hours per firm, the total recordkeeping burden is 80,000 hours.

Disclosure: Approximately 8,000 wool firms, producing or importing about 500,000,000 wool products annually, are subject to the Regulations' disclosure requirements. Staff estimates the burden of determining label content to be 15 hours per year per respondent, or a total of 120,000 hours, and the burden of drafting and ordering labels to be 5 hours per respondent per year, or a total of 40,000 hours. Staff believes that the process of attaching labels is now fully automated and integrated into other production steps for about 40 percent of all affected products. For the remaining 300,000,000 items (60 percent of 500,000,000), the process is semi-automated and requires an average of approximately two seconds per item, for a total of 166,667 hours per year. Thus, the total estimated annual burden for all respondents is 326,667 hours. Staff believes that any additional burden associated with advertising disclosure requirements would be minimal (less than 10,000 hours) and can be subsumed within the burden estimates set forth above.

Estimated annual cost burden: $4,460,000, rounded to the nearest thousand (solely relating to labor costs).

Task	Hourly rate	Burden hours	Labor cost
Determine label content	$20.00	120,000	$2,400,000
Draft and order labels	13.00	40,000	520,000
Attach labels	[5] 3.00	166,667	500,001
Recordkeeping	13.00	80,000	1,040,000
Total			$4,460,001

Staff believes that there are no current start-up costs or other capital costs associated with the Regulations. Because the labeling of wool products has been an integral part of the manufacturing process for decades, manufacturers have in place the capital equipment necessary to comply with the Regulations. Based on knowledge of the industry, staff believes that much of the information required by the Wool Act and its implementing regulations would be included on the product label even absent their requirements. Similarly, recordkeeping and advertising disclosures are tasks performed in the ordinary course of business so that covered firms would incur no additional capital or other non-labor costs as a result of the Regulations.

3. Regulations Under The Textile Fiber Products Identification Act, 15 U.S.C. 70 et seq. (''Textile Act'') (OMB Control Number: 3084–0101)

The Textile Act prohibits the misbranding and false advertising of textile fiber products. The Textile Act Regulations, 16 CFR part 303, establish disclosure requirements that assist consumers in making informed purchasing decisions, and recordkeeping requirements that assist the Commission in enforcing the Regulations. The Regulations also contain a petition procedure for requesting the establishment of generic names for textile fibers.

Estimated annual hours burden: approximately 8,011,000 hours, rounded to the nearest thousand (600,000 recordkeeping hours + 7,411,111 disclosure hours).

Recordkeeping: Staff estimates that approximately 24,000 textile firms are subject to the Textile Regulations' recordkeeping requirements. Based on an average burden of 25 hours per firm, the total recordkeeping burden is 600,000 hours.

Disclosure: Approximately 32,000 textile firms, producing or importing about 19.9 billion textile fiber products annually, are subject to the Regulations' disclosure requirements.[6] Staff estimates the burden of determining label content to be 20 hours per year per respondent, or a total of 640,000 hours and the burden of drafting and ordering labels to be 5 hours per respondent per year, or a total of 160,000 hours. Staff believes that the process of attaching labels is now fully automated and integrated into other production steps for about 40 percent of all affected products. For the remaining 11.9 billion items (60 percent of 19.9 billion), the process is semi-automated and requires an average of approximately two seconds per item, for a total of 6,611,111 hours per year. Thus, the total estimated annual burden for all respondents is 7,411,111 hours. Staff believes that any additional burden associated with advertising disclosure requirements or the filing of generic fiber name petitions would be minimal (less than 10,000 hours) and can be subsumed within the burden estimates set forth above.

Estimated annual cost burden: $42,513,000, rounded to the nearest thousand (solely relating to labor costs).

Task	Hourly rate	Burden hours	Labor cost
Determine label content	$20.00	640,000	$12,800,000
Draft and order labels	13.00	160,000	2,080,000
Attach labels	[7] 3.00	6,611,111	19,833,333
Recordkeeping	13.00	600,000	7,800,000
Total			42,513,333

Staff believes that there are no current start-up costs or other capital costs associated with the Regulations. Because the labeling of textile products has been an integral part of the manufacturing process for decades, manufacturers have in place the capital equipment necessary to comply with the Regulations' labeling requirements. Industry sources indicate that much of the information required by the Textile Act and its implementing rules would be included on the product label even absent their requirements. Similarly, recordkeeping, invoicing, and advertising disclosures are tasks performed in the ordinary course of business so that covered firms would

[5] For products that are imported, this work generally is done in the country where they are manufactured. According to information compiled by an industry trade association using data from the International Trade Commission, the U.S. Customs Service, and the U.S. Census Bureau, approximately 90% of apparel and other textile products used in the United States is imported. With the remaining 10% attributable to U.S. production at an approximate domestic hourly wage of $8.50 to attach labels, staff has calculated a weighted average hourly wage of $3 per hour attributable to U.S. and foreign labor combined. The estimated percentage of imports supplied by particular countries is based on trade data for 2001 compiled by the Office of Textiles and Apparel, International Trade Administration, U.S. Department of Commerce. Wages in major textile exporting countries, factored into the above hourly wage estimate, were based on data published in February 2000 by the U.S. Department of Labor, Bureau of International Labor Affairs (See ''Wages, Benefits, Poverty Line, and Meeting Workers'' Needs in the Apparel and Footwear Industries of Selected Countries,'' Table I–2: ''Prevailing or Average Wages in the Manufacturing Sector and in the Footwear and Apparel Industries in Selected Countries, Latest Available Year'').

[6] The apparent consumption of garments in the U.S. in 2004 was 18.4 billion. Staff estimates that 1 billion garments are exempt from the Textile Act (*i.e.*, any kind of headwear and garments made from something other than a textile fiber product, such as leather) or are subject to a special exemption for hosiery products sold in packages where the label information is contained on the package. Based on available data, staff estimates that an additional 3 billion household textile products (non-garments, such as sheets, towels, blankets) were consumed. However, approximately .5 billion of all of these combined products (garments and non-garments) are subject to the Wool Products Labeling Act, not the Textile Fiber Products Identification Act, because they contain some amount of wool. Thus, the estimated net total products subject to the Textile Fiber Products Identification Act is 19.9 billion.

[7] See note 5.

incur no additional capital or other non-labor costs as a result of the Regulations.

4. The Care Labeling Rule, 16 CFR Part 423 (OMB Control Number: 3084–0103)

The Care Labeling Rule, 16 CFR Part 423, requires manufacturers and importers to attach a permanent care label to all covered textile clothing in order to assist consumers in making purchase decisions and in determining what method to use to clean their apparel. Also, manufacturers and importers of piece goods used to make textile clothing must provide the same care information on the end of each bolt or roll of fabric.

Estimated annual hours burden: 6,889,000 hours, rounded to the nearest thousand (solely relating to disclosure [8]).

Staff estimates that approximately 24,700 manufacturers or importers of textile apparel, producing about 17.4 billion textile garments annually, are subject to the Rule's disclosure requirements. The burden of developing proper care instructions may vary greatly among firms, primarily based on the number of different lines of textile garments introduced per year that require new or revised care instructions. Staff estimates the burden of determining care instructions to be 43 hours each year per respondent, for a cumulative total of 1,062,100 hours. Staff further estimates that the burden of drafting and ordering labels is 2 hours each year per respondent, for a total of 49,400 hours. Staff believes that the process of attaching labels is fully automated and integrated into other production steps for about 40 percent of the approximately 17.4 billion garments that are required to have care instructions on permanent labels.[9] For the remaining 10.4 billion items (60 percent of 17.4 billion), the process is semi-automated and requires an average of approximately two seconds per item, for a total of 5,777,778 hours per year. Thus, the total estimated annual burden for all respondents is 6,889,278 hours.

Estimated annual cost burden: $39,218,000, rounded to the nearest thousand (solely relating to labor costs).

Task	Hourly rate	Burden hours	Labor cost
Determine care instructions	$20.00	1,062,100	$21,242,000
Draft and order labels	13.00	49,400	642,200
Attach labels	[10] 3.00	5,777,778	17,333,334
Total			39,217,534

Staff believes that there are no current start-up costs or other capital costs associated with the Rule. Because the labeling of textile products has been an integral part of the manufacturing process for decades, manufacturers have in place the capital equipment necessary to comply with the Rule's labeling requirements. Based on knowledge of the industry, staff believes that much of the information required by the Rule would be included on the product label even absent those requirements.

William Blumenthal,

General Counsel.

[FR Doc. 05–19318 Filed 9–27–05; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act (''PRA'') (44 U.S.C. 3501–3520). The FTC is seeking public comments on its proposal to extend through January 31, 2009 the current PRA clearances for information collection requirements contained in four consumer financial regulations enforced by the Commission. Those clearances expire on January 31, 2006.

DATES: Comments must be received on or before November 28, 2005.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Regs BEMZ: FTC File No. P054803'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope and should be mailed or delivered, with two complete copies, to the following address: Federal Trade Commission/Office of the Secretary, Room H–135 (Annex J), 600 Pennsylvania Avenue, NW., Washington, DC 20580. Because paper mail in the Washington area and at the Commission is subject to delay, please consider submitting your comments in electronic form, (in ASCII format, WordPerfect, or Microsoft Word) as part of or as an attachment to e-mail messages directed to the following e-mail box: *paperworkcomment@ftc.gov*. However, if the comment contains any material for which confidential treatment is requested, it must be filed in paper form, and the first page of the document must be clearly labeled ''Confidential.'' [1]

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments will be considered by the Commission and will be available to the public on the FTC website, to the extent practicable, at *www.ftc.gov*. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy at *http://www.ftc.gov/ftc/privacy.htm*.

[8] The Care Labeling Rule imposes no specific recordkeeping requirements. Although the Rule requires manufacturers and importers to have reliable evidence to support the recommended care instructions, companies may provide as support current technical literature or rely on past experience.

[9] About 1 billion of the 18.4 billion garments produced annually are either not covered by the Care Labeling Rule (gloves, hats, caps, and leather, fur, plastic, or leather garments) or are subject to an exemption that allows care instructions to appear on packaging (hosiery).

[10] See note 5.

[1] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Carole Reynolds, Attorney, Division of Financial Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580, (202) 326–3230.

SUPPLEMENTARY INFORMATION: Under the PRA, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(c). As required by the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the regulations noted herein. 44 U.S.C 3506(c)(2)(A).

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

The four regulations covered by this notice are:

(1) Regulations promulgated under The Equal Credit Opportunity Act, 15 U.S.C. 1691 *et seq.* (''ECOA'') (''Regulation B'') (OMB Control Number: 3084–0087);

(2) Regulations promulgated under The Electronic Fund Transfer Act, 15 U.S.C. 1693 *et seq.* (''EFTA'') (''Regulation E'') (OMB Control Number: 3084–0085);

(3) Regulations promulgated under The Consumer Leasing Act, 15 U.S.C. 1667 *et seq.*, (''CLA'') (''Regulation M'') (OMB Control Number: 3084–0086);

(4) Regulations promulgated under The Truth-In-Lending Act, 15 U.S.C. 1601 *et seq.* (''TILA'') (''Regulation Z'') (OMB Control Number: 3084–0088).

Each of these four rules impose certain recordkeeping and disclosure requirements associated with providing credit or with other financial transactions. As detailed below, the FTC staff has calculated the PRA burden for each rule based on the compliance costs of entities subject to enforcement by the FTC. All of these rules require covered entities to keep certain records. Staff believes that these entities would likely retain these records in the normal course of business even absent the recordkeeping requirement in the rules.[2] There is, however, some burden associated with ensuring that covered entities do not prematurely dispose of relevant records during the period of time required by the applicable rule.

Disclosure requirements involve both set-up and monitoring costs as well as certain transaction-specific costs. ''Set-up'' burden, incurred by new entrants only, includes identifying the applicable disclosure requirements, determining compliance obligations, and designing and developing compliance systems and procedures. ''Monitoring'' burden, incurred by all covered entities, includes reviewing revisions to regulatory requirements, revising compliance systems and procedures as necessary, and monitoring the ongoing operation of systems and procedures to ensure continued compliance. ''Transaction-related'' burden refers to the effort associated with providing the various required disclosures in individual transactions. While this burden varies with the number of transactions, the figures shown for transaction-related burden in the tables that follow are estimated averages.

The actual range of compliance burden experienced by covered entities, and reflected in those averages, varies widely. Depending on the extent to which covered entities have developed computer-based systems and procedures for providing the required disclosures (and/or the extent which such entities utilize electronic transactions, communications, and/or electronic recordkeeping), and the efficacy of those systems and procedures, some entities may have little burden, while others may incur a higher burden.[3]

Calculating the burden associated with the four regulations' disclosure requirements is very difficult because of the highly diverse group of affected entities. The ''respondents'' included in the following burden calculations consist of credit and lease advertisers, creditors, financial institutions, service providers, certain government agencies and others involved in delivering electronic fund transfers (''EFTs'') of government benefits, and lessors.[4] The burden estimates represent staff's best assessment, based on its knowledge and expertise relating to the financial services industry. To derive these estimates, staff considered the wide variations in covered entities': (1) Size and location; (2) credit or lease products offered, extended, or advertised, and their particular terms; (3) types of EFTs used; (4) types and occurrences of adverse actions; (5) types of appraisal reports utilized; and (6) computer systems and electronic features of compliance operations.

The required disclosures do not impose PRA burden on some covered entities because the entities make those disclosures in the ordinary course of business. In addition, as noted above, some entities use computer-based and/or electronic means of providing the required disclosures, while others rely on methods requiring more manual effort.

The cost estimates detailed below relate solely to labor costs and include the time necessary to train employees to be in compliance with the regulations. The applicable PRA requirements impose minimal capital or other non-labor costs, as affected entities generally have the necessary equipment for other business purposes. Similarly, staff estimates that compliance with these rules entails minimal printing and copying costs beyond that associated with documenting financial transactions in the ordinary course of business.

1. Regulation B

The ECOA prohibits discrimination in the extension of credit. Regulation B, 12 CFR 202, promulgated by the Board of Governors of the Federal Reserve System (''FRB''), establishes both recordkeeping and disclosure requirements to assist customers in understanding their rights under the ECOA and to assist in detecting unlawful discrimination. The FTC enforces the ECOA as to all creditors except those that are subject to the regulatory authority of another federal

[2] PRA ''burden'' does not include effort expended in the ordinary course of business, regardless of any regulatory requirement. 5 CFR 1320.3(b)(2).

[3] For example, large retailers may use computer-based and/or electronic means to provide required disclosures, including issuing some disclosures en masse, *e.g.*, notices of changes in terms. Smaller retailers or other creditors may have less automated compliance systems but may nonetheless rely on electronic mechanisms for disclosures and recordkeeping. Regardless of size, some entities may utilize compliance systems that are fully integrated into their general business operational system; as such, they may have minimal additional burden. Other entities may have incorporated fewer of these approaches into their systems and may have a higher burden.

[4] The Commission generally does not have jurisdiction over banks under the applicable regulations.

agency (such as federally chartered or insured depository institutions).

Estimated annual hours burden: 3,189,000 hours, rounded to the nearest thousand (1,186,833 recordkeeping hours +2,001,771 disclosure hours).

Recordkeeping: FTC staff estimates that Regulation B's general recordkeeping requirements affect 1,000,000 credit firms subject to the Commission's jurisdiction, at an average annual burden of one hour per firm, for a total of 1,000,000 hours. Staff also estimates that the requirement that mortgage creditors monitor information about race/national origin, sex, age, and marital status imposes a maximum burden of one minute each [5] for approximately eleven million credit applications (based on industry data regarding the approximate number of mortgage purchase and refinance originations), for a total of 183,333 hours. Staff also estimates that recordkeeping of self-testing subject to the regulation would affect 2,500 firms, with an average annual burden of one hour per firm, for a total of 2,500 hours, and that recordkeeping of any corrective action for self-testing would affect 250 firms in a given year, with an average annual burden of four hours per firm, for a total of 1,000 hours. The total estimated recordkeeping burden is 1,186,833 hours.

Disclosure: Regulation B requires that creditors (*i.e.*, entities that regularly participate in a credit decision, including setting the terms of the credit) provide notices whenever they take adverse action. It requires entities that extend various types of mortgage credit to provide a copy of the appraisal report to applicants or to notify them of their right to a copy of the report (and thereafter provide a copy of the report, upon the applicant's request). It also requires that for accounts which spouses may use or for which they are contractually liable, creditors who report credit history must do so in a manner reflecting both spouses' participation. Further, it requires creditors that collect applicant characteristics for purposes of conducting a self-test to disclose to those applicants that providing the information is optional, that the creditor will not take the information into account in any aspect of the credit transactions, and, if applicable, that the information will be noted by visual observation or surname if the applicant chooses not to provide it.[6]

Regulation B applies to retailers, mortgage lenders, mortgage brokers, finance companies, Internet businesses, and others. Below is staff's best estimate of burden applicable to this highly broad spectrum of covered entities.

Disclosure	Setup/monitoring [1]			Transaction-related [2]			
	Respondents	Average burden per respondent (hours)	Total setup/monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	Total burden (hours)
Credit history reporting	250,000	.25	62,500	125,000,000	.25	520,833	583,333
Adverse action notices	1,000,000	.5	500,000	200,000,000	.25	833,333	1,333,333
Appraisal notices	25,000	.5	12,500	7,000,000	.25	29,167	41,667
Appraisal reports	25,000	.5	12,500	7,000,000	.25	29,167	41,667
Self-test disclosures	2,500	.5	1,250	125,000	.25	521	1,771
Total							2,001,771

[1] With respect to appraisal notices and appraisal reports, the above figures reflect an increase in applicable mortgage entities. The figures assume that approximately half of those entities (.5 × 50,000, or 25,000 businesses) would not otherwise provide this information and thus would be affected. The figures also assume that all applicable entities would provide notices first and thereafter provide the reports upon request.

[2] The above figures reflect an increase in mortgage transactions. They assume that half of applicable mortgage transactions (.5 × 14,000,000, or 7,000,000) would not otherwise provide the appraisal notices and reports and thus would be affected.

Estimated annual cost burden: $62,863,000 rounded to the nearest thousand ($18,623,493 recordkeeping cost + $44,239,138 disclosure cost).

Staff calculated labor costs by applying appropriate hourly cost figures to the burden hours described above. The hourly rates used below ($32 for managerial or professional time, $21 for skilled technical time, and $14 for clerical time) are averages, based on current Bureau of Labor Statistics cost figures.

Recordkeeping: Staff estimates that the general recordkeeping responsibility of one hour per creditor would involve approximately 90 percent clerical time and 10 percent skilled technical time. Keeping records of race/national origin, sex, age, and marital status requires an estimated one minute of skilled technical time. Keeping records of the self-test responsibility and of any corrective actions requires an estimated one hour and four hours, respectively, of skilled technical time. As shown below, the total recordkeeping cost is $18,623,493.

Disclosure: For each notice or information item listed, staff estimates that the burden hours consist of 10 percent managerial time and 90 percent skilled technical time. As shown below, the total disclosure cost is $44,239,138.

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($32/hr.)	Time (hours)	Cost ($21/hr.)	Time (hours)	Cost ($14/hr.)	
General recordkeeping	0	$0	100,000	$2,100,000	900,000	$12,600,000	$14,700,000
Other recordkeeping	0	0	183,333	3,849,993	0	0	3,849,993
Recordkeeping of test ..	0	0	2,500	52,500	0	0	52,500

[5] Regulation B contains model forms that creditors may use to gather and retain the required information.

[6] The disclosure may be provided orally or in writing. Regulation B provides a model form to assist creditors in providing the disclosure. The FRB added this disclosure requirement in 2003. *See* 52 FR 13144, 13163–64 (Mar. 18, 2003).

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($32/hr.)	Time (hours)	Cost ($21/hr.)	Time (hours)	Cost ($14/hr.)	
Recordkeeping of corrective action	0	0	1,000	21,000	0	0	21,000
Total recordkeeping							18,623,493
Credit history reporting	58,333	$1,866,656	525,000	11,025,000	0	0	12,891,656
Adverse action notices	133,333	4,266,656	1,200,000	25,200,000	0	0	29,466,656
Appraisal notices	4,167	133,344	37,500	787,500	0	0	920,844
Appraisal reports	4,167	133,344	37,500	787,500	0	0	920,844
Self-test disclosure	177	5,664	1,594	133,474	0	0	39,138
Total disclosure							44,239,138
Total recordkeeping and disclosure							62,862,631

2. Regulation E

The EFTA requires accurate disclosure of the costs, terms, and rights relating to EFT services to consumers. Regulation E, 12 CFR 205, promulgated by the FRB, establishes both recordkeeping and disclosure requirements applicable to entities providing EFT services to consumers. The FTC enforces the EFTA as to all entities providing EFT services except those that are subject to the regulatory authority of another federal agency (such as federally chartered or insured depository institutions).

Estimated annual hours burden: 3,580,000 hours (500,000 recordkeeping hours + approximately 3,080,000 disclosure hours).

Recordkeeping: Staff estimates that Regulation E's recordkeeping requirements affect 500,000 firms offering EFT services to consumers and subject to the Commission's jurisdiction, at an average annual burden of one hour per firm, for a total of 500,000 hours.

Disclosure: Regulation E applies to financial institutions (including certain retailers and electronic commerce entities), service providers, various federal and state agencies offering EFTs, and others. Below is staff's best estimate of burden applicable to this highly broad spectrum of covered entities.

Disclosure	Setup/monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Initial terms	100,000	.5	50,000	1,000,000	.02	333	50,333
Change in terms	25,000	.5	12,500	33,000,000	.02	11,000	23,500
Periodic statements	100,000	.5	50,000	1,200,000,000	.02	400,000	450,000
Error resolution	100,000	.5	50,000	1,000,000	5	83,333	133,333
Transaction receipts	100,000	.5	50,000	5,000,000,000	.02	1,666,667	1,716,667
Preauthorized transfers	500,000	.5	250,000	1,000,000	.25	4,167	254,167
Service provider notices	100,000	.25	25,000	1,000,000	.25	4,167	29,167
Govt. benefit notices	10,000	.5	5,000	100,000,000	.25	416,667	421,667
ATM notices	500	.25	125	250,000	.25	1,041	1,166
Total							3,080,000

Estimated annual cost burden: $75,418,000, rounded to the nearest thousand ($7,350,00 recordkeeping cost + $68,068,000 disclosure cost).

Staff calculated labor costs by applying appropriate hourly cost figures to the burden hours described above. The hourly rates used below ($32 for managerial or professional time, $21 for skilled technical time, and $14 for clerical time) are averages, based on current Bureau of Labor Statistics cost figures.

Recordkeeping: For the 500,000 recordkeeping hours, staff estimates that 10 percent of the burden hours require skilled technical time and 90 percent require clerical time. As shown below, the total recordkeeping cost is $7,350,000.

Disclosure: For each notice or information item listed, staff estimates that 10 percent of the burden hours require managerial time and 90 percent require skilled technical time. As shown below, the total disclosure cost is $68,068,000.

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($32/hr.)	Time (hours)	Cost ($21/hr.)	Time (hours)	Cost (14/hr)	
Recordkeeping	0	$0	50,000	$1,050,000	450,000	$6,300,000	$7,350,000

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($32/hr.)	Time (hours)	Cost ($21/hr.)	Time (hours)	Cost (14/hr)	
Disclosure:							
Initial terms	5,033	161,056	45,300	951,300	0	0	1,112,356
Change in terms	2,350	75,200	21,150	444,150	0	0	519,350
Periodic statements	45,000	1,440,000	405,000	8,505,000	0	0	9,945,000
Error resolution	13,333	426,656	120,000	2,520,000	0	0	2,946,656
Transaction receipts	171,667	5,493,344	1,545,000	32,445,000	0	0	37,938,344
Preauthorized transfers	25,417	813,344	228,750	4,803,750	0	0	5,617,094
Service provider notices	2,917	93,344	26,250	551,250	0	0	644,594
Govt. benefit notices	42,167	1,349,344	379,500	7,969,500	0	0	9,318,844
ATM notices	116	3,712	1,050	22,050	0	0	25,762
Total disclosure							68,068,000
Total recordkeeping and disclosures							75,418,000

3. Regulation M

The CLA requires accurate disclosure of the costs and terms of leases to consumers. Regulation M, 12 CFR 213, promulgated by the FRB, establishes disclosure requirements that assist consumers in comparison shopping and in understanding the terms of leases and recordkeeping requirements that assist enforcement of the CLA. The FTC enforces the CLA as to all lessors and advertisers except those that are subject to the regulatory authority of another federal agency (such as federally chartered or insured depository institutions).

Estimated annual hours burden: 279,000 hours, rounded to the nearest thousand (150,000 recordkeeping hours + 129,167 disclosure hours).

Recordkeeping: Staff estimates that Regulation M's recordkeeping requirements affect approximately 150,000 firms leasing products to consumers and subject to the Commission's jurisdiction, at an average annual burden of one hour per firm, for a total of 150,000 hours.

Disclosure: Regulation M applies to automobile lessors (such as auto dealers, independent leasing companies, and manufacturers' captive finance companies), computer lessors (such as computer dealers and other retailers), furniture lessors, various electronic commerce lessors, and diverse types of lease advertisers, and others. Below is staff's best estimate of burden applicable to this highly broad spectrum of covered entities.

Disclosure	Setup/monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Auto leases [1]	50,000	.75	37,500	2,500,000	.50	20,833	58,333
Other leases [2]	100,000	.50	50,000	1,000,000	.25	4,167	54,167
Advertising	25,000	.50	12,500	1,000,000	.25	4,167	16,667
Total							129,167

[1] This category focuses on consumer vehicle leases. Vehicle leases are subject to more lease disclosure requirements (pertaining to computation of payment obligations) than other lease transactions. (Only consumer leases for more than four months are covered.) See 15 U.S.C. 1667(1); 12 CFR 213.2(e)(1).

[2] This category focuses on all types of consumer leases other than vehicle leases. It includes leases for computers, other electronics, small appliances, furniture, and other transactions. (Only consumers leases for more than four months are covered.) See 15 U.S.C. 1667(1); 12 CFR 213.2(e)(1).

Estimated annual cost burden: $5,060,000, rounded to the nearest thousand ($2,205,5000 recordkeeping cost + $2,854,594 disclosure cost).

Staff calculated labor costs by applying appropriate hourly cost figures to the burden hours described above. The hourly rates used below ($32 for managerial or professional time, $21 for skilled technical time, and $14 for clerical time) are averages, based on current Bureau of Labor Statistics cost figures.

Recordkeeping: For the 150,000 recordkeeping hours, staff estimates that 10 percent of the burden hours require skilled technical time and 90 percent require clerical time. As shown below, the total recordkeeping cost is $2,205,000.

Disclosure: For each notice or information item listed, staff estimates that 10 percent of the burden hours require managerial time and 90 percent require skilled technical time. As shown below, the total disclosure cost is $2,854,594.

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($32/hr.)	Time (hours)	Cost ($21/hr.)	Time (hours)	Cost ($14/hr.)	
Recordkeeping	0	$0	15,000	$315,000	135,000	$1,890,000	$2,205,000
Disclosures:							
Auto leases	5,833	186,656	52,500	1,102,500	0	0	1,289,156
Other leases	5,417	173,344	48,750	1,023,750	0	0	1,197,094
Advertising	1,667	53,344	15,000	315,000	0	0	368,344
Total disclosures							2,854,594
Total recordkeeping and disclosures							5,059,594

4. Regulation Z

The TILA was enacted to foster comparison credit shopping and informed credit decision making by requiring accurate disclosure of the costs and terms of credit to consumers. Regulation Z, 12 CFR 226, promulgated by the FRB, establishes both recordkeeping and disclosure requirements to assist consumers and the enforcement of the TILA. The FTC enforces the TILA as to all creditors and advertisers except those that are subject to the regulatory authority of another federal agency (such as federally chartered or insured depository institutions).

Estimated annual hours burden: 17,439,000 hours, rounded to the nearest thousand (1,000,000 recordkeeping hours + 16,439,165 disclosure hours).

Recordkeeping: FTC staff estimates that Regulation Z's recordkeeping requirements affect approximately 1,000,000 firms offering credit and subject to the Commission's jurisdiction, at an average annual burden of one hour per firm, for a total of 1,000,000 hours.

Disclosure: Regulation Z disclosure requirements pertain to open-end and closed-end credit. The Regulation applies to retailers (such as department stores, appliance stores, discount retailers, medical-dental service providers, home improvement sellers, and electronic commerce retail operators); mortgage companies; finance companies; credit advertisers; auto dealerships; student loan companies; home fuel or power services (for furnaces, stoves, microwaves, and other heating, cooling or residential power equipment); credit advertisers; and others. Below is staff's best estimate of burden applicable to this highly broad spectrum of covered entities.

Disclosure [1]	Setup/monitoring			Transaction-related			Total burden hours
	Respondents	Average burden per respondent (hours)	Total setup/monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Open-end credit:							
Initial terms	100,000	.5	50,000	50,000,000	.25	208,333	258,333
Rescission notices	10,000	.5	5,000	500,000	.25	2,083	7,083
Change in terms	25,000	.5	12,500	136,000,000	.125	283,333	295,833
Periodic statements	100,000	.5	50,000	4,800,000,000	.0625	5,000,000	5,050,000
Error resolution	100,000	.5	50,000	10,000,000	5	833,333	883,333
Credit and charge card accounts	100,000	.5	50,000	50,000,000	.25	208,333	258,333
Home equity lines of credit	10,000	.5	5,000	5,000,000	.25	20,833	25,833
Advertising	250,000	.25	62,500	700,000	.5	5,833	68,333
Closed-end credit:							
Credit disclosures	800,000	.5	400,000	330,000,000	1.5	8,250,000	8,650,000
Rescission notices	100,000	.5	50,000	34,000,000	1	566,667	616,667
Variable rate mortgages	75,000	.5	37,500	3,000,000	1.5	75,000	112,500
High rate/high-fee mortgages	50,000	.5	25,000	750,000	1.5	18,750	43,750
Reverse mortgages	50,000	.5	25,000	150,000	1	2,500	27,500
Advertising	500,000	.25	125,000	1,000,000	1	16,667	141,667
Total open-end credit							6,847,081

Disclosure [1]	Setup/monitoring			Transaction-related			Total burden hours
	Respondents	Average burden per respondent (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total trans-action burden (hours)	
Total closed-end credit	.....	.....	.....	.....	.....	.....	9,592,084
Total credit	.....	.....	.....	.....	.....	.....	16,439,165

[1] Open-end transactions with rescission notices (where the notices may not be otherwise provided) have increased. Closed-end variable rate mortgages have increased. Computer technology use has expanded in some closed-end areas with lengthy disclosures that previously involved more manual efforts, *i.e.*, credit, variable rate, and high rate/high fee disclosures.

Estimated annual cost burden: $378,006,000, rounded to the nearest thousand ($14,700,000 recordkeeping cost + $363,305,530 disclosure cost).

Staff calculated labor costs by applying appropriate hourly cost figures to the burden hours described above. The hourly rates used below ($32 for managerial or professional time, $21 for skilled technical time, and $14 for clerical time) are averages, based on current Bureau of Labor Statistics cost figures.

Recordkeeping: For the 1,000,000 recordkeeping hours, staff estimates that 10 percent of the burden hours require skilled technical time and 90 percent require clerical time. As shown below, the total recordkeeping cost is $14,700,000.

Disclosure: For each notice or information item listed, staff estimates that 10 percent of the burden hours require managerial time and 90 percent require skilled technical time. As shown below, the total disclosure cost is $363,305,530.

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($32/hr.)	Time (hours)	Cost ($21/hr.)	Time (hours)	Cost ($14/hr.)	
Recordkeeping	0	$0	100,000	$2,100,000	900,000	$12,600,000	$14,700,000
Open-end credit disclosures:							
Initial terms	25,833	826,656	232,500	4,882,500	0	0	5,709,156
Rescission notices	708	22,656	6,375	133,875	0	0	156,531
Change in terms	29,583	946,656	266,250	5,591,250	0	0	6,537,906
Periodic statements	505,000	16,160,000	4,545,000	95,445,000	0	0	111,605,000
Error resolution	88,333	2,826,656	795,000	16,695,000	0	0	19,521,656
Credit and charge card accounts	25,833	826,656	232,500	4,882,500	0	0	5,709,156
Home equity lines of credit	2,583	82,656	23,250	488,250	0	0	570,906
Advertising	6,833	218,656	61,500	1,291,500	0	0	1,510,156
Total open-end credit	.....	.....	.....	.....	.....	.....	151,320,467
Closed-end credit disclosures:							
Credit disclosures	865,000	27,680,000	7,785,000	163,485,000	0	0	191,165,000
Rescission notices	61,667	1,973,344	555,000	11,655,000	0	0	13,628,344
Variable rate mortgages	11,250	360,000	101,250	2,126,250	0	0	2,486,250
High-rate/high-fee mortgages	4,375	140,000	39,375	826,875	0	0	966,875
Reverse mortgages	2,750	88,000	24,750	519,750	0	0	607,750
Advertising	14,167	453,344	127,500	2,677,500	0	0	3,130,844
Total closed-end credit	.....	.....	.....	.....	.....	.....	211,985,063
Total disclosures	.....	.....	.....	.....	.....	.....	363,305,530
Total recordkeeping and disclosures	.....	.....	.....	.....	.....	.....	378,005,530

William Blumenthal,

General Counsel.

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BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities: Reinstatement of Existing Collection; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') intends to conduct a survey of parents who have one or more children, age 11–16 years, who play video or personal computer games. The FTC will also survey children, between the ages of 11 and 16, who play video or personal computer games. The surveys are a follow up to the Commission's surveys conducted in 2000 on consumers' use of and familiarity with the Entertainment Software Rating Board (''ESRB'') rating system. Before gathering this information, the FTC is seeking public comments on its proposed consumer research. Comments will be considered before the FTC submits a request for Office of Management and Budget (''OMB'') review under the Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501–3520.

DATES: Comments must be received on or before November 28, 2005.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Entertainment Industry Study: FTC File No. P994511'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope and should be mailed or delivered, with two complete copies, to the following address: Federal Trade Commission/Office of the Secretary, Room H–135 (Annex G), 600 Pennsylvania Avenue, NW., Washington, DC 20580. Because paper mail in the Washington area and at the Commission is subject to delay, please consider submitting your comments in electronic form, (in ASCII format, WordPerfect, or Microsoft Word) as part of or as an attachment to e-mail messages directed to the following e-mail box: *entstudy@ftc.gov*. However, if the comment contains any material for which confidential treatment is requested, it must be filed in paper form, and the first page of the document must be clearly labeled ''Confidential.'' [1]

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments will be considered by the Commission and will be available to the public on the FTC Web site, to the extent practicable, at *www.ftc.gov*. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy at *http://www.ftc.gov/ftc/privacy.htm*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Keith R. Fentonmiller, (202) 326–2775, or Richard F. Kelly, (202) 326–3304, Attorneys, Federal Trade Commission, Bureau of Consumer Protection, Division of Advertising Practices, 600 Pennsylvania Ave., NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: In September 2000, the Commission issued a report requested by the President and Congress entitled, Marketing Violent Entertainment to Children: A Review of Self-Regulation and Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries (hereafter ''2000 Report'').[2] The Commission found that the electronic game industry had engaged in widespread marketing of violent electronic games to children that: (1) Was inconsistent with the Electronic Software Rating Board (''ESRB'') rating system; and (2) undermined parents' attempts to make informed decisions about their children's exposure to violent content.[3] Similar results were found for the motion picture and music recording industries. The Commission also found that advertisements for electronic games frequently failed to contain rating information. Further, the Commission's national surveys of parents and children found that only 61% of parents were aware of the ESRB system, and nearly half of those parents reported that they rarely or never use the ESRB system.[4]

In April 2001,[5] December 2001,[6] June 2002,[7] and July 2004,[8] the Commission issued follow-up reports to assess changes in industry practices. The first two follow-up reports documented progress by the electronic game industry to limit advertising in popular teen media. The third follow-up report found that the game industry was in substantial compliance with ESRB standards governing ad placements and disclosure of rating information in advertising. There were, however, some advertisements for Mature-rated games placed on television programs with large numbers of teen viewers and continued placement of such ads in game enthusiast magazines with large youth readership.[9] The Commission's July 2004 report found substantial compliance with ESRB standards governing ad placements and that industry members generally were prominently disclosing rating information in advertising and on product packaging. A ''mystery shopper'' survey of retailers conducted on behalf of the Commission in 2003, however, found that 69% of young teen shoppers (age 13–16) were able to buy Mature-rated games, although there was some improvement from earlier undercover shopping surveys conducted in 2000 and 2001.[10]

Members of Congress and parental advocacy groups continue to voice concern about parents' knowledge and use of the ESRB system, the accuracy of

[1] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

[2] Available at *http://www.ftc.gov/reports/violence/vioreport.pdf*.

[3] As indicated on its website, the ESRB ''is a self-regulatory body for the interactive entertainment software industry established in 1994 by the Entertainment Software Association, formerly the Interactive Digital Software Association. ESRB independently applies and enforces ratings, advertising guidelines, and online privacy principles adopted by the computer and video game industry. The ESRB rating system helps parents and other consumers choose the games that are right for their families. ESRB ratings have two parts: rating symbols that suggest what age group the game is best for, and content descriptors that indicate elements in a game that may have triggered a particular rating and/or may be of interest or concern.''

[4] See 2000 Report, Appendix F at *http://www.ftc.gov/reports/violence/appendicesviorpt.pdf*. Appendix F also contains a detailed discussion of the underlying methodology and findings.

[5] Available at *http://www.ftc.gov/reports/violence/violence010423.pdf*.

[6] Available at *http://www.ftc.gov/os/2001/12/violencereport1.pdf*.

[7] Available at *http://www.ftc.gov/reports/violence/mvecrpt0206.pdf*.

[8] Available at *http://www.ftc.gov/os/2004/07/040708kidsviolencerpt.pdf*.

[9] Mature-rated games contain content that may be suitable for persons 17 years of age and older.

[10] *See* July 2004 Report, Appendix B at *http://www.ftc.gov/reports/violence/appendicesviorpt.pdf*.

the ratings that the ESRB has assigned to some games, and children's ability to purchase Mature-rated games at the retail level. In response to these concerns and as part of the agency's ongoing monitoring of the electronic game industry's self-regulatory system, the FTC is soliciting public comments on obtaining information on these issues through proposed consumer research. The Commission intends to seek OMB clearance under the PRA before engaging in the proposed consumer research.

Under the PRA, Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(c). In 2000, OMB approved the FTC's request to conduct surveys on consumers' use of and familiarity with the rating or labeling systems of the following entertainment industries: (1) Motion picture; (2) recording; and (3) video and personal computer games (OMB Control Number 3084–120). After receiving OMB approval, the FTC conducted the consumer research and issued the 2000 Report in September 2000. As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB reinstate the clearance for the surveys, which expired in May, 2003.

The FTC invites comments on: (1) Whether the proposed collections of information are necessary for the proper performance of the functions of the FTC, including whether the information will have practical utility; (2) the accuracy of the FTC's estimate of the burden of the proposed collections of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of collecting information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before November 28, 2005.

1. Description of the Collection of Information and Proposed Use

The FTC proposes to conduct two focus groups of ten parents in two different cities (for a total of four focus groups) regarding their assessment of the accuracy of the ESRB ratings. In order to qualify as a participant, the parents must have one or more children, age 11–16 years, who play video or personal computer games. The focus groups are exploratory qualitative research that would be used in formulating a questionnaire for use in a subsequent telephone survey of parents regarding their use and knowledge of the ESRB ratings and their assessment of the accuracy of the ratings.

Based on insights obtained from the focus groups, the FTC staff will develop a questionnaire and survey a random sample of 250 adult respondents who are parents of one or more children, age 11–16 years, who play video or personal computer games. The FTC intends to also pretest the survey questions on 24 parent respondents to ensure that all questions are easily understood. In many respects, the questionnaire will be similar to the one used for the 2000 Report. For example, the survey will continue to explore parents' attitudes regarding and awareness of the ESRB system. In addition, the FTC staff intends to develop new questions based upon the information collected via focus groups, such as parents' perception of the accuracy of the ESRB ratings.

The FTC also will survey 150 children between the ages of 11 and 16 who play video or personal computer games.[11] The survey will explore children's attitudes regarding the ESRB system, as well as children's perception of the accuracy of the ESRB ratings. Like the parent survey, the FTC intends to pretest the survey questions on 24 child respondents to ensure that all questions are easily understood and the questions will be based upon those used for the 2000 Report.

The information from the focus groups and the surveys will be collected on a voluntary basis, and the identities of the consumers will remain confidential. The FTC will contract with a consumer research firm to identify consumers, conduct the focus groups, and carry out the surveys. The results will assist the FTC in determining whether and how consumers use the ESRB rating system and whether they perceive ESRB game ratings to be accurate.

2. Estimated Hours Burden

For the focus groups, the contractor will identify respondents either by drawing names from a pre-assembled parent list or by conducting telephone screening within the general population. If telephone screening is used, the contractor would contact parents and ask whether they have at least one child between the ages of 11 and 16 who plays electronic games. FTC staff estimates that the screening questions will be asked of approximately 500 respondents in order to obtain a large enough random sample for the focus groups.

For the parental telephone survey, the contractor will first identify eligible parents using screening questions in a telephone survey then ask whether respondents, with a child between the ages of 11 and 16, would participate in the children's survey. Allowing for non-response, the screening questions will be asked of approximately 1,000 respondents to provide a large enough random sample for the surveys. As noted, the children's survey will be conducted as an adjunct to the parents' survey, *i.e.*, by speaking to a child in the same household as the adult respondents identified in the paragraph above. As a result, the extra time required to screen for child respondents will be *de minimis*.

The FTC staff estimates that the screening for the focus groups and the surveys will require no more than two minutes of each respondent's time. Thus, cumulatively, screening should require a maximum of 50 hours (1500 total respondents × 2 minutes for each).

The FTC intends to pretest both the parental and children's surveys on 24 parent and 24 child respondents to ensure that all questions are easily understood. This pretest will take approximately 15 minutes per person. The hours burden imposed by the pretest will be approximately 12 hours (48 respondents × 15 minutes per survey). Participating in the focus groups will take approximately three hours per respondent. With ten respondents per focus group and four total focus groups, the total burden will be 120 hours. Answering the parental and children's surveys will impose a burden per respondent of approximately 15 minutes, totaling 100 hours for all respondents to the surveys ((250 parent respondents + 150 children respondents) × 15 minutes per survey). Thus, total hours burden attributable to the consumer research is approximately 282 hours (50 + 12 + 120 + 100).

3. Estimated Cost Burden

The cost per respondent should be negligible. Participation is voluntary, and will not require any labor expenditures by respondents. There are no capital, start-up, operation,

[11] The children will be selected from the same household as the adult survey respondents.

maintenance, or other similar costs to the respondents.

William Blumenthal,

General Counsel.

[FR Doc. 05–19320 Filed 9–27–05; 8:45 am]

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FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
Transactions Granted Early Termination—08/29/2005			
20051403	Newell Rubbermaid, Inc	Esselte Group Holdings AB	Esselte BVBA, Esselte Holdings Inc., Goldcup D 892 AB
20051444	Grupo Ferrovial, S.A	Wayne W. Webber	Southern Crushed Concrete, Inc., Webber Management Group, Inc.
20051449	School Specialty, Inc	Wicks Communications & Media Partners, L.P.	Delta Education, LLC
20051451	Credit Suisse Group	The PMI Group, Inc	SPS Holding Corp.
20051457	PBI Media Holdings LLC	PRIMEDIA Inc	PRIMEDIA Business Magazine and Media Inc.
20051459	MetroCast Cablevision of New Hampshire, LLC.	Paul F. Harron, Jr	Gans Communications, L.P.
20051460	Waste Connections, Inc	Mr. Gregory L. Gibson	Mountain Jack Environmental Services, Inc.
20051466	Starwood Capital Hospitality Fund 1–2, L.P.	Groupe Taittinger SA	Groupe Taittinger SA
20051467	The Veritas Capital Fund II, L.P	Mitchell J. Wade	MZM, Inc.
20051468	Alan B. Miller	KEYS Group Holdings LLC	KEYS Group Holdings LLC
20051471	First Reserve Fund X, L.P	Chart Industries, Inc	Chart Industries, Inc.
20051477	GGC Investment Fund II, L.P	CCG Investments BVI, L.P	Concerto Software, Inc.
20051478	GGC Investment Fund II–A, L.P	CCG Investments BVI, L.P	Concerto Software, Inc.
20051480	First Data Corporation	Citigroup Inc	New Payment Services, Inc.
20051485	SSA Global Technologies, Inc	E.piphany, Inc	E.piphany, Inc.
20051486	New York State Catholic Health Plan, Inc.	Rayan Community Health Network, Inc	CenterCare, Inc.
20051490	ShoreView Capital Partners, L.P	Protective Industries, LLC	Caplugs, LLC, Niagara Plastics, LLC, Protective Industries, LLC
Transactions Granted Early Termination—08/31/2005			
20051394	Dover Corporation	Michael Inglis	Harbor Electronics, Inc.
20051406	Invitrogen Corporation	BioSource International, Inc	BioSource International, Inc.
20051407	Oracle Corporation	i-flex Solutions Limited	i-flex Solutions Limited
20051440	Beacon Roofing Supply, Inc	Brazos Equity Fund, L.P	SDI Holding, Inc.
Transactions Granted Early Termination—09/01/2005			
20051484	ValueClick, Inc	Fastclick, Inc	Fastclick, Inc.
Transactions Granted Early Termination—09/02/2005			
20051476	Grupo Ferrovial, S.A	The Wayne and Joan Webber Foundation.	W.W. Webber, Inc.
20051489	E*TRADE Financial Corporation	Bank of Montreal	Harrisdirect LLC
20051494	PAR Investment Partners, L.P	US Airways Group, Inc	US Airways Group, Inc.
20051497	LS Power Equity Partners, L.P	Calpine Corporation	Calpine Construction Finance Company, L.P., Calpine Leasing, Inc., Calpine Philadelphia, Inc., Ontelaunee Power Operating Company, Inc., Philadelphia Biogas Supply, Inc.
20051499	QBE Insurance Group Limited	White Mountains Insurance Group, Ltd	National Farmers Union Property and Casualty Company
20051501	Spectrum Equity Investors IV, L.P	Mortgagebot LLC	Mortgagebot LLC

Trans #	Acquiring	Acquired	Entities
20051502	TUI AG	CP Ships Limited	CP Ships Limited
20051509	Sybase, Inc	Extended Systems Incorporated	Extended Systems Incorporated
20051515	Sentry Insurance, a Mutual Company	Royal & SunAlliance Insurance Group plc.	Viking Insurance Company of Wisconsin
Transactions Granted Early Termination—09/06/2005			
20051282	Walters Industries, Inc	DLJ Merchant Banking Partners II, L.P	Mueller Water Products, Inc.
20051422	Citigroup, Inc	Receivable Management Services Holding Corp.	Receivable Management Services Holding Corp.
20051505	The Goldman Sachs Group, Inc	Allmerica Financial Corporation	Allmerica Financial Investment Management Services, Inc., Allmerica Financial Life Insurance & Annuity Co.
20051507	Paul G. Allen, c/o Vulcan Ventures Incorporated.	Sempra Energy	Energy Center Investments
20051508	Plains All American Pipeline, L.P	Sempra Energy	Energy Center Investments Corp.
Transactions Granted Early Termination—09/07/2005			
20051510	Permira Europe III L.P. 2	Hirschmann Industrial Holdings Ltd	Hirschmann Industrial Holdings Ltd.
Transactions Granted Early Termination—09/08/2005			
20051020	ScanSoft, Inc	Nuance Communications, Inc	Nuance Communications, Inc.
20051435	News Corporation	Scout Media, Inc	Scout Media, Inc.
20051487	American Securities Partners III, L.P	Weasler Holdings LLC	Weasler Engineering, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Contact Representative, or Renee Hallman, Contact Representative, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H–303, Washington, DC 20580, (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 05–19317 Filed 9–27–05; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Meeting: Secretary's Advisory Committee on Genetics, Health, and Society

Pursuant to Public Law 92–463, notice is hereby given of the eighth meeting of the Secretary's Advisory Committee on Genetics, Health, and Society (SACGHS), U.S. Public Health Service. The meeting will be held from 8:30 a.m. to 6 p.m. on October 19, 2005 and 8:30 a.m. to 5 p.m. on October 20, 2005 at the Bethesda North Marriott Hotel, 5701 Marinelli Road, North Bethesda, Maryland. The meeting will be open to the public with attendance limited to space available. The meeting will be webcast.

The first half of the meeting will be devoted to the issue of large population studies of genetic variation, the environment and common disease. The Committee is working to identify salient scientific, ethical, and policy issues and questions associated with such studies and processes that could be employed to address them. On October 19, the Committee will gather input from several leaders in science and bioethics about the policy issues and how to address them, including mechanisms for engaging the general public. October 20th will be devoted to the further exploration of current issues in pharmacogenomics. The Committee is developing a report to the Secretary on this topic, and at this meeting they will explore the financial and economic considerations involved in integrating pharmacogenomics into clinical practice as well as delve more deeply into certain ethical, legal and social issues raised by pharmacogenomics. Time will be provided each day for public comments, and the public is encouraged to provide its perspectives to the Committee on these topics or any others related to the development and use of genetic technologies.

Under authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services established SACGHS to serve as a public forum for deliberations on the broad range of human health and societal issues raised by the development and use of genetic technologies and, as warranted, to provide advice on these issues. The draft meeting agenda and other information about SACGHS, including information about access to the webcast, will be available at the following Web site: *http://www.od.nih.gov/oba/sacghs.htm*.

The Committee would welcome hearing from anyone wishing to provide public comment on any issue related to genetics, health and society. Individuals who would like to provide public comment or who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the SACGHS Executive Secretary, Ms. Sarah Carr, by telephone at (301) 496–9838 or e-mail at *sc112c@nih.gov*. The SACGHS office is located at 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892.

Dated: September 21, 2005.

Anthony M. Coelho, Jr.,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–19388 Filed 9–27–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005N–0148]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Extralabel Drug Use in Animals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 28, 2005.

ADDRESSES: OMB is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Extralabel Drug Use in Animals—21 CFR Part 530 (OMB Control No. 0910–0325)—Extension

Description: The Animal Medicinal Drug Use Clarification Act of 1994 (AMDUCA) (Public Law 103–396) allows a veterinarian to prescribe the extralabel use of approved new animal drugs. Also, AMDUCA permits FDA, if it finds that there is a reasonable probability that the extralabel use of an animal drug may present a risk to the public health, to establish a safe level for a residue from the extralabel use of an animal drug and to require the development of an analytical method for the detection of residues above that established safe level. Although to date, we have not established a safe level for a residue from the extralabel use of any new animal drug, and therefore have not required the development of analytical methodology, we believe that there may be instances when analytical methodology will be required. We are, therefore, estimating the reporting burden based on two methods being required annually. The requirement to establish an analytical method may be fulfilled by any interested person. We believe that the sponsor of the drug will be willing to develop the method in most cases. Alternatively, FDA, the sponsor, and perhaps a third party may cooperatively arrange for method development. The respondents may be sponsors of new animal drugs, State or Federal government, or individuals.

In the **Federal Register** of May 3, 2005 (70 FR 22884), the agency published a 60-day notice requesting public comment on the collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
530.22(b)	2	1	2	4,160	8,320

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The Center for Veterinary Medicine (CVM) has not found circumstances to require the establishment of a safe level and subsequent development of an analytical methodology. However, CVM believes there will be instances when an analytical methodology will be required.

Dated: September 22, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–19392 Filed 9–27–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005N–0210]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Veterinary Feed Directive

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 28, 2005.

ADDRESSES: OMB is still experiencing significant delays in the regular mail, inlcuding first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Veterinary Feed Directive—21 CFR Part 558 (OMB Control Number 0910–0363)—Extension

With the passage of the Animal Drug Availability Act (ADAA), Congress enacted legislation establishing a new class of restricted feed use drugs called Veterinary Feed Directive, which can be distributed without involving State pharmacy laws. Although controls on the distribution and use of VFD drugs are similar to those for prescription drugs regulated under section 503(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(f)), the implementing VFD regulation under 21 CFR 558.6 is tailored to the unique circumstances relating to the distribution of medicated feeds. The content of the VFD is spelled out in the regulation. All distributors of medicated feeds containing VFD drugs must notify FDA of their intent to distribute, and records must be maintained of the distribution of all medicated feeds containing VFD drugs. The VFD regulation ensures the protection of public health while enabling animal producers to obtain and use needed drugs as efficiently and cost-effectively as possible.

In the **Federal Register** of June 10, 2005 (70 FR 33907), FDA published a 60-day notice soliciting comments on this collection of information. In response to this notice, no comments were received.

The respondents for VFD drugs are Veterinarians, distributors of animal feeds containing VFD drugs, and clients utilizing medicated feeds containing VFD drugs.

FDA estimates the burden for this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
558.6(a)(3) through 558.6(a)(5)	15,000	25	375,000	0.25	93,750
558.6(d)(1)(i) through 558.6(d)(1)(iii)	1,500	1	500	0.25	125
558.6(d)(1)(iv)	20	1	20	0.25	5
558.6(d)(2)	1,000	5	5,000	0.25	1,250
514.1(b)(9)	1	1	1	3.00	3
Total Hours					95,133

[1]There are no capital costs or operating and maintenance cost associated with this collection of information

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR	No. of Recordkeepers	Annual Frequency per Recordkeeper	Total Annual Records	Hours per Record	Total Hours
558.6(c)(1) through 558.6(c)(4)	112,500	10	1,125,000	.0167	18,788
558.6(e)(1) through 558.6(e)(3)	5,000	75	375,000	.0167	6,263
Total Hours					25,051

[1]There are no capitals cost or operating and maintenance cost associated with this collection of information.

The estimate of the times required for record preparation and maintenance is based on agency communication with industry. Other information needed to calculate the total burden hours are derived from agency records and experience.

Dated: September 22, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–19393 Filed 9–27–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005N–0208]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Dissemination of Information on Unapproved/New Uses for Marketed Drugs, Biologics, and Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 28, 2005.

ADDRESSES: OMB is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Dissemination of Information on Unapproved/New Uses for Marketed Drugs, Biologics, and Devices (OMB Control Number 0910–0390)—Extension

In the **Federal Register** of November 20, 1998 (63 FR 64556), FDA published a final rule that added a new part 99 (21 CFR part 99) entitled ''Dissemination of Information on Unapproved/New Uses for Marketed Drugs, Biologics, and Devices.''

The final rule implemented section 401 of the Food and Drug Administration Modernization Act of 1997 (FDAMA) (Public Law 105–115). In brief, section 401 of FDAMA amended the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360aaa through 360aaa-6) to permit drug, biologic, and device manufacturers to disseminate certain written information concerning the safety, effectiveness, or benefits of a use that is not described in the product's approved labeling to health care practitioners, pharmacy benefit managers, health insurance issuers, group health plans, and Federal and State Government agencies, provided that the manufacturer complies with certain statutory requirements. For example, the information that is to be disseminated must be about a drug or device that is being marketed legally; it must be in the form of an unabridged reprint or copy of a peer-reviewed journal article or reference publication; and it must not be derived from another manufacturer's clinical research, unless that other manufacturer has given its permission for the dissemination. The information

must be accompanied by certain information, including a prominently displayed statement that the information discusses a use (or uses) that has not been approved or cleared by FDA. Additionally, 60 days before dissemination, the manufacturer must submit to FDA a copy of the information to be disseminated, any other clinical trial information that the manufacturer has relating to the safety or effectiveness of the new use, any reports of clinical experience that pertain to the safety of the new use, and a summary of such information.

The final rule sets forth the criteria and procedures for making such submissions to FDA. Under the final rule, submissions include certification that the manufacturer has completed clinical studies necessary to submit a supplemental application to FDA for the new use, and will submit the supplemental application within 6 months after its initial dissemination of information. If the manufacturer has planned, but not completed, such studies, the submission includes proposed protocols and a schedule for conducting the studies, as well as certification that the manufacturer will complete the clinical studies and submit a supplemental application no later than 36 months after its initial dissemination of information. The final rule also permits manufacturers to request extensions of the time period for completing a study and submitting a supplemental application, and to request an exemption from the requirement to submit a supplemental application. The final rule prescribes the timeframe within which the manufacturer shall maintain records that would enable it to take corrective action. The final rule requires the manufacturer to submit lists pertaining to the disseminated articles and reference publications, the categories of persons (or individuals) receiving the information, and a notice and summary of any additional research or data (and a copy of the data) relating to the product's safety or effectiveness for the new use. The final rule requires the manufacturer to maintain a copy of the information, lists, records, and reports for 3 years after it has ceased dissemination of the information and to make the documents available to FDA for inspection and copying.

FDA based its estimates of the number of submissions it will receive, and the number of manufacturers who would be subject to part 99, on the average of the total number of required submissions received during 2002, 2003, and 2004. The estimated burden hours for these provisions are based on the following calculations:

Section 99.201(a)(1) requires the manufacturer to provide an identical copy of the information to be disseminated, including any information required under § 99.103. Because the manufacturer must compile this information in order to prepare its submission to FDA, FDA estimates that 40 hours will be required per submission. Because 10 annual responses are expected under § 99.201(a)(1), the estimated total burden for this provision is 400 hours (10 annual responses x 40 hours per response).

Section 99.201(a)(2) requires the manufacturer to submit clinical trial information pertaining to the safety and effectiveness of the new use, clinical experience reports on the safety of the new use, and a summary of the information. FDA estimates 24 burden hours per response for this provision for assembling, reviewing, and submitting the information and assumes that the manufacturer will have already acquired some of this information in order to decide whether to disseminate information on an unapproved use under part 99. The estimated total burden for this provision is 240 hours (10 annual responses x 24 hours per response).

Section 99.201(a)(3) requires the manufacturer to explain its search strategy when assembling its bibliography. FDA estimates that only 1 hour will be required for the explanation because the manufacturer would have developed and used its search strategy before preparing the bibliography. Because 10 annual responses are expected under § 99.201(a)(3), the estimated total burden for this provision is 10 hours (10 annual responses x 1 hour per response).

Section 99.201(b) simply requires the manufacturer's attorney, agent, or other authorized official to sign its submissions, certifications, and requests for an exemption. FDA estimates that only 30 minutes are necessary for such signatures. Because 10 annual responses are expected under § 99.201(b), the estimated total burden for this provision is 5 hours (10 annual responses x 0.5 hours per response).

Section 99.201(c) requires the manufacturer to provide two copies with its original submission. Copying the submission should not be time-consuming, so FDA estimates the burden to be 30 minutes. Because 10 annual responses are expected under § 99.201(c), the estimated total burden for this provision is 5 hours (10 annual responses x 0.5 hours per response).

While the act requires manufacturers to provide a submission to FDA before they disseminate information on unapproved/new uses, it also permits the following actions for manufacturers: (1) To have completed studies and promise to submit a supplemental application for the new use within 6 months after the date of initial dissemination; (2) to provide protocols, a schedule for completing studies, and submit a supplemental application for the new use within 36 months after the date of initial dissemination; (3) to have completed studies and have submitted a supplemental application for the new use; or (4) to request an exemption from the requirement to submit a supplemental application. These possible scenarios are addressed in §§ 99.201(a)(4)(i)(A), (a)(4)(ii)(A), (a)(5), and 99.205(b). Based on the average of the total number of required submissions received during 2002, 2003, and 2004, FDA has made the following burden estimates:

Section 99.201(a)(4)(i)(A) requires the manufacturer, if the manufacturer has completed studies needed for the submission of a supplemental application for the new use, to submit the protocol(s) for the completed studies, or, if the protocol(s) was submitted to an investigational new drug application (IND) or investigational device exemption (IDE), to submit the IND or IDE number(s), the date of submission of the protocol(s), the protocol number(s), and the date of any amendments to the protocol(s). FDA estimates that 30 hours will be required for this response because this is information that each manufacturer already maintains for its drugs or devices. The estimated total burden for this provision is 210 hours (7 annual responses x 30 hours per response).

For manufacturers who submit the protocol(s) and a schedule for conducting studies, § 99.201(a)(4)(ii)(A) requires the manufacturer to include, in its schedule, the projected dates on which the manufacturer expects the principal study events to occur. FDA estimates a manufacturer will need approximately 60 hours to include the projected dates because it would have to contact the studies' principal investigator(s) and other company officials. The estimated total burden for this provision is 420 hours (7 annual responses x 60 hours per response).

If the manufacturer has submitted a supplemental application for the new use, § 99.201(a)(5) requires a cross-reference to that supplemental application. FDA estimates that only 1

hour will be needed because manufacturers already maintain this information. The estimated total burden for this provision is 2 hours (2 annual responses x 1 hour per response).

FDA has not received any requests for an exemption under § 99.205(b). However, for purposes of this request for OMB approval, FDA estimates that annually one manufacturer may submit one exemption request under § 99.205(b). FDA estimates that the reporting burden for each exemption request will be 82 hours. Therefore, the estimated total burden for this provision is 82 hours (1 annual response x 82 hours per response).

Under § 99.203, a manufacturer that has certified that it will complete studies necessary to submit a supplemental application within 36 months after its submission to FDA, but later finds that it will be unable to complete such studies or submit a supplemental application within that time period, may request an extension of time from FDA. Such requests for extension should be limited, occurring less than 1 percent of the time, because manufacturers and FDA, when developing or reviewing study protocols, should be able to identify when a study will require more than 36 months to complete. Section 99.203 contemplates extension requests under two different scenarios. Under § 99.203(a), a manufacturer may make an extension request before it makes a submission to FDA regarding the dissemination of information under part 99. The agency expects such requests to be limited, occurring less than 1 percent of the time (or one annual response), and that such requests will result in a reporting burden of 10 hours per request. The estimated total burden for this provision, therefore, is 10 hours (1 annual response x 10 hours per response). Section 99.203(b) specifies the contents of a request to extend the time for completing planned studies after the manufacturer has provided its submission to FDA. The required information includes a description of the studies, the current status of the studies, reasons why the studies cannot be completed on time, and an estimate of the additional time needed. FDA estimates that 10 hours will be needed for reporting the required information under § 99.203(b) because it would require consultation between the manufacturer and key individuals (such as the studies' principal investigator(s)). As in the case of § 99.203(a), the expected number of responses is very small (one annual response), and the estimated total burden for this provision is 10 hours (1 annual response x 10 hours per response).

Section 99.203(c) requires two copies of an extension request (in addition to the request required under section 554(c)(3) of the act (21 U.S.C. 360aaa-3(c)(3))). FDA estimates that these copies will result in a minimal reporting burden of 30 minutes. However, this requirement would apply to extension requests under § 99.203(a) and (b), so the estimated total number of annual responses is two, resulting in an estimated total burden for this provision of 1 hour (2 annual responses x 0.5 hours per response).

The remaining reporting and recordkeeping burdens are as shown in the following estimates:

Section 99.501(a)(1) requires the manufacturer to maintain records that identify recipients by category or individually. Under § 99.301(a)(3), FDA will notify the manufacturer if it needs to maintain records identifying individual recipients because of special safety considerations associated with the new use. This means that, in most cases, the manufacturer will only have to maintain records identifying recipients by category. In either event, the manufacturer will know if it must maintain records that identify individual recipients before it begins disseminating information. The time required to identify recipients individually should be minimal, and the time required to identify recipients by category should be even less. Therefore, FDA estimates the burden for this provision to be 10 hours, and, because 8 annual records are expected under § 99.501(a)(1), the estimated total burden for this provision is 80 hours (8 annual records x 10 hours per record).

Section 99.501(a)(2) requires the manufacturer to maintain a copy of the information it disseminates. This task is not expected to be time-consuming, so FDA estimates the burden to be 1 hour. Because eight annual records are expected under § 99.501(a)(2), the estimated total burden for this provision is 8 hours (8 annual records x 1 hour per record).

Section 99.501(b)(1) requires the manufacturer to submit to FDA semiannually a list containing the articles and reference publications that were disseminated in the preceding 6-month period. FDA estimates a burden of 8 hours for this provision. The burden may be less if the manufacturer develops and updates the list while it disseminates articles and reference publications during the 6-month period (as opposed to generating a completely new list at the end of each 6-month period), and if the volume of disseminated materials is small. The estimated total burden for this provision is 160 hours (10 responses submitted semiannually x 8 hours per response).

Section 99.501(b)(2) requires manufacturers that disseminate information to submit to FDA semiannually a list that identifies the categories of providers who received the articles and reference publications. Section 99.501(b)(2) also requires the list to identify which category of recipients received each particular article or reference publication. If each of the 10 submissions under part 99 results in disseminated information, § 99.501(b)(2) would result in 20 lists (10 submissions x 2 submissions semiannually) identifying which category of recipients received each particular article or reference publication. The agency estimates the burden to be only 1 hour per response because this type of information is maintained as a usual and customary business practice, and the estimated total burden for this provision is 20 hours (20 responses submitted semiannually x 1 hour per response).

In relation to § 99.201(a)(2), § 99.501(b)(3) requires the manufacturer to provide, on a semiannual basis, a notice and summary of any additional clinical research or other data relating to the safety and effectiveness of the new use and, if it possesses such research or data, to provide a copy to FDA. This burden should not be as extensive as that in § 99.201(a)(2), so FDA estimates the burden to be 20 hours per response, for an estimated total burden of 400 hours for this provision (10 responses submitted semiannually x 20 hours per response).

If a manufacturer discontinues or terminates a study before completing it, § 99.501(b)(4) requires the manufacturer to state the reasons for discontinuing or terminating the study in its next progress report. FDA estimates that annually this will affect only 1 percent of all applications (8 x 0.01 = 0.08, rounded up to 1) and only one manufacturer. FDA estimates 2 hours of reporting time for this requirement because the manufacturer should know the reasons for discontinuing or terminating the study and would only need to provide those reasons in its progress report. The estimated total burden for this provision is 2 hours (1 annual response x 2 hours per response).

Section 99.501(b)(5) requires the manufacturer to submit any new or additional information that relates to whether the manufacturer continues to meet the requirements for the exemption after an exemption has been

granted. FDA estimates that 10 percent of all submissions will contain an exemption request (8 annual submissions x 0.10 = 0.8, rounded up to 1), and has assumed that all exemption requests will be granted, for an estimated total of 1 annual response. The information sought under § 99.501(b)(5) pertains solely to new or additional information and is not expected to be as extensive as the information required to obtain an exemption. Thus, FDA estimates the burden for § 99.501(b)(5) to be 41 hours per response (or half the burden associated with an exemption request), for an estimated total burden of 41 hours for this provision (1 annual response x 41 hours per response).

Section 99.501(c) requires the manufacturer to maintain records for 3 years after it has ceased dissemination of the information. FDA estimates the burden for this provision to be 1 hour. Because eight annual records are expected under § 99.501(c), the estimated total burden for this provision is 8 hours (8 annual records x 1 hour per record).

The estimates for §§ 99.201(a)(1), (a)(2), (a)(3), (b), (c), 99.501(b)(1), (b)(2), and (b)(3) have been increased by two responses each to account for manufacturer resubmissions. In addition, the estimate for § 99.201(a)(4)(i)(A) and (a)(4)(ii)(A) has been increased by one response each to account for manufacturer resubmissions.

Respondents are all manufacturers (persons and businesses, including small businesses) of drugs, biologics, and device products.

In the **Federal Register** of June 16, 2005 (70 FR 35099), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
99.201(a)(1)	5	1	10	40	400
99.201(a)(2)	5	1	10	24	240
99.201(a)(3)	5	1	10	1	10
99.201(a)(4)(i)(A)	6	1	7	30	210
99.201(a)(4)(ii)(A)	6	1	7	60	420
99.201(a)(5)	1	1	2	1	2
99.201(b)	5	1	10	0.5	5
99.201(c)	5	1	10	0.5	5
99.203(a)	1	1	1	10	10
99.203(b)	1	1	1	10	10
99.203(c)	1	1	2	0.5	1
99.205(b)	1	1	1	82	82
99.501(b)(1)	5	3	20	8	160
99.501(b)(2)	5	1	20	1	20
99.501(b)(3)	5	1	20	20	400
99.501(b)(4)	1	1	1	2	2
99.501(b)(5)	1	1	1	41	41
Total Hours					2,018

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
99.501(a)(1)	5	1	8	10	80
99.501(a)(2)	5	1	8	1	8
99.501(c)	5	1	8	1	8
Total Hours					96

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated burden associated with the information collection requirements for these provisions is 2,114 hours.

Dated: September 22, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–19394 Filed 9–27–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[FDA 225–04–4007]

Memorandum of Understanding between the Food and Drug Administration, Forensic Chemistry Center and the Federal Bureau of Investigation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing notice of a memorandum of understanding (MOU) between the Food and Drug Administration and the Federal Bureau of Investigation (FBI). The purpose of this MOU is to establish the general policies and procedures that will govern administrative, logistical, and operational support to FBI missions including cost reimbursable activities.

DATES: The agreement became effective December 22, 2004.

FOR FURTHER INFORMATION CONTACT:

For the FDA: Fred Fricke, Food and Drug Administration, Forensic Chemistry Center, 6751 Steger Dr., Cincinnati, OH 45237, 513–679–2700.

For the FBI: David L. Wilson, Federal Bureau of Investigation Laboratory, Chemical Biological Sciences Unit, Quantico, VA 22135, 703–632–7766.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 20.108(c), which states that all written agreements and MOUs between FDA and others shall be published in the **Federal Register**, the agency is publishing notice of this MOU.

Dated: September 20, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

BILLING CODE 4160–01–S

225-04-4007

MEMORANDUM OF AGREEMENT

BETWEEN

THE FEDERAL BUREAU OF INVESTIGATION

AND

THE UNITED STATES FOOD AND DRUG ADMINISTRATION

GENERAL PROVISIONS

1. PURPOSE.

This memorandum of agreement (MOA) establishes the process that the Unites States Food & Drug Administration, Forensic Chemistry Center (FDA-FCC) and the Federal Bureau of Investigation (FBI) have mutually agreed to use to support specific tasks to be performed by each agency to execute U.S. Government (USG) commitments and obligations and necessary mission support. This MOA establishes the general policies and procedures that will govern administrative, logistical, and operational support to FBI missions including cost reimbursable activities.

2. AUTHORITY.

The authority to establish this support agreement is contained in the following references:

a. 10 U.S.C. 371 - 382.

b. 18 U.S.C. 229E.

c. 28 U.S.C. 533.

d. 42 U.S.C. 3771.

e. Presidential Decision Directive 39 (PDD-39), titled: U.S. Policy on Counterterrorism.

f. PDD-62, titled: Combating Terrorism.

g. PDD-63, titled: Critical Infrastructure Protection.

h. NSPD-17/HSPD-4: titled: National Strategy to Combat Weapons of Mass Destruction.

i. HSPD-5, titled: Management of Domestic Incidents.

3. SCOPE.

This MOA defines the relationship between FDA-FCC and the FBI Laboratory in issues of direct analytical services, co-activation/co-deployment, expert advice and counsel, work space allocation, and research and development.

a. General. This MOA establishes a relationship between FDA-FCC and the FBI. Contingent upon agreement of the FDA-FCC Director, FDA-FCC will provide scientific consultation and analytical services concerning the forensic examination of samples within respective areas of expertise. FDA-FCC will coordinate with the FBI to develop and manage specialized equipment, laboratory space, analytical protocols, and appropriately trained personnel.

b. The FBI will provide funding for all work as stated in paragraph 5.

c. The FBI, or its designated agent, will retrieve, package, transport and deliver all unknown materials intended for assessment or analysis by FDA-FCC, specifically. The FBI will additionally provide documentation of all field collection, processing and screening efforts associated with the materials presented to FDA-FCC for examination. The evidence or analyzed materials will be returned to the FBI for disposition, or disposed of at the cost of the FBI. If required, FDA-FCC will store or dispose of evidence or analyzed material at the direction of the FBI. Any extra expense incurred for storage and disposal will be paid by the FBI.

d. With the approval of the FCC Director, the FDA-FCC will provide analysis of FBI samples.

e. With the approval of the FCC Director, FDA-FCC will provide expert technical advice and counsel as appropriate regarding subjects of mutual interest, as well as analytical characterization and/or forensic examination of submitted specimens, along with eventual courtroom testimony if required. Additionally, calling upon the resources of FDA-FCC as a whole, FDA-FCC will organize and coordinate training courses for Bureau personnel in particular areas upon request by the Chemical Biological Sciences Unit (CBSU) or the Hazardous Materials Response Unit (HMRU).

f. Possible Work Space Collocation and Collaborative Work: Consistent with personnel security requirements and good scientific practice, the parties may seek opportunities for project-specific collocation of personnel assets for professional development and training.

g. Field Exercises and Training: Whenever feasible, and consistent with the security requirements, the parties will seek opportunities for mutually beneficial technology transfers and training.

h. All work performed by FDA-FCC shall meet or exceed the quality assurance standards associated with the Bureau laboratory's accreditation.

i. FDA-FCC will immediately notify the FBI if any work being undertaken for the Bureau at FDA-FCC is negatively impacted by other work on-going at FDA-FCC for other customers or programs.

j. Reporting of the status, preliminary results, and/or results of the examination of FBI samples will be exclusively to the Bureau. Only those FDA-FCC staff members having a need to know the details of the

examinations conducted will be privy to same.

k. Inventions and Licensing: Activities conducted to carry out this MOA may result in products or processes that are patentable or otherwise proprietary. The organization whose work results in the invention shall disclose the invention to the other organization and then prepare, file, and prosecute patent applications. If protection is granted, the inventing organization will manage the invention in accordance with its rules and regulations. Inventions resulting from joint research and development by both FDA-FCC and FBI employees shall be handled as jointly agreed to at the time of the disclosure.

4. BACKGROUND.

a. The FBI Laboratory's CBSU has the mission to conduct and/or direct the forensic examination of hazardous chemical, biological, and radiological/nuclear materials, and all related evidence. The FBI Laboratory traditionally has relied upon the assistance provided by the Department of Defense (DoD) and the Department of Energy (DoE) when responding to cases in which Weapons of Mass Destruction (WMD) are implicated. This MOA expands the scope of scientific resources within the U.S. Government (USG) that will be available to respond to acts of terrorism involving hazardous chemicals.

b. The FDA's Forensic Chemistry Center is charged with developing and maintaining state-of-the-art expertise in forensic analysis in support of FDA's mission to protect public health and safeguard the Nation's food and drug supply. This includes the development and implementation of new tools and analytical techniques to detect, identify, and fingerprint toxic chemicals in foods and drugs. The FCC is responsible for providing rapid response and specialized analytical services for activities related to product tampering, chemical terrorism, and counterfeit products. The FCC provides the analytical support and scientific expertise for FDA's Office of Criminal Investigations and upon request provides assistance to other Federal, State and Local agencies. The FCC is staffed with scientists whose training, background, and experience make them uniquely qualified to deal with foods and drugs contaminated with toxic chemicals.

5. FUNDING AND REIMBURSEMENT:

This Agreement is neither an obligation nor a commitment of funds, nor is it basis for a transfer of funds, but rather it is a statement of understanding between the parties. Expenditures by each party are subject to the parties' budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. Funds provided by the FBI shall be considered obligated upon FDA-FCC acceptance of the funding authorization. Established FDA-FCC accounting procedures will be used for recording costs.

a. The FBI will fund FDA-FCC on an annual basis for recurring services under this agreement, including but not limited to: training deployments, FBI annual training at FDA-FCC, exercises, specialized training, analytical support and sample analysis. Additional work (within the scope, but in addition to that listed above, such as additional unforeseen analytical support and sample analysis) will be coordinated with FDA-FCC and will be funded on a reimbursable basis.

All funding documents must be provided to FDA-FCC in advance of initiation of work, and should be addressed to:

Donna J. Riley
Administrative Officer
U.S.FDA
Forensic Chemistry Center
6751 Steger Dr.
Cincinnati, Ohio 45237

b. The use of facilities and equipment and required facility upgrades (specifically the FBI's requirement for a facility upgrade to handle unknown samples) will be negotiated separately. The FBI will provide funding in advance of any action by FDA-FCC.

c. FDA-FCC will bill the FBI on a monthly basis for longer-term projects or per submission on shorter-term projects for all work performed. FDA-FCC will provide special reports, in a format designated by the FBI, on a quarterly basis for longer-term projects and per submission on shorter-term projects.

It is expected that the FBI's contracting Officer will send to the FDA-FCC a U.S. Department of Justice Reimbursement Agreement (Form DOJ-216) for reimbursement. A Reimbursement Agreement, DOJ-216, with funding will be issued for every task that is agreed to by the parties.

The FDA-FCC will sign and return the DOJ-216 as acceptance and will send a copy to the FBI's Contracting Officer. The FDA-FCC then will be able to submit charges to the Treasury in accordance with the U.S. Treasury's automated IntraBGovernmental Payment and Collection System (IPAC). Failure to provide this information on any IPAC billing will result in the IMMEDIATE charge back of the funds taken. Per the Business Rules for Intragovernmental Transactions issued by OMB on 10/04/02, the FDA-FCC will also include all other "Data Elements for Intragovernmental Bills" (e.g., selling agency's DUNS number) on each IPAC transaction. The FDA-FCC will provide reports to the FBI Contracting Officer, coinciding with each IPAC submitted, that will detail the items and/or services provided during the time period covered by the IPAC.

6. GUIDELINES, PROCEDURES, AND RESPONSIBILITIES.

a. A request for activation/deployment of appropriately trained FDA-FCC personnel to support CBSU for operational response to Domestic Terrorism or Special Event Security Protection, will originate from the Chief of the CBSU, and will be directed to the FDA-FCC Director for approval.

b. The FBI, or its designated agent, will retrieve, package, transport and deliver all unknown designated material to FDA-FCC. [SEE ABOVE]

c. FDA-FCC will identify and maintain a roster of technical experts for the purpose of providing expert opinions, technical assessments, and testimony as required, for missions under this MOA.

With the approval of the FCC Director these technical experts will be deployed CONUS subject to terms in separate operations plan (TBD).

d. All requests for FDA-FCC support for out of the continental united states (OCONUS) deployment will be made through the FDA-FCC Director FDA-FCC personnel traveling OCONUS under this MOA will be at all times identified as civilian personnel attached to the FBI deployment team.

7. POTENTIAL PERSONNEL ASSIGNMENTS.

a. FDA-FCC will provide certification to the FBI that each person nominated for a potential assignment (NTE one year) to the FBI Laboratory has a current SECRET clearance and the date of the latest background investigation. If higher clearances are required for specific assignments taken on behalf of the FBI than currently held by candidates, all costs associated with conducting or updating a candidate's background investigation will be borne by the FBI. Candidates with existing higher clearances may also be considered.

b. FDA-FCC will ensure that FDA personnel temporarily assigned to the FBI Laboratory, if any, are advised that throughout the period of an individual's assignment, he remains an FDA-FCC employee for all purposes during the period of this temporary assignment, including such matters as compensation, retirement, disability, and health benefits. For those employees during this period, the FBI will perform the timekeeping function and provide performance appraisal input. Additionally, any compensatory time earned during this assignment will be taken during the same assignment period. FDA-FCC will further ensure that their personnel are advised that they remain individually responsible for their personal insurance programs and that no insurance benefits are payable to them or their beneficiaries by the FBI.

c. To preclude inappropriate disclosure of information, each person temporarily assigned to the FBI under the terms of this MOA may be required to sign a General Nondisclosure Agreement and a Classified Information Nondisclosure Agreement (SF-312), as well as the new FBI form FD-868 (Non-disclosure Agreement for Task Force members/contractors).

d. Information generated for the FBI by FDA-FCC and by the FBI should be considered Law Enforcement Sensitive and exempt from the Freedom of Information Act.

8. CHANGES, REVIEWS, AND REVISIONS:

a. Cyclical reviews:

(1) This agreement will be reviewed upon the first anniversary of its effective date to determine if changes or revisions are required. This review will be initiated by the FBI within 90 days of the anniversary date. Revisions require bilateral agreement.

(2) After the first anniversary review, this agreement will be reviewed every three years. These reviews will be initiated by the

FBI within 90 days of the anniversary date. Revisions require bilateral agreement.

b. Out-of-cycle review: This agreement may be reviewed any time changes in mission or resources of the parties may adversely impact performance of this agreement. These reviews may be initiated by either party as required. Revisions may be suggested by either of the parties during any of the review processes, or at any time that a revision is necessary. Revisions require bilateral agreement.

c. All parties to this MOA shall not release information derived from the FBI to a third party without approval of the FBI. Reports of analysis released to the FBI by FDA-FCC can be used by the FBI for official use; however, in no case will the FBI attribute results to FDA-FCC without specific authorization of FDA-FCC. FDA-FCC technical reports, not paid for by the FBI, that are released to the FBI for information will be treated by the FBI in accordance with FDA-FCC rules for classification and distribution.

9. ADMINISTRATION.

The Designated FDA-FCC representative, and the Chief of the Scientific Analysis Section (SAS), FBI, will appoint staff elements to be responsible for implementation and administration of this agreement.

a. For the FDA-FCC, this MOA will be implemented and administered by the FCC Director. The point of contact (POC) for the FDA-FCC will be:

Fred Fricke
Director
Food & Drug Administration
Forensic Chemistry Center
6751 Steger Dr.
Cincinnati, Ohio 45237
(513)679-2700

b. For the FBI, this MOA will be implemented and administered by the CBSU. POC for the FBI will be:

Supervisory Special Agent David L. Wilson
Unit Chief, CBSU
FBI Laboratory
Quantico, VA
(703) 632-7766

c. For the FBI, the Finance Division POC for this MOA will be:

Mr. Ron Chiodi
Unit Chief, Construction and General Contracts Unit
(202) 324-0560

d. For FDA-FCC, the financial POC for this MOA will be:

Donna J. Riley
Administrative Officer
Forensic Chemistry Center

Each federal party agrees to notify the other federal party of any administrative claim arising out of an activity conducted pursuant to this MOU.

Nothing in this section prevents any party from conducting an independent administrative review of the incident giving rise to the claim; however, final disposition of the claim will be handled as provided in this Paragraph. Nothing in this section should be construed as supplanting any applicable statute, rule or regulation.

11. RESOLUTION OF CONFLICTS.

Nothing in this MOA shall take precedence or negate in any way the policy, directives, and procedures of the respective signatory agencies. Conflicts between this document and any other agency guidance shall be referred to the respective POC for resolution. If resolution cannot be satisfactorily achieved at this level, the responsible POCs shall forward the problem to the signatories of this MOA through their respective channels.

12. EFFECTIVE DATE TERM AND TERMINATION.

a. This MOA will have a term of 3 years, which can be extended for 3 years with bilateral agreement.

b. If termination of the MOA is desired by one agency, the termination agency shall notify the other agency through official channels, in writing, at the earliest possible time, but no later than 90 days prior to the desired termination date. The disposition of work in process, if any, at the time of the termination notification, shall be handled on a bilateral basis. In the event of termination, the requesting agency shall be liable for any costs associated with the termination.

c. This MOA shall become effective on the latest date of approval and signature by FDA-FCC and the Deputy Assistant Director, FBI Laboratory. It shall remain in effect until completion or specifically canceled or suspended by either agency.

APPROVAL PAGE FOLLOW

13. APPROVALS:

Dwight E. Adams, PhD.
Director, FBI Laboratory

Date: 11/3/04

Anthony J. Baumann
Chief Contracting Officer
FBI Finance Division

Date: 12/22/04

John M. Taylor
Associate Commissioner for
Regulatory Affairs
Food and Drug Administration

Date: 11.3.04

[FR Doc. 05–19339 Filed 9–27–05; 8:45 am]
BILLING CODE 4160–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[FDA 225–05–3000]

Memorandum of Understanding Between the Food and Drug Administration and the National Library of Medicine

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing notice of a memorandum of understanding (MOU) between the Food and Drug Administration and the National Library of Medicine (NLM). The purpose of this MOU is to assign responsibilities to FDA's Center for Drug Evaluation and Research (CDER) and NLM for the distribution of product labeling.

DATES: The agreement became effective July 6, 2005, and supplements the agreement signed and dated November 21, 2001, and December 3, 2001, by NLM and CDER representatives, respectively.

FOR FURTHER INFORMATION CONTACT: *For FDA*: Lisa Stockbridge, Food and Drug Administration (HFD–140), 5600 Fishers Lane, Rockville, MD 20857, 301–827–7761; or Catherine Miller, Food and Drug Administration (HFD–140), 5600 Fishers Lane, Rockville, MD 20857, 301–827–7772.

For NLM: Simon Liu, Bldg. 38A, rm. 2N221, 8600 Rockville Pike, Bethesda, MD 20894, 301–402–1698; or Stuart Nelson, Bldg. 38A, rm. B2E17, 8600 Rockville Pike, Bethesda, MD 20894, 301–496–1495.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 20.108(c), which states that all written agreements and MOU's between FDA and others shall be published in the **Federal Register**, the agency is publishing notice of this MOU.

Dated: September 20, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

BILLING CODE 4160–01–S

225-05-3000

Memorandum of Understanding between the National Library of Medicine and the Food and Drug Administration

I. Purpose

The purpose of this agreement is to assign responsibilities to the Center for Drug Evaluation and Research (CDER) of the Food and Drug Administration (FDA) and the National Library of Medicine (NLM) for the distribution of product labeling. This agreement supplements the agreement signed and dated November 21 and December 3, 2001, by NLM and CDER representatives, respectively.

II. Background

This agreement is needed to ensure that the content of product labeling, such as the physician's insert of prescription drug labels, is readily available to health information providers and the public in its most up-to-date form as part of the *DailyMed Initiative*. The *DailyMed Initiative* is a partnership between the FDA, the Veterans Administration (VA), the National Library of Medicine (NLM), medication manufacturers and distributors, and healthcare information suppliers. Medication manufacturers and distributors will collaborate with the FDA to maintain detailed information about their products in a machine-readable format called Structured Product Labeling (SPL). SPL is structured information about a medication contained in an XML file. Any new or changed SPL for a product will be transmitted from the CDER to the NLM each business day. NLM will maintain the up-to-date SPL in an electronic repository called the *DailyMed*. Information from this repository will be accessible for download at no cost from a publicly available web site. Healthcare information suppliers will be able to use the SPL from this repository in their computer systems, allowing providers and patients access to reliable, up-to-date information on the medications they use.

The NLM currently has considerable information about pharmaceuticals, both naming information as well as published literature, but the availability of the content of labeling assists in fulfilling the NLM mission.

III. Substance of Agreement and Responsibilities of Each Agency

The CDER agrees to transmit new or changed SPL for a product each business day. The NLM agrees to make the transmitted SPL available the next business day for download by the public at no cost. The transmittal of SPL for approved human prescription drugs will begin following implementation of the CDER Electronic Labeling Information Processing System planned for October 2005. Subsequent transfers of SPL for over-the-counter and other regulated human drug products will begin within 18 months of the initial implementation for approved human prescription drugs. The CDER will transmit only those SPL it deems acceptable for posting; however, in the event of an error, the CDER may notify the NLM to refrain from posting one or more SPL files from a transmission that has been received but not yet posted to the *DailyMed*. The CDER and NLM databases will be synchronized annually on April 1 (or the next business day), or as needed. The CDER will transmit all currently available SPL to the NLM. In addition, the NLM will post the following disclaimer in a prominent location at the point-of-entry to the *DailyMed* website, "The labeling on this website is the most recent submitted to the FDA and currently in use, and may include strengthened warnings undergoing FDA review and minor editorial changes." Until legacy data has been completely rendered into SPL, the website will also display the disclaimer, "This website does not contain a complete listing of labeling for approved prescription drugs."

As indicated, the FDA is the provider and the NLM is the recipient of SPL. Per this agreement, the NLM is not responsible for the content of the SPL as long as the received SPL is posted in its unaltered state. In order to ensure the SPL is received from an authorized source, the FDA and the NLM further agree to the following:

A. The FDA shall transmit the SPL to a NLM designated server via an existing HHS network using a previously agreed form of electronic signature.

B. The NLM shall receive and process SPL only after the electronic signature has been verified to be correct.

C. After each daily processing, the NLM shall send the FDA a summary of the transmission for verification purposes.

IV. Name and Address of Participating Parties:

A. Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20857

B. National Library of Medicine
National Institute of Health
8600 Rockville Pike
Bethesda, Maryland 20894

V. Liaison Officers

A. Contacts for the FDA

a) Lisa Stockbridge, PhD
SPL Business Program Manager
5600 Fishers Lane, HFD-140
Rockville, MD 20857
(301) 827-7761

b) Catherine Miller
SPL Business Deputy Program Manager
5600 Fishers Lane, HFD-140
Rockville, MD 20857
(301) 827-7772

B. Contacts for the NLM

a) Dr. Simon Liu
Director, Information Systems
Bldg 38A, Room 2N221
8600 Rockville Pike
Bethesda, MD 20894
(301) 402-1698

b) Stuart Nelson, MD
Head, Medical Subject Headings
Building 38A Room B2 E17
8600 Rockville Pike
(301) 496-1495

VI. Period of Agreement

The agreement becomes effective upon signature of both parties and will continue without expiration. It may be modified by mutual consent or terminated by either party upon 120 days written notice.

APPROVED AND ACCEPTED FOR THE NATIONAL LIBRARY OF MEDICINE

By _____

Betsy Humphreys
Deputy Director
National Library of Medicine

Date 6/23/2005

APPROVED AND ACCEPTED FOR THE CENTER FOR DRUG EVALUATION AND RESEARCH

By _____

Janet Woodcock, MD (Acting)
Deputy Commissioner for Operations
Office of the Commissioner

Date 7/08/05

[FR Doc. 05–19340 Filed 9–27–05; 8:45 am]

BILLING CODE 4160–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Heritable Disorders and Genetic Diseases in Newborns and Children; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Committee on Heritable Disorders and Genetic Diseases in Newborns and Children (ACHDGDNC).

Dates and Times: October 20, 2005, 9 a.m. to 5 p.m.; October 21, 2005, 9 a.m. to 3 p.m.

Place: Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Avenue, NW., Washington, DC 20004.

Status: The meeting will be open to the public with attendance limited to space availability.

Purpose: The Advisory Committee provides advice and recommendations concerning the grants and projects authorized under the Heritable Disorders Program and technical information to develop policies and priorities for this program. The Heritable Disorders Program was established to enhance the ability of State and local health agencies to provide for newborn and child screening, counseling and health care services for newborns and children having or at risk for heritable disorders. The Committee was established specifically to advise and guide the Secretary regarding the most appropriate application of universal newborn screening tests, technologies, policies, guidelines and programs for effectively reducing morbidity and mortality in newborns and children having or at risk for heritable disorders.

Agenda: The first day will be devoted to presentations on and a discussion of the decision-making methodology of the Committee and an update of the current status of State specific issues. The second day will include meetings and reports from the Committee's subcommittees on laboratory standards and procedures, follow-up and treatment and education and training.

Proposed agenda items are subject to change.

Public Comments: Time will be provided each day for public comment. Individuals who wish to provide public comment or who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the ACHDGDNC Executive Secretary, Michele A. Lloyd-Puryear, M.D., Ph.D. (contact information provided below).

Contact Person: Anyone interested in obtaining a roster of members or other relevant information should write or contact Michele A. Lloyd-Puryear, M.D., Ph.D., Maternal and Child Health Bureau, Health Resources and Services Administration, Room 18A–19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–1080. Information on the Advisory Committee is available at *http://mchb.hrsa.gov/programs/genetics/committee*.

Dated: September 20, 2005.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 05–19295 Filed 9–27–05; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Director's Council of Public Representatives.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Director's Council of Public Representatives.

Date: October 25, 2005.

Time: 8:30 a.m. to 3 p.m.

Agenda: Among the topics proposed for discussion are: (1) NIH Director's update; (2) COPR workgroup reports; (3) public perspective on the NIH Roadmap; (4) updates on the NIH Re-authorization and the Office of Portfolio Analysis and Strategic Initiatives; (5) NIH response to COPR's Public Trust Report; and (6) discussion and public comment.

Place: National Institutes of Health, Building 31, Conference Room 6, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Jennifer E. Gorman Vetter, NIH Public Liaison/COPR Coordinator, Office of Communications and Public Liaison, Office of the Director, National Institutes of Health, 9000 Rockville Pike, Building 1, Room 344, Bethesda, MD 20892. (301) 435–4448. *gormanj@od.nih.gov.*

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this

notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

Information is also available on the Institute's/Center's home page: *www.copr.nih.gov*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: September 21, 2005.

Anthony M. Coelho, Jr.,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–19386 Filed 9–27–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Meeting: Secretary's Advisory Committee on Genetics, Health, and Society

Pursuant to Public Law 92–463, notice is hereby given of the eighth meeting of the Secretary's Advisory Committee on Genetics, Health, and Society (SACGHS), U.S. Public Health Service. The meeting will be held from 8:30 a.m. to 6 p.m. on October 19, 2005 and 8:30 a.m. to 5 p.m. on October 20, 2005 at the Bethesda North Marriott Hotel, 5701 Marinelli Road, North Bethesda, Maryland. The meeting will be open to the public with attendance limited to space available. The meeting will be webcast.

The first half of the meeting will be devoted to the issue of large population studies of genetic variation, the environment and common disease. The Committee is working to identify salient scientific, ethical, and policy issues and questions associated with such studies and processes that could be employed to address them. On October 19, the Committee will gather input from several leaders in science and bioethics about the policy issues and how to address them, including mechanisms for engaging the general public. October 20th will be devoted to the further exploration of current issues in pharmacogenomics. The Committee is developing a report to the Secretary on this topic, and at this meeting they will explore the financial and economic considerations involved in integrating pharmacogenomics into clinical practice as well as delve more deeply into certain ethical, legal and social issues raised by pharmacogenomics. Time will be provided each day for public comments, and the public is encouraged to provide its perspectives to the committee on these topics or any others related to the development and use of genetic technologies.

Under authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services established SACGHS to serve as a public forum for deliberations on the broad range of human health and societal issues raised by the development and use of genetic technologies and, as warranted, to provide advice on these issues. The draft meeting agenda and other information about SACGHS, including information about access to the webcast, will be available at the following Web site: *http://www4.od.nih.gov/oba/sacghs.htm*.

The Committee would welcome hearing from anyone wishing to provide public comment on any issue related to genetics, health and society. Individuals who would like to provide public comment or who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the SACGHS Executive Secretary, Ms. Sarah Carr, by telephone at (301) 496–9838 or e-mail at *sc112c@nih.gov*. The SACGHS office is located at 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892.

Dated: September 21, 2005.

Anthony M. Coelho, Jr.,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–19387 Filed 9–27–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Meeting; Interagency Autism Coordinating Committee

The National Institutes of Health (NIH) hereby announces a meeting of the Interagency Autism Coordinating Committee to be held on November 18, 2005, on the NIH campus in Bethesda, Maryland.

The Children's Health Act of 2000 (Pub. L. 106–310), Title I, Section 104, mandated the establishment of an Interagency Autism Coordinating Committee (IACC) to coordinate autism research and other efforts within the Department of Health and Human Services (HHS). In April 2001, the HHS Secretary delegated the authority to establish the IACC to the NIH. The National Institute of Mental Health (NIMH) at the NIH has been designated the lead for this activity.

The IACC meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the contact person listed below in advance of the meeting.

Name of Committee: Interagency Autism Coordinating Committee.

Date: November 18, 2005.

Time: 9 a.m.–4:30 p.m.

Agenda: Discussion of autism activities across Federal agencies.

Place: National Institutes of Health, 31 Center Drive, Building 31, Conference Room 10 (6th floor), Bethesda, Maryland 20892.

Contact Person: Ann Wagner, Ph.D., Division of Services and Intervention Research, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6184, MSC 9617, Bethesda, Maryland 20892, E-mail: *awagner@mail.nih.gov,* Phone: (301) 443–5944.

Any member of the public interested in presenting oral comments to the Committee may notify the contact person listed on this notice at least 5 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Presentations may be limited to 5 minutes; both printed and electronic copies are requested for the record. In addition, any interested person may file written comments

with the Committee by forwarding his/her statement to the contact person listed on this notice. The statement should include the name, address, telephone number, and, when applicable, the business or professional affiliation of the interested person.

Information about the meeting and online registration forms are also available online on the NIMH homepage at *http://www.nimh.nih.gov/autismiacc/index.cfm.*

Dated: September 21, 2005.

Raynard S. Kington,

Deputy Director, National Institutes of Health.

[FR Doc. 05–19377 Filed 9–27–05; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, SBIR Topics 200 (Phase II) and 201 (Phase II),

Date: October 19, 2005.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6130 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Joyce C. Pegues, PhD, Scientific Review Administrator, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., 7149, Bethesda, MD 20892, 301/594–1286, *peguesj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 21, 2005.

Anthony M. Coelho, Jr.,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–19382 Filed 9–27–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(C)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Initial Review Group.

Date: October 20–21, 2005.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Jeffrey M. Chernak, PhD., Scientific Review Administrator, Office of Review, National Institute of Nursing Research, 6701 Democracy Plaza, Suite 712, MSC 4870, Bethesda, MD 20817; (301) 402–6959, *chernak@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: September 21, 2005.

Anthony M. Coelho, Jr.,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–19380 Filed 9–27–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Medication Development Research Subcommittee.

Date: October 5, 2005.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Paul A. Coulis, PhD, Health Scientist Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6101 Executive Boulevard, Suite 220, Bethesda, MD 20892–8401, 301–443–2105.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Health Services Research Subcommittee.

Date: October 6–7, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS Room 220, MSC 8401, 6101 Executive Blvd., Bethesda, MD 20892–8401, 301–402–6626, *gm145@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Treatment Research Subcommittee.

Date: October 6–7, 2005.

Time: 9 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kesinee Nimit, MD, Health Scientist Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, 301–435–1432.

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Centers Review Meeting.

Date: October 24, 2005.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Rita Liu, PhD, Associate Director, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 212, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, 301–435–1388.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Training and Career Development Subcommittee.

Date: November 1–3, 2005.

Time: 9 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Eliane Lazar-Wesley, PhD, Health Scientist Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6101 Executive Boulevard, Room 220, MSC 8401, Bethesda, MD 20892–8401, 301–451–4530, *el6r@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Developent Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: September 21, 2005.

Anthony M. Coelho, Jr.,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–19381 Filed 9–27–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings

The meetings will be closed to the public in accordance with the provisions set forth in sections 552(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Mechanism For Time-Sensitive Research Opportunities.

Date: October 11, 2005.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: A. Roger Little, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6157, MSC 9609, Rockville, MD 20852–9609, 301–402–5844, *alittle@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, ITV Conflicts.

Date: October 21, 2005.

Time: 2 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Tracy Waldeck, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6132, MSC 9608, Bethesda, MD 20892–9608, 301–435–0322, *waldeckt@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel CIDAR.

Date: October 27–28, 2005.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Peter J. Sheridan, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6142, MSC 9606, Bethesda, MD 20892–9606, 301–443–1513, *psherida@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, National Research Service Award Institutional Research Training.

Date: November 2, 2005.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Summerfield Suites by Wyndham, 200 Skidmore Boulevard, Chesapeake Room, Gaithersburg, MD 20877.

Contact Person: A. Roger Little, Phd, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6157, MSC 9609, Rockville, MD 20852–9609, 301–402–5844, *alittle@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Building Translational Research in Behavioral Science, Panel 1.

Date: November 3, 2005.

Time: 9:45 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Peter J. Sheridan, Phd, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6142, MSC 9606, Bethesda, MD 20892–9606, 301–443–1513, *psherida@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Building Translational Research in Behavioral Science, Panel 2.

Date: November 4, 2005.

Time: 2 p.m. to 3:10 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Peter J. Sheridan, Phd, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6142, MSC 9606, Bethesda, MD 20892–1513, psherida@mail.nih.gov.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Mental Health Dissertation.

Date: November 10, 2005.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Serena P. Chu, Phd, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Rockville, MD 20892–9609, 301–443–0004, *sechu@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, SRV Conflicts.

Date: November 14, 2005.

Time: 12:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Serena P. Chu, Phd, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609,

Rockville, MD 20892–9609, 301–443–0004, *sechu@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: September 21, 2005.

Anthony M. Coelho, Jr.

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–19383 Filed 9–27–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. the grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06–20, Review R13.

Date: October 6, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Kelly, Scientific Review Specialist, National Institute of Dental & Crainofacial Res., 45 Center Drive, Natcher Bldg., RM 4AN38J, Bethesda, MD 20892–6402, (301) 594–4809. *mary_kelly@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06–26, Review R21.

Date: October 18, 2005.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sooyoun (Sonia) Kim, MS, Associate SRA, Scientific Review Branch, Division of Extramural Research, National Inst. of Dental & Crainofacial Research, National Institute of Health, Bethesda, MD 20892. (301) 594–4827.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06–24, Review R13.

Date: November 3, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Kelly, Scientific Review Specialist, National Institute of Dental & Crainofacial Res., 45 Center Drive, Natcher Bldg., RM 4AN38J, Bethesda, MD 20892–6402, (301) 594–4809. *mary_kelly@nih.gov.*

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06–02, Review R25.

Date: November 3, 2005.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sooyoun (Sonia) Kim, MS, Associate SRA, Scientific Review Branch, Division of Extramural Research, National Inst. of Dental & Crainofacial Research, National Institute of Health, Bethesda, MD 20892. (301) 594–4827.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06–11, Review R21s (Biomaterials).

Date: December 6, 2005.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: H. George Hausch, PhD, Acting Director, Scientific Review Branch, 45 Center Drive, Natcher Bldg., RM 4AN44F, National Inst. of Dental & Craniofacial Research, National Institutes of Health, Bethesda, MD 20892. (301) 594–2904. *george_hausch@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: September 21, 2005.

Anthony M. Coelho, Jr.,

Acting Director, Office of the Federal Advisory Committee Policy.

[FR Doc. 05–19385 Filed 9–27–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(D) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commerical property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Diagnostic Markers of Ovarian Carcinoma.

Date: October 4, 2005.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Eva Petrakova, PhD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7804, Bethesda, MD 20892, 301–435–1716, *petrakoe@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group Bioengineering, Technology and Surgical Sciences Study Section.

Date: October 6–7, 2005.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Dharam S. Dhindsa, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5110, MSC 7854, Bethesda, MD 20892, (301) 435–1174, *dhindsad@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mitochondrial STAT.

Date: October 12, 2005.

Time: 12 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Raya Mandler, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217, MSC 7840, Bethesda, MD 20892, (301) 402–8228, *rayam@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular Neuropharmacology and Signaling Study Section.

Date: October 19–20, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Jury's Hotel, 1500 New Hampshire Ave., NW., Washington, DC 20037.

Contact Person: Syed Husain, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7850, Bethesda, MD 20892, (301) 435–1224 *husians@csr.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 ONC–G(02)M: Dose Response in Radionuclide Therapy

Date: October 19, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John L. Meyer, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6198, MSC 7804, Bethesda, MD 20892, (301) 435–1213, *meyerjl@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group, Integrative Nutrition and Metabolic Processes Study Section.

Date: October 20–21, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Sooja K. Kim, PhD., RD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, MSC 7892, Bethesda, MD 20892, (301) 435–1780, *kims@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Topics in Bacterial Pathogenesis.

Date: October 20–21, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Rolf Menzel, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, MSC 7808, Bethesda, MD 20892, (301) 435–0952, *menzelro@csr.nih.gov.*

Name of Committee: Hematology Integrated Review Group, Erythrocyte and Leukocyte Biology Study Section.

Date: October 20–21, 2005.

Time: 8 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Delia Tang, MD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, 301–435–2506, *tangd@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group, Cellular Aspects of Diabetes and Obesity Study Section.

Date: October 20–21, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ann A. Jerkins, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7892, Bethesda, MD 20892, 301–435–4514, *jerkins@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group Macromolecular Structure and Function B Study Section.

Date: October 20–21, 2005.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.

Contact Person: Nancy Lamontagne, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4170, MSC 7806, Bethesda, MD 20892, (301) 435–1726, *lamontan@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group Macromolecular Structure and Function C Study Section.

Date: October 20–21, 2005.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Arnold Revzin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7824, Bethesda, MD 20892, (301) 435–1153 *revzina@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group Psychosocial Risk and Disease Prevention Study Section.

Date: October 20–21, 2005.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Inn at the Colonnade, 4 West University Parkway, Baltimore, MD 21218.

Contact Person: Deborah L. Young-Hyman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7808 Bethesda, MD 20892, (301) 451–8008, *younghyd@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group Synapses, Cytoskeleton and Trafficking Study Section.

Date: October 20–21, 2005.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Washington, Pennsylvania Ave at 15th Street, NW., Washington, DC 20004

Contact Person: Jonathan K. Ivins, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040A, MSC 7806, Bethesda, MD 20892, (301) 594–1245, *ivinsj@csr.nih.gov.*

Name of Committee: Hematology Integrated Review Group Hematopoiesis Study Section.

Date: October 20–21, 2005.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Robert T. Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7802, Bethesda, MD 20892, (301) 435–1195, *sur@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Biobehavioral Mechanisms of Emotion, Stress and Health Study Section.

Date: October 20–21, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1111 30th Street, NW, Washington, DC 20007.

Contact Person: Maribeth Champoux, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7759, Bethesda, MD 20892, 301–594–3163, *champoum@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Bacterial Pathogenesis Study Section.

Date: October 20–21, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Rouge, 1315 16th Street, NW, Washington, DC 20036.

Contact Person: Melody Mills, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3204, MSC 7808, Bethesda, MD 20892, 301–435–0903, *millsm@csr.nih.gov.*

Name of Committee: Health of the Population Integrated Review Group, Nursing Science: Children and Families Study Section.

Date: October 20–21, 2005.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Fungai F. Chanetsa, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028B, MSC 7770, Bethesda, MD 20892, 301–435–1262, *chanetsaf@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Neurobiology of Learning and Memory Study Section.

Date: October 20–21, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Bernard F. Driscoll, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, *driscolb@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Clinical Neuroimmunology and Brain Tumors Study Section.

Date: October 20–21, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW, Washington, DC 20037.

Contact Person: Jay Joshi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7846, Bethesda, MD 20892, 301–435–1184, *joshij@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group, Cellular and Molecular Immunology—A Study Section.

Date: October 20–21, 2005.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Samuel C. Edwards, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7812, Bethesda, MD 20892, (301) 435–1152, *edwardss@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group, Immunity and Host Defense.

Date: October 20–21, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Patrick K. Lai, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2215, MSC 7812, Bethesda, MD 20892, 301–435–1052, *laip@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group, Cellular and Molecular Immunology—B Study Section.

Date: October 20–21, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Betty Hayden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, 301–435–1223, *haydenb@csr.nih.gov.*

Name of Committee: Hematology Integrated Review Group Hemostasis and Thrombosis Study Section.

Date: October 20–21, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Chhanda L. Ganguly, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7802, Bethesda, MD 20892, 301–435–1739, *gangulyc@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group, Biochemistry and Biophysics of Membranes Study Section.

Date: October 20–21, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Gopa Rakhit, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, 301–435–1721, *rakhitg@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group Synthetic and Biological Chemistry B Study Section.

Date: October 20–21, 2005.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Mike Radtke, PhD., Scientific Review Administrator Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301–435–1728, *radtkem@csr.nih.gov.*

Name of Committee: Health of the Population Integrated Review Group Community Influences on Health Behavior.

Date: October 20–21, 2005.

Time: 9 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.

Contact Person: Ellen K. Schwartz, EdD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3168, MSC 7770, Bethesda, MD 20892, 301–435–0681, *schwarte@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group International and Cooperative Projects—1 Study Section.

Date: October 20, 2005.

Time: 9:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Sandy Warren, DMD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5134, MSC 7843, Bethesda, MD 20892, (301) 435–1019, *warrens@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Cancer Gene Therapy.

Date: October 20, 2005.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Suzanne L. Forry-Schaudies, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 451–0131, *forryscs@csr.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel LIRR and RIBT Member Conflicts.

Date: October 20, 2005.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: George M. Barnas, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, (301) 435–0696, *barnasg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Gene Therapy and Inborn Errors.

Date: October 20–21, 2005.

Time: 5 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Crystal City, 2399 Jefferson Davis Hwy, Arlington, VA 22202.

Contact Person: Richard Panniers, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–1741, *pannierr@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–396, 93.837–93.844, 93.846–93.787, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 21, 2005.

Anthony M. Coelho, Jr.,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–19384 Filed 9–27–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Statement of Organization, Functions, and Delegations of Authority

Part N, National Institutes of Health, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (HHS) (40 FR 22859, May 27, 1975, as amended most recently at 69 FR 64081, November 3, 2004, and redesignated from Part HN as Part N at 60 FR 56606, November 9, 1995), is amended as set forth below to reflect the reorganization of the Office of the Director, NIH, by (1) establishing the Office of Portfolio Analysis and Strategic Initiatives (OPASI); (2) establishing three branches within OPASI: the Division of Resource Development and Analysis, the Division of Strategic Coordination, and the Division of Evaluation and Systematic Assessments; (3) transferring the NIH Roadmap Initiative function from the immediate Office of the Director into OPASI; (4) transferring the Office of Evaluation from the Office of Science Policy (OSP) into OPASI; and (5) transferring certain functions of the Office of Science Policy and Planning (OSPP), OSP, into OPASI and revising the functional statement of the OSPP. OPASI will identify and integrate information to support the planning and implementation of trans-NIH initiatives.

Section N–B, Organization and Functions, under the heading Office of the Director (NA, formerly HNA), is amended as follows:

(1) Under the heading Office of the Director (NA, formerly HNA), insert the following:

Office of Portfolio Analysis and Strategic Initiatives (NAU, formerly HNAU). Supports regular trans-NIH scientific planning and initiatives and the successful and adaptive priority-setting process for identifying areas of scientific and health improvement opportunities.

Division of Resource Development and Analysis (NAU2, formerly HNAU2). (1) Uses resources (databases, analytic tools, and methodologies) and develops specifications for new resources, when needed, to conduct assessments based on NIH and other databases in support of portfolio analyses and priority setting in scientific areas of interest across NIH; (2) serves as a resource for portfolio management at the programmatic level; and (3) ensures that NIH addresses important areas of emerging scientific opportunities and public health challenges effectively.

Division of Strategic Coordination (NAU3, formerly HNAU3). (1) Integrates information and develops recommendations to inform the agency's priority-setting and decisionmaking processes with respect to strategic initiatives; (2) addresses exceptional scientific opportunities and emerging public health needs; (3) equips the NIH Director with the information needed to allocate resources effectively for trans-NIH efforts; and (4) identifies trans-NIH initiatives for consideration and evaluation by both outside advisors and NIH leadership.

Division of Evaluation and Systematic Assessments (NAU4, formerly HNAU4). Plans, conducts, coordinates, and supports program evaluations, including, but not limited to, Institute and Center (IC)-specific program and project evaluations; trans-NIH evaluations, including NIH Roadmap initiatives; and systematic assessments required by the Government Performance and Results Act (GPRA) and the OMB Program Assessment Rating Tool (PART).

(2) Under the heading Office of the Director (NA, formerly HNA), Office of Science Policy (NA6, formerly HNA6) delete the Office of Evaluation (NA6B, formerly HNA6B) in its entirety.

(3) Under the heading Office of the Director (NA, formerly HNA), Office of Science Policy (NA6, formerly HNA6), replace the Office of Science Policy and Planning (NA66, formerly HNA66) with the following:

Office of Science Policy and Planning (NA66, formerly HNA66). (1) Serves as the principal resource for science policy, analysis, and development at NIH on issues of significance to the agency and the medical research community; (2) addresses crosscutting science policy issues and drafts the agency approach and position; (3) provides leadership in developing major analyses of broad planning issues affecting the programs and policies of the major program components of NIH; (4) participates in the development of new policy and program initiatives in emerging research areas; (5) plans and organizes major conferences involving the interface between science and public policy; (6) prepares special studies and reports required by the OD/NIH; (7) serves as principal staff resource in the OD/NIH for identifying and reporting on agency research opportunities and accomplishments; (8) conducts directly and through contractors, economic analyses of key programs and policy issues anticipated to be relevant to emerging planning needs of NIH; and (9) provides ad hoc and continuing staff assistance on a wide range of substantive topics to the OD/NIH.

Delegations of Authority: All delegations and redelegations of authority to officers and employees of NIH that were in effect immediately prior to the effective date of this amendment and are consistent with this amendment shall continue in effect, pending further redelegation.

Dated: September 22, 2005.

Elias A. Zerhouni,

Director, National Institutes of Health.

[FR Doc. 05–19371 Filed 9–27–05; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[CGD13–05–017]

Letter of Recommendation, Proposed LNG Project Northern Star Natural Gas LLC, Bradwood, Clatsop County, OR

AGENCY: Coast Guard, DHS.

ACTION: Request for comments; notice of public meeting; correction.

SUMMARY: The Coast Guard is issuing this correction to an earlier notice that published on September 9, 2005, in order to correct and update contact information. Our earlier notice listed an incorrect phone number, and omitted an address.

DATES: All written comments and related material must reach the Coast Guard on or before October 6, 2005. In addition, a public meeting will be held Thursday, September 29, 2005 at 7 p.m. Those who plan to speak at the meeting should provide their name by September 22, 2005 to Lieutenant Shadrack Scheirman using one of the methods listed under **FOR FURTHER INFORMATION CONTACT**. The comment period associated with the public meeting will remain open for seven days following the meeting. The meeting location is: Knappa High School, 41535 Old Highway 30, Astoria, OR 97102, 503–458–6166.

ADDRESSES: You may submit written comments to Commanding Officer, U.S. Coast Guard Sector Portland, 6767 N. Basin Ave., Portland, OR 97217. Sector Portland maintains a file for this notice. Comments and material received will become part of this file and will be available for inspection and copying at Sector Portland between 8 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact Lieutenant Shadrack Scheirman at Sector Portland by one of the methods listed below:

(1) Phone at (503) 240–9307.

(2) E-mail at *Shadrack.L.Scheirman@uscg.mil.*

(3) Fax to (503) 240–2586.

SUPPLEMENTARY INFORMATION: The Coast Guard is issuing this correction to an earlier notice that published on September 9, 2005, (70 FR 53677) in order to correct and update contact information.

This correction corrects the phone number listed for Lieutenant Scheirman in the section entitled **FOR FURTHER INFORMATION CONTACT**. Additionally, the mailing address for Commanding Officer, U.S. Coast Guard Sector Portland was inserted in the section entitled **ADDRESSES.** This address was inadvertently omitted from the previous notice.

Dated: September 19, 2005.

Patrick G. Gerrity,

Captain, U.S. Coast Guard, Captain of the Port, Portland, OR.

[FR Doc. 05–19420 Filed 9–23–05; 4:08 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

National Communications System

[Docket No. DHS–2005–0071]

Notice of Partial Closure for the October 13, 2005, Meeting of the President's National Security Telecommunications Advisory Committee

AGENCY: National Communications System (NCS), DHS.

ACTION: Notice of partially closed meeting.

SUMMARY: The President's National Security Telecommunications Advisory Committee (NSTAC) will meet on Thursday, October 13, 2005, from 11 a.m. until 12 p.m. The meeting will take place via teleconference and will be partially closed to the public. For access to the conference bridge and meeting materials, interested members of the public should contact Ms. Elizabeth Hart at (703) 289–5948, or by e-mail at *hart_elizabeth@bah.com* by 5 p.m. on Tuesday, October 11, 2005.

The NSATC advises the President of the United States on issues and problems related to implementing national security and emergency preparedness (NS/EP) telecommunications policy. Between 11 a.m. and 11:30 a.m. the members will discuss activities of two NSTAC task forces including the results of the August 30, 2005, Incident Management Subject Matter Experts Meeting and Response to Hurricane Katrina. This portion of the meeting remains open to the public.

Basis for Closure

Subsequent to the July 7 terrorist attacks in London, Robert B. Stephan, Assistant Secretary for Infrastructure Protection, Department of Homeland Security (Department), briefed the NSTAC Principals during the July 27 NSTAC Conference Call on National Security and Emergency Preparedness concerns related to the shutdown of cellular services in the tunnels into and out of Manhattan. Since then the NCS and the NSTAC have both initiated efforts to examine these concerns from both an industry and Government perspective respectively. During the call, NCS and NSTAC will discuss their findings.

The discussion of the cellular services shutdown will occur between 11:30 a.m. and 12 p.m. and will involve sensitive information. Pursuant to Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 1 *et seq.*), the Department has determined that this discussion will concern matters which, if disclosed, would be likely to frustrate significantly the implementation of a proposed agency action. Accordingly, the relevant portion of this meeting will be closed to the public pursuant to the authority set forth in 5 U.S.C. 552b(c)(9)(B).

FOR FURTHER INFORMATION CONTACT: Ms. Alberta Ross, Industry Operations Branch at (703) 235–5526, e-mail: *Alberta.ross@dhs.gov* or write the Deputy Manager, National Communications System, Department of Homeland Security, IAIP/NCS/N5, Washington, DC 20528, mail stop #8510.

SUPPLEMENTARY INFORMATION:

Public Comments: You may submit comments for the public portion of this meeting, identified by DHS–2005–0071, by *one* of the following methods:

- *EPA Federal Partner EDOCKET Web Site: http://www.epa.gov/feddocket.* Follow instructions for submitting comments on the Web site.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: NSTAC@dhs.gov.* When submitting comments electronically, please include DHS–2005–0071 in the subject line of the message.
- *Mail:* Office of the Manager, National Communications System (N5), Department of Homeland Security, Washington, DC 20529. To ensure proper handling, please reference DHS–2005–0071 on your correspondence. This mailing address may also be used for paper, disk, or CD–ROM submissions.

All comments received will be posted without change to *http://www.epa.gov/feddocket*, including any personal information provided. For access to the docket, or to read background documents or comments received, go to *http://www.epa.gov/feddocket.* You may also access the Federal eRulemaking Portal at *http://www.regulations.gov.*

Dated: September 22, 2005.

Peter M. Fonash,

Deputy Manager, National Communications System.

[FR Doc. 05–19397 Filed 9–27–05; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review; Affidavit of Financial Support and Intent to Petition for Legal Custody for Public Law 97–359 Amerasian; Form I–361.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 28, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Affidavit of Financial Support and Intent to Petition for Legal Custody for Public Law 97–359 Amerasian.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–361. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals and households. The information on this form is used in support of Form I–360 (Petition for Amerasian, Widow(er), or Special Immigrant) to assure financial support for Public Law 97–359 Amerasian. The affidavit is used only to sponsor individuals eligible for immigration under Public Law 97–359.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 50 responses at 30 minutes (.5) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 25 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, NW., Washington, DC 20529.

Information about USCIS forms is available online at the USCIS Web site. The USCIS Web site address is: *www.uscis.gov/graphic/formsfee*. Please click on the link to the USCIS Forms, Fees and Fingerprints Information Center. The Forms and Fees link provides information on immigration forms and how to print them. We recommend that you obtain all of your forms by downloading (printing) them from this website. This will ensure that you will have the most up-to-date version of the form that is currently available.

Dated: September 23, 2005.

Richard A. Sloan,

Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–19347 Filed 9–27–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review; Petition by Entrepreneur to Remove Conditions; Form I–829.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request (ICR) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 28, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Petition by Entrepreneur to Remove Conditions.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–829. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as brief abstract:* Primary: Individuals or households. This form is used by a conditional resident alien entrepreneur who obtained such status through a qualifying investment, to apply to remove conditions on his or her conditional residence.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 200 responses at 65 minutes (1.08) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 216 annual burden hours.

If you have comments, suggestions, or need a copy of the information collection instrument, please contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW., Washington, DC 20529.

Information about USCIS forms is available online at the USCIS Web site. The USCIS Web site address is: *www.uscis.gov/graphic/formsfee.* Please click on the link to the USCIS Forms. Fees and Fingerprints Information Center. The Forms and Fees link provides information on immigration forms and how to print them. We recommend that you obtain all of your forms by downloading (printing) them from this Web site. This will ensure that you will have the most up-to-date version of the form that is currently available.

Dated: September 23, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–19348 Filed 9–27–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review; Request for Verification of Naturalization; N–25.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until [Insert date of the 60th day from the date that this notice is published in the **Federal Register**].

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Request for Verification of Naturalization.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form N–25. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form is used to obtain information from the records of a clerk of court which may be needed by a person applying for benefits under various provisions of the I&N Act.

An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 1,000 responses at 15 minutes (.25) per response.

An estimate of the total public burden (in hours) associated with the collection: 250 annual burden hours.

If you have additional comments, suggestions, or a need a copy of the information collection, please contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship Services, 111 Massachusetts Avenue, NW., Washington, DC 20529.

Information about USCIS forms is available online at the USCIS Web site. The USCIS Web site address is: *www.uscis.gov/graphic/formsfee*. Please click on the link to the USCIS Forms, Fees and Fingerprints Information Center. The Forms and Fees link provides information on immigration forms and how to print them. We recommend that you obtain all of your forms by downloading (printing) them from this Web site. This will ensure that you will have the most up-to-date version of the form that is currently available.

Dated: September 23, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–19349 Filed 9–27–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review; Certificate of Satisfactory Pursuit, Form I–699.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 28, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Certificate of Satisfactory Pursuit.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–699, U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The USCIS uses this form to verify that a certified course provider has supplied the required instructions to temporary resident aliens, in compliance with Public Law 99–603 and Public Law 100–204, section 902.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 100,000 responses at 10 minutes (0.166 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 16,600 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529.

Information about USCIS forms is available online at the USCIS Web site. The USCIS Web site address is: *www.uscis.gov/graphic/formsfee*. Please click on the link to the USCIS Forms, Fees and Fingerprints Information Center. The Forms and Fees link provides information on immigration forms and how to print them. We recommend that you obtain all of your forms by downloading (printing) them from this Web site. This will ensure that you will have the most up-to-date version of the form that is currently available.

Dated: September 23, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–19350 Filed 9–27–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4912–N–15]

Notice of Availability of a Draft Environmental Impact Statement for the Ashburton Avenue Urban Renewal Plan and Master Plan, Yonkers, Westchester County, NY

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development gives notice to the public, agencies, and Indian tribes of the availability of the Draft Environmental Impact Statement (EIS) for review and comment for: (1) The Ashburton Avenue Urban Renewal Plan and Ashburton Avenue Master Plan and (2) the Mulford Gardens HOPE VI Revitalization Plan in the City of Yonkers, Westchester County, New York. The Draft EIS was prepared by the City of Yonkers, NY acting under its authority as the Responsible Entity for compliance with the National Environmental Policy Act of 1969 (NEPA) in accordance with 24 CFR 58.4. The Draft EIS has been prepared to satisfy the requirements of both NEPA and the New York State Environmental Quality Review Act of 1978, as amended (6 NYCRR part 617). The EIS and NEPA process will also be used to address historic preservation and cultural resource issues under Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f. This notice is given in accordance with the Council on Environmental Quality regulations at 40 CFR parts 1500–1508.

The Draft EIS analyzes two interrelated actions: (1) The Ashburton Avenue Master Plan and Urban Renewal Plan and (2) the Mulford Gardens HOPE VI Revitalization Plan. The analysis of the Ashburton Avenue Master Plan and Urban Renewal Plan consists of a broad or generic discussion of the potential impacts resulting from the adoption of the two broad planning documents. The analysis of the Mulford Gardens HOPE VI Revitalization Plan, which is geographically contained within the Master Plan and Urban Renewal Area, is a site-specific analysis. Due to the timing of these two actions, both the generic Draft EIS for the Master Plan and Urban Renewal Plan and the site-specific EIS for the HOPE VI Revitalization Plan are contained in this one document. Each of the chapters in the document contains discussion and analysis for both the generic Master Plan and Urban Renewal Plan and the site-specific HOPE VI Revitalization Plan.

DATES: Written comments on the Draft EIS will be accepted for a period of 45 days, beginning on Monday, October 3, 2005 and ending at 5 p.m. on Wednesday, November 16, 2005. Written comments may be sent by mail or facsimile to the address listed below under **FOR FURTHER INFORMATION CONTACT**. Oral comments are welcome at a public hearing that will be held on October 20, 2005. The location and time of the public hearing will be published in local Yonkers newspapers on October 4, 2005.

FOR FURTHER INFORMATION CONTACT: Copies of the Draft EIS and Executive Summary are available upon request to the Lead Agency, care of Stephen Whetstone, Commissioner of Planning and Development, City of Yonkers, 87 Nepperhan Avenue, Suite 312, Yonkers NY 10701–3874. Telephone: (914) 377–6565. Fax: (914) 377–6672. Web site: *steve.whetstone@cityofyonkers.com.* Copies are also available for review at the Yonkers Riverfront Library, 1 Larkin Center, Yonkers, NY 10701.

Need for the EIS: The City of Yonkers has determined that the Proposed Action constitutes an action which has the potential to affect the quality of the human environment in terms of socioeconomics, housing and improvements to the existing transportation system. Therefore the City, as Lead Agency, has prepared an EIS to examine the potential impacts of implementing the components of the Master Plan and Urban Renewal Plan. Since it is anticipated that transportation improvements and new residential construction will be at least in part funded with federal monies, the City has prepared the EIS in accordance with NEPA. Additionally, insofar as the Proposed Action includes a residential component, it is subject to the Yonkers Affordable Housing Ordinance, Article XV of the Code of the City of Yonkers. The Decision of the *United States District Court in D'Agnillo* v. *United States Department of Housing and Urban Development,* 1999 WL 350870 (S.D.N.Y. 1999), requires environmental review under NEPA of all housing projects which are subject to the Affordable Housing Ordinance.

SUPPLEMENTARY INFORMATION: On April 18, 2005 (70 FR 20160), the **Federal Register** published the Notice of Intent to Prepare an EIS. The Draft EIS evaluates the potential impacts of the Proposed Action which consists of the preparation of an Urban Renewal Plan and Master Plan for approximately 44-acres in downtown Yonkers, Westchester County, NY, and the redevelopment of the Mulford Gardens public housing complex and eight sites on nearby blocks financed, in part, by a HOPE VI grant to the Municipal Housing Authority for the City of Yonkers. Associated actions include condemnation and conveyance of real property; expansion of the Ashburton Avenue right-of-way and street demapping actions as applicable; amendments to the City Zoning Code and zoning map; applications for site plan and subdivision approvals; and potential applications by the City for State and/or Federal funding to accomplish any of the foregoing.

The Urban Renewal Area (URA) is located on the west side of Yonkers, north of the downtown and west of the Saw Mill River Parkway. The area encompasses approximately 600 parcels along and near Ashburton Avenue, between Warburton Avenue and Yonkers Avenue. The area was selected by the City as a potential URA to tie into the redevelopment of Mulford Gardens, the City's oldest public housing complex, which is located on 12 acres within the boundaries of the proposed URA. Due to its age and substandard housing condition of its 552 units, Mulford Gardens is slated for demolition. The City's Municipal Housing Authority was awarded a HOPE VI grant to demolish and reconstruct housing on and around the existing Mulford Gardens site. Proposed HOPE VI residential development will occur on the existing 12-acre Mulford Gardens site, with additional residential, community facility and retail development to occur on eight surrounding sites within the Ashburton Avenue URA.

The Urban Renewal Plan will be used as a revitalization strategy to improve the residential character of the area, expand business opportunities and improve the transportation network. The Master Plan for the URA will include: the provision of a range of housing opportunities; mixed use development along Ashburton Avenue; and transportation improvements, including street widenings along Ashburton Avenue to improve east-west access between the Saw Mill River Parkway and the Downtown Waterfront District, allow on-street parking, reduce traffic congestion and allow for an upgraded sidewalk and streetscape plan.

The Draft EIS analyzes three alternatives to the proposed action for revitalizing the Ashburton Avenue area and improving the transportation network: (1) A no action alternative, *i.e.*, the Ashburton Avenue right-of-way is not widened and Mulford Gardens is not redeveloped under the HOPE VI program, (2) the Ashburton Avenue right-of-way is not widened along all segments of the roadway, and (3) the Mulford Gardens/HOPE VI revitalization plan is reduced/modified in scale.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Dated: September 19, 2005.

Pamela H. Patenaude,

Assistant Secretary for Community Planning and Development.

[FR Doc. 05–19297 Filed 9–27–05; 8:45 am]

BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended.

DATES: To ensure consideration, written comments must be received on or before October 28, 2005.

ADDRESSES: Written comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Documents will be available for public inspection, by appointment only, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Ave. SW., Room 4102, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Chief, Endangered Species Division, (505) 248–6920.

SUPPLEMENTARY INFORMATION:

Permit No. TE–676811

Applicant: U.S. Fish & Wildlife Service, Region 2, Albuquerque, New Mexico.

Applicant requests an amendment to the Regional Director's permit to add the following species: Roswell springsnail (*Pyrgulopsis roswellensis*), Koster's springsnail (*Juturnia kosteri*), Noel's amphipod (*Gammarus desperatus*), and Pecos assiminea (*Assiminea pecos*) within New Mexico and Texas. The listed species will be effective September 8, 2005.

Permit No. TE–109028

Applicant: Susan Courage, San Antonio, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for golden-cheeked warbler (*Dendroica chrysoparia*) and black-capped vireo (*Vireo atricapillus*) within Texas.

Authority: 16 U.S.C. 1531, *et seq.*

Dated: September 13, 2005.

Larry G. Bell,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 05–19336 Filed 9–27–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Recovery Plan for Blackburn's Sphinx Moth (*Manduca blackburni*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (we) announces the availability of the Recovery Plan for Blackburn's Sphinx Moth (*Manduca blackburni*) (sphinx moth). This insect taxon is endemic to the main Hawaiian Islands.

ADDRESSES: Copies of this recovery plan will be available within 4 weeks by request form the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, Hawaii 96850 (phone: 808–792–9400) and the Hawaii State Library 478 S. King Street, Honolulu, Hawaii 96813. An electronic copy of the recovery plan is now available on the World Wide Web at: *http://endangered.fws.gov/recovery/index.html#plans.*

FOR FURTHER INFORMATION CONTACT: The Field Supervisor at the above Honolulu address.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program. The Endangered Species Act (16 U.S.C. 1531 *et seq.*) (ESA) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Recovery plans help guide the recovery effort by describing actions considered necessary for the conservation of the species, establishing criteria for downlisting or delisting listed species, and estimating time and cost for implementing the measures needed for recovery.

Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. In fulfillment of this requirement, the Draft Recovery Plan for the Blackburn's Sphinx Moth (*Manduca blackburni*) was available for public comment from December 18, 2003, through February 17, 2004 (68 FR 70528). Information presented during the public comment period has been considered in the preparation of this final recovery plan, and is summarized in the appendix to the recovery plan. We will forward substantive comments regarding recovery plan implementation to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions.

The sphinx moth was federally listed as endangered in 2000 (65 FR 4770) and 22,440 hectares (55,451 acres) of critical habitat was designated in 2003 (68 FR 34710). This insect taxon is currently known to occur on three of the seven

Hawaiian Islands where it historically occurred, including Hawaii, Maui, and Kahoolawe. Vegetation types that support the sphinx moth include dry to mesic shrub land and forest from sea level to mid-elevations. Soil and climatic conditions, as well as physical factors, affect the suitability of habitat within the species' range.

Threats include impacts to the sphinx moth's habitat from urban and agricultural development, invasion by non-native plant species, habitat fragmentation and degradation, increased wildfire frequency, ungulates, and direct impacts to the moth from non-native parasitoids and insect predators.

The objective of this recovery plan is to provide a framework for the recovery of the sphinx moth so that protection by the ESA is no longer necessary. Actions necessary to accomplish this objective include: (1) Protection, management, restoration of habitat, and control of threats; (2) expanding existing wild *Nothocestrum* spp. host plant populations; (3) conducting additional research essential to recovery of the sphinx moth; (4) development and implementation of a detailed monitoring plan for the sphinx moth; (5) reestablishing and augmentation of wild sphinx moth populations within its historic range; (6) developing and providing information for the public on the sphinx moth; (7) validating recovery objectives which includes refining/revising the downlisting and delisting criteria; and (8) develop a post-delisting monitoring plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 26, 2005.

David J. Wesley,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 05–19331 Filed 9–27–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–060–01–1020–PG]

Notice of Public Meeting; Central Montana Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Central Montana Resource Advisory Council (RAC) will meet as indicated below.

DATES: The meeting will be held October 19, 2005, at the Bureau of Land Management's Lewistown Field Office in Lewistown, Montana (920 NE. Main, in Lewistown, MT). The meeting will begin at 10 a.m. with a 30-minute public comment period. This meeting is scheduled to adjourn at 5:30 p.m.

SUPPLEMENTARY INFORMATION: This 15-member council advises the Secretary of the Interior on a variety of management issues associated with public land management in Montana. At this meeting the council will discuss/act upon:

The minutes of their proceeding meeting;
Orientation of new council members;
Field managers' updates;
The BLM planning process;
Range management programs;
A presentation from American Prairie's Foundation;
An overview of the monument resource management plan; and administrative details.

All meetings are open to the public. The public may present written comments to the RAC. Each formal RAC meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

FOR FURTHER INFORMATON CONTACT: June Bailey, Lewistown Field Manager, Lewistown Field Office, P.O. Box 1160, Lewistown, Montana, 59457, (406) 538–1900.

Dated: September 21, 2005.

June Bailey,

Lewistown Field Manager.

[FR Doc. 05–19335 Filed 9–27–05; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Institutes of Electrical and Electronics Engineers

Notice is hereby given that, on September 8, 2005, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Institute of Electrical and Electronics Engineers (''IEEE'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 5 new standards have been initiated and 5 existing standards are being revised. More detail regarding these changes can be found at *http://standards.ieee.org/standardswire/sba/08–12–05.html.*

On September 17, 2004, IEEE filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 3, 2004 (69 FR 64105).

The last notification was filed with the Department on July 1, 2005. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act of August 11, 2005 (70 FR 46890).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05–19294 Filed 9–27–05; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Portland Cement Association

Notice is hereby given that, on September 7, 2005, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Portland Cement Association (''PCA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the Rocky Mountain Concrete Promotion Council has changed its name to the Rocky Mountain Cement Council, Denver, CO.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PCA intends to file additional written notification disclosing all changes in membership.

On January 7, 1985, PCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 5, 1985 (50 FR 5015).

The last notification was filed with the Department on May 31, 2005. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 7, 2005 (70 FR 39339).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05–19293 Filed 9–27–05; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day notice of information collection under review: number of full-time law enforcement employees as of October 31.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division (CJIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until November 28, 2005. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Gregory E. Scarbro, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services Division (CJIS), Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile to 304–625–3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Number of Full-Time Law Enforcement Employees as of October 31.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Numbers: 1–711, 1–711a, 1–711b. Criminal Justice Information Services Division, Federal Bureau of Investigation.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, local, or tribal government. Other: Federal Government. This collection is needed to determine the number of civilian and sworn full-time law enforcement employees throughout the United States. The data is tabulated and published in the annual, Crime in the United States.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated that approximately 17,499 law enforcement agency respondents will take approximately 0.13 hours (8 minutes) to complete the report.

(6) An estimate of the total public burden (in hours) associated with the collection: There are an estimated 2,333 annual burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530, or by e-mail at *brenda.e.dyer@usdoj.gov*.

Dated: September 22, 2005.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–19312 Filed 9–27–05; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Activities: Proposed Collection, Comments Requested

ACTION: 60-day notice of information collection under review: age, sex, and race of persons arrested 18 years of age and over, and age, sex, and race of persons arrested under 18 years of age.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until November 28, 2005. This process is conducted in accordance with 5 CFR 1320.10.

All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Gregory E. Scarbro, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services Division (CJIS), Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile to (304) 625–3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Age, Sex, and Race of Persons Arrested 18 Years of Age and Over; Age, Sex, and Race of Persons Arrested Under 18 Years of Age.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Forms 1–708 and 1–708a; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Local and State Law Enforcement Agencies. This collection is needed to collect information on arrest offenses committed throughout the United States. Data are tabulated and published in the annual Crime in the United States publication.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 17,499 law enforcement agency respondents, who will complete the 1–708a in approximately 12 minutes and the 1–708 in approximately15 minutes.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 94,495 hours annual burden associated with this information collection.

FOR FURTHER INFORMATION CONTACT: Ms. Brenda E. Dyer, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530, or by e-mail at *brenda.e.dyer@usdoj.gov*.

Dated: September 22, 2005.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–19313 Filed 9–27–05; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,628]

Blackhawk Products Group, Hayesville, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated On July 27, 2005 in response to a worker petition filed by a company official on behalf of workers at BlackHawk Products Group, Hayesville, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 24th day of August, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5291 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,832]

C-Line Products, Inc., Mount Prospect, IL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 24, 2005 in response to a petition filed by a company official on behalf of workers at C-Line Products, Inc., Mount Prospect, Illinois.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 8th day of September, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5301 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,536]

California Advance Sports, La Mirada, California; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on July 12, 2005 in response to a petition filed by a company official on behalf of workers of California Advance Sports, La Mirada, California.

The petition is a duplicate of an earlier petition initiated on July 11, 2005 and filed by a company official on behalf of workers of the firm in Atglen, Pennsylvania (TA–W–57,532) and other locations, including La Miranda, California. On July 26, 2005, the Department issued a negative determination regarding eligibility to apply for trade adjustment assistance applicable to workers of California Advance Sports, La Miranda, California (TA–W–57,532A).

Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 25th day of August, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5289 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,787]

Cross Stone Products LLC; Bristol, VA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 18, 2005, in response to a worker petition filed by the company on behalf of workers at Cross Stone Products LLC, Bristol, Virginia.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 23rd day of August 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5315 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,716]

DaimlerChrysler Commercial Buses NC, Greensboro, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 11, 2005 in response to a petition filed by a company official on behalf of workers at DaimlerChrysler Commercial Buses NC, Greensboro, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 25th day of August, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5294 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–55,395B]

Dana Undies, Colquitt, GA; Notice of Revised Determination on Remand

On June 13, 2005, the United States Court of International Trade (USCIT) granted the Department of Labor's motion for voluntary remand in *Former Employees of Dana Undies* v. *U.S. Department of Labor* (Court No. 04–00615).

A petition, dated August 5, 2004, for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) was filed on behalf of workers and former workers of Dana Undies facilities in Colquitt, Georgia; Blakely, Georgia; and Arlington, Georgia. The investigation revealed that the workers of the Blakely and Arlington facilities were adversely affected by imports of infant's, toddler's, boy's and girl's underwear, and consequently the workers of the Blakely and Arlington facilities were certified as eligible to apply for TAA and ATAA on September 14, 2004 (TA–W–55,395 and TA–W–55,395A).

In the case of the Colquitt facility, the investigation revealed that all of the workers were separated more than one year prior to the date of the petition. Section 223(b)(1) of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Therefore, the September 14, 2004 notice included a negative determination regarding eligibility to apply for TAA and ATAA for the Colquitt facility (TA–W–55,395B). The Department's notice of determinations regarding eligibility to apply for TAA and ATAA for the above facilities was published in the **Federal Register** on September 23, 2004 (69 FR 57089).

By letter dated October 7, 2004, the petitioner requested administrative reconsideration, stating that: ''In January 2003, February 2003, July 2003, and September 2003 myself (Alice DeBruyn) and Ethel Haire told employees of the Georgia Department of Labor in Bainbridge, Georgia that the Colquitt plant had been closed due to work going out of the country, due to imports'' and that ''the last pay date for the Colquitt Plant was January 3, 2003.''

By letter dated October 28, 2004, the petitioner's request for reconsideration was dismissed based on the finding that no new facts of a substantive nature which would bear importantly on the Department's determination had been provided by the petitioner. On November 4, 2004, the Department's Dismissal of Application for Reconsideration was issued. The Department's Notice of Dismissal was published in the **Federal Register** on November 12, 2004 (69 FR 65457).

On October 8, 2004, the petitioner filed an appeal with the U.S. Court of International Trade (''USCIT''). In the amended complaint filed March 10, 2005, the petitioner suggested that the Georgia Department of Labor, acting as agent of the United States in the administration of the TAA program, advised the employees of the Colquitt plant, during the year following their termination, that they could not file a petition for TAA and, thus, prevented the employees from filing a petition during the statutorily required period.

In its June 13, 2005 Order, the USCIT granted the Department's motion for a voluntary remand to determine whether the petitioners are eligible for certification for worker adjustment assistance benefits.

During the remand investigation, the Department received an affidavit of the petitioner's allegations and contacted numerous officials of the Georgia Department of Labor to determine whether the petitioners were indeed prevented or discouraged from filing a petition during the statutory period.

The remand investigation revealed that, although no officials of the Georgia Department of Labor recalled refusing to allow any worker to submit a petition for TAA group certification, at least some of them were under the impression that the jobs of the Colquitt plant had been transferred domestically to the Blakely plant. This understanding was, apparently, based on a conversation between a Georgia Department Labor official and a Dana Undies Company official (whose name could not be recalled).

Moreover, in the course of the remand investigation, the petitioner submitted an affidavit which states that, during the statutory period, she and other separated employees were told by Georgia Department of Labor officials that the Blakely plant was still in operation and thus the Colquitt terminations were not due to imports but from lack of work and thus no petition could be filed.

Based on the above, it seems likely that, at a minimum, through a series of miscommunications both between the Dana Undies Company and the Georgia Department of Labor, and between the Georgia Department of Labor and the affected employees of the Colquitt plant, the Colquitt employees were led to believe they would not be eligible for TAA benefits. This generally coincides with the allegations in the plaintiff's affidavit, which states that the plaintiff sought to apply for TAA benefits during the statutory period.

Therefore, the Department has determined that it is appropriate to investigate the workers' eligibility to apply for Trade Act benefits. Moreover, since the petitioners are seeking certification for eligibility to apply for ATAA, the Department will assume that the plaintiff intended to submit a petition at the earliest time they could apply for ATAA. The ATAA program went into affect on August 6, 2003, so the Department will consider the petition submitted on that date.

In order to make an affirmative determination and issue a certification of eligibility to apply for TAA, the group eligibility requirements in either paragraph (a)(2)(A) or (a)(2)(B) of Section 222 of the Trade Act must be met. It is determined in this case that the requirements of (a)(2)(B) of Section 222 have been met. The subject firm separated a significant number of workers, and shifted production of infant and toddler underwear from the Colquitt facility to China and Thailand. Company imports of infant and toddler underwear were likely to increase at the time of the Colquitt plant's closure, and did increase soon thereafter.

Moreover, the investigation revealed that all criteria regarding ATAA for the subject worker group have been met. A significant number or proportion of the worker group are age fifty years or over,

the workers possess skills that are not easily transferable, and competitive conditions within the industry are adverse.

After careful review of the facts obtained in the investigation, I determine that there was a shift in production of infant and toddler underwear from the workers' firm or subdivision to China and Thailand of articles that are like or directly competitive with those produced by the subject firm or subdivision. In accordance with the provisions of the Act, I make the following certification:

''All workers of Dana Undies, Colquitt, Georgia (TA–W–55,395B) who became totally or partially separated from employment on or after August 6, 2002 through two years from the date of certification are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed in Washington, DC, this 12th day of September, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5293 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,871 and TA–W–57,871A]

Del Laboratories, Little Falls, NY and Union Dale, NY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 31, 2005 in response to a worker petition filed on behalf of workers at two locations of Del Laboratories, Little Falls, New York, and Union Dale, New York.

Two locations affected comprise two distinct worker groups. According to the Trade Act of 1974, a valid petition filed by workers must consist of three petitioning workers for a particular worker group. Neither of the two worker groups petitioned with at least three workers. Therefore, the petition regarding the investigation has been deemed invalid. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of September, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5303 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,662]

Eagle Ottawa, LLC, Rochester Hill, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 3, 2005 in response to a worker petition filed by a company official on behalf of workers at Eagle Ottawa, LLC, Rochester Hill, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC, this 12th day of September, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5297 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,845]

Eaton Corporation, Saginaw, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 26, 2005 in response to a petition filed the PACE International Union, Local 6–433 on behalf of workers of Eaton Corporation, Saginaw, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 13th day of September, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5302 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,399]

Electrolux Home Products, Referigeration Division, Including On-Site Leased Workers Of Aerotek, JBL Resources, Casari, Inc., K Force Incorporated, Manpower, Select Resources, Securitas Services and Canteen Services, Greenville, Michigan; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974, as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on July 15, 2005, applicable to workers of Electrolux Home Products, Refrigeration Division, Greenville, Michigan. The notice was published in the **Federal Register** on August 26, 2005 (70 FR 50410).

At the request of a company official of Electrolux, the Department reviewed the certification for workers of the subject firm. The workers produce refrigerators.

The review shows that the subject firm leased workers on-site from Aerotek, JBL Resources, Casari, Inc., K Force Incorporated, Manpower, Select Resources, Securitas Services and Canteen Services. In order to include all workers affected by a shift of production to Mexico, the Department is amending the current certification to include workers of the above named firms employed at the Greenville, Michigan site of Electrolux Home Products, Refrigeration Division.

The amended notice applicable to TA–W–57,409 is hereby issued as follows:

''All workers of Electrolux Home Products, Refrigeration Division, Greenville, Michigan, including on-site leased workers of Aerotek, JBL Resources, Casari, Inc., K Force Incorporated, Manpower, Select Resources, Securitas Services and Canteen Services who became totally or partially separated from employment on or after June 17, 2004 through July 15, 2007 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed in Washington, DC, this 15th day of September, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5287 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W–57,541]

Firestone Tube Company, a Subsidiary of Bridgestone/Firestone North America Tire LLC, Russellville, AR; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Firestone Tube Company, a subsidiary of Bridgestone/Firestone North America Tire LLC, Russellville, Arkansas. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–57,541; Firestone Tube Company a subsidiary of Bridgestone/Firestone North America Tire LLC Russellville, Arkansas (September 12, 2005)

Signed at Washington, DC, this 15th day of September, 2005.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E5–5290 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,446]

Hercules Incorporation, Aqualon Division, Parlin, New Jersey; Notice of Negative Determination on Reconsideration

On August 19, 2005, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Hercules Incorporation, Aqualon Division, Parlin, New Jersey (''Hercules''). The Department's Notice was published in the **Federal Register** on September 1, 2005 (70 FR 52131). The petition date is June 24, 2005.

The Department initially denied Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) to the subject worker group On July 20, 2005 because the subject company did not separate or threaten to separate a significant number or proportion of workers as required by Section 222 of the Trade Act during the relevant period.

In the request for reconsideration, the petitioner alleged that the company separated a majority of the workers at the Power House, which produces steam used in the production of a chemical called Natrosol and that the Power House supplied a component (steam) to a company which was certified for TAA during January 2004.

The reconsideration investigation revealed that the Power House produced steam that was both used to produce Natrosol at the Parlin, New Jersey plant and sold to a TAA-certified company.

To be certified as secondarily-affected, workers must be employed by a company which, during the relevant period, supplied a component part to a TAA-certified company and the separations are related to the production of the import-impacted article.

Because the sale of steam to the TAA-certified company ceased in 2003, loss of business to that company prior to the relevant period cannot be used as a basis for TAA certification for workers at the Hercules Power House.

Further, the reconsideration investigation revealed that the Power House, which is eighty years old and in need of repair, will be replaced by a newer, automated, and more cost-efficient structure which requires less staff to operate.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Hercules Incorporation, Aqualon Division, Parlin, New Jersey.

Signed at Washington, DC, this 13th day of September 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5288 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,649]

The Hoover Company, North Canton, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on July 29, 2005 in response to a petition filed by the International Brotherhood of Electrical Workers, Local 1985, on behalf of workers at The Hoover Company, North Canton, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 14th day of September, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5298 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,663]

Kyocera Tycom Corporation, Owego, NY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 3, 2005 in response to a petition filed by a company official on behalf of workers of Kyocera Tycom, Owego, New York.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 12th day of September, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5299 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,646]

Mason Companies, Inc., Distribution Center, Chippewa Falls, WI; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Mason Companies, Inc., Distribution Center, Chippewa Falls, Wisconsin. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–57,646; Mason Companies, Inc., Distribution Center Chippewa Falls, Wisconsin (September 12, 2005)

Signed at Washington, DC, this 15th day of September, 2005.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E5–5292 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,645]

Meridian Beartrack Company, a Subsidiary of Meridian Gold Company, Salmon, ID; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on July 29, 2005 in response to a petition filed by a company official on behalf of workers at Meridian Beartrack Company, a subsidiary of Meridian Gold Company, Salmon, Idaho.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 13th day of September, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5296 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 11, 2005.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 11, 2005.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 15th day of September, 2005.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted between 08/29/2005 and 09/02/2005]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
57,847	Nidec America Corporation (NPS)	Norwood, MA	08/29/2005	08/26/2005
57,848	Boone International, Inc. (Wkrs)	Corona, CA	08/29/2005	08/23/2005
57,849	Levi Strauss and Co. (Comp)	San Francisco, CA	08/29/2005	08/25/2005
57,850	Stanadyne Corporation (State)	Windsor, CT	08/29/2005	08/26/2005
57,851	Conn-Selmer ()	Elkhart, IN	08/29/2005	08/25/2005
57,852	Flanders Industries, Inc. (State)	Fort Smith, AR	08/29/2005	08/26/2005
57,853	Indiana Tube (State)	Fort Smith, AR	08/29/2005	08/26/2005
57,854	Honeywell Nylon, LLC (Comp)	Anderson, SC	08/29/2005	08/26/2005
57,855	Tree Top, Inc. (State),	MiltonFreewater OR	08/29/2005	08/26/2005
57,856	Alstom Power, Inc. (Comp)	Easton, PA	08/29/2005	08/29/2005
57,857	Delta Woodside Industries (Comp)	Wallace, SC	08/30/2005	08/29/2005
57,858A	International Legwear Group ()	Athens, TN	08/30/2005	08/25/2005
57,858	International Legwear Group (Comp)	Hildebran, NC	08/30/2005	08/25/2005
57,859	Beach and Summer Design (State)	Huntington Park, CA	08/30/2005	08/26/2005
57,860	Beagle Brand Hosiery, Inc. (Comp)	Hickory, NC	08/30/2005	08/23/2005
57,861	Ultra Flex Div. of Hickory Springs (Comp)	High Point, NC	08/30/2005	08/22/2005
57,862	Novacel (USW)	Newton, MA	08/30/2005	08/17/2005
57,863	Plymouth Printing Co., Inc. (State)	Winston-Salem, NC	08/31/2005	08/30/2005
57,864	Aroostook Starch Co. (Comp)	Ft. Fairfield, ME	08/31/2005	08/29/2005
57,865	IBM Corporation (State)	Boulder, CO	08/31/2005	08/30/2005

APPENDIX—Continued

[Petitions instituted between 08/29/2005 and 09/02/2005]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
57,866	Consolidated Metco, Inc. (IAM)	Clackamas, OR	08/31/2005	08/25/2005
57,867	Capital City Press, Inc. (Comp)	Barre, VT	08/31/2005	08/31/2005
57,868	Northland (IBEW)	Watertown, NY	08/31/2005	08/09/2005
57,869	CarboMedics, Inc. (Comp)	Austin, TX	08/31/2005	08/18/2005
57,870	International Paper Co. (PACE)	Bastrop, LA	08/31/2005	08/19/2005
57,871A	Del Laboratories (Wkrs)	Union Dale, PA	08/31/2005	08/22/2005
57,871	Del Laboratories (Wkrs)	Little Falls, NY	08/31/2005	08/22/2005
57,872	Ametek/Chatillon, Inc. (State)	Kew Gardens, NY	08/31/2005	08/23/2005
57,873	Conso International (Comp)	Union, SC	09/01/2005	08/10/2005
57,874	Levy Group (The) (UNITE)	New York, NY	09/02/2005	09/01/2005
57,875	Levolor Kirsch Window Fashions (Comp)	Freeport, IL	09/02/2005	09/01/2005
57,876	Edelweiss Mfg. Co., Inc. (Comp)	Hickory, NC	09/02/2005	08/25/2005
57,877	TFL USA/Canada, Inc. (Comp)	Greensboro, NC	09/02/2005	08/29/2005
57,878	Solutia, Inc. (Wkrs)	Decatur, AL	09/02/2005	08/30/2005
57,879	Legacy Manufacturing Co. (State)	Tacoma, WA	09/02/2005	08/31/2005
57,880	KeyTronicEMS (Comp)	Spokane, WA	09/02/2005	08/31/2005
57,881	Champion Labs (Wkrs)	Albion, IL	09/02/2005	08/21/2005
57,882	Jeld-Wen of Washington (Wkrs)	Everett, WA	09/02/2005	08/30/2005
57,883	Invacare Corp. (Wkrs)	Elyria, OH	09/02/2005	09/01/2005
57,884A	General Electric ()	Ft.Wayne, IN	09/02/2005	09/01/2005
57,884	General Electric (Comp)	Ft. Wayne, IN	09/02/2005	09/01/2005
57,885	Pliana, Inc. (Comp)	Charlotte, NC	09/02/2005	09/01/2005
57,886	LSM Mfg. Co., Inc. (State)	Waterbury, CT	09/02/2005	09/02/2005
57,887	Parlex Corp. (Comp)	Methuen, MA	09/02/2005	09/02/2005

[FR Doc. E5–5295 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,888]

Pentair Pump, Pentair South (Hydromatic), 1840 Baney Road, Ashland, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on September 6, 2005 in response to a worker petition filed by the United Auto Workers Local 1932 on behalf of workers at Pentair South (Hydromatic) at 1840 Baney Road, Ashland, Ohio.

A certification covering all workers at the aforementioned facility was issued on April 28, 2003, and remained valid until April 28, 2005 (TA–W–51,215). All employment at the plant ceased in December, 2004. Thus the entire workforce is covered by that certification. This investigation is therefore without purpose and is hereby terminated.

Signed at Washington, DC, this 13th day of September, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5304 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,813]

R.J. Reynolds Tobacco Company, Formerly Known as Brown and Williamson Tobacco Company, Macon, GA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 22, 2005 in response to a petition filed by a company official on behalf of workers at R.J. Reynolds Tobacco Company, formerly known as Brown and Williamson Tobacco Company, Macon Georgia (TA–W–57,813).

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 2nd day of September, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5300 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,336 and TA–W–57,336A]

United Machine Works, Inc., Bethel, NC and Greenville, NC; Notice of Revised Determination on Reconsideration

By letter dated August 1, 2005 a company official requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination signed on July 12, 2005 was based on the finding that imports of automotive parts did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The denial notice was published in the **Federal Register** on August 26, 2005 (70 FR 50411).

To support the request for reconsideration, the company official

supplied additional information. Upon further review and contact with the subject firm's major customer, it was revealed that the customer significantly increased its imports of products like or directly competitive with automotive parts purchased from the subject firm and decreased its purchases from the subject firm during the relevant period. The imports accounted for a meaningful portion of the subject plant's lost sales and production. The investigation further revealed that production and employment at the subject firm declined during the relevant time period.

In accordance with section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of Section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at United Machine Works, Inc., Bethel, North Carolina and United Machine Works, Inc., Greenville, North Carolina, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

''All workers of United Machine Works, Inc., Bethel, North Carolina (TA–W–57,336) and United Machine Works, Inc., Greenville, North Carolina (TA–W–57,336A) who became totally or partially separated from employment on or after June 3, 2004 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed in Washington, DC, this 14th day of September, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–5286 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed collection: Work Experience and Career Exploration Programs (WECEP) Regulations, 29 CFR part 570.35a. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before November 28, 2005.

ADDRESSES: Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0418, fax (202) 693–1451, E-mail *bell.hazel@dol.gov.* Please use only one method of transmission for comments (mail, fax, or E-mail).

SUPPLEMENTARY INFORMATION:

I. Background

The Fair Labor Standards Act (FLSA), 29 U.S.C. 201 *et seq.*, section (3)(l) establishes a minimum age of 16 years for most nonagricultural employment but allows the employment of 14- and 15 year olds in occupations other than manufacturing and mining, if the Secretary of Labor determines such employment is confined to (1) periods that will not interfere with the minor's schooling and (2) conditions that will not interfere with the minor's health and well-being. FLSA section 11(c) requires all employers covered by the FLSA to make, keep and preserve records of their employees' wages, hours and other conditions and practices of employment. Regulations issued by the Secretary of Labor prescribe the recordkeeping and reporting requirements for these records. Subpart C of Regulations, 29 CFR part 570, Child Labor Regulations, Orders and Statements of Interpretation, sets forth the employment standards for 14- and 15-year olds (CL Reg. 3). Regulations 29 CFR 570.35a contains the requirements describing the criteria for use, occupations permitted and conditions of employment that allow employment of 14- and 15-year olds-pursuant to a school-supervised and school-administered Work Experience and Career Exploration Program (WECEP)—under the conditions CL Reg. 3 otherwise prohibits. In order to utilize the CL Reg. 3 WECEP provisions, regulations 29 CFR 570.35(b)(2) requires a state educational agency to file an application for approval of a state WECEP program as one not interfering with schooling or with the health and well-being of the minors involved. Regulations 29 CFR 570.35a(b)(3)(vi) requires preparation of a written training agreement for each student participating in a WECEP and that such agreement be signed by the teacher-coordinator, employer and student. The regulation also requires the student's parent or guardian to sign or otherwise consent to the agreement, in order for it to be valid. Regulations 29 CFR 570.35a(b)(4)(ii) requires state education agencies to keep a record of the names and addresses of each school enrolling WECEP students and the number of enrollees in each unit. The state or local educational agency office must keep a copy of the written training agreement for each student participating in the program and maintain these records for 3 years from the date of enrollment in the program. This information collection is currently approved for use through March 31, 2006.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the approval of the extension of this information collection in order to carry out its responsibility to ensure compliance with the youth employment provisions of the FLSA and its regulations. Without this information, the Administrator would have no means to determine if the proposed program meets the regulatory requirements.

Type of Review: Extension.

Agency: Employment Standards Administration.

Titles: Work Experience and Career Exploration Programs (WECEP) Regulations, 29 CFR Part 570.35a.

OMB Number: 1215–0121.

Affected Public: Individual or households; State, Local or Tribal Government.

Frequency: Biennially.

Total Respondents: 14,014.

Total Annual Responses: 14,014.

Average Time Per Response:

Reporting:

WECEP Application—2 hours.

Written Training Agreement—1 hour.

Recordkeeping:

WECEP Program Information—1 hour.

Filing of WECEP Record and Training Agreement—one-half minute.

Total Burden Hours: 14,145.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $2.80.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 22, 2005.

Sue Blumenthal,

Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 05–19325 Filed 9–27–05; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 05–145]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that United Aerospace, Inc., of New York, New York, has applied for an exclusive license to practice the invention disclosed in U.S. Patent No. 6,186,693 entitled PASSIVE CAPTURE JOINT WITH THREE DEGREES OF FREEDOM and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Mr. Jerry L. Seemann, Chief Patent Counsel/LS01, Marshall Space Flight Center, Huntsville, AL 35812. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: Responses to this notice must be received by October 13, 2005.

FOR FURTHER INFORMATION CONTACT: Sammy A. Nabors, Technology Transfer Department/ED03, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–5226.

Dated: September 16, 2005.

Keith T. Sefton,

Deputy General Counsel (Admin & Mgmt).

[FR Doc. 05–19376 Filed 9–27–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given a meeting of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 as follows: Theater (Career Development Program): October 13, 2005 by teleconference. This meeting, from 4 p.m. to 4:30 p.m., will be closed.

Closed meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of April 8, 2005, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506, or call (202) 682–5691.

Dated: September 23, 2005.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 05–19344 Filed 9–27–05; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

General Electric Company; Notice of Receipt of Application for Final Design Approval and Standard Design Certification of the ESBWR Standard Plant Design

Notice is hereby given that the Nuclear Regulatory Commission (NRC, the Commission) has received an application from the General Electric Company (GE) dated August 24, 2005, filed pursuant to Section 103 of the Atomic Energy Act and Title 10 of the Code of Federal Regulations (10 CFR) part 52, for the final design approval and standard design certification of the ESBWR Standard Plant Design.

The ESBWR design is an approximately 1550 megawatts electric boiling water reactor plant design in which passive safety systems are used for the ultimate safety protection of the plant. All of the safety systems are designed to be passive, where natural forces, such as gravity, natural circulation, and stored energy (in the form of pressurized accumulators and batteries), are used as the motive forces of these systems. The ESBWR application includes the entire power generation complex, except those

elements and features considered site-specific. The acceptability of the tendered application for docketing and other matters relating to the requested rulemaking pursuant to 10 CFR 52.51 for design certification, including provisions for participation of the public and other parties, will be the subject of subsequent **Federal Register** notices.

A copy of the application will be available on CD–ROM for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. The accession number for the application is ML052450245. Future publicly available documents related to the application will also be posted in ADAMS. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room Reference staff by telephone at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 19th day of September 2005.

For the Nuclear Regulatory Commission.

William D. Beckner,

Program Director, New, Research and Test Reactors Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. E5–5285 Filed 9–27–05; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

October 20, 2005 Public Hearing

Time and Date: 2 p.m., Thursday, October 20, 2005.

Place: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

Status: Hearing Open to the Public at 2 p.m.

Purpose: Public Hearing in conjunction with each meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

Procedures:

Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m., Wednesday, October 12, 2005. The notice must include the individual's name, title, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request to participate an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m., Wednesday, October 12, 2005. Such statements must be typewritten, double-spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time allotted for each presentation. The agenda will be available at the hearing.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

Contact Person for Information: Information on the hearing may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 218–0136, or via e-mail at *cdown@opic.gov*.

Dated: September 26, 2005.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 05–19480 Filed 9–26–05; 12:19 pm]

BILLING CODE 3210–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17Ab2–1; SEC File No. 270–203; OMB Control No. 3235–0195.

Form CA–1; SEC File No. 270–203; OMB Control No. 3235–0195.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for approval of extension of the following previously approved collection of information as discussed below.

Rule 17Ab2–1 and Form CA–1: Registration of Clearing Agencies

Rule 17Ab2–1 and Form CA–1 require clearing agencies to register with the Commission and to meet certain requirements with regard to, among other things, a clearing agency's organization, capacities, and rules. The information is collected from the clearing agency upon the initial application for registration on Form CA–1. Thereafter, information is collected by amendment to the initial Form CA–1 when material changes in circumstances necessitate modification of the information previously provided to the Commission.

The Commission uses the information disclosed on Form CA–1 to (i) determine whether an applicant meets the standards for registration set forth in Section 17A of the Securities Exchange Act of 1934 (''Exchange Act''), (ii) enforce compliance with the Exchange Act's registration requirement, and (iii) provide information about specific registered clearing agencies for compliance and investigatory purposes. Without Rule 17Ab2–1, the Commission could not perform these duties as statutorily required.

There are currently approximately ten registered clearing agencies and five clearing agencies that have been granted an exemption from registration. The Commission staff estimates that each initial Form CA–1 requires approximately 130 hours to complete and submit for approval. Hours required for amendments to Form CA–1 that must be submitted to the Commission in connection with material changes to the initial CA–1 can vary, depending upon the nature and extent of the amendment. Since the Commission only receives an average of one submission per year, the aggregate annual burden associated with compliance with Rule 17Ab2–1 and Form CA–1 is 130 hours. Based upon the staff's experience, the average cost to clearing agencies of preparing and filing the initial Form CA–1 is estimated to be $18,000. There is no recordkeeping requirement for Rule 17Ab2–1 or Form CA–1. The rule and form do not involve the collection of confidential information. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the estimated burden hours should be directed to: (i) Desk Officer for the

Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: September 20, 2005.

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5249 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17Ad–3(b); SEC File No. 270–424; OMB Control No. 3235–0473.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for approval of extension of the following previously approved collection of information as discussed below:

Rule 17Ad–3(b) requires registered transfer agents that for each of two consecutive months have failed to turnaround at least 75% of all routine items in accordance with the requirements of Rule 17Ad–2(a) or to process at least 75% of all routine items in accordance with the requirements of Rule 17Ad–2(a) to send to the chief executive officer of each issuer for which such registered transfer agent acts a copy of the written notice required under Rule 17Ad–2(c), (d), and (h). The issuer may use the information contained in the notices in several ways: (1) To provide an early warning to the issuer of the transfer agent's non-compliance with the Commission's minimum performance standards regarding registered transfer agents, and (2) to assure that issuers are aware of certain problems and poor performances with respect to the transfer agents that are servicing the issuer's securities. If the issuer does not receive notice of a registered transfer agent's failure to comply with the Commission's minimum performance standards then the issuer will be unable to take remedial action to correct the problem or to find another registered transfer agent. Pursuant to Rule 17Ad–3(b), a transfer agent that has already filed a Notice of Non-Compliance with the Commission pursuant to Rule 17Ad–2 will only be required to send a copy of that notice to issuers for which it acts when that transfer agent fails to turnaround 75% of all routine items or to process 75% of all items.

The Commission estimates that only two transfer agents will meet the requirements of Rule 17Ad–3(b). If a transfer agent fails to meet the minimum requirements under 17Ad–3(b), such transfer agent is simply sending a copy of a form that had already been produced for the Commission. The Commission estimates a requirement will take each respondent approximately one hour to complete, for a total annual estimate burden of two hours at cost of approximately $60.00 for each hour. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: September 20, 2005.

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5250 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17f–2(c); SEC File No. 270–35; OMB Control No. 3235–0029.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for approval of extension of Rule 17f–2(c).

Rule 17f–2(c) allows persons required to be fingerprinted pursuant to Section 17(f)(2) of the Securities Exchange Act of 1934 to submit their fingerprints through a national securities exchange or a national securities association in accordance with a plan submitted to and approved by the Commission. Plans have been approved for the American, Boston, Chicago, New York, Pacific, and Philadelphia stock exchanges and for the National Association of Securities Dealers and the Chicago Board Options Exchange.

It is estimated that 85,000 registered broker-dealers submit approximately 275,000 fingerprint cards to exchanges or a registered security association on an annual basis. It is approximated that it should take 15 minutes per fingerprint card to comply with Rule 17f–2(c). The total reporting burden is estimated to be 68,750 hours.

Because the Federal Bureau of Investigation will not accept fingerprint cards directly from submitting organizations, Commission approval of plans from certain exchanges and national securities associations is essential to the Congressional goal of fingerprint personnel in the security industry. The filing of these plans for review assures users and their personnel that fingerprint cards will be handled responsibly and with due care for confidentiality.

Submission of fingerprint plans under Rule 17f–2(c) is mandatory for self-regulatory organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street,

NE., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: September 20, 2005.

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5251 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17f–2(d); SEC File No. 270–36; OMB Control No. 3235–0028.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for approval of extension on the following rule and form: Rule 17f–2(d).

Rule 17f–2(d) was adopted on March 16, 1976, and was last amended on November 18, 1982. Paragraph (d) of the rule (i) requires that records produced pursuant to the fingerprinting requirements of Section 17(f)(2) of the Securities Exchange Act of 1934 (''Exchange Act'') be maintained, (ii) permits the designated examining authorities of broker-dealers or members of exchanges, under certain circumstances, to store and maintain records required to be kept by this rule, and (iii) permits the required records to be maintained on microfilm.

The general purpose of Rule 17f–2 is: (i) To identify security risk personnel; (ii) to provide criminal record information so that employers can make fully informed employment decisions; and (iii) to deter persons with criminal records from seeking employment or association with covered entities.

Retention of fingerprint records, as required under paragraph (d) of the Rule enables the Commission or other examining authority to ascertain whether all required persons are being fingerprinted and whether proper procedures regarding fingerprinting are being followed. Retention of these records for the term of employment of all personnel plus three years ensures that law enforcement officials will have easy access to fingerprint cards on a timely basis. This in turn acts as an effective deterrent to employee misconduct.

Approximately 9,468 respondents are subject to the recordkeeping requirements of the rule. Each respondent keeps approximately 32 new records per year, which takes approximately 2 minutes per record for the respondent to maintain, for an annual burden of 64 minutes per respondent. All records subject to the rule must be retained for the term of employment plus 3 years. The Commission estimates that the total annual cost to submitting entities is approximately $196,850. This figure reflects estimated costs of labor and storage of records. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: September 20, 2005.

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5252 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–07657]

Issuer Delisting; Notice of Application of American Express Company To Withdraw Its Common Stock, $.20 Par Value, From Listing and Registration on the Chicago Stock Exchange, Inc.

September 21, 2005.

On August 24, 2005, American Express Company, a New York corporation (''Issuer''), filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its common stock, $.20 par value (''Security''), from listing and registration on the Chicago Stock Exchange, Inc. (''CHX'').

The Board of Directors (''the Board'') of the Issuer approved a resolution on July 25, 2005 to withdraw the Security from listing on CHX. The Issuer stated that the following reason factored into the Board's decision to withdraw the Security from CHX: the staff time and costs associated with maintaining a listing on regional exchanges has outweighed the benefits. The Issuer stated in its application that the Security is listed on the New York Stock Exchange, Inc. (''NYSE'').

The Issuer stated in its application that it has complied with applicable rules of CHX by complying with all applicable laws in the State of New York, the state in which the Issuer is incorporated, and by providing CHX with the required documents governing the withdrawal of securities from listing and registration on CHX. The Issuer's application relates solely to the withdrawal of the Security from listing on CHX and shall not affect its continued listing on NYSE or the Boston Stock Exchange, Inc. (''BSE''),[3] or its obligation to be registered under Section 12(b) of the Act.[4]

Any interested person may, on or before October 11, 2005 comment on the facts bearing upon whether the application has been made in accordance with the rules of CHX, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

Electronic Comments

- Send an e-mail to *rule-comments@sec.gov.* Please include the File Number 1–07657 or;

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number 1–07657. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] On August 24, 2005, the Issuer filed an application with the Commission to withdraw the Security from listing and registration on BSE. Notice of such application will be published separately.

[4] 15 U.S.C. 78*l*(b).

the Commission's Internet Web site (*http://www.sec.gov/rules/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5305 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–07657]

Issuer Delisting; Notice of Application of American Express Company To Withdraw Its Common Stock, $.20 Par Value, From Listing and Registration on the Boston Stock Exchange, Inc.

September 21, 2005.

On August 24, 2005, American Express Company, a New York corporation (''Issuer''), filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its common stock, $.20 par value (''Security''), from listing and registration on the Boston Stock Exchange, Inc. (''BSE'').

The Board of Directors (''the Board'') of the Issuer approved a resolution on July 25, 2005 to withdraw the Security from listing on BSE. The Issuer stated that the following reason factored into the Board's decision to withdraw the Security from BSE: The staff time and costs associated with maintaining a listing on regional exchanges has outweighed the benefits. The Issuer stated in its application that the Security is listed on the New York Stock Exchange, Inc. (''NYSE'').

The Issuer stated in its application that it has complied with applicable rules of BSE by complying with all applicable laws in the State of New York, the state in which the Issuer is incorporated, and by providing BSE with the required documents governing the withdrawal of securities from listing and registration on BSE. The Issuer's application relates solely to the withdrawal of the Security from listing on BSE and shall not affect its continued listing on NYSE or the Chicago Stock Exchange, Inc. (''CHX''),[3] or its obligation to be registered under Section 12(b) of the Act.[4]

Any interested person may, on or before October 11, 2005 comment on the facts bearing upon whether the application has been made in accordance with the rules of BSE, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

Electronic Comments

- Send an e-mail to *rule-comments@sec.gov*. Please include the File Number 1–07657 or;

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number 1–07657. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5307 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–01553]

Issuer Delisting; Notice of Application of The Black & Decker Corporation To Withdraw Its Common Stock, $.50 Par Value, From Listing and Registration on the Pacific Exchange, Inc.

September 21, 2005.

On August 26, 2005, The Black & Decker Corporation, a Maryland corporation, (''Issuer''), filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its common stock, $.50 par value (''Security''), from listing and registration on the Pacific Exchange, Inc. (''PCX'').

On July 21, 2005, the Board of Directors (''Board'') of the Issuer approved a resolution to withdraw the Security from listing and registration on PCX. The Issuer stated that the following reasons factored into the Board's decision to withdraw the Security from PCX: (i) The Issuer has maintained a dual listing of the Security on the New York Stock Exchange (''NYSE'') and PCX since February 15, 1985; (ii) the primary exchange for trading the Security is NYSE; (iii) a *de minimus* amount of the Security is traded on PCX; (iv) at the time of the Issuer's initial listing on PCX, a regional exchange listing was thought to provide added liquidity to a nationally-traded stock because some investors traded only on regional exchanges; (v) since that time, however, advances in electronic trading platforms have essentially created a single domestic trading platform and eliminated the benefit of dual listings on regional exchanges; and (vi) listing on a regional exchange no longer provides any additional value, and delisting from PCX will save costs by eliminating fees associated with the listing and reduce reporting activities.

The Issuer stated in its application that it has complied with applicable

[5] 17 CFR 200.30–3(a)(1).

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] On August 24, 2005, the Issuer filed an application with the Commission to withdraw the Security from listing and registration on CHX. Notice of such application will be published separately.

[4] 15 U.S.C. 78*l*(b).

[5] 17 CFR 200.30–3(a)(1).

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

rules of PCX by providing PCX with the required documents governing the withdrawal of securities from listing and registration on PCX.

The Issuer's application relates solely to the withdrawal of the Security from listing on PCX, and shall not affect its continued listing on NYSE or its obligation to be registered under Section 12(b) of the Act.[3]

Any interested person may, on or before October 11, 2005, comment on the facts bearing upon whether the application has been made in accordance with the rules of PCX, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/delist.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include the File Number 1–01553 or;

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–9303.

All submissions should refer to File Number 1–01553. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5308 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

[3] 15 U.S.C. 78*l*(b).

[4] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–04121]

Issuer Delisting; Notice of Application of Deere & Company To Withdraw Its Common Stock, $1.00 Par Value, From Listing and Registration on the Chicago Stock Exchange, Inc.

September 21, 2005.

On August 31, 2005, Deere & Company, a Delaware corporation (''Issuer''), filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its common stock, $1.00 par value (''Security''), from listing and registration on the Chicago Stock Exchange, Inc. (''CHX'').

The Board of Directors (''the Board'') of the Issuer approved a resolution on May 26, 2005 to withdraw the Security from listing on CHX. The Issuer stated that the Board decided to withdraw the Security from listing on CHX because it was not in the shareholders' best interest to maintain a listing on multiple stock exchanges. The Issuer stated that the principal stock exchange on which the Security trades is the New York Stock Exchange, Inc. (''NYSE'') and the Security will continue to be traded on NYSE.

The Issuer stated in its application that it has complied with applicable rules of CHX by complying with all applicable laws in the State of Delaware, the state in which the Issuer is incorporated, and by providing CHX with the required documents governing the withdrawal of securities from listing and registration on CHX. The Issuer's application relates solely to the withdrawal of the Security from listing on CHX and shall not affect its continued listing on NYSE, or its obligation to be registered under Section 12(b) of the Act.[3]

Any interested person may, on or before October 11, 2005 comment on the facts bearing upon whether the application has been made in accordance with the rules of CHX, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

Electronic Comments

- Send an e-mail to *rule-comments@sec.gov*. Please include the File Number 1–04121 or;

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number 1–04121. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5309 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [70 FR 55638, September 22, 2005]

STATUS: Closed Meeting.

PLACE: 100 F Street, NE., Washington, DC.

DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING: Monday, September 19, 2005.

CHANGE IN THE MEETING: Additional Item.

The following item has been added to the Closed Meeting scheduled for Thursday, September 29, 2005:

Formal order of investigation.

Commissioner Atkins, as duty officer, voted to consider this item listed for the closed meeting in closed session and

that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: September 23, 2005.

Jonathan G. Katz,

Secretary.

[FR Doc. 05–19499 Filed 9–26–05; 1:50 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–28034]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

September 21, 2005.

Notice is hereby given that the following filing has been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the Declaration for complete statements of the proposed transactions summarized below. The Declaration and any amendments are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the Declaration should submit their views in writing by October 17, 2005, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the declarants at the addresses specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After October 17, 2005, the Declaration, as filed or as amended, may be granted or/or permitted to become effective.

Northeast Utilities, et al. (70–10315)

Northeast Utilities (''NU''), a public utility holding company registered under the Act, located at One Federal Street, Springfield Massachusetts, 01105; has filed a Declaration seeking authorization under sections 6(a) and 7 of the Act and rules 53 and 54 under the Act for debt and equity financing and related transactions. NU is the parent of a number of companies comprising the NU system (the ''System'') and is not itself an operating company. The System furnishes franchised retail electric service in Connecticut, New Hampshire and western Massachusetts through three of NU's wholly-owned subsidiaries, The Connecticut Light and Power Company, Public Service Company of New Hampshire and Western Massachusetts Electric Company. In addition, NU owns Holyoke Water Power Company (''HWP''), a utility for purposes of the Act. HWP owns a 147 megawatt coal-fired plant in Holyoke, Massachusetts and sells all of the output of its generation assets directly to a non-utility affiliate, Select Energy, Inc., under a wholesale contract.

NU is also the parent of Yankee Energy System, Inc. (''YES''), an exempt gas utility holding company. YES is primarily engaged in the retail distribution of natural gas through its wholly-owned subsidiary, Yankee Gas Services Company, a Connecticut retail gas distribution company, and also has several nonutility subsidiaries.

NU Enterprises, Inc. (''NUEI''), a wholly-owned subsidiary of NU, acts as the holding company for NU's unregulated businesses. NUEI has numerous direct and indirect nonutility subsidiaries, including, Select Energy, Inc.; Northeast Generation Company (''NGC''), the system's only exempt wholesale generator (''EWG''); Mode 1 Communications, Inc. and Woods Network Services, Inc., exempt telecommunications companies as defined in Section 34 of the Act; Select Energy Services, Inc., a nonutility subsidiary whose securities NUEI acquired pursuant to express Commission authorization (see Holding Co. Act Release No. 26939, November 12, 1998); and other ''energy-related companies'' as defined in Rule 58 under the Act, such as E.S. Boulos Company and Northeast Generation Services Company.

The current authorization of NU to engage in long-term financing transactions and other related transactions is set forth in Release No. 35–27659, 70–10051 (March 18, 2003) (the ''Prior Order''). The Prior Order authorized NU to issue up to $600 million in long-term debt and to enter into hedging transactions with respect to existing indebtedness of NU and its nonutility subsidiaries (''Nonutility Subsidiaries'') [1] and enter into hedging transactions with respect to future expected debt issuances of NU and its Nonutility Subsidiaries through June 30, 2005. Under the Prior Order, NU, in March 2003 executed two rate swaps from fixed to floating rates on $263 million of 7.25% Senior notes, Series A, due 2012, and in June 2003, NU issued $150 million of 3.30% Senior Notes, Series B, due 2008. On June 30, 2004 (Release No. 35–27870, File No. 70–9755), the Commission authorized NU to issue up to $450 million in short-term debt through June 30, 2007 and to also enter into interest rate hedges on such debt.

NU requests approval for a program of external financing and other related proposals for the period commencing upon the issuance of the Commission order sought through this Declaration and extending through February 8, 2006 (''Authorization Period''). Specifically, NU is requesting authorization:

(i) To issue and sell, from time to time during the Authorization Period, any combination of the following types of securities, provided that the aggregate amount of all such new securities issued during the Authorization Period shall not exceed $750 million outstanding at any time: (A) common shares (including options and warrants exercisable for common shares), share purchase contracts (''Share Purchase Contracts''), share units consisting of a Share Purchase Contract coupled with a debt security or preferred security of NU or an affiliated entity (''Share Purchase Units'') and/or other equity or equity-linked securities of types generally sold in the current marketplace (collectively, ''Equity Securities''), (B) preferred securities (including without limitation preferred stock and monthly income preferred trust securities) (''Preferred Securities''), and (C) long-term debt securities having maturities of one to fifty years (''Long-term Debt''); and

(ii) To the extent not exempt under Rule 52, to enter into various risk management instruments commonly used in today's capital markets to manage equity price and credit risk (''Equity Hedges''), to manage interest rate risk with respect to existing indebtedness of NU and its Nonutility Subsidiaries (''Interest Rate Hedges'' and collectively with Equity Hedges, ''Hedges''), and to enter into hedging transactions (''Anticipatory Hedges'') with respect to anticipatory debt issuances of NU and its Nonutility Subsidiaries in order to lock in current interest rates and/or manage interest rate risk exposure.

[1] Nonutility Subsidiaries include companies formed according to rule 58 of the Act, EWGs, foreign utility companies, as defined in the Act, exempt telecommunications companies and other competitive direct or indirect subsidiaries of NU, the acquisition of which has been authorized by Commission orders.

NU's request is for authority to issue and sell directly from time to time during the Authorization Period, (i) Equity Securities, (ii) Preferred Securities, and (iii) Long-term Debt, provided that the aggregate amount of all such new securities issued during the Authorization Period shall not exceed $750 million at any time outstanding.

All securities issued by NU in accordance with the authorization requested in the Declaration, including, without limitation, securities issued for the purpose of refunding or retiring outstanding securities, will comply with the applicable parameters set forth below.

NU contemplates that such securities will be issued and sold directly to the public in one or more offerings registered under the Securities Act of 1933, as amended (the ''1933 Act'') either (i) through underwriters selected by negotiation or competitive bidding or (ii) through a selling agent acting either as agent or as principal for resale to the public either directly or through dealers, or to one or more purchasers in privately-negotiated transactions or to one or more investment banking or underwriting firms or other entities who would resell such securities without registration under the 1933 Act in reliance upon one or more applicable exemptions from registration under the 1933 Act. All such securities sales will be at rates or prices and under conditions negotiated or based upon, or otherwise determined by, competitive capital markets.

Equity Securities issued and sold by NU under the authorization sought in the Declaration may be issued and sold according to underwriting agreements of a type generally standard in the industry. Equity Securities may take the form of Common Shares, Share Purchase Contracts, Share Purchase Units and other equity or equity-linked securities products of types then offered in the marketplace. Public distributions may be accomplished through private negotiation with underwriters, dealers or agents, as discussed below, or effected through competitive bidding among underwriters. In addition, sales may be made through private placements or other non-public offerings to one or more persons. If underwriters are used in the sale of such securities, such securities will be acquired by the underwriters for their own account and may be resold from time to time in one or more transactions, including negotiated transactions, at a fixed public offering price or at varying prices determined at the time of sale. Such securities may be offered to the public either through underwriting syndicates (which may be represented by a managing underwriter or underwriters designated by NU) or directly by one or more underwriters acting alone, or may be sold directly by NU or through agents designated by NU from time to time. If dealers are used in the sale of such securities, NU will sell such securities to the dealers, as principals. Any dealer may then resell such securities to the public at varying prices to be determined by such dealer at the time of resale. If Equity Securities are being sold in an underwritten offering, NU may grant the underwriters thereof an option permitting the purchase from NU of additional Equity Securities at the same price then being offered. The price applicable to additional shares sold in any such transaction will be based on several factors, including the current market price of the common stock and prevailing capital market conditions. These transactions could occur in connection with forward sales of NU's common shares.

Share Purchase Contracts would obligate holders to purchase from NU, and NU to sell to the holders, a variable or specified number of Common Shares at a future date or dates (typically between three and five years after the date of issuance). The price per share of Common Shares may be fixed at the time the Share Purchase Contracts are issued or may be determined by reference to a specific formula set forth in the Share Purchase Contracts. Share Purchase Contracts may be issued separately or as a part of Share Purchase Units (a form of ''equity-linked'' security), which would consist of a Share Purchase Contract and/or debt securities of NU or its affiliates and/or debt obligations of third parties, including U.S. Treasury securities and/or preferred securities, securing the holders' obligations to purchase the Common Shares under the Share Purchase Contracts. Share Purchase Contracts may require NU to make periodic payments to the holders of some or all of the Share Purchase Units or vice versa, and such payments may be unsecured or prefunded on some basis. The Share Purchase Contracts may require holders to secure their obligations under these Share Purchase Contracts in a specified manner.[2]

Preferred Securities sold under the authorization sought in the Declaration may be issued in one or more series with such rights, preferences, and priorities as may be designated in the instrument creating each such series, as determined by NU's Board of Trustees. Dividends or distributions on Preferred Securities will be made periodically and to the extent funds are legally available for such purpose, but may be made subject to terms which allow the issuer to defer dividend payments or distributions for specified periods or may be non-cumulative. Preferred Securities may be convertible or exchangeable into shares of Common Shares or other securities that NU is authorized to issue. The liquidation preference, dividend or distribution rates, redemption provisions, voting rights, sinking fund provisions, maturities, conversion or exchange rights, and other terms and conditions of a particular series of preferred securities, as well as any associated placement, underwriting, structuring or selling agent fees, commissions and discounts, if any, will be established by negotiation or competitive bidding and reflected in the applicable certificate of designation, purchase agreement or underwriting agreement, and other relevant instruments setting forth such terms.

Long-term Debt may be issued in one or more series in the form of unsecured notes or debentures with such rights, preferences, and priorities as may be designated in the instrument creating each such series, as determined by NU's Board of Trustees. Long-term Debt of a particular series (a) may be convertible into any other securities that NU is authorized to issue, (b) may be subject to optional and/or mandatory redemption, in whole or in part, at par or at various premiums above the principal amount thereof, (c) may be entitled to mandatory or optional sinking fund provisions, and (d) may provide for reset of the coupon pursuant to a remarketing arrangement. The maturity dates, interest rates, redemption and sinking fund provisions and conversion features, if any, with respect to the Long-term Debt of a particular series, as well as any associated placement, underwriting or selling agent fees, commissions and discounts, if any, will be established by negotiation or competitive bidding.

The following general terms will be applicable where appropriate to the proposed external financing activities of

[2] The Commission has previously authorized registered holding companies to issue and sell Share Purchase Contracts and Share Purchase Units (sometimes referred to as equity-linked securities). *See* Dominion Resources, Inc., Holding Company Release No. 27927, December 22, 2004; Ameren Corporation, Holding Company Release No. 27860 (June 18, 2004); American Electric Power Company, Inc., Holding Company Act Release No. 27517 (Apr. 11, 2004); NiSource Inc., Holding Co. Act Release No. 27789 (Dec. 30, 2003).

NU requested to be authorized (including, without limitation, securities issued for the purpose of refinancing or refunding outstanding securities of the issuer): [3]

(a) The effective cost of capital (i.e., the aggregate of all payments, including interest, dividend distributions and other periodic payments) in respect of Share Purchase Contracts, Share Purchase Units, Long-term Debt and Preferred Securities will not exceed competitive market rates available at the time of issuance for securities having the same or reasonably similar terms and conditions issued by similar companies of reasonably comparable credit quality; provided that, in no event will the effective cost of capital (i) on any series of Share Purchase Contracts or Share Purchase Units exceed at the time of issuance 700 basis points over the yield to maturity of comparable-term U.S. Treasury securities; (ii) on any series of Long-term Debt exceed at the time of issuance 500 basis points over the yield to maturity of comparable-term U.S. Treasury securities if the interest rate on such Long-term Debt securities is a fixed rate or, if the rate on such Long-term Debt securities is a floating rate, 500 basis points over the London Interbank Offered Rate (''LIBOR''); and (iii) on any series of Preferred Securities, exceed at the time of issuance 600 basis points over the yield to maturity of comparable-term U.S. Treasury securities.

(b) The maturity of Long-term Debt will be between one year and 50 years after the issuance of the debt instrument.

(c) The underwriting fees, commissions or other similar remuneration paid in connection with any non-competitive issuance, sale or distribution of securities under to the authorization requested in this Declaration will not exceed the greater of (a) 700 basis points of the principal or face amount of the securities being issued or (b) issuance expenses that are generally paid at the time of the pricing for sales of similar securities having the same or reasonably similar terms and conditions issued by similar companies of reasonably comparable credit quality.

(d) NU states that it and its public utility subsidiaries are financially sound and each has investment-grade ratings from major national rating agencies on its senior secured or unsecured debt. NU commits that at all times during the Authorization Period, it will maintain at least an investment-grade senior unsecured long-term debt rating by at least one nationally recognized rating agency and will maintain common equity (as reflected, in the most recent Form 10–K or Form 10–Q filed with the Commission) of at least 30% of its consolidated capitalization; provided that NU will in any event be authorized to issue Common Shares to the extent authorized in this matter. The term ''consolidated capitalization'' is defined to include, where applicable, common stock equity (comprised of common stock, additional paid in capital, retained earnings, accumulated other comprehensive income or loss and/or treasury stock), minority interests, preferred stock, preferred securities, equity linked securities, long-term debt, short-term debt and current maturities, with the term ''debt'' deemed to include rate reduction bonds and rate reduction certificates; except that, whether or not common stock equity comprises 30% of NU's consolidated capitalization, NU may issue common stock at any time during the Authorization Period, subject to the other applicable terms and conditions in the Declaration.

(e) NU states that (a) within four business days after the occurrence of a Ratings Event, NU will notify the Commission of its occurrence (by means of a letter, via fax, e-mail or overnight mail to the Office of Public Utility Regulation), and (b) within 30 days after the occurrence of a Ratings Event, NU will submit a post-effective amendment to this Declaration explaining the material facts and circumstances relating to that Ratings Event (including the basis on which, taking into account the interests of investors, consumers and the public as well as other applicable criteria under the Act, it remains appropriate for NU to issue the securities for which authorization has been requested in this Declaration, so long as NU continues to comply with the other applicable terms and conditions specified in the Commission's order authorizing the transactions requested in this Declaration). Furthermore, no securities authorized as a result of this Declaration will be issued following the 60th day after a Ratings Event (other than common stock) by NU if it has experienced a Ratings Event. NU also requests that the Commission reserve jurisdiction, through the remainder of the Authorization Period, over the issuance of any authorized securities in this Declaration (other than common stock) the issuance of which is prohibited after the 60th day following a Ratings Event. NU's senior unsecured long-term debt securities are currently rated BBB− by Standard & Poor's Inc., Baa2 by Moody's Investors Service and BBB by Fitch. None of NU's other securities are rated. For these purposes, (a) a security will be deemed ''investment grade'' if it is rated investment grade by any of Moody's Investors Service, Standard & Poor's, Fitch Ratings or any other nationally recognized statistical rating agency (as defined by the Commission in rules adopted under the Securities Exchange Act of 1934, as amended) and (b) a ''Ratings Event'' will be deemed to have occurred if, during the Authorization Period, (i) any outstanding security of NU is downgraded below investment grade; or (ii) any security issued by NU upon original issuance is rated below investment grade.

(f) No security will be issued under the authorization sought in this Declaration after the last day of the Authorization Period (February 8, 2006).

(g) The proceeds from the financings authorized by the Commission under this Declaration will be used for general corporate purposes, including (i) financing, in part, investments by and capital expenditures of NU and its subsidiaries, (ii) the acquisition, retirement or redemption by NU of any of its own securities under Rule 42, (iii) financing working capital requirements of NU and its subsidiaries, including by making contributions to the NU Money Pool, and/or (iv) the acquisition of the securities or assets of other companies, as may be authorized by the Commission in a separate proceeding or as otherwise permissible under law. NU represents that no financing proceeds will be used to acquire the equity securities of any new subsidiary unless the acquisition has been approved by the Commission in this proceeding or in a separate proceeding or is permissible in accordance with an exemption under the Act or rules under the Act, including Sections 32 and 33 and Rule 58. None of the proceeds from the transactions proposed in this Declaration will be used by NU or its subsidiaries to acquire any securities of, or any interest in, an EWG or a foreign utility company (''FUCO'').

Subject to the terms of this Declaration, NU requests authorization to enter into hedging transactions in connection with the issuance and sale of securities to manage equity price and credit risk of the securities and to enter into hedging transaction to manage interest rate risk with respect to existing

[3] The Commission has previously authorized financing transactions subject to these same general parameters. *See* e.g., Dominion Resources, Inc., Holding Co. Act Release No. 27927, December 22, 2004; AGL Resources Inc., et al., Holding Co. Act Release No. 27828 (Apr. 1, 2004); Exelon Corporation, et al., Holding Co. Act Release No. 27830 (Apr. 1, 2004); Ameren Corporation, et al., Holding Co. Release No. 27860 (June 18, 2004).

indebtedness of NU and its Nonutility Subsidiaries. Hedges would be accomplished through the entering into, purchasing and selling of various risk management instruments commonly used in today's capital markets, such as interest rate, credit and equity swaps, caps, collars, floors, options, forwards, futures, forward issuance agreements, the sale and/or purchase of various call or put options or warrants, or transactions involving the purchase or sale, including short sales, of U.S. Treasury Securities or U.S. government agency (e.g., Fannie Mae) obligations, or LIBOR-based swap instruments, and similar products designed to manage market price, credit and interest rate risks. Hedges would be used as a means of prudently managing the risk associated with the outstanding security (equity or debt) issued under the authorization requested in this Declaration. In no case will the notional principal amount of any Hedge exceed the face value of the underlying security except to the extent necessary to adjust for differing price movements between the underlying and hedged securities or to allow for the fees related to the transaction. Transactions will be entered into for a fixed or determinable period.

Hedges would only be entered into with counterparties (''Approved Counterparties'') whose senior unsecured debt ratings, or the senior unsecured debt ratings of the parent companies of the counterparties, as published by S&P, are equal to or greater than BBB, or an equivalent rating from Moody's or Fitch Inc. NU will not engage in leveraged or speculative transactions under the authority sought in this Declaration. Fees, commissions and other amounts payable to the counterparty (excluding, however, the swap or option payments) in connection with any Hedge issued will not exceed those generally obtainable in competitive markets for parties of comparable credit quality.

In addition, NU requests authorization to enter into interest rate hedging transactions with respect to anticipated debt of NU and its Nonutility Subsidiaries (the ''Anticipatory Hedges''), subject to certain limitations and restrictions. These Anticipatory Hedges would only be entered into with Approved Counterparties, and would be utilized to fix and/or limit the interest rate risk associated with any new issuance through (i) a forward sale of exchange-traded U.S. Treasury futures contracts, U.S. Treasury Securities and/or a forward-dated swap (each a ''Forward Sale''), (ii) the purchase of put options on U.S. Treasury Securities (a ''Put Options Purchase''), (iii) a Put Options Purchase in combination with the sale of call options on U.S. Treasury Securities (a ''Zero Cost Collar''), (iv) transactions involving the purchase or sale, including short sales, of U.S. Treasury Securities, or (v) some combination of a Forward Sale, Put Options Purchase, Zero Cost Collar and/or other derivative or cash transactions, including, but not limited to structured notes, caps and collars, appropriate for the Anticipatory Hedges.

According to NU, it will comply with Statement of Financial Accounting Standards (''SFAS'') 133 (''Accounting for Derivative Instruments and Hedging Activities'') and SFAS 138 (''Accounting for Certain Derivative Instruments and Certain Hedging Activities'') or other standards relating to accounting for derivative transactions as are adopted and implemented by the Financial Accounting Standards Board (''FASB''). NU represents that each Hedge and each Anticipatory Hedge will qualify for hedge accounting treatment under the current FASB standards in effect and as determined as of the date on which NU enters into each such Hedge or Anticipatory Hedge. NU will also comply with any future FASB financial disclosure requirements associated with hedging transactions.[4]

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5248 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

[4] The proposed terms and conditions of the Hedges and Anticipatory Hedges are substantially the same as the Commission has approved in other cases. In addition to the October 2001 Order, *see* Dominion Resources, Holding Co. Act Release No. 27927 (December 22, 2004); Ameren Corporation, Holding Co. Act Release No. 27860 (June 18, 2004); NiSource Inc., Holding Co. Act Release No. 27789 (Dec. 30, 2003); FirstEnergy Corp., Holding Co. Act Release No. 27694 (June 30, 2003).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52476; File No. SR–CBOE–2005–67]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Revise an Administrative CBOE Membership Rule

September 20, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 2, 2005, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the CBOE. The Exchange has filed the proposal as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to make a change to an administrative CBOE membership rule. The text of the proposed rule change is below. Proposed new language is in *italics*.

* * * * *

Chicago Board Options Exchange, Incorporated

* * * * *

Rule 3.23 Integrated Billing System

Every member, *other than members that are approved to act solely as lessors*, must designate a Clearing Member for the payment of the member's Exchange invoices by means of the Exchange's integrated billing system (''IBS''). The designated Clearing Member shall pay to the Exchange on a timely basis any amount that is not disputed pursuant to IBS procedures by the member who is directly involved. Such payments shall be drafted by the Exchange against the designated Clearing Member's account at the Clearing Corporation. The Clearing Corporation shall have no liability in connection with its forwarding to the Exchange each month a check representing the total amount that the Exchange advises the Clearing Corporation is owed to the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE is revising CBOE Rule 3.23—Integrated Billing System, which requires all members to designate a CBOE Clearing Member for the payment of CBOE invoices. The proposed rule change exempts from the CBOE Rule 3.23 requirements those members that are approved to act solely as lessors. Members that are approved to act solely as lessors have no trading functions on the Exchange (*e.g.*, approved to act as a Market-Maker or Floor Broker) and conduct no activities that would necessitate the designation of a CBOE Clearing Member for the payment of CBOE invoices. Going forward, CBOE will bill any fees owed by members that are approved to act solely as lessors on a manual basis.

2. Statutory Basis

The proposed rule change is comprised of an administrative membership rule change that is designed to facilitate Exchange operations and therefore the Exchange believes the proposed rule change is consistent with Section 6(b) of the Act [5] in general, and furthers the objectives of Section 6(b)(5) [6] in particular, in that it should promote just and equitable principles of trade, serve to remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and Rule 19b–4(f)(6) thereunder.[8]

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*.; or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2005–67 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–CBOE–2005–67. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal offices of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2005–67 and should be submitted on or before October 19, 2005.

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). As required by Rule 19b–4(f)(6)(ii), the Exchange has provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date of this proposal.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5245 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52479; File No. SR–ISE–2004–04]

Self-Regulatory Organizations; International Securities Exchange, Inc.; Notice of Filing of Proposed Rule Change and Amendments No. 1 and 2 Relating to Exposure Periods in the Facilitation and Solicited Order Mechanisms

September 21, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 23, 2004, the International Securities Exchange, Inc. (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Exchange. On September 7, 2005, the ISE filed Amendment No. 1 to the proposed rule change.[3] On September 20, 2005, the ISE filed Amendment No. 2 to the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 superseded and replaced ISE's original filing in its entirety.

proposed rule change.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to decrease the exposure period in its Facilitation and Solicited Order Mechanisms from 10 seconds to three seconds. The text of the proposed rule change is as follows (*italics* indicates additions; [brackets] indicate deletions): [5]

* * * * *

Rule 716. Block Trades

(a) through (e) no change.

Supplementary Material to Rule 716

.01 through .03 no change.

.04 The time given to Members to enter Responses under paragraph (c)(1) shall be thirty (30) seconds. The time given to Members to enter Responses under paragraph (d)(1) and Responses under paragraph (e)(1) shall be [ten (10)] *three (3)* seconds.

.05 through .08 no change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Electronic Access Members that seek to execute their customer orders as principal (facilitations) or to execute their customer orders against orders they solicit from other broker-dealers (solicitations) may use the Facilitation and Solicited Order Mechanisms contained in ISE Rule 716 or the Price Improvement Mechanism contained in ISE Rule 723. All three of these mechanisms expose orders to the market to give other market participants an opportunity to participate in the trade. Currently, the exposure period for the Facilitation and Solicited Order Mechanisms is ten seconds under ISE Rule 716, while the exposure period for the Price Improvement Mechanism is only three seconds under ISE Rule 723. The purpose of this proposed rule change is to reduce the exposure period for the Facilitation and Solicited Order Mechanisms from ten seconds to three seconds.[6]

When it approved the three-second exposure period for the Price Improvement Mechanism, the Commission concluded that, in light of the ISE's fully electronic marketplace, the three-second exposure period gave participants sufficient time to compete for orders. The ISE believes that there is no reason for the exposure periods to be different among the three mechanisms, since members are notified of the orders and enter their interest in trading with the orders in the same technical manner. Moreover, the Price Improvement Mechanism is an interactive auction where members receive and can respond to multiple price updates within the three second period, whereas members only receive one message at the start of an auction with respect to orders executed through the Facilitation and Solicited Order Mechanisms. Indeed, the ISE believes that exposing orders for ten seconds rather than three in its fully electronic market adds risk to the orders being exposed without providing any offsetting benefit to the orders.

2. Basis

The basis under the Act for this proposed rule change is found in Section 6(b)(5),[7] in that the proposed rule change is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest, in that the proposal will allow orders to be executed through the Facilitation and Solicited Order Mechanisms in a more timely and efficient manner.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–ISE–2004–04 on the subject line.

[4] Amendment No. 2 corrected a non-substantive typographical error in the text of the proposed rule change, and two incorrect references in footnotes to the Form 19b–4 for Amendment No. 1 and Exhibit 1 thereto.

[5] There were no changes to the text of the proposed rule change in Amendment No. 1. However, the proposal was updated in Amendment No. 1 to reflect changes in the text of ISE Rule 716 that occurred since the initial proposal was submitted. The Purpose section of the filing was also updated.

[6] ISE Rule 716 originally required that orders be exposed in the Facilitation Mechanism for 30 seconds. In September 2002, the Commission approved reducing this exposure period from 30 seconds to ten seconds. *See* Securities Exchange Act Release No. 46514 (September 18, 2002), 67 FR 60627 (September 25, 2005) (approving File No. SR–ISE–2001–19). The Solicited Order Mechanism was approved in June 2004 with an exposure period of ten seconds. *See* Securities Exchange Act Release No. 49943 (June 30, 2004), 69 FR 41317 (July 8, 2004) (approving File No. SR–ISE–2001–22). The Price Improvement Mechanism was approved in December 2004 with the three-second exposure period. *See* Securities Exchange Act Release No. 50819 (December 8, 2004), 69 FR 75093 (December 15, 2004) (approving File No. SR–ISE–2003–06).

[7] 15 U.S.C. 78f(b)(5).

Paper Comments

• Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–ISE–2004–04. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2004–04 and should be submitted on or before October 19, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5243 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52475; File No. SR–NYSE–2005–50]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to Proposed Amendments to Rules 282 (Mandatory Buy-In), 284 (Procedure for Closing Defaulted Contract), 289 (Must Receive Delivery), and 290 (Defaulting Party May Deliver After Notice of Intention To Close)

September 20, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 15, 2005, the New York Stock Exchange, Inc. (''NYSE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by the NYSE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE hereby proposes an amendment to Rules 282 (''Mandatory Buy-In''), 284 (''Procedure for Closing Defaulted Contract''), 289 (''Must Receive Delivery''), and 290 (''Defaulting Party May Deliver After Notice of Intention to Close'') to standardize buy-in rules and procedures. The proposed rule change is set forth below. Proposed new language is *italicized*; proposed deletions are in [brackets].

Rule 282—[Mandatory] Buy-In *Procedures*

A contract in securities, [other than] *except* a contract *where its* [the] close-out [of which] is governed by the rules of a Qualified Clearing Agency, which has not been [fulfilled] *completed by the seller* in accordance with its terms, [for a period of thirty calendar days] *may be closed-out by the buyer (i.e., the initiating member organization) no sooner than three business days* after the due date for delivery, [shall be closed] pursuant to the following procedures:

(*a*) [A NOTICE of intention in triplicate] *An initiating member organization (buyer) may deliver a written ''buy-in'' notice* [shall be delivered] to the *defaulting* member organization [in default] at or before 1*2*:00 [p.m.] *noon ET at least two business days before the proposed execution of a ''buy-in''* [on the fourth business day prior to the thirty-first calendar day after the due date of the contract] *(the buy-in execution date shall be referred to as the ''effective date'' of the notice).* [Hereafter, such fourth business day shall be referred to as the Effective Date of NOTICE. A copy of a receive order] *Receipt of delivery to the defaulting member organization,* [issued by a Qualified Clearing Agency or a stamped comparison must accompany] *must be maintained with* the [NOTICE when delivered] *notice as part of the initiating member organization's books and records.* [If neither of these documents is available, then, if possible, other evidence of the item should accompany the NOTICE.]

(b) The *defaulting* member organization receiving the [NOTICE of intention] *''buy-in'' notice* must [indicate on the copies of the NOTICE] *send a signed, written response to the initiating organization stating* its position with respect to the resolution of the item [and then return, to the initiating organization, a copy signed by a member, allied member officer or authorized representative of the organization] no later than 5:00 p.m. ET on [the third business day after the Effective Date of NOTICE] *the date of issuance of the ''buy-in'' notice (the ''buy-in'' notice date).*

[(c) If the NOTICE is returned to the initiating party ''DK'd,'' the initiating party shall itself ''close-out'' the contract with reasonable promptness. The party which ''DK'd'' the NOTICE may not seek to fulfill the contract at a later date. No such ''close-out'' by the initiating organization shall preclude it from taking action to recover any resulting damages.]

([d] *c*) If the [NOTICE] *''buy-in'' notice* has not been returned *by 5:00 p.m. ET on the ''buy-in'' notice date*, [duly signed, when due] or *the ''buy-in'' notice is returned as ''DK'd,'' or* the [NOTICE] *''buy-in'' notice* is returned with the indication that the contract is known but that delivery cannot be made, a ''buy-in'' [ORDER in duplicate shall be sent to the member or organization in default by 9:30 a.m.] *shall be executed on the ''effective date'' by the initiating member organization by purchasing all or part of the securities necessary to satisfy the amount requested in the ''buy-in'' notice.* [on the thirty-first calendar day after the due date or, if the Exchange is closed on such day, on the next day that the Exchange is open for trading.]

(d) Where the buyer is a customer (other than another member

[1] 15 U.S.C. 78s(b)(1).

organization), upon failure of a defaulting member organization to effect delivery in accordance with a ''buy-in'' notice, the contract may be closed-out by purchasing for ''cash'' in the best available market, or at the option of the initiating member organization, for guaranteed delivery for all or any part of the securities necessary to complete the contract. ''Buy-ins'' executed in accordance with this paragraph shall be for the account and risk of the defaulting member organization.

(e) [Such ORDER shall be filed on the mandatory ''buy-in'' ORDER form and shall be understood to be entered as an open order capable of being executed on a ''cash,'' ''next-day'' or ''regular-way'' basis.] *Every ''buy-in'' notice shall state the date of the contract to be closed, the quantity and the contract price of the securities covered by said contract, the settlement date of said contract and any other information deemed necessary to properly identify the contract to be closed. Such notice shall state further that 'unless delivery of the underlying securities is effected at or before 3:00 p.m. ET on the ''effective date'' of the ''buy-in'' notice, the security may be ''bought in'' on the date specified for the account of the initiating member organization.' Each ''buy-in'' notice shall also state the name and telephone number of the individual authorized to pursue further discussions concerning the ''buy-in.''*

(f) [The original ORDER will be given for execution to a member of or a representative designated by the member organization listed on the order as being in default. Such ORDER shall be executed on that day, unless (1) a Floor Governor, Senior Floor Official, or Executive Floor Official shall defer the execution because a fair market in which to close the contract is not available or (2) the party in default has physical possession of the security and has notified the member organization which initiated the ORDER that it intends to make immediate delivery.] *Securities delivered subsequent to the receipt of the ''buy-in'' notice should be considered as received pursuant to the ''buy-in'' notice. Delivery of the requisite number of shares, as stated in the ''buy-in'' notice, or execution of the ''buy-in'' will also operate to close-out all contracts covered under re-transmitted notices of ''buy-ins'' issued pursuant to the original notice of ''buy-in,'' pursuant to Rule 285. If a re-transmitted ''buy-in'' is executed, it will operate to close-out all contracts covered under the re-transmitted notice. A ''buy-in'' may be executed by the initiating member organization from its long position and/or from customers' accounts maintained with such member organization.*

(g) [The member of or a representative designated by the member organization in default shall render a report of execution to the member organization initiating the buy-in ORDER or return the original ORDER indicating the reason for its non-execution. When a Floor Governor, Senior Floor Official, or Executive Floor Official has deferred execution, his signature should appear on the ORDER form. (A Floor report covering any execution should be submitted to the Information Desk on the Floor together with the ORDER form.)] *Prior to the closing of a contract on which a ''buy-in'' notice has been given, the initiating member organization shall accept any portion of the securities called for by the contract, provided the portion remaining undelivered at the time the initiating member organization proposes to execute the ''buy-in'' is not an amount which includes an odd-lot which was not part of the original transaction.*

(h) [The member organization which initiated the ORDER shall take into consideration the Floor brokerage, in adjusting any money difference as set forth in Rule 287.] *The initiating member organization executing the ''buy-in'' shall immediately upon execution, but no later than 5:00 p.m. ET, notify the defaulting member organization as to the quantity purchased and the price paid. Such notification shall be in written or electronic form having contemporaneous receipt capabilities, or if not available, the telephone shall be used for the purpose of same day notification, provided that written or similar electronic notification having next day receipt capabilities must also be sent out simultaneously. In either case, formal confirmation of purchase along with a billing or payment, as appropriate, should be forwarded as promptly as possible after the execution of the ''buy-in.''*

(i) In situations where securities have been delivered *by the defaulting member organization* after the ''buy-in'' [ORDER] *order* was [filed] *placed*, the securities may be returned if the ''buy-in'' [ORDER were] *was* executed before it could *reasonably* be cancelled *by the initiating member organization.*

(j) For purposes of this Rule, written notice shall include an electronic notice through a medium that provides contemporaneous return receipt capability. Such electronic media shall include but not be limited to facsimile transmission, a computerized network facility, or the electronic functionality of a Qualified Clearing Agency, etc.

[Every reasonable means to borrow securities in order to make delivery on open contracts shall be employed by member organizations. If, however, unusual circumstances exist whereby securities cannot be borrowed, application for suspension of this rule with respect to a specific contract may be made to The Market Surveillance Division of the Exchange by the twenty-fifth calendar day after the due date for delivery. Such application shall set forth the unusual circumstances as well as the unsuccessful efforts made by the member organization to borrow securities in order to effect delivery.]

[If, in the opinion of the Exchange, unusual circumstances exist, the Exchange may direct that the operation of this Rule be temporarily suspended for such period of time as it may determine, either with respect to the market generally, with respect to a specific security or securities or with respect to a specific contract or contracts, but no such suspension shall relieve the party in default of any resulting damages.]

Supplementary Material

.10 [Paragraph (a) in Rule 282 above requires that the NOTICE of intention be filed with the defaulting member organization in triplicate. Copy III should be stamped by the member organization to whom it is addressed to acknowledge receipt and then returned to and retained by the initiating party for its own records. When the defaulting member organization has completed Copy I and Copy II of the NOTICE, both copies should be returned to the initiating member organization. Copy II should be stamped by the initiating member organization to acknowledge receipt and then returned to and retained by the defaulting party for its own records.

A defaulted contract shall not be ''bought-in'' by the initiating party when the defaulting member organization indicates on the returned form that it has applied for and evidences an Exchange approved EXEMPTION.]

Members and member organizations are obligated to comply with the close-out provisions of Regulation SHO, promulgated under the Securities Exchange Act of 1934. Specifically, Exchange ''buy-in'' rules (i.e., Rules 282, 283, 285, 286, 287, 288, 289, 290, 291, 292, 293, and 294) do not abrogate a member's or a member organization's responsibilities or obligations to comply with Regulation SHO, and the close-out provisions of Rule 203(b)(3).

Rule 284—[Procedure for Closing Defaulted Contract] *Reserved*

[A contract in securities other than a contract, the close-out of which is governed by the rules of a Qualified Clearing Agency which has not been fulfilled according to the terms thereof may be closed pursuant to the following procedures.]

[The ORDER to close-out such contract shall be delivered in duplicate to the member organization in default and a NOTICE of intention to make such closing. Every such ORDER and every such NOTICE shall be in writing, and shall state the name of the member organization giving the ORDER, the date of the original contract to be closed, the maturity date of such contract, the quantity and contract price of the securities covered by said contract, and the name of the other party thereto.]

[With respect to contracts, other than ''cash'' contracts to be closed on the day of the contract, such NOTICE shall be delivered to the member organization in default prior to forty-five minutes after delivery time. Unless the Exchange directs otherwise, such ORDER shall be delivered to the member organization in default between 2:15 and 2:30 p.m. and the contract shall not be closed before 2:35 p.m.]

[When a contract made for ''cash'' is to be closed on the day of the contract, the time of the transaction shall be stated on the NOTICE and the ORDER. Such NOTICE shall be delivered to the member organization in default prior to the delivery of the ORDER. Such ORDER shall be delivered to the member organization in default between 2:30 and 2:45 p.m. in the case of transactions effected at or before 2:00 p.m. and within forty-five minutes after the transaction in the case of transactions effected after 2:00 p.m. No ''cash'' contract to be closed on the day of the contract shall be closed prior to five minutes after the delivery time for such contract.]

[The procedure for execution of buy-in orders and rendering reports shall be the same as set forth in Rule 282(f), (g) and (h).]

[The closing of a contract may be deferred by order of a Floor Official whenever in his opinion a fair market in which to close the contract is not available, and the Exchange may defer the closing of a contract if it determines that the default is due to the existence of a general emergency situation, but no such deferment shall relieve the party in default of any resulting damages.]

Rule 289—Must Receive Delivery

When a member or member organization has [given notice of intention to close a contract for non-delivery] *delivered a buy-in notice pursuant to Rule 282*, or has re-transmitted notice thereof as provided in Rule 285, [he or it] *the initiating member organization* must receive and pay for *those* securities [due upon such contract] *subject to the buy-in notice* if tendered [at his or its office] prior to the [closing of] *buy-in of* such contract.

If the person who, pursuant to Rule[s] 282 [or 284], [has in hand the order to close] is notified prior to the [closing] *buy-in* by a *defaulting* member or member organization that some or all of the securities (but not less than one trading unit) are in his or its physical possession and will be promptly delivered, then the order to [close] *buy-in* shall not be executed with respect to such securities, and the *initiating* member or member organization who has given the original order to [close] *buy-in* shall accept and pay for such securities, if tendered promptly.

Damages for Non-Delivery

If such securities [be] *are* not promptly tendered, the *defaulting* member or member organization who has stated that they would be promptly delivered shall be liable for any resulting damages.

Supplementary Material

10 [Notices.—Notices by the party giving the order, of cancellations or changes in quantity must be given to the member organization in default, when given in connection with buy-ins under Rule 282 at or before 9:30 a.m. or under Rule 284 at or before 2:30 p.m. After the aforementioned times such notices must be given to the person handling the order on the Floor.

The member of or representative designated by the member organization in default should turn over the ORDER together with the cancellation or changes in quantity of such ORDER to the party giving the order.

Notices by the party in default of physical possession of the securities and intention to make immediate delivery must be given to the initiating member organization, when given in connection with buy-ins under Rule 282 at or before 9:30 a.m. or under Rule 284 at or before 2:30 p.m. After the aforementioned times such notices must be given to the person handling the order on the Floor.] *Reserved.*

Rule 290—Defaulting Party May Deliver After *"Buy-In"* Notice [of Intention to Close]

A *defaulting* member or member organization *(seller)* who has received a *''buy-in''* notice*, pursuant to Rule 282* [of intention to close a contract], or re-transmitted notice thereof, may deliver the securities [at the office of] *to* the *initiating* member or member organization (*buyer*) issuing such notice up to [2:30] *3:00* p.m. *ET.* [He or it] *The defaulting member organization* may deliver such securities after [2:30] *3:00* p.m. *ET on the ''effective date'' of the buy-in notice* if*:* [notice is given to the Exchange] *(i) agreed to by the initiating member organization, (ii)* before the execution of the order [that he or it] *and (iii) when the defaulting member organization* has physical possession of the securities.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NYSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NYSE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The NYSE proposes to amend NYSE Rules 282, 284, 289, and 290 to permit Member and Member Organizations (collectively referred to as ''member'') to initiate buy-ins, reduce the waiting period to initiate a buy-in from thirty days to three days, and to otherwise provide more standardized and consistent industry buy-in rules and procedures.

Current Requirements

NYSE Rule 282 sets forth the ''mandatory buy-in'' process by which member acting as a buyer (''initiating member'') is required to close-out a contract that has not been completed by the member acting as the seller (''defaulting member'') for a period of thirty calendar days. A mandatory buy-in requires that a buy-in notice be delivered in triplicate by the initiating member (buyer) to the defaulting member (seller). The defaulting member receiving the buy-in notice must indicate on the buy-in notice its position with respect to the resolution

[2] The Commission has modified the text of the summaries prepared by the NYSE.

of the failed trade (*e.g.*, doesn't know the trade, knows the trade but cannot deliver, will deliver) and return the buy-in notice to the initiating member. If the buy-in notice is not returned when due or is returned with the indication that the contract is known but that delivery cannot be made, a ''buy-in order'' in duplicate is sent to the defaulting member for execution.

NYSE Rule 284 sets forth a procedure by which an initiating member may close-out a contract that has not been completed by the defaulting member but that is not required to be closed-out. The initiating member must deliver a buy-in notice to the defaulting member prior to forty-five minutes after delivery time. Then the initiating member (buyer) must deliver a buy-in order to the defaulting member between 2:15 and 2:30 p.m. for execution after 2:35 p.m.

NYSE Rule 289 requires an initiating member to accept physical delivery of some or all of the securities that are the subject of a buy-in, thereby halting the mandatory buy-in execution for those securities, if the defaulting member tenders the securities prior to the mandatory buy-in deadlines. NYSE Rule 290 permits a defaulting member to deliver securities subject to a notice of buy-in until 2:30 p.m. on the day of the execution of the buy-in.

Discussion

The NYSE buy-in rules apply to transactions that are not subject to the rules of a qualified clearing agency such as The Depository Trust Company (''DTC'') and the National Securities Clearing Corporation (''NSCC''). In the event that a buy-in is sent to the NYSE floor for execution, then NYSE buy-in rules apply.

However, under the current NYSE rules, there are inherent conflicts of interest by permitting the defaulting member to execute the buy-in. For example, the defaulting member could manipulate the extent to which it has market exposure by timing its purchase of the necessary securities to benefit itself. The initiating member may receive negative customer reaction if the customer learns that its trade has not settled and their securities unavailable because a buy-in has not been executed by the defaulting member or has not been executed in a timely manner.

Other self-regulatory organizations (''SROs'') have recognized this potential conflict and have adopted buy-in rules that assign responsibility to the initiating member to execute the buy-in. By allowing initiating members to execute their own buy-ins, any potential conflict of interest involving the defaulting member is avoided and the process is expedited.

In the course of reviewing the operation of its buy-in rules, the NYSE and other regulators met with the Securities Industry Association's Securities Operations Division Buy-In Committee (''Committee''), which is comprised of regulators, broker-dealers, and industry groups, to identify and standardize various buy-in rules and procedures regarding the close-out process related to street-side contracts. The Committee requested that the NYSE amend the buy-in rules to eliminate the ''Notice'' procedures described above and to allow the initiating member (buyer) to execute buy-ins to close out a contract.

Proposed Amendments

The NYSE is proposing five amendments to its buy-in rules. First, the NYSE is proposing to amend Rule 282 to allow the initiating member to execute a mandatory buy-in and to reduce the waiting period to initiate a mandatory buy-in from thirty days to three days after delivery on the contract was due. The NYSE believes once the responsibility is shifted to the initiating member, the buy-in process will work more efficiently.

Second, the NYSE is proposing to eliminate the requirement for duplicate and triplicate paper notices and to permit electronic notices, including notices from a computerized network facility or from the electronic functionality of a qualified clearing agency, such as DTC and NSCC. The proposed amendments would also amend existing time deadlines for delivering notices, securities, and executions and substitute those used by other self-regulatory organizations (*i.e.*, DTC and NSCC).

Third, the NYSE is proposing to add a section to Rule 282's Supplementary Material to ensure that members comply with the closeout requirements of Regulation SHO.[3] Members are obligated to comply with the marking, locate, and delivery requirements of Regulation SHO for short sales of equity securities. As a result, members should have policies and procedures in place to comply with these rules, including closeout procedures.

Fourth, the NYSE is proposing to rescind Rule 284 and incorporate those ''buy-in'' procedures into Rule 282. The NYSE is also proposing to amend Rules 289 and 290 to clarify the requirements and timeframes upon which a defaulting member may deliver against a ''buy-in'' notice. Fifth, the NYSE proposes technical amendments to Rules 282, 289, and 290 to better coordinate the rules with industry practice.

The NYSE believes the proposed amendments to its buy-in rules, Rules 282, 284, 289 and 290, should aid members in the clearance and settlement of transactions. In addition, the proposed amendments should help employ industry practice to allow members to clean-up fails and to deliver more quickly by instituting buy-ins in NYSE listed securities. The NYSE states it is optimistic that members will seize the opportunity to better manage their operational and market risks and buy-in these positions at the earliest opportunity.

The statutory basis for the proposed rule change is Section 6(b)(5) of the Act.[4] The proposed amendments to NYSE Rules 282, 284, 289 and 290 are consistent with the requirements of Section 6(b)(5) which requires, among other things, that the rules of an exchange are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The NYSE believes that the proposed amendments are consistent with its obligations under Section 6(b)(5) of the Act because the NYSE thinks that by amending its buy-in rules to permit the initiating members to execute a buy-in, members should find it easier to execute buy-ins of NYSE-listed securities and therefore buy-in such transactions sooner. In addition, the rule amendments should remove unnecessary paperwork and amend time deadlines to conform to current industry practice.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NYSE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

[3] Securities Exchange Act Release No. 50103 (July 28, 2004), 69 FR 48008 (August 6, 2004), [File No. S7–23–03] (adoption of Regulation SHO).

[4] 15 U.S.C. 78f(b)(5).

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The NYSE has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2005–50 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–NYSE–2005–50. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549. Copies of such filings also will be available for inspection and copying at the principal office of the NYSE and on the NYSE's Web site, *http://www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2005–50 and should be submitted on or before October 19, 2005.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5244 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52473; File No. SR–OCC–2005–12]

Self-Regulatory Organizations; the Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Fees for OCC's Theoretical Profit/Loss File

September 20, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 16, 2005, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change applies existing fees for the OCC theoretical profit/loss file to OCC clearing members and broker-dealers that are not OCC clearing members that subscribe to the file for customer portfolio margining purposes.

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Pursuant to the customer portfolio margining pilot program recently approved by the Commission,[3] the theoretical prices used for computing profits and losses of eligible instruments in a participating customer's account must be generated by a theoretical pricing model that meets the requirements set forth in Appendix A[4] to the Commission's net capital rule, Rule 15c3–1.[5] The requirements of Appendix A include, among other things, that the model be nonproprietary, be approved by a Designated Examining Authority, and be available on the same terms to all broker-dealers. Currently, OCC's model is the only model that has been approved.

OCC initially developed the theoretical profit/loss model in connection with an amendment to the Commission's net capital rule permitting broker-dealers to employ theoretical option pricing models in determining net capital requirements for listed options and related positions.[6] Subsequently, the Commission approved a proposed rule change filed by OCC allowing OCC to establish a subscription service providing clearing members and other non-clearing member broker-dealers with theoretical profit and loss values for the purpose of calculating net capital requirements

[2] The Commission has modified parts of these statements.

[3] Securities Exchange Act Release Nos. 52031 (July 14, 2005), 70 FR 42130 (July 21, 2005) [File No. SR-NYSE–2002–19] and 52032 (July 14, 2005), 70 FR 42118 (July 21, 2005) [File No. SR–CBOE–2002–03].

[4] 17 CFR 240.15c3–1.

[5] 17 CFR 240.15c3–1a.

[6] Securities Exchange Act Release No. 38248 (February 5, 1997), 62 FR 6474 (February 12, 1997).

under the revised net capital rule.[7] In the same filing, OCC proposed and the Commission approved the schedule of fees that OCC would charge for the service. The present rule change applies the existing schedule of fees to clearing members and non-clearing member broker-dealers that subscribe to the theoretical profit/loss file for the purpose of calculating customer margin using the portfolio margining methodology.[8]

OCC believes that the proposed change is consistent with Section 17A of the Act because the proposed rule change allocates reasonable fees in a fair and equitable manner by applying the current fees charged to all subscribing broker-dealers, whether or not they are OCC clearing members, for the theoretical profit/loss file equally to all subscribing broker-dealers, whether or not they are an OCC clearing member, that use the file for customer portfolio margining or risk-based haircut purposes. The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[9] and Rule 19b–4(f)(2)[10] thereunder because it establishes or changes a due, fee, or other charge. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–OCC–2005–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–OCC–2005–12. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE, Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.optionsclearing.com.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–OCC–2005–12 and should be submitted on or before October 19, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5246 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

[7] Securities Exchange Act Release No. 39503 (December 31, 1997), 63 FR 1521 (January 9, 1998) [File No. SR–OCC–97–19].

[8] OCC also intends to make the theoretical profit/loss file available to interested customers but without charge in order to encourage participation by eligible customers in the portfolio margining pilot program and because OCC would already be charging the carrying broker-dealer for the file.

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52472; File No. SR–PCX–2005–73]

Self-Regulatory Organizations; Pacific Exchange, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto Relating to the Establishment of a Portfolio Crossing Service

September 20, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 7, 2005, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PCX. On September 14, 2005, the PCX filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX, through its wholly-owned subsidiary PCX Equities, Inc. (''PCXE''), proposes to amend its rules governing the Archipelago Exchange (''ArcaEx''), the equities trading facility of PCXE. With this filing, the Exchange proposes to establish a new transaction and trade reporting mechanism for Equity Trading Permit Holders (''ETP Holders'') to allow the execution and reporting of portfolio trades in equity securities.

The text of the proposed rule change, as amended, is available on PCX's Web site (*http://www.pacificex.com*), at the PCX's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced and superseded the original filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As part of its continuing efforts to enhance participation on the ArcaEx facility, the PCX is proposing to implement a new Portfolio Crossing Service (''PCS'') which would allow ETP Holders [4] to execute and report portfolio trading activity conducted as principal in equity securities. The proposed rule change would provide a new forum for trade execution and reporting within ArcaEx. In order to use PCS, ETP Holders would input a basket of individual cross orders each with a basket number identifier tying it to the other orders in the basket. These baskets of individual cross orders would not interact with orders residing in the ArcaEx facility. Further, each side of an individual coupled order in a basket entered into PCS would execute without regard to the priority of other orders entered into PCS.

A. *Submitting Orders into PCS.* 1. *Timing of Submission.* ETP Holders would be able to submit eligible cross orders in equity securities into PCS at any time trading occurs on the Exchange (currently, 1 a.m. Pacific Time to 5 p.m. Pacific Time). However, as described more fully below, these orders would be held by ArcaEx and would not execute until at least one minute after the close of trading on the Exchange, *i.e.*, 5:01 p.m. Pacific Time. If an ETP Holder attempted to submit orders into PCS outside of the time period described above, the submission would be rejected. ETP Holders would be able to cancel any basket of orders entered into PCS at any time before 5 p.m. Pacific Time.

2. *Orders Eligible for Submission.* Orders would be eligible for submission to PCS only if they are part of a qualifying portfolio basket trade. To be eligible for PCS, orders must be part of a basket of individual cross orders [5] comprised of at least 15 securities and with a total market value of at least $1,000,000. All symbols eligible for trading on ArcaEx would be eligible for trading on PCS. A basket of orders which meets the standards above, as described in proposed in Rule 7.65, is referred to as a ''PCS Order.'' Each individual component of a PCS Order must be appended with a basket number identifier tying it to the other order components of the PCS Order. This identifier would be used to distinguish the individual components of any PCS Order from a Rule 7.31(s) Cross Order destined for ArcaEx.

B. *Execution of Orders in PCS.* As discussed above, ETP Holders may enter PCS Orders at any time during the Exchange's trading day.[6] When the Exchange receives a PCS Order, it would hold such order until the end of trading, currently 5 p.m. Pacific Time. All PCS Orders received during any particular trading day would be executed simultaneously in PCS at least one minute after the close of trading on the Exchange but in no event later than 8:59 p.m. Pacific Time. Each individual order component of a PCS Order would not interact with other PCS Orders or other orders residing in the Arca book [7] in any way. As set forth in the proposed rules, PCS would not be subject to many trading rules applicable to normal trading on ArcaEx.[8]

Trading halts occurring during the normal market hours in one or more individual stocks would not affect the execution of PCS Orders. However, if there is a market-wide halt in a symbol (*e.g.,* a halt initiated pursuant to PCXE circuit breaker rules) that is still in effect at 1 p.m. Pacific Time, the Exchange would halt trading in such symbol through its PCS.

C. *Trade Reporting in PCS.* The Exchange would handle trade reporting for PCS executions in one of two different ways, depending on whether a particular PCS component execution involved exchange-listed or Nasdaq securities. With respect to exchange listed securities, the Exchange would not disseminate last sale reports in the individual exchange-listed stocks that comprise the component order executions in PCS. Instead, PCS executions in exchange-listed securities would be transmitted to SIAC for publication on the ''tape'' on an aggregate basis.[9] The system would calculate the total shares and total dollar amounts of all exchange-listed symbols executed in PCS in any particular trading day. The Exchange would then transmit this total as an administrative message over the high speed line to SIAC. The Exchange would not consolidate the exchange-listed volume attributable to PCS with the volume in those securities occurring in the non-PCS trading session occurring on ArcaEx. With respect to Nasdaq-listed securities, the Exchange would report symbols individually to Nasdaq as regular transactions as of the following morning.[10] This reporting procedure mirrors the current ArcaEx trade reporting practice for Nasdaq trades occurring after 3:30 p.m. Pacific Time.

All PCS executions, whether exchange-listed or Nasdaq securities, will be ''covered sales'' occurring on the Exchange for the purposes of Section 31 of the Act. The Exchange will report PCS activity to the Commission in Part II of Form R31.

D. *Commission Approval of Similar SRO Trading Sessions.* In the past, the Commission has approved the creation of crossing sessions operated by other self-regulatory organizations which provide for alternative execution and reporting services for exchange member portfolio trades.[11] For example, the

[4] *See* PCXE Rule 1.1(n).

[5] PCXE Rule 7.31(s) defines the Cross Order type with respect to trading on ArcaEx. Proposed rule 7.31(ii) establishes the new ''PCS Order.'' Each individual component of a PCS Order would closely resemble the Cross Order type used for trading in ArcaEx with respect to the mechanics for order entry. However, the individual coupled orders which are part of a PCS Order basket would also possess a unique basket number identifying the component as part of a PCS Order.

[6] The New York Stock Exchange's (''NYSE'') Crossing Session II is another after hours session which allows member firms the ability to cross program trades. NYSE's Crossing Session II, however, does not accept orders until after the close of regular trading.

[7] *See* PCXE Rule 1.1(a).

[8] For example, because executions in PCS would occur after 8 p.m. ET but before 8 a.m. ET, PCS trades would not be subject to short sale price tests under the SEC's pilot program. *See* Securities Exchange Act Release Nos. 50104 (July 28, 2004), 69 FR 48032 (August 6, 2004); and 50747 (November 29, 2004), 69 FR 70480 (December 6, 2004).

[9] The Securities Industry Automation Corporation (''SIAC'') is the information processor for exchange-listed securities. ArcaEx would coordinate with SIAC to ensure it would be able to receive messages from ArcaEx reflecting aggregate PCS executions.

[10] Nasdaq is the securities information processor for Nasdaq-listed securities. Section 11 of the Nasdaq Unlisted Trading Privileges Plan deals with trade reporting for Nasdaq securities after 6:30 p.m. Eastern Time.

[11] *See* Securities Exchange Act Release No. 29237 (May 24, 1991), 56 FR 24853 (May 31, 1991) (order approving SR–NYSE–90–52 and SR–NYSE–90–53, the ''NYSE CS II Approval Order''). *See also* Securities Exchange Act Release No. 38077 (December 23, 1996), 61 FR 69124 (December 31, 1996) (order approving SR–Amex–96–43, a rule proposal to establish an Amex trading session to

Continued

NYSE has operated its Crossing Session II, which allows for the execution and reporting of crosses of multiple-stock aggregate-price buy and sell orders, for over thirteen years.[12] In the Commission's NYSE CS II Approval Order, the Commission explained its rationale for approving the NYSE's proposed rules: ''the Commission believes that CS II would benefit the investing public by offering members the opportunity to enter crossing portfolio orders with their customers after-hours to be executed against each other.'' [13] In the NYSE CS II Approval Order, the Commission invited other exchanges to offer similar services to compete with the Crossing Session II, stating, ''if the regional exchanges or the NASD desire to compete with the OHT [Off-Hours Trading] facility, they could provide a similar service.''

The Exchange, in this filing, seeks to establish a service to compete with the NYSE Crossing Session II. The Exchange believes that its proposed PCS would benefit the investing public by offering ETP Holders the opportunity to enter crossing portfolio orders to be executed against each other and would therefore provide investors and ETP Holders with greater opportunities for executing large portfolio trades.

Request for Exemptive Relief. In connection with the Exchange's request for approval of the proposed PCS, the Exchange is also requesting exemptive relief in a separate letter from Rule 11Aa3–1 under the Act in connection with trades executed through ArcaEx's PCS. In summary, the Exchange requests exemptive relief from the requirement in Rule 11Aa3–1 that the Exchange disseminate on a consolidated basis trading volume for each of the component securities executed on the Exchange's PCS. In addition, the Exchange has requested clarification from the Commission with respect to the application of Rule 10a–1 under the Exchange Act and Regulation SHO.

2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principals of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, as amended, or

(B) Institute proceedings to determine whether the proposed rule change, as amended, should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–PCX–2005–73 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE, Washington, DC 20549–9303.

All submissions should refer to File Number SR–PCX–2005–73. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, Station Place, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the PCX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PCX–2005–73 and should be submitted on or before October 19, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5247 Filed 9–27–05; 8:45 am]

BILLING CODE 8010–01–P

execute, after normal trading hours, certain aggregate-price basket trade orders).

[12] *See* NYSE CS II Approval Order. SR–NYSE–90–53, which was NYSE's proposing release for its Crossing Session II, can be found at Securities Exchange Act Release No. 28640 (November 21, 1990), 55 FR 49739 (November 30, 1990) (''NYSE CS II Proposing Release'').

[13] *See* NYSE CS II Approval Order at 13. In the NYSE CS II Proposing Release, the NYSE offered an additional rationale: ''[T]he Exchange is trying to respond to the significant increase in overseas trading of listed stocks due to the export of orders from the United States resulting from structural and regulatory factors. In particular, the development of trading strategies involving the contemporaneous execution of multiple stocks at a single, aggregate price, often in conjunction with index options and futures, has resulted in a demand for their execution that will supplement the single-stock execution facilities traditionally offered by the NYSE.'' *See* NYSE CS II Proposing Release at 2. The Commission stated that the establishment of a portfolio trade facility ''could help to recapture overseas trades of U.S. stocks by providing a mechanism by which portfolio trades arranged off the floor can be effected in an exchange trading system.'' *See* NYSE CS II Approval Order at 13. The Commission felt that such a service would help to protect the investing public and benefit the marketplace overall given that the services would bring ''institutional trades that currently are being exported overseas for execution within the purview of U.S. regulatory bodies.'' *See* NYSE CS II Approval Order at 13.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 17 CFR 200.30–3(a)(12).

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of final action regarding amendments to federal sentencing guidelines effective November 1, 2005.

SUMMARY: On April 29, 2005, the Commission submitted to Congress amendments to the federal sentencing guidelines. (See 70 FR 24852, May 11, 2005). The Commission has made technical and conforming amendments to commentary provisions related to those amendments. The Commission hereby gives notice of these commentary amendments.

DATES: The Commission has specified an effective date of November 1, 2005, for the amendments set forth in this notice.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Affairs Officer, Telephone: (202) 502–4590.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission, an independent commission in the judicial branch of the United States government, is authorized by 28 U.S.C. 994(a) to promulgate sentencing guidelines and policy statements for federal courts. Section 994 also directs the Commission to review and revise periodically promulgated guidelines and authorizes it to submit guideline amendments to Congress not later than the first day of May each year. See 28 U.S.C. 994(o), (p). Absent an affirmative disapproval by the Congress within 180 days after the Commission submits its amendments, the amendments become effective on the date specified by the Commission (typically November 1 of the same calendar year). 28 U.S.C. 994(p).

Unlike amendments made to sentencing guidelines, amendments to commentary may be made at any time and are not subject to congressional review. To the extent practicable, the Commission endeavors to include amendments to commentary in any submission of guideline amendments to Congress. Occasionally, however, the Commission determines that technical and conforming changes to commentary are necessary in order to execute correctly the amendments submitted to Congress. This notice sets forth technical and conforming amendments to commentary related to the amendments submitted to Congress on April 29, 2005, that will become effective on November 1, 2005.

Authority: USSC Rules of Practice and Procedure 4.1.

Ricardo H. Hinojosa,
Chair.

1. Amendment

The Commentary to § 2J1.6 captioned ''Application Notes'' is amended in Note 3 in the second paragraph in the fourth sentence by striking ''*See* § 3D1.1(b)'' and inserting ''*See* § 3D1.1(b)(1)''.

The Commentary to § 2K2.1 captioned ''Statutory Provisions'', as amended by Amendment 3 submitted to Congress on April 29, 2005, (70 FR 24855.; USSG App. C (amendment 677)), is amended by striking ''(e)–(h), (j)–(n)'' and inserting ''(e)–(i), (k)–(o)''.

The Commentary to § 2P1.2 captioned ''Application Notes'' is amended in Note 2 in the fourth sentence by striking ''*See* § 3D1.1(b)'' and inserting ''*See* § 3D1.1(b)(1)''.

The Commentary to § 3D1.1 captioned ''Application Note'' is amended in Note 1 in the first paragraph by striking ''Subsection (b)'' and inserting ''Subsection (b)(1)''; in the fourth sentence by striking ''subsection (b)'' and inserting ''subsection (b)(1)''; and in the second paragraph by striking ''subsection (b)'' and inserting ''subsection (b)(1)''.

The Commentary to § 3D1.2 captioned ''Application Notes'' is amended in Note 1 by striking ''*See* § 3D1.1(b)'' and inserting ''*See* § 3D1.1(b)(1)''.

The Commentary to § 5G1.2 captioned ''Application Notes'', as amended by Amendment 1 submitted to Congress on April 29, 2005 (70 FR 24852; USSG App. C (amendment 675)), is amended in Note 2 in subdivision (A) by striking ''(A) specifies'' and inserting ''(i) specifies'' and by striking ''(B) requires'' and inserting ''(ii) requires''; and in subdivision (B)(ii) by striking ''(Multiple Counts)'' and inserting ''(Groups of Closely Related Counts)''.

Appendix A (Statutory Index), as amended by Amendment 3 submitted to Congress on April 29, 2005, (70 FR 24855; USSG App. C (amendment 677)), is amended by striking the following:

''18 U.S.C. 924(i)(1) 2A1.1, 2A1.2
18 U.S.C. 924(i)(2) 2A1.3, 2A1.4
18 U.S.C. 924(j)–(n) 2K2.1''.

and inserting the following:

''18 U.S.C. 924(i) 2K2.1
18 U.S.C. 924(j)(1) 2A1.1, 2A1.2
18 U.S.C. 924(j)(2) 2A1.3, 2A1.4
18 U.S.C. 924(k)–(o) 2K2.1''.

Reason for Amendment: This amendment makes various technical and conforming changes in order to implement more fully amendments submitted to Congress on April 29, 2005 (70 FR 24852–24856).

[FR Doc. 05–19324 Filed 9–27–05; 8:45 am]
BILLING CODE 2210–01–P

SMALL BUSINESS ADMINISTRATION

Surety Bond Guarantee Program Fees

AGENCY: Small Business Administration (SBA).

ACTION: Notice of fee increase.

SUMMARY: This notice increases the guarantee fee charged on each guaranteed bond (other than a bid bond) and payable by surety companies participating in SBA's Surety Bond Guarantee (SBG) Program from 20% of the bond premium to 32% of the bond premium, effective April 3, 2006. SBA has determined that the fee increase is necessary to supplement reserves in the SBG Program's revolving fund to better offset unfunded program liabilities resulting from claims filed by sureties under SBA's guarantee. This notice also addresses comments received by SBA in response to the notice proposing the fee increase, which was published in the **Federal Register** on August 15, 2005.

DATES: This fee increase is effective on April 3, 2006.

FOR FURTHER INFORMATION CONTACT: Barbara Brannan, Special Assistant, Office of Surety Guarantees, (202) 205–6545; *Barbara.Brannan@sba.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

On August 15, 2005, SBA published a notice in the **Federal Register** proposing to increase the guarantee fee payable by sureties participating in the SBG Program (Sureties) from the present 20% to 32% of the bond premium, effective October 1, 2005, and requested comments on the proposal (70 FR 47874). In response to SBA's notice and request for public comments, which had a 30-day public comment period, SBA received 38 written comments. The commenters included four industry associations (three letters, one signed jointly); three surety companies (each one currently participating in the SBG Program); 18 contractors (who have or had SBA guaranteed bonding through the SBG Program), 13 surety agents, and one Certified Public Accountant. Two commenters supported the fee increase. Thirty-six of the 38 commenters opposed the fee increase. The comments are addressed below.

B. Discussion of Public Comments

1. General Comments on Proposed Fee Increase

One commenter said that the fee increase is inconsistent with the Congressional declaration of policy for programs under the Small Business Investment Act of 1958, including the SBG Program, to stimulate and improve the economy by establishing assistance programs for small business which are to be ''carried out in such a manner as to insure maximum participation of private financing sources,'' 15 U.S.C. 661 (Section 661). The commenter said that the fee increase would discourage surety companies from participating in the SBG Program because it would not be economically viable or cost-effective, and several other commenters agreed.

Thirty-four of the commenters were concerned about the potentially negative impact that the fee increase would have on Sureties or small businesses. SBA received 23 comments opposing the fee increase because it may cause Sureties currently participating in the SBG Program to decrease their level of participation in it. One of the Sureties said that it would withdraw from the SBG Program completely if SBA increases the fee from the present 20% to 32% of the bond premium. Eleven commenters were concerned about the potentially negative impact that the fee increase would have on small business. Some commenters said that small contractors would ultimately bear the burden of the fee increase because Sureties would pass the cost on to them in the form of higher premium rates. Other commenters said that the fee increase would limit availability of bonds for small contractors based on assumptions that all Sureties would withdraw from the SBG Program and, consequently, the Program would no longer exist. Specific concerns were raised about the ability of 8(a), HUBZone, and service-disabled veteran-owned small businesses to secure bonding for contracts obtained through SBA certification as well as for those small contractors seeking contracts to rebuild the Gulf Coast areas damaged by Hurricane Katrina.

SBA has given due consideration to each comment and acknowledges the concerns expressed by Sureties, surety agents, small contractors, and the industry associations to which those parties belong. In response to those comments, however, SBA notes that its duty under Section 661 must be balanced with its explicit statutory obligation to administer the Program ''on a prudent and economically justifiable basis'' and its authority to establish fees for Sureties as SBA determines are reasonable and necessary, 15 U.S.C. 694b(h). SBA's duties and authorities must work in harmony. Although SBA has determined that the fee increase is necessary to supplement the current revolving fund reserves to better offset unfunded program liabilities, SBA only increased the fee the minimum amount necessary to operate the SBG Program ''on a prudent and economically justifiable basis'' to limit the negative impact on Sureties. In addition, SBA is considering procedural and policy changes to improve the Program to attract new surety companies to the SBG Program and to retain existing Sureties.

Furthermore, SBA recognizes that the fee increase may have some impact on small businesses, especially since Hurricane Katrina devastated the Gulf Coast. SBA notes that the notice proposing the fee increase was published in the **Federal Register** on August 15, 2005—two weeks before Hurricane Katrina struck the Gulf Coast. As a result of the disaster, SBA expects that there will be an increase in bond activity through the SBG Program in the next six months because surety bonds are essential for small businesses seeking contracts to rebuild the Gulf Coast after Hurricane Katrina. Although the fee increase remains necessary to better offset unfunded liabilities of the SBG Program, SBA believes that the expected increase in bond activity due to Hurricane Katrina justifies postponing the effective date of fee increase from October 1, 2005, as originally proposed, to April 3, 2006. The 6-month delay will permit SBA, Sureties, and small businesses to operate under the existing framework in the aftermath of Hurricane Katrina.

2. Suggested Improvements to SBG Program

Four of the commenters suggested specific operational and policy changes to the SBG Program that would streamline it, thus making the Program more attractive to new and existing Sureties. Specific changes suggested by the commenters include elimination of multiple applications requiring original signatures, expediting the application process, increasing the number of SBG personnel in the field, and providing Sureties with more flexibility to adjust premiums charged on guaranteed bonds.

SBA appreciates the comments from the industry on possible improvements to the SBG Program. SBA is considering a variety of program changes to encourage new surety companies to participate in the SBG Program, retain existing Sureties, and make the Program more beneficial for small contractors. SBA reaffirms its commitment to expanding availability of bonds for small contractors by maintaining SBG program operations and making Program improvements. SBA will continue to reassess the Program, including its operations and projected costs, and aim to make it more efficient and cost-effective.

(Authority: 13 CFR 115.32(c) and 115.66)

Michael W. Hager,

Associate Deputy Administrator, Office of Capital Access.

[FR Doc. 05–19359 Filed 9–27–05; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 5195]

Culturally Significant Objects Imported for Exhibition Determinations: ''Saint Peter and the Vatican: The Legacy of the Popes''

Summary: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Saint Peter and the Vatican: The Legacy of the Popes,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the exhibit objects at The Gallery at the Henry B. Gonzales Convention Center, San Antonio, TX from on or about October 15, 2005 to on or about January 8, 2006, The Milwaukee Public Museum from on or about February 4, 2006 to on or about May 7, 2006, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

For further information contact: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, Department of State, (telephone: 202 453–8048). The address

is Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: September 21, 2005.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 05–19360 Filed 9–27–05; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. OST–95–177]

Notice of Request for Extension of Previously Approved Collection

AGENCY: Office of the Secretary.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for renewal and comment. The ICR describes the nature of the information collection and its expected cost and burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 20, 2005 [FR Vol. 70, No. 138, pages 41808 and 41809]. No. comments were received.

DATES: Comments on this notice must be received by October 28, 2005, attention DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jack Schmidt, Office of the Assistant Secretary for Aviation and International Affairs, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–5420.

SUPPLEMENTARY INFORMATION:

Title: Disclosure of Change-of-Gauge Services.

OMB Control Number: 2105–0538.

Affected Public: All U.S. air carriers, foreign air carriers, computer reservations systems (CSRs), travel agents doing business in the United States, and the traveling public.

Estimated Total Annual Burden on Respondents: 205,908 to 617,736 hours.

Comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on the respondents, including through the use of automated techniques or other forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC on September 21, 2005.

Steven Lott,

Manager, Strategic Integration, IT Investment Management Office.

[FR Doc. 05–19343 Filed 9–27–05; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending September 2, 2005

The following Agreements were filed with the Department of Transportation under the sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2005–22348.

Date Filed: September 1, 2005.

Parties: Members of the International Air Transport Association.

Subject: Composite Expedited Resolution 201, Intended effective date: 15 September 2005.

Docket Number: OST–2005–22349.

Date Filed: September 1, 2005.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 455-Resolution 010v, Special Passenger Amending Resolution between Japan and Thailand, TC3 Japan Korea, South-East Asia. Intended effective date: 1 November 2005.

Docket Number: OST–2005–22350.

Date Filed: September 1, 2005.

Parties: Members of the International Air Transport Association.

Subject: Composite Passenger Tariff Coordinating Conference Montreal, 18–21 July 2005, Composite Resolutions 002bc, 005i, 012c, 024d, 024e, 024k, 049d, 100, 201, 210, Minutes: Composite Meeting of Passenger Tariff, Coordinating Conferences (memo 1271), Montreal, 18–21 July 2005, Technical Correction: Composite Passenger Tariff Coordinating Conference, Montreal, 18–21 July 2005, Composite Resolutions 002bc, 005i, 012c, 024d, 024e, 024k, 049d, 100, 201, 210, Intended effective date: 1 April 2006.

Docket Number: OST–2005–22351.

Date Filed: September 1, 2005.

Parties: Members of the International Air Transport Association.

Subject: Composite Resolution 300 (Memo 1267), Composite Passenger Tariff Coordinating Conference, Montreal, 18–21 July 2005, Minutes: Composite Meeting of Passenger Tariff, Coordinating Conferences (memo 1271), Montreal, 18–21 July 2005, Intended effective date: 1 April 2006.

Docket Number: OST–2005–22352.

Date Filed: September 1, 2005.

Parties: Members of the International Air Transport Association.

Subject: Composite Resolutions 017a, 017c, 017e, 017f (Memo 1268), Minutes: Composite Meeting of Passenger Tariff Coordinating Conferences (Memo 1271), Montreal, 18–21 July 2005, Intended effective date: 01 April 2005.

Docket Number: OST–2005–22393.

Date Filed: September 2, 2005.

Parties: Members of the International Air Transport Association.

Subject: PTC3/PTC31/PTC123, Special Passenger Amending Resolution 010u From Korea (Rep. of) to USA, U.S. Territories. Intended effective date 1 September 2005.

Docket Number: OST–2005–22394.

Date Filed: September 2, 2005.

Parties: Members of the International Air Transport Association.

Subject: PTC2/PTC3/PTC12/PTC23/PTC31/PTC123, Special Passenger Amending Resolution 010t. Intended effective date: 1 September 2005.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 05–19341 Filed 9–27–05; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending September 2, 2005

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–1999–5846.
Date Filed: September 1, 2005.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 22, 2005.
Description: Application of United Air Lines, Inc. to its pending application for renewal and amendment of its experimental certificate of public convenience and necessity for Route 566 (U.S.-Mexico) to include authority to carry persons, property and mail in foreign air transportation between Los Angeles and Cancun as well as authority to integrate this service with other services it is authorized to provide by exemptions and certificates of public convenience and necessity, pursuant to the Department's Notice dated August 23, 2005, In the Matter of Streamlining Regulatory Procedures for Licensing U.S. and Foreign Air Carriers.

Docket Number: OST–2005–22331.
Date Filed: August 31, 2005.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 20, 2005.
Description: Application of American Airlines, Inc., requesting an exemption and a certificate of public convenience and necessity authorizing scheduled foreign air transportation of persons, property, and mail between New York (JFK) and San Jose del Cabo, Mexico.

Docket Number: OST–2005–22390.
Date Filed: September 2, 2005.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 23, 2005.
Description: Application of TUI Airlines Nederland, B.V. requesting a foreign air carrier permit to engage in charter air transportation of persons, property and mail between a point or points in the Netherlands, on the one hand, and a point or points in the United States, on the other hand, either directly or via intermediate points in other countries, and beyond, as authorized by the October 14, 1992 U.S.-Netherlands ''Open Skies'' Agreement.

Renee V. Wright,
Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 05–19342 Filed 9–27–05; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Space Transportation Advisory Committee—Open Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Commercial Space Transportation Advisory Committee open meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Wednesday, October 26, 2005, starting at 8 a.m. at the Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, DC, in the Bessie Coleman Conference Center, located on the 2nd floor. This will be the forty-second meeting of the COMSTAC.

The proposed agenda for the meeting will feature a briefing on the role of Government launch sites for future space operations, an activities report from FAA's Office of Commercial Space Transportation, and reports from the Committee's working groups. An agenda will be posted on the FAA Web site at *http://ast.faa.gov/COMSTAC*. Meetings of the COMSTAC Working Groups (Technology and Innovation, Reusable Launch Vehicle, Risk Management, and Launch Operations and Support) will be held on Tuesday, October 25, 2005. For specific information concerning the times and locations of the working group meetings, contact the contact person listed below.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the contact person listed below in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Brenda Parker (AST–100), Office of the Commercial Space Transportation, 800 Independence Avenue, SW., Room 331, Washington, DC 20591, telephone (202) 267–3674; e-mail *brenda.parker@faa.dot.gov.*

Issued in Washington, DC, September 19, 2005.

Patricia Grace Smith,
Associate Administrator for Commercial, Space Transportation.

[FR Doc. 05–19291 Filed 9–27–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No: MARAD 2005–22519]

Availability of a Draft Environmental Assessment

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of the availability of a Draft Environmental Assessment.

SUMMARY: The purpose of this Notice is to make available for public review and comment the Draft Environmental Assessment (DEA) for the Port of Anchorage, Cherry Hill Gravel Extraction Project (Project). The DEA analyzes the potential impacts on the natural and manmade environment associated with gravel extraction from Elmendorf Air Force Base to be used as fill for the Port of Anchorage Intermodal Expansion.

DATES: Comments on this DEA must be received by October 28, 2005.

FOR FURTHER INFORMATION CONTACT: Daniel E. Yuska, Jr., Environmental Protection Specialist, Office of Environmental Activities, U.S. Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590; telephone (202) 366–0714, fax (202) 366–6988.

SUPPLEMENTARY INFORMATION: Comments may be submitted by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 Seventh St., SW., Washington, DC 20590–0001. Written comments should refer to docket number MARAD 2005—22519. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket are available at *http://dms.dot.gov*. No comments will be accepted after October 28, 2005. In addition, copies of the DEA are

available for public viewing on the Port of Anchorage Web site (*www.portofanchorage.org*) or at the Loussac Library in Anchorage.

(Authority: 49 CFR 1.66)

By order of the Maritime Administrator.
Dated: September 22, 2005.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05–19288 Filed 9–27–05; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34725]

Mid-Michigan Railroad, Inc.—Lease and Operation Exemption—CSX Transportation, Inc.

The Mid-Michigan Railroad, Inc. (MMRR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41, *et seq.*, to lease from CSX Transportation, Inc. (CSXT) and operate about 48 miles of railroad between: (1) Milepost CGC 34.5, in West Olive, MI, and milepost CGC 62.1, in Berry Station, MI; and (2) milepost CGD 0.0, in Berry Station, and milepost CGD 19.98,[1] in Fremont, MI.[2]

MMRR certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier. Because MMRR's projected annual revenues will exceed $5 million, MMRR has certified to the Board on July 8, 2005, that the required notice of the transaction was posted at the workplace of the employees on the affected line on July 8, 2005, and was sent to the national offices of the labor unions representing employees on the line. *See* 49 CFR 1150.42(e).

The transaction was scheduled to be consummated on September 9, 2005, the effective date of the exemption (which is more than 60 days after MMRR's certification to the Board that it had complied with the Board's rule at 49 CFR 1150.42(e)).

[1] According to MMRR, the labor notice provided pursuant to 49 CFR 1150.42(e) indicated that the milepost at the end of the line in Fremont was CGD 19.6. MMRR has been advised by CSXT that milepost CGD 19.6 is used to signify the end of the line for operating purposes, but that the end of the line is actually milepost CGD 19.98. Therefore, MMRR and CSXT have amended all of their agreements to reflect the milepost for the end of the line in Fremont as CGD 19.98. MMRR states that the intent of the parties has always been that the lease extend to the end of the line and therefore no additional CSXT employees will be affected by the change of milepost.

[2] MMRR indicates that an agreement will be reached between it and CSXT prior to consummation.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34725, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Esq., Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: September 20, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–19139 Filed 9–27–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34731]

Nittany and Bald Eagle Railroad Company—Temporary Trackage Rights Exemption—Norfolk Southern Railway Company

Norfolk Southern Railway Company (NSR) has agreed to grant non-exclusive, overhead, temporary trackage rights to Nittany and Bald Eagle Railroad Company (N&BE) over a portion of NSR's rail line between Lock Haven, PA, NSR milepost 194.2, and Driftwood, PA, NSR milepost 139.2, a distance of approximately 55 miles. The transaction was scheduled to be consummated on or after the September 19, 2005 effective date of the exemption, and will expire on November 30, 2005. The purpose of the temporary trackage rights is to allow N&BE to operate bridge train service for temporary, seasonal traffic.[1]

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

[1] A redacted version of the trackage rights agreement between NSR and N&BE was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. A protective order was served on September 21, 2005.

This notice is filed under 49 CFR 1180.2(d)(8). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34731, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Richard R. Wilson, 127 Lexington Avenue, Suite 100, Altoona, PA 16601.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: September 21, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–19269 Filed 9–27–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Proposed Collection; Comment Request

September 22, 2005.

The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Currently, the Office of the Procurement Executive within the Department of the Treasury is soliciting comments concerning the OMB Control Number 1505–0107, Regulation on Agency Protests. Comments regarding this information collection should be addressed to the Treasury Department Clearance Officer, Department of the Treasury, Office of the Procurement Executive, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, (202) 622–6760.

DATES: Written comments should be received on or before November 28, 2005 to be assured of consideration.

Departmental Offices (DO)

OMB Number: 1505–0107.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Title: Regulation on Agency Protests.

Description: This notice provides a request to continue including the designated OMB Control Number on information requested from contractors. The information is requested from contractors so that the Government will be able to evaluate protests effectively and provide prompt resolution of issues to dispute when contractors file agency level protests.

Current Actions: There are no changes being made to the notice at this time.

Respondents: Businesses and individuals seeking and who are currently contracting with the Department of the Treasury.

Estimated Number of Respondents: 23.

Estimated Total Burden Hours: 46.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchases of services to provide information.

Clearance Officer: Jean Carter (202) 622–6760, Department of the Treasury, Office of the Procurement Executive, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, *jean.carter@do.treas.gov*.

Thomas A. Sharpe, Jr.,

Senior Procurement Executive and Deputy Chief Acquisition Officer, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

[FR Doc. 05–19334 Filed 9–27–05; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 22, 2005.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 28, 2005 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0066.

Type of Review: Extension.

Title: Application for Additional Extension of Time to File U.S. Individual Income Tax Return.

Form: IRS form 2688.

Description: IRC section 6081 permits the Secretary to grant a reasonable extension of time for filing any return, declaration, statement, or other document. This form is used by individuals to ask for an additional extension of time to file U.S. Income tax returns after filing for the automatic extension, but still needing more time.

Respondents: Individuals or households.

Estimated Total Burden Hours: 2,240,312 hours.

OMB Number: 1545–1091.

Type of Review: Extension.

Title: Corporate Passive Activity Loss and Credit Limitations.

Form: IRS form 8810.

Description: Under Section 469, losses and credits from passive activities, to the extent they exceed passive income (or, in the case of credits, the tax attributable to net passive income), are not allowed. Form 8810 is used by personal service corporations and closely held corporations to figure the passive activity loss and credits allowed and the amount of loss and credit to be reported on their tax return.

Respondents: Business or other for profit.

Estimated Total Burden Hours: 3,749,000 hours.

OMB Number: 1545–1517.

Type of Review: Extension.

Title: Distributions from an Archer MSA or Medicare+Choice MSA.

Form: IRS form 1099–SA.

Description: This form is used to report distributions from a medical savings account as set forth in section 220(h).

Respondents: Business or other for-profit.

Estimated Total Burden Hours: 3,618 hours.

OMB Number: 1545–1218.

Type of Review: Extension.

Title: CO–25–96 (final) Regulations under Section 1502 of the Internal Revenue Code of 1986; Limitations on Net Operating Loss Carry forwards and Certain Built-in Losses and Credits Following an Ownership Change of Consolidated Group.

Description: Section 1502 provides for the promulgation of regulations with respect to corporations that file consolidated income tax returns. Section 382 limits the amount of income that can be offset by loss carryovers and credits after an ownership change. These final regulations provide rules for applying section 382 to groups of corporations that file a consolidated return.

Respondents: Business or other for-profit.

Estimated Total Burden Hours: 662 hours.

OMB Number: 1545–1811.

Type of Review: Extension.

Title: REG–150313–01 (NPRM) Redemptions Taxable as Dividends.

Description: This information is necessary to ensure that the redeemed shareholder's suspended basis account is properly taken into account as a loss under the Code or regulations to the extent of the lesser of the amount of the suspended basis account or the gain recognized upon a disposition of other stock in the redeeming corporation.

Respondents: Individuals or households and Business or other for-profit.

Estimated Total Burden Hours: 1,500 hours.

Clearance Officer: Glenn P. Kirkland (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. 05–19337 Filed 9–27–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 22, 2005.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before October 28, 2005 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0295.

Type of Review: Extension.

Title: Notice 210 Preparation Instructions of Media Labels.

Description: Notice 210, Preparation Instructions for Media Labels, instructs the filers on how to prepare their own pressure sensitive label. This label must be attached to each and every piece of magnetic media to identify specific items needed so that the media can be processed by the Internal Revenue Service.

Respondents: Business or other for-profit and Not-for-profit business.

Estimated Total Burden Hours: 12,765 hours.

OMB Number: 1545–0970.

Type of Review: Extension.

Title: U.S. Partnership Declaration and Signature for Electronic Filing.

Form: IRS form 8453–P.

Description: This form is used to secure general partner's signature and declaration in conjunction with the electronic filing of a partnership return (form 1065). Form 8453–P, along with the electronic transmission, will comprise the partnership's return.

Respondents: Business or other for-profit.

Estimated Total Burden Hours: 405 hours.

OMB Number: 1545–1007.

Type of Review: Extension.

Title: Nondeductible IRAs.

Form: IRS form 8606.

Description: IRC section 408(o) requires certain information regarding nondeductible contributions to traditional IRAs (reported on Part I of Form 8606). IRC section 408A(d) requires information regarding conversions from traditional IRAs to Roth IRAs and distributions from Roth IRAs (reported on Parts II & III of Form 8606). IRC section 530 requires information regarding distributions from ED IRAs (reported on Part IV of Form 8606).

Respondents: Individuals or households.

Estimated Total Burden Hours: 2,428,170 hours.

OMB Number: 1545–1012.

Type of Review: Extension.

Title: Salary Reductions Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement.

Form: 5305A–SEP.

Description: Form 5305–A SEP is used by an employer to make an agreement to provide benefits to all employees under a salary reduction Simplified Employee Pension (SEP) described in section 408(k). This form is not to be filed with IRS, but is to be retained in the employers' records as proof of establishing such a plan, thereby justifying a deduction for contributions made to SEP. The data is used to verify the deduction.

Respondents: Business or other for-profit.

Estimated Total Burden Hours: 972,000 hours.

Clearance Officer: Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. 05–19338 Filed 9–27–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2002–69

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 2002–69, Interest Rates and Appropriate Foreign Loss Payment Patterns For Determining the Qualified Insurance Income of Certain Controlled Corporations under Section 954(j).

DATES: Written comments should be received on or before November 28, 2005 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Interest Rates and Appropriate Foreign Loss Payment Patterns For Determining the Qualified Insurance Income of Certain Controlled Corporations under Section 954(j).

OMB Number: 1545–1799.

Notice Number: Notice 2002–69.

Abstract: Notice 2002–69 allows U.S. shareholders of a foreign insurance company to use the foreign insurance company's historical loss payment patterns in computing the company's insurance reserves provided the company has a certain number of years of data and makes an election to use that data. A domestic insurance company can elect to use its own historical data in computing its reserves provided certain requirements are satisfied and an election is made. This notice allows a foreign insurance company to elect to calculate its insurance reserves in a manner similar to a domestic insurance company. Also, this notice provides guidance on how to determine a foreign insurance company's foreign loss payment patterns.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 300.

Estimated Time Per Respondent: 1 hours.

Estimated Total Annual Burden Hours: 300.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 20, 2005

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E5–5310 Filed 9–27–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2290/SP/FR

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 2290/SP/FR Heavy Highway Vehicle Use Tax Return.

DATES: Written comments should be received on or before November 28, 2005 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Heavy Highway Vehicle Use Tax Return.

Abstract: Form 2290/SP/FR is used to compute and report the tax imposed by section 4481 on the highway use of certain motor vehicles. The information is used to determine whether the taxpayer has paid the correct amount of tax.

Current Actions: There are no changes being made to Form 2290 at this time.

Type of Review: Extension of a current OMB approval.

Affected Public: Individuals or households.

Estimated Number of Respondents: 740,000.

Estimated Time Per Respondent: 28 hours, 4 minutes.

Estimated Total Annual Burden Hours: 21,164,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 20, 2005.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E5–5311 Filed 9–27–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Reasonable Charges for Inpatient DRG and SNF Medical Services; 2006 Fiscal Year Update

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Section 17.101 of Title 38 of the Code of Federal Regulations sets forth the Department of Veterans Affairs (VA) medical regulations concerning ''reasonable charges'' for medical care or services provided or furnished by VA to a veteran:

—For a nonservice-connected disability for which the veteran is entitled to care (or the payment of expenses of care) under a health plan contract;

—For a nonservice-connected disability incurred incident to the veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or

—For a nonservice-connected disability incurred as a result of a motor vehicle accident in a State that requires automobile accident reparations insurance.

The regulations include methodologies for establishing billed amounts for the following types of charges: Acute inpatient facility charges; skilled nursing facility/sub-acute inpatient facility charges; partial hospitalization facility charges; outpatient facility charges; physician and other professional charges, including professional charges for anesthesia services and dental services; pathology and laboratory charges; observation care facility charges; ambulance and other emergency

transportation charges; and charges for durable medical equipment, drugs, injectables, and other medical services, items, and supplies identified by Healthcare Common Procedure Coding System (HCPCS) Level II codes. The regulations also provide that data for calculating actual charge amounts at individual VA facilities based on these methodologies will either be published in a notice in the **Federal Register** or will be posted on the Internet site of the Veterans Health Administration Chief Business Office, currently at *http://www.va.gov/cbo,* under ''Charge Data.'' Certain of these charges are hereby updated as described in the Supplementary Information section of this notice. These changes are effective October 1, 2005.

When charges for medical care or services provided or furnished at VA expense by either VA or non-VA providers have not been established under other provisions of the regulations, the method for determining VA's charges is set forth at 38 CFR 17.101(a)(8).

FOR FURTHER INFORMATION CONTACT: Romona Greene, Chief Business Office (168), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 254–0361. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Of the charge types listed in the Summary section of this notice, only the acute inpatient facility charges and skilled nursing facility/sub-acute inpatient facility charges are being changed. Charges for the following charge types: partial hospitalization facility charges; outpatient facility charges; physician and other professional charges, including professional charges for anesthesia services and dental services; pathology and laboratory charges; observation care facility charges; ambulance and other emergency transportation charges; and charges for durable medical equipment, drugs, injectables, and other medical services, items, and supplies identified by HCPCS Level II codes are not being changed. These Outpatient facility charges and Professional charges remain the same as set forth in a notice published in the **Federal Register** on April 11, 2005 (70 FR 18466).

Based on the methodologies set forth in 38 CFR 17.101, this document provides an update to acute inpatient charges based on 2006 DRGs. Acute inpatient facility charges by diagnosis related group (DRG) are set forth in Table A in the December 15, 2004 **Federal Register** notice. Table A in the December 19 notice document is being replaced by Table A in this notice, which provides updated charges based on 2006 DRGs.

Also, this document provides for an updated skilled nursing facility/sub-acute inpatient facility all-inclusive per diem charge that, using the methodologies set forth in 38 CFR 17.101, is adjusted by a geographic area factor based on the location where the care is provided. The skilled nursing facility/sub-acute inpatient facility per diem charge is set forth in Table B in the December 15, 2004 **Federal Register** notice. Table B in the December 15 notice document is being replaced by Table B in this notice, which provides the updated all-inclusive nationwide skilled nursing facility/sub-acute inpatient facility per diem charge.

The charges in this update for acute inpatient facility and skilled nursing facility/sub-acute inpatient facility services are effective October 1, 2005.

In this update, we are retaining the table designations used for acute inpatient facility charges by DRGs in the notice published in the **Federal Register** on December 15, 2004 (69 FR 75111). We also are retaining the table designation used for skilled nursing facility/sub-acute inpatient facility charges in the notice published in the **Federal Register** on December 15, 2004 (69 FR 75111). Accordingly, the tables identified as being updated by this notice correspond to the applicable tables published in the December 15 notice, beginning with Table A through Table B.

We have updated the list of data sources presented in Supplementary Table 1 to reflect the updated data sources used to establish the updated charges described in this notice.

We have also updated the list of VA medical facility locations. As a reminder, in Supplementary Table 3 published in the **Federal Register** dated April 11, 2005, we set forth the list of VA medical facility locations, which includes their three-digit ZIP Codes and provider-based/non-provider-based designations. In accordance with the final rule, subsequent updates to Supplementary Table 3 will be posted on the Internet site of the Veterans Health Administration Chief Business Office.

Consistent with the regulations, the updated data tables and supplementary tables containing the changes described in this notice are published with this notice and will be posted on the Internet site of the Veterans Health Administration Chief Business Office, currently at *http://www.va.gov/cbo*, under ''Charge Data.''

Approved: August 26, 2005.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

BILLING CODE 8320–01–P

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

Page 1 OF 11

DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
001	CRANIOTOMY AGE >17 W CC	S	$1,440.98	$3,049.48	$5,762.88
002	CRANIOTOMY AGE >17 W/O CC	S	$1,498.02	$3,236.62	$8,415.51
003	CRANIOTOMY AGE 0-17	S	$1,618.21	$3,475.87	$7,016.24
006	CARPAL TUNNEL RELEASE	S	$1,210.17	$2,262.10	$4,233.28
007	PERIPH & CRANIAL NERVE & OTHER NERV SYST PROC W CC	S	$1,345.87	$2,593.20	$4,013.20
008	PERIPH & CRANIAL NERVE & OTHER NERV SYST PROC W/O CC	S	$1,421.72	$2,918.28	$11,875.34
009	SPINAL DISORDERS & INJURIES	N	$1,123.53	$2,974.49	$1,863.42
010	NERVOUS SYSTEM NEOPLASMS W CC	N	$1,395.10	$2,783.69	$2,642.38
011	NERVOUS SYSTEM NEOPLASMS W/O CC	N	$1,377.16	$2,662.32	$3,055.99
012	DEGENERATIVE NERVOUS SYSTEM DISORDERS	N	$1,261.50	$2,232.75	$1,171.79
013	MULTIPLE SCLEROSIS & CEREBELLAR ATAXIA	N	$1,326.52	$2,462.11	$2,042.80
014	INTRACRANIAL HEMORRHAGE OR CEREBRAL INFARCTION	N	$1,214.29	$2,490.49	$2,793.20
015	NONSPECIFIC CVA & PRECEREBRAL OCCLUSION W/O INFARCT	N	$1,025.88	$2,173.96	$2,429.38
016	NONSPECIFIC CEREBROVASCULAR DISORDERS W CC	N	$1,176.30	$2,182.80	$2,596.28
017	NONSPECIFIC CEREBROVASCULAR DISORDERS W/O CC	N	$1,247.24	$2,252.69	$2,715.25
018	CRANIAL & PERIPHERAL NERVE DISORDERS W CC	N	$1,187.06	$2,182.43	$2,427.00
019	CRANIAL & PERIPHERAL NERVE DISORDERS W/O CC	N	$1,336.07	$2,579.64	$2,823.70
020	NERVOUS SYSTEM INFECTION EXCEPT VIRAL MENINGITIS	N	$1,236.18	$2,672.30	$3,603.85
021	VIRAL MENINGITIS	N	$1,216.50	$2,469.85	$3,585.20
022	HYPERTENSIVE ENCEPHALOPATHY	N	$1,149.00	$2,237.10	$2,958.77
023	NONTRAUMATIC STUPOR & COMA	N	$1,379.64	$2,641.06	$2,834.92
024	SEIZURE & HEADACHE AGE >17 W CC	N	$1,285.10	$2,390.49	$2,788.62
025	SEIZURE & HEADACHE AGE >17 W/O CC	N	$1,404.77	$2,524.55	$2,862.59
026	SEIZURE & HEADACHE AGE 0-17	N	$1,987.25	$4,586.14	$5,272.39
027	TRAUMATIC STUPOR & COMA, COMA >1 HR	N	$1,348.40	$3,212.05	$3,615.44
028	TRAUMATIC STUPOR & COMA, COMA <1 HR AGE >17 W CC	N	$1,367.70	$3,106.02	$2,877.56
029	TRAUMATIC STUPOR & COMA, COMA <1 HR AGE >17 W/O CC	N	$1,303.56	$3,084.33	$2,467.45
030	TRAUMATIC STUPOR & COMA, COMA <1 HR AGE 0-17	N	$1,052.20	$2,291.83	$1,983.36
031	CONCUSSION AGE >17 W CC	N	$1,355.07	$3,075.97	$3,334.46
032	CONCUSSION AGE >17 W/O CC	N	$1,513.66	$3,092.01	$3,652.46
033	CONCUSSION AGE 0-17	N	$1,622.48	$3,212.15	$3,375.10
034	OTHER DISORDERS OF NERVOUS SYSTEM W CC	N	$1,191.38	$2,632.72	$2,337.32
035	OTHER DISORDERS OF NERVOUS SYSTEM W/O CC	N	$1,233.98	$2,604.77	$2,199.71
036	RETINAL PROCEDURES	S	$3,000.90	$4,004.08	$15,371.48
037	ORBITAL PROCEDURES	S	$1,761.06	$4,026.92	$6,454.02
038	PRIMARY IRIS PROCEDURES	S	$1,614.05	$1,836.63	$3,675.93
039	LENS PROCEDURES WITH OR WITHOUT VITRECTOMY	S	$1,912.60	$3,254.66	$5,240.70
040	EXTRAOCULAR PROCEDURES EXCEPT ORBIT AGE >17	S	$1,883.49	$2,906.42	$4,830.69
041	EXTRAOCULAR PROCEDURES EXCEPT ORBIT AGE 0-17	S	$1,363.38	$2,548.74	$4,063.21
042	INTRAOCULAR PROCEDURES EXCEPT RETINA, IRIS & LENS	S	$1,955.50	$4,022.44	$6,781.35
043	HYPHEMA	N	$1,828.09	$3,873.41	$2,454.34
044	ACUTE MAJOR EYE INFECTIONS	N	$1,446.38	$4,158.68	$1,867.99
045	NEUROLOGICAL EYE DISORDERS	N	$1,378.92	$1,924.30	$3,386.49
046	OTHER DISORDERS OF THE EYE AGE >17 W CC	N	$1,276.39	$2,475.01	$2,245.34
047	OTHER DISORDERS OF THE EYE AGE >17 W/O CC	N	$1,404.87	$1,765.57	$2,068.27
048	OTHER DISORDERS OF THE EYE AGE 0-17	N	$1,277.60	$2,122.22	$2,061.43
049	MAJOR HEAD & NECK PROCEDURES	S	$1,580.41	$3,360.81	$9,110.27
050	SIALOADENECTOMY	S	$1,704.56	$3,193.17	$10,646.31
051	SALIVARY GLAND PROCEDURES EXCEPT SIALOADENECTOMY	S	$1,505.94	$3,437.13	$6,829.38
052	CLEFT LIP & PALATE REPAIR	S	$2,119.45	$3,367.44	$9,172.59
053	SINUS & MASTOID PROCEDURES AGE >17	S	$1,452.55	$2,885.31	$6,915.26
054	SINUS & MASTOID PROCEDURES AGE 0-17	S	$1,195.17	$2,590.56	$5,710.38

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

Page 2 OF 11

DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
055	MISCELLANEOUS EAR, NOSE, MOUTH & THROAT PROCEDURES	S	$1,356.30	$2,736.02	$6,260.40
056	RHINOPLASTY	S	$1,471.64	$3,261.76	$6,719.08
057	T&A PROC, EXCEPT TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE >17	S	$1,311.89	$2,641.46	$4,872.22
058	T&A PROC, EXCEPT TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE 0-17	S	$1,299.75	$2,765.69	$4,589.76
059	TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE >17	S	$1,258.95	$1,798.23	$5,467.78
060	TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE 0-17	S	$1,140.10	$4,112.56	$6,437.47
061	MYRINGOTOMY W TUBE INSERTION AGE >17	S	$1,669.79	$2,404.03	$5,664.68
062	MYRINGOTOMY W TUBE INSERTION AGE 0-17	S	$1,475.29	$2,680.84	$4,216.21
063	OTHER EAR, NOSE, MOUTH & THROAT O.R. PROCEDURES	S	$1,644.21	$3,281.71	$6,250.82
064	EAR, NOSE, MOUTH & THROAT MALIGNANCY	N	$1,560.52	$2,932.25	$2,845.68
065	DYSEQUILIBRIUM	N	$1,323.77	$2,291.26	$2,947.58
066	EPISTAXIS	N	$1,277.45	$2,406.23	$2,554.19
067	EPIGLOTTITIS	N	$1,233.80	$3,593.33	$3,363.39
068	OTITIS MEDIA & URI AGE >17 W CC	N	$1,135.68	$2,100.55	$2,551.84
069	OTITIS MEDIA & URI AGE >17 W/O CC	N	$1,200.91	$2,501.98	$2,524.81
070	OTITIS MEDIA & URI AGE 0-17	N	$2,053.94	$3,662.11	$4,234.65
071	LARYNGOTRACHEITIS	N	$924.73	$1,797.39	$2,110.03
072	NASAL TRAUMA & DEFORMITY	N	$1,386.20	$2,582.70	$2,923.89
073	OTHER EAR, NOSE, MOUTH & THROAT DIAGNOSES AGE >17	N	$1,240.21	$2,398.92	$2,463.00
074	OTHER EAR, NOSE, MOUTH & THROAT DIAGNOSES AGE 0-17	N	$1,749.14	$3,416.76	$3,355.75
075	MAJOR CHEST PROCEDURES	S	$1,596.25	$2,954.93	$5,755.30
076	OTHER RESP SYSTEM O.R. PROCEDURES W CC	S	$1,307.32	$2,460.80	$3,717.67
077	OTHER RESP SYSTEM O.R. PROCEDURES W/O CC	S	$1,410.07	$2,399.28	$4,199.96
078	PULMONARY EMBOLISM	N	$1,096.86	$2,007.23	$2,622.68
079	RESPIRATORY INFECTIONS & INFLAMMATIONS AGE >17 W CC	N	$1,171.65	$2,147.04	$2,579.19
080	RESPIRATORY INFECTIONS & INFLAMMATIONS AGE >17 W/O CC	N	$1,076.48	$2,084.82	$1,996.10
081	RESPIRATORY INFECTIONS & INFLAMMATIONS AGE 0-17	N	$1,243.74	$2,247.52	$2,660.10
082	RESPIRATORY NEOPLASMS	N	$1,250.48	$2,214.64	$2,818.90
083	MAJOR CHEST TRAUMA W CC	N	$1,159.26	$2,223.29	$2,407.53
084	MAJOR CHEST TRAUMA W/O CC	N	$1,323.67	$2,786.92	$2,349.88
085	PLEURAL EFFUSION W CC	N	$1,172.81	$2,074.65	$2,632.92
086	PLEURAL EFFUSION W/O CC	N	$1,326.62	$2,324.44	$3,028.52
087	PULMONARY EDEMA & RESPIRATORY FAILURE	N	$988.35	$2,021.78	$2,454.58
088	CHRONIC OBSTRUCTIVE PULMONARY DISEASE	N	$1,034.70	$1,941.29	$2,218.73
089	SIMPLE PNEUMONIA & PLEURISY AGE >17 W CC	N	$1,081.18	$1,989.81	$2,288.97
090	SIMPLE PNEUMONIA & PLEURISY AGE >17 W/O CC	N	$1,074.56	$2,003.84	$2,017.68
091	SIMPLE PNEUMONIA & PLEURISY AGE 0-17	N	$1,933.83	$4,133.66	$3,940.47
092	INTERSTITIAL LUNG DISEASE W CC	N	$1,193.29	$2,185.46	$2,719.12
093	INTERSTITIAL LUNG DISEASE W/O CC	N	$1,232.01	$2,047.41	$2,689.27
094	PNEUMOTHORAX W CC	N	$1,074.10	$2,075.26	$2,427.02
095	PNEUMOTHORAX W/O CC	N	$1,190.14	$2,289.18	$2,357.99
096	BRONCHITIS & ASTHMA AGE >17 W CC	N	$1,086.39	$2,027.14	$2,255.11
097	BRONCHITIS & ASTHMA AGE >17 W/O CC	N	$1,093.63	$1,958.64	$2,141.56
098	BRONCHITIS & ASTHMA AGE 0-17	N	$1,022.96	$3,801.34	$3,578.14
099	RESPIRATORY SIGNS & SYMPTOMS W CC	N	$1,165.04	$2,122.56	$3,169.89
100	RESPIRATORY SIGNS & SYMPTOMS W/O CC	N	$1,200.96	$2,079.62	$3,772.88
101	OTHER RESPIRATORY SYSTEM DIAGNOSES W CC	N	$1,181.23	$2,152.28	$2,755.72
102	OTHER RESPIRATORY SYSTEM DIAGNOSES W/O CC	N	$1,212.28	$2,074.30	$2,959.87
103	HEART TRANSPLANT OR IMPLANT OF HEART ASSIST SYSTEM	S	$1,431.59	$3,974.19	$11,789.16
104	CARDIAC VALVE & OTH MAJOR CARDIOTHORACIC PROC W CARD CATH	S	$1,822.67	$3,182.88	$10,757.43
105	CARDIAC VALVE & OTH MAJOR CARDIOTHORACIC PROC W/O CARD CATH	S	$1,697.27	$3,163.98	$11,949.43
106	CORONARY BYPASS W PTCA	S	$1,297.49	$2,570.11	$12,406.85

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
108	OTHER CARDIOTHORACIC PROCEDURES	S	$1,559.51	$2,801.57	$10,245.75
110	MAJOR CARDIOVASCULAR PROCEDURES W CC	S	$1,360.91	$2,607.13	$7,846.72
111	MAJOR CARDIOVASCULAR PROCEDURES W/O CC	S	$1,429.81	$2,773.39	$14,038.19
113	AMPUTATION FOR CIRC SYSTEM DISORDERS EXCEPT UPPER LIMB & TOE	S	$1,168.95	$2,260.69	$3,101.33
114	UPPER LIMB & TOE AMPUTATION FOR CIRC SYSTEM DISORDERS	S	$1,316.65	$2,432.63	$2,876.94
117	CARDIAC PACEMAKER REVISION EXCEPT DEVICE REPLACEMENT	S	$1,236.08	$2,111.98	$4,615.41
118	CARDIAC PACEMAKER DEVICE REPLACEMENT	S	$1,908.21	$2,760.98	$11,977.72
119	VEIN LIGATION & STRIPPING	S	$1,596.57	$3,143.22	$4,102.31
120	OTHER CIRCULATORY SYSTEM O.R. PROCEDURES	S	$1,482.69	$2,701.63	$4,186.12
121	CIRCULATORY DISORDERS W AMI & MAJOR COMP, DISCHARGED ALIVE	N	$1,254.03	$2,237.52	$3,140.13
122	CIRCULATORY DISORDERS W AMI W/O MAJOR COMP, DISCHARGED ALIVE	N	$1,218.74	$2,246.40	$3,900.29
123	CIRCULATORY DISORDERS W AMI, EXPIRED	N	$1,328.31	$2,568.95	$4,642.01
124	CIRCULATORY DISORDERS EXCEPT AMI, W CARD CATH & COMPLEX DIAG	N	$1,380.08	$2,234.18	$5,334.81
125	CIRCULATORY DISORDERS EXCEPT AMI, W CARD CATH W/O COMPLEX DIAG	N	$1,326.72	$2,070.83	$6,995.90
126	ACUTE & SUBACUTE ENDOCARDITIS	N	$1,398.10	$2,430.34	$2,946.72
127	HEART FAILURE & SHOCK	N	$1,157.59	$2,102.30	$2,425.32
128	DEEP VEIN THROMBOPHLEBITIS	N	$1,129.35	$2,030.99	$1,561.80
129	CARDIAC ARREST, UNEXPLAINED	N	$1,075.53	$2,506.01	$5,725.17
130	PERIPHERAL VASCULAR DISORDERS W CC	N	$1,193.23	$2,295.58	$2,084.17
131	PERIPHERAL VASCULAR DISORDERS W/O CC	N	$1,101.28	$2,085.67	$1,619.28
132	ATHEROSCLEROSIS W CC	N	$1,125.82	$2,115.75	$2,745.56
133	ATHEROSCLEROSIS W/O CC	N	$1,233.02	$2,216.45	$2,370.76
134	HYPERTENSION	N	$1,111.72	$1,925.80	$2,307.11
135	CARDIAC CONGENITAL & VALVULAR DISORDERS AGE >17 W CC	N	$1,304.48	$2,390.44	$2,472.02
136	CARDIAC CONGENITAL & VALVULAR DISORDERS AGE >17 W/O CC	N	$1,420.66	$2,593.93	$2,522.83
137	CARDIAC CONGENITAL & VALVULAR DISORDERS AGE 0-17	N	$1,269.14	$2,347.38	$2,306.72
138	CARDIAC ARRHYTHMIA & CONDUCTION DISORDERS W CC	N	$1,208.57	$2,024.99	$2,631.64
139	CARDIAC ARRHYTHMIA & CONDUCTION DISORDERS W/O CC	N	$1,276.29	$2,089.09	$2,773.87
140	ANGINA PECTORIS	N	$1,043.09	$2,004.70	$2,802.04
141	SYNCOPE & COLLAPSE W CC	N	$1,404.03	$2,291.53	$2,895.98
142	SYNCOPE & COLLAPSE W/O CC	N	$1,519.69	$2,429.35	$3,269.74
143	CHEST PAIN	N	$1,321.54	$2,155.16	$4,090.27
144	OTHER CIRCULATORY SYSTEM DIAGNOSES W CC	N	$1,249.03	$2,276.99	$3,103.33
145	OTHER CIRCULATORY SYSTEM DIAGNOSES W/O CC	N	$1,244.15	$2,273.21	$2,815.86
146	RECTAL RESECTION W CC	S	$1,283.18	$2,547.50	$4,223.71
147	RECTAL RESECTION W/O CC	S	$1,331.33	$2,849.07	$4,373.37
148	MAJOR SMALL & LARGE BOWEL PROCEDURES W CC	S	$1,175.17	$2,442.33	$4,236.95
149	MAJOR SMALL & LARGE BOWEL PROCEDURES W/O CC	S	$1,208.94	$2,498.11	$3,900.29
150	PERITONEAL ADHESIOLYSIS W CC	S	$1,169.31	$2,421.25	$3,915.28
151	PERITONEAL ADHESIOLYSIS W/O CC	S	$1,164.64	$2,456.00	$3,947.44
152	MINOR SMALL & LARGE BOWEL PROCEDURES W CC	S	$1,202.99	$2,572.76	$3,578.62
153	MINOR SMALL & LARGE BOWEL PROCEDURES W/O CC	S	$1,193.24	$2,344.81	$3,419.84
154	STOMACH, ESOPHAGEAL & DUODENAL PROCEDURES AGE >17 W CC	S	$1,258.36	$2,722.89	$4,952.39
155	STOMACH, ESOPHAGEAL & DUODENAL PROCEDURES AGE >17 W/O CC	S	$1,113.93	$2,409.45	$5,339.45
156	STOMACH, ESOPHAGEAL & DUODENAL PROCEDURES AGE 0-17	S	$2,165.28	$3,515.74	$6,028.07
157	ANAL & STOMAL PROCEDURES W CC	S	$1,173.51	$2,324.70	$3,469.06
158	ANAL & STOMAL PROCEDURES W/O CC	S	$1,098.27	$2,096.80	$4,024.86
159	HERNIA PROCEDURES EXCEPT INGUINAL & FEMORAL AGE >17 W CC	S	$1,189.59	$2,351.81	$4,430.97
160	HERNIA PROCEDURES EXCEPT INGUINAL & FEMORAL AGE >17 W/O CC	S	$1,206.85	$2,198.05	$5,433.49
161	INGUINAL & FEMORAL HERNIA PROCEDURES AGE >17 W CC	S	$1,280.68	$2,452.64	$4,351.34
162	INGUINAL & FEMORAL HERNIA PROCEDURES AGE >17 W/O CC	S	$1,394.61	$2,212.26	$6,034.94
163	HERNIA PROCEDURES AGE 0-17	S	$2,115.97	$4,827.31	$9,189.07

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
164	APPENDECTOMY W COMPLICATED PRINCIPAL DIAG W CC	S	$1,150.60	$2,318.17	$4,340.84
165	APPENDECTOMY W COMPLICATED PRINCIPAL DIAG W/O CC	S	$1,205.30	$2,250.31	$4,706.89
166	APPENDECTOMY W/O COMPLICATED PRINCIPAL DIAG W CC	S	$1,199.78	$2,251.39	$5,301.09
167	APPENDECTOMY W/O COMPLICATED PRINCIPAL DIAG W/O CC	S	$1,315.16	$2,133.02	$7,400.60
168	MOUTH PROCEDURES W CC	S	$1,587.53	$3,285.34	$4,889.61
169	MOUTH PROCEDURES W/O CC	S	$1,668.53	$3,118.05	$7,699.32
170	OTHER DIGESTIVE SYSTEM O.R. PROCEDURES W CC	S	$1,295.43	$2,499.20	$3,968.03
171	OTHER DIGESTIVE SYSTEM O.R. PROCEDURES W/O CC	S	$1,220.72	$2,523.85	$4,626.32
172	DIGESTIVE MALIGNANCY W CC	N	$1,424.21	$2,613.24	$2,840.92
173	DIGESTIVE MALIGNANCY W/O CC	N	$1,528.25	$2,727.30	$3,085.60
174	G.I. HEMORRHAGE W CC	N	$1,162.80	$2,288.36	$2,827.44
175	G.I. HEMORRHAGE W/O CC	N	$1,249.82	$2,331.63	$2,697.85
176	COMPLICATED PEPTIC ULCER	N	$1,229.67	$2,355.71	$3,059.15
177	UNCOMPLICATED PEPTIC ULCER W CC	N	$1,047.18	$1,879.94	$2,707.30
178	UNCOMPLICATED PEPTIC ULCER W/O CC	N	$1,112.71	$1,985.75	$3,101.54
179	INFLAMMATORY BOWEL DISEASE	N	$1,214.35	$2,239.20	$2,456.99
180	G.I. OBSTRUCTION W CC	N	$1,121.27	$2,130.73	$2,318.63
181	G.I. OBSTRUCTION W/O CC	N	$1,133.54	$2,112.31	$2,124.98
182	ESOPHAGITIS, GASTROENT & MISC DIGEST DISORDERS AGE >17 W CC	N	$1,098.77	$1,982.95	$2,412.94
183	ESOPHAGITIS, GASTROENT & MISC DIGEST DISORDERS AGE >17 W/O CC	N	$1,133.45	$1,891.76	$2,752.90
184	ESOPHAGITIS, GASTROENT & MISC DIGEST DISORDERS AGE 0-17	N	$1,831.01	$4,229.64	$4,254.12
185	DENTAL & ORAL DIS EXCEPT EXTRACTIONS & RESTORATIONS, AGE >17	N	$1,294.69	$2,444.61	$2,911.09
186	DENTAL & ORAL DIS EXCEPT EXTRACTIONS & RESTORATIONS, AGE 0-17	N	$1,261.51	$2,501.53	$2,577.70
187	DENTAL EXTRACTIONS & RESTORATIONS	N	$1,349.46	$2,097.32	$2,554.01
188	OTHER DIGESTIVE SYSTEM DIAGNOSES AGE >17 W CC	N	$1,292.86	$2,426.02	$2,881.30
189	OTHER DIGESTIVE SYSTEM DIAGNOSES AGE >17 W/O CC	N	$1,396.45	$2,299.07	$2,768.19
190	OTHER DIGESTIVE SYSTEM DIAGNOSES AGE 0-17	N	$1,612.80	$3,640.36	$2,904.17
191	PANCREAS, LIVER & SHUNT PROCEDURES W CC	S	$1,645.14	$3,499.25	$6,613.28
192	PANCREAS, LIVER & SHUNT PROCEDURES W/O CC	S	$1,695.40	$3,642.03	$7,320.01
193	BILIARY TRACT PROC EXCEPT ONLY CHOLECYST W OR W/O C.D.E. W CC	S	$1,311.77	$2,689.15	$4,395.55
194	BILIARY TRACT PROC EXCEPT ONLY CHOLECYST W OR W/O C.D.E. W/O CC	S	$1,327.17	$3,045.81	$4,380.09
195	CHOLECYSTECTOMY W C.D.E. W CC	S	$1,107.87	$2,289.95	$4,164.00
196	CHOLECYSTECTOMY W C.D.E. W/O CC	S	$1,064.78	$1,641.97	$4,398.28
197	CHOLECYSTECTOMY EXCEPT BY LAPAROSCOPE W/O C.D.E. W CC	S	$1,137.00	$2,304.79	$4,131.91
198	CHOLECYSTECTOMY EXCEPT BY LAPAROSCOPE W/O C.D.E. W/O CC	S	$1,040.18	$2,323.54	$3,949.57
199	HEPATOBILIARY DIAGNOSTIC PROCEDURE FOR MALIGNANCY	S	$1,622.01	$3,158.04	$5,045.98
200	HEPATOBILIARY DIAGNOSTIC PROCEDURE FOR NON-MALIGNANCY	S	$1,263.49	$2,538.65	$4,613.56
201	OTHER HEPATOBILIARY OR PANCREAS O.R. PROCEDURES	S	$1,414.45	$2,570.51	$4,319.33
202	CIRRHOSIS & ALCOHOLIC HEPATITIS	N	$1,352.04	$2,652.70	$3,253.83
203	MALIGNANCY OF HEPATOBILIARY SYSTEM OR PANCREAS	N	$1,438.82	$2,721.73	$3,173.91
204	DISORDERS OF PANCREAS EXCEPT MALIGNANCY	N	$1,099.36	$2,111.64	$2,883.22
205	DISORDERS OF LIVER EXCEPT MALIG,CIRR,ALC HEPA W CC	N	$1,356.71	$2,687.63	$3,081.90
206	DISORDERS OF LIVER EXCEPT MALIG,CIRR,ALC HEPA W/O CC	N	$1,254.06	$2,831.52	$2,548.09
207	DISORDERS OF THE BILIARY TRACT W CC	N	$1,208.23	$2,236.34	$3,180.90
208	DISORDERS OF THE BILIARY TRACT W/O CC	N	$1,254.29	$1,842.42	$3,350.65
210	HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT AGE >17 W CC	S	$1,159.60	$2,280.47	$4,096.52
211	HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT AGE >17 W/O CC	S	$1,220.99	$2,394.19	$4,224.44
212	HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT AGE 0-17	S	$1,242.39	$2,402.06	$4,224.88
213	AMPUTATION FOR MUSCULOSKELETAL SYSTEM & CONN TISSUE DISORDERS	S	$1,136.63	$2,145.53	$2,995.79
216	BIOPSIES OF MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE	S	$1,201.88	$2,292.94	$4,658.56
217	WND DEBRID & SKN GRFT EXCEPT HAND,FOR MUSCSKELET & CONN TISS DIS	S	$1,361.88	$2,813.68	$3,432.90
218	LOWER EXTREM & HUMER PROC EXCEPT HIP,FOOT,FEMUR AGE >17 W CC	S	$1,184.75	$2,306.46	$4,737.56

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PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
219	LOWER EXTREM & HUMER PROC EXCEPT HIP,FOOT,FEMUR AGE >17 W/O CC	S	$1,197.21	$2,417.52	$5,714.24
220	LOWER EXTREM & HUMER PROC EXCEPT HIP,FOOT,FEMUR AGE 0-17	S	$1,486.10	$3,074.37	$6,078.99
223	MAJOR SHOULDER/ELBOW PROC, OR OTHER UPPER EXTREMITY PROC W CC	S	$1,201.28	$2,308.16	$6,276.93
224	SHOULDER,ELBOW OR FOREARM PROC,EXC MAJOR JOINT PROC, W/O CC	S	$1,190.14	$2,270.84	$7,732.53
225	FOOT PROCEDURES	S	$1,236.05	$2,157.30	$3,427.19
226	SOFT TISSUE PROCEDURES W CC	S	$1,267.43	$2,526.81	$3,767.89
227	SOFT TISSUE PROCEDURES W/O CC	S	$1,404.37	$2,983.14	$6,316.12
228	MAJOR THUMB OR JOINT PROC,OR OTH HAND OR WRIST PROC W CC	S	$1,324.82	$2,774.48	$5,138.33
229	HAND OR WRIST PROC, EXCEPT MAJOR JOINT PROC, W/O CC	S	$1,550.10	$2,642.91	$5,970.34
230	LOCAL EXCISION & REMOVAL OF INT FIX DEVICES OF HIP & FEMUR	S	$1,193.11	$2,467.94	$3,971.51
232	ARTHROSCOPY	S	$1,254.39	$1,407.85	$5,082.77
233	OTHER MUSCULOSKELET SYS & CONN TISS O.R. PROC W CC	S	$1,169.78	$2,429.92	$4,054.17
234	OTHER MUSCULOSKELET SYS & CONN TISS O.R. PROC W/O CC	S	$1,196.71	$2,427.49	$6,357.74
235	FRACTURES OF FEMUR	N	$1,098.68	$2,544.77	$1,658.05
236	FRACTURES OF HIP & PELVIS	N	$1,090.43	$2,578.52	$1,534.27
237	SPRAINS, STRAINS, & DISLOCATIONS OF HIP, PELVIS & THIGH	N	$1,250.87	$2,649.88	$1,906.90
238	OSTEOMYELITIS	N	$1,252.97	$2,599.58	$1,905.59
239	PATHOLOGICAL FRACTURES & MUSCULOSKELETAL & CONN TISS MALIGNANCY	N	$1,212.64	$2,308.87	$2,000.61
240	CONNECTIVE TISSUE DISORDERS W CC	N	$1,237.58	$2,503.29	$2,865.49
241	CONNECTIVE TISSUE DISORDERS W/O CC	N	$1,367.37	$2,694.15	$2,363.97
242	SEPTIC ARTHRITIS	N	$1,186.30	$2,246.00	$1,910.59
243	MEDICAL BACK PROBLEMS	N	$1,121.88	$2,254.36	$1,908.17
244	BONE DISEASES & SPECIFIC ARTHROPATHIES W CC	N	$1,037.21	$2,376.51	$1,403.08
245	BONE DISEASES & SPECIFIC ARTHROPATHIES W/O CC	N	$1,024.00	$2,365.11	$1,095.75
246	NON-SPECIFIC ARTHROPATHIES	N	$1,066.55	$2,328.57	$1,279.88
247	SIGNS & SYMPTOMS OF MUSCULOSKELETAL SYSTEM & CONN TISSUE	N	$1,157.94	$1,983.77	$1,999.15
248	TENDONITIS, MYOSITIS & BURSITIS	N	$1,259.13	$2,541.65	$2,141.95
249	AFTERCARE, MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE	N	$1,183.15	$2,415.86	$1,709.71
250	FX, SPRN, STRN & DISL OF FOREARM, HAND, FOOT AGE >17 W CC	N	$1,280.52	$2,558.68	$1,992.28
251	FX, SPRN, STRN & DISL OF FOREARM, HAND, FOOT AGE >17 W/O CC	N	$1,343.11	$2,662.29	$2,024.96
252	FX, SPRN, STRN & DISL OF FOREARM, HAND, FOOT AGE 0-17	N	$1,218.52	$2,453.49	$1,788.14
253	FX, SPRN, STRN & DISL OF UPARM,LOWLEG EX FOOT AGE >17 W CC	N	$1,200.70	$2,564.96	$1,902.97
254	FX, SPRN, STRN & DISL OF UPARM,LOWLEG EX FOOT AGE >17 W/O CC	N	$1,198.14	$2,626.29	$1,534.99
255	FX, SPRN, STRN & DISL OF UPARM,LOWLEG EX FOOT AGE 0-17	N	$1,173.33	$2,299.88	$1,600.64
256	OTHER MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE DIAGNOSES	N	$1,161.77	$2,430.47	$1,786.86
257	TOTAL MASTECTOMY FOR MALIGNANCY W CC	S	$1,259.16	$2,284.83	$6,157.12
258	TOTAL MASTECTOMY FOR MALIGNANCY W/O CC	S	$1,202.60	$2,135.74	$7,504.11
259	SUBTOTAL MASTECTOMY FOR MALIGNANCY W CC	S	$1,510.40	$2,508.87	$6,359.31
260	SUBTOTAL MASTECTOMY FOR MALIGNANCY W/O CC	S	$1,456.32	$3,043.62	$10,047.78
261	BREAST PROC FOR NON-MALIGNANCY EXCEPT BIOPSY & LOCAL EXCISION	S	$1,492.29	$3,705.00	$9,058.98
262	BREAST BIOPSY & LOCAL EXCISION FOR NON-MALIGNANCY	S	$1,434.94	$2,002.28	$3,663.30
263	SKIN GRAFT &/OR DEBRID FOR SKN ULCER OR CELLULITIS W CC	S	$1,251.91	$2,523.36	$2,363.88
264	SKIN GRAFT &/OR DEBRID FOR SKN ULCER OR CELLULITIS W/O CC	S	$1,258.16	$1,709.04	$2,117.91
265	SKIN GRAFT &/OR DEBRID EXCEPT FOR SKIN ULCER OR CELLULITIS W CC	S	$1,454.27	$3,037.42	$4,282.09
266	SKIN GRAFT &/OR DEBRID EXCEPT FOR SKIN ULCER OR CELLULITIS W/O CC	S	$1,689.68	$3,860.74	$6,051.98
267	PERIANAL & PILONIDAL PROCEDURES	S	$1,320.31	$2,203.73	$3,475.36
268	SKIN, SUBCUTANEOUS TISSUE & BREAST PLASTIC PROCEDURES	S	$1,527.58	$4,162.50	$7,181.01
269	OTHER SKIN, SUBCUT TISS & BREAST PROC W CC	S	$1,219.40	$2,226.23	$2,882.64
270	OTHER SKIN, SUBCUT TISS & BREAST PROC W/O CC	S	$1,313.75	$2,108.18	$3,861.68
271	SKIN ULCERS	N	$1,142.39	$2,169.35	$1,665.07
272	MAJOR SKIN DISORDERS W CC	N	$1,301.67	$2,817.45	$2,359.68
273	MAJOR SKIN DISORDERS W/O CC	N	$1,283.66	$2,913.67	$2,325.75

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
274	MALIGNANT BREAST DISORDERS W CC	N	$1,244.36	$2,231.12	$2,114.70
275	MALIGNANT BREAST DISORDERS W/O CC	N	$1,275.04	$1,811.30	$1,396.78
276	NON-MALIGNANT BREAST DISORDERS	N	$1,272.70	$2,189.75	$1,977.57
277	CELLULITIS AGE >17 W CC	N	$1,286.17	$2,257.02	$1,903.34
278	CELLULITIS AGE >17 W/O CC	N	$1,262.61	$2,130.20	$1,552.01
279	CELLULITIS AGE 0-17	N	$1,370.37	$2,407.86	$1,892.57
280	TRAUMA TO THE SKIN, SUBCUT TISS & BREAST AGE >17 W CC	N	$1,266.62	$2,440.02	$2,305.17
281	TRAUMA TO THE SKIN, SUBCUT TISS & BREAST AGE >17 W/O CC	N	$1,296.87	$2,306.55	$2,158.97
282	TRAUMA TO THE SKIN, SUBCUT TISS & BREAST AGE 0-17	N	$1,284.46	$2,487.48	$2,044.07
283	MINOR SKIN DISORDERS W CC	N	$1,342.16	$2,393.25	$2,123.33
284	MINOR SKIN DISORDERS W/O CC	N	$1,048.59	$1,877.39	$1,346.79
285	AMPUTAT OF LOWER LIMB FOR ENDOCRINE,NUTRIT,& METABOL DISORDERS	S	$1,245.29	$2,492.24	$2,744.67
286	ADRENAL & PITUITARY PROCEDURES	S	$1,453.79	$3,375.76	$7,491.70
287	SKIN GRAFTS & WOUND DEBRID FOR ENDOC, NUTRIT & METAB DISORDERS	S	$1,396.43	$2,480.63	$2,380.98
288	O.R. PROCEDURES FOR OBESITY	S	$1,351.90	$2,992.09	$9,652.21
289	PARATHYROID PROCEDURES	S	$1,371.52	$2,909.21	$6,767.62
290	THYROID PROCEDURES	S	$1,427.67	$2,704.69	$8,186.74
291	THYROGLOSSAL PROCEDURES	S	$1,779.26	$7,619.61	$10,756.97
292	OTHER ENDOCRINE, NUTRIT & METAB O.R. PROC W CC	S	$1,398.88	$2,484.10	$3,835.57
293	OTHER ENDOCRINE, NUTRIT & METAB O.R. PROC W/O CC	S	$1,410.21	$3,617.81	$5,745.31
294	DIABETES AGE >35	N	$1,291.11	$2,392.42	$2,196.12
295	DIABETES AGE 0-35	N	$1,044.68	$2,003.19	$2,600.92
296	NUTRITIONAL & MISC METABOLIC DISORDERS AGE >17 W CC	N	$1,167.99	$2,094.27	$2,139.04
297	NUTRITIONAL & MISC METABOLIC DISORDERS AGE >17 W/O CC	N	$1,131.89	$2,051.65	$1,814.38
298	NUTRITIONAL & MISC METABOLIC DISORDERS AGE 0-17	N	$2,024.90	$3,386.38	$3,533.89
299	INBORN ERRORS OF METABOLISM	N	$1,057.74	$2,213.65	$2,409.07
300	ENDOCRINE DISORDERS W CC	N	$1,292.08	$2,341.90	$2,431.73
301	ENDOCRINE DISORDERS W/O CC	N	$1,535.16	$2,719.33	$2,711.01
302	KIDNEY TRANSPLANT	S	$2,004.32	$4,076.46	$18,926.78
303	KIDNEY,URETER & MAJOR BLADDER PROCEDURES FOR NEOPLASM	S	$1,344.46	$2,762.00	$5,462.87
304	KIDNEY,URETER & MAJOR BLADDER PROC FOR NON-NEOPL W CC	S	$1,431.45	$2,748.35	$4,764.52
305	KIDNEY,URETER & MAJOR BLADDER PROC FOR NON-NEOPL W/O CC	S	$1,295.75	$2,528.50	$6,681.59
306	PROSTATECTOMY W CC	S	$1,272.86	$2,359.37	$3,550.97
307	PROSTATECTOMY W/O CC	S	$1,146.80	$1,873.38	$5,227.47
308	MINOR BLADDER PROCEDURES W CC	S	$1,259.11	$2,306.65	$4,142.33
309	MINOR BLADDER PROCEDURES W/O CC	S	$1,291.93	$2,232.11	$9,452.31
310	TRANSURETHRAL PROCEDURES W CC	S	$1,384.79	$2,469.51	$4,240.60
311	TRANSURETHRAL PROCEDURES W/O CC	S	$1,643.17	$2,458.26	$7,615.73
312	URETHRAL PROCEDURES, AGE >17 W CC	S	$1,419.37	$2,510.57	$4,188.84
313	URETHRAL PROCEDURES, AGE >17 W/O CC	S	$1,387.51	$2,982.17	$6,623.99
314	URETHRAL PROCEDURES, AGE 0-17	S	$1,441.40	$2,478.26	$4,569.91
315	OTHER KIDNEY & URINARY TRACT O.R. PROCEDURES	S	$1,405.23	$2,495.21	$4,862.50
316	RENAL FAILURE	N	$1,220.38	$2,239.96	$2,642.79
317	ADMIT FOR RENAL DIALYSIS	N	$1,177.40	$2,238.22	$3,790.67
318	KIDNEY & URINARY TRACT NEOPLASMS W CC	N	$1,262.82	$2,753.02	$2,717.01
319	KIDNEY & URINARY TRACT NEOPLASMS W/O CC	N	$1,238.47	$2,478.55	$2,743.00
320	KIDNEY & URINARY TRACT INFECTIONS AGE >17 W CC	N	$1,155.64	$2,125.26	$2,103.19
321	KIDNEY & URINARY TRACT INFECTIONS AGE >17 W/O CC	N	$1,109.12	$2,041.34	$1,888.31
322	KIDNEY & URINARY TRACT INFECTIONS AGE 0-17	N	$1,364.29	$3,625.23	$2,309.82
323	URINARY STONES W CC, &/OR ESW LITHOTRIPSY	N	$1,186.69	$2,190.71	$3,967.06
324	URINARY STONES W/O CC	N	$1,037.72	$2,365.02	$3,681.85
325	KIDNEY & URINARY TRACT SIGNS & SYMPTOMS AGE >17 W CC	N	$1,365.33	$2,366.06	$2,306.33

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
326	KIDNEY & URINARY TRACT SIGNS & SYMPTOMS AGE >17 W/O CC	N	$1,395.80	$1,914.84	$2,219.20
327	KIDNEY & URINARY TRACT SIGNS & SYMPTOMS AGE 0-17	N	$1,356.08	$2,410.20	$2,083.07
328	URETHRAL STRICTURE AGE >17 W CC	N	$1,516.23	$2,111.13	$3,363.34
329	URETHRAL STRICTURE AGE >17 W/O CC	N	$1,412.47	$2,962.26	$4,394.67
330	URETHRAL STRICTURE AGE 0-17	N	$1,602.14	$3,357.92	$3,381.59
331	OTHER KIDNEY & URINARY TRACT DIAGNOSES AGE >17 W CC	N	$1,259.74	$2,310.35	$2,838.57
332	OTHER KIDNEY & URINARY TRACT DIAGNOSES AGE >17 W/O CC	N	$1,358.57	$2,145.06	$2,930.44
333	OTHER KIDNEY & URINARY TRACT DIAGNOSES AGE 0-17	N	$2,106.48	$4,358.89	$5,373.88
334	MAJOR MALE PELVIC PROCEDURES W CC	S	$1,270.08	$2,746.77	$6,163.42
335	MAJOR MALE PELVIC PROCEDURES W/O CC	S	$1,259.36	$2,582.29	$7,686.43
336	TRANSURETHRAL PROSTATECTOMY W CC	S	$1,186.16	$2,362.96	$4,007.10
337	TRANSURETHRAL PROSTATECTOMY W/O CC	S	$1,193.74	$2,043.55	$5,299.96
338	TESTES PROCEDURES, FOR MALIGNANCY	S	$1,012.46	$1,630.37	$3,317.10
339	TESTES PROCEDURES, NON-MALIGNANCY AGE >17	S	$1,143.71	$2,315.94	$3,449.72
340	TESTES PROCEDURES, NON-MALIGNANCY AGE 0-17	S	$1,180.80	$2,488.87	$3,571.63
341	PENIS PROCEDURES	S	$1,655.21	$3,321.78	$10,351.87
342	CIRCUMCISION AGE >17	S	$996.95	$1,711.44	$3,710.07
343	CIRCUMCISION AGE 0-17	S	$1,020.87	$1,904.56	$4,036.38
344	OTHER MALE REPRODUCTIVE SYSTEM O.R. PROCEDURES FOR MALIGNANCY	S	$1,742.74	$3,174.35	$11,889.67
345	OTHER MALE REPRODUCTIVE SYSTEM O.R. PROC EXCEPT FOR MALIGNANCY	S	$1,410.15	$2,751.60	$3,348.47
346	MALIGNANCY, MALE REPRODUCTIVE SYSTEM, W CC	N	$1,237.42	$2,181.90	$2,138.47
347	MALIGNANCY, MALE REPRODUCTIVE SYSTEM, W/O CC	N	$1,417.51	$2,129.17	$3,259.15
348	BENIGN PROSTATIC HYPERTROPHY W CC	N	$1,345.81	$2,302.61	$2,415.31
349	BENIGN PROSTATIC HYPERTROPHY W/O CC	N	$1,422.72	$2,261.19	$2,192.28
350	INFLAMMATION OF THE MALE REPRODUCTIVE SYSTEM	N	$1,138.22	$1,979.44	$2,201.96
351	STERILIZATION, MALE	N	$1,036.28	$2,008.41	$2,847.60
352	OTHER MALE REPRODUCTIVE SYSTEM DIAGNOSES	N	$1,234.33	$2,894.76	$2,642.17
353	PELVIC EVISCERATION, RADICAL HYSTERECTOMY & RADICAL VULVECTOMY	S	$1,439.81	$3,166.27	$5,511.26
354	UTERINE,ADNEXA PROC FOR NON-OVARIAN/ADNEXAL MALIG W CC	S	$1,434.65	$2,855.05	$4,731.06
355	UTERINE,ADNEXA PROC FOR NON-OVARIAN/ADNEXAL MALIG W/O CC	S	$1,400.75	$2,952.77	$5,433.31
356	FEMALE REPRODUCTIVE SYSTEM RECONSTRUCTIVE PROCEDURES	S	$1,089.39	$2,304.80	$7,014.72
357	UTERINE & ADNEXA PROC FOR OVARIAN OR ADNEXAL MALIGNANCY	S	$1,402.48	$2,895.77	$4,867.33
358	UTERINE & ADNEXA PROC FOR NON-MALIGNANCY W CC	S	$1,155.86	$2,504.06	$4,903.23
359	UTERINE & ADNEXA PROC FOR NON-MALIGNANCY W/O CC	S	$1,116.70	$2,289.33	$5,764.97
360	VAGINA, CERVIX & VULVA PROCEDURES	S	$1,110.03	$2,242.50	$5,618.23
361	LAPAROSCOPY & INCISIONAL TUBAL INTERRUPTION	S	$1,286.14	$2,527.44	$6,378.25
362	ENDOSCOPIC TUBAL INTERRUPTION	S	$1,023.96	$2,071.53	$4,936.39
363	D&C, CONIZATION & RADIO-IMPLANT, FOR MALIGNANCY	S	$1,375.49	$2,297.11	$4,058.50
364	D&C, CONIZATION EXCEPT FOR MALIGNANCY	S	$1,563.99	$2,902.74	$3,012.32
365	OTHER FEMALE REPRODUCTIVE SYSTEM O.R. PROCEDURES	S	$1,227.05	$2,612.53	$4,183.05
366	MALIGNANCY, FEMALE REPRODUCTIVE SYSTEM W CC	N	$1,292.22	$2,313.46	$2,453.62
367	MALIGNANCY, FEMALE REPRODUCTIVE SYSTEM W/O CC	N	$1,341.02	$4,765.54	$2,069.35
368	INFECTIONS, FEMALE REPRODUCTIVE SYSTEM	N	$1,177.36	$2,203.72	$2,366.54
369	MENSTRUAL & OTHER FEMALE REPRODUCTIVE SYSTEM DISORDERS	N	$1,436.54	$2,811.91	$2,691.73
370	CESAREAN SECTION W CC	S	$1,228.17	$3,013.70	$3,951.65
371	CESAREAN SECTION W/O CC	S	$1,209.90	$2,417.57	$2,935.70
372	VAGINAL DELIVERY W COMPLICATING DIAGNOSES	N	$1,216.49	$2,391.09	$2,528.75
373	VAGINAL DELIVERY W/O COMPLICATING DIAGNOSES	N	$1,216.41	$2,186.33	$2,735.19
374	VAGINAL DELIVERY W STERILIZATION &/OR D&C	S	$1,244.56	$1,841.63	$4,743.42
375	VAGINAL DELIVERY W O.R. PROC EXCEPT STERIL &/OR D&C	S	$567.29	$1,147.67	$2,734.86
376	POSTPARTUM & POST ABORTION DIAGNOSES W/O O.R. PROCEDURE	N	$1,264.68	$3,125.53	$1,597.60
377	POSTPARTUM & POST ABORTION DIAGNOSES W O.R. PROCEDURE	S	$1,123.19	$1,443.83	$3,824.87

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
378	ECTOPIC PREGNANCY	N	$1,186.65	$2,896.18	$7,150.85
379	THREATENED ABORTION	N	$1,389.78	$2,688.39	$1,987.30
380	ABORTION W/O D&C	N	$1,127.18	$2,381.87	$3,064.94
381	ABORTION W D&C, ASPIRATION CURETTAGE OR HYSTEROTOMY	S	$2,000.08	$1,675.04	$5,215.31
382	FALSE LABOR	N	$1,115.53	$1,886.18	$1,705.14
383	OTHER ANTEPARTUM DIAGNOSES W MEDICAL COMPLICATIONS	N	$1,372.26	$2,186.89	$1,694.58
384	OTHER ANTEPARTUM DIAGNOSES W/O MEDICAL COMPLICATIONS	N	$1,312.70	$1,619.83	$2,461.65
385	NEONATES, DIED OR TRANSFERRED TO ANOTHER ACUTE CARE FACILITY	N	$1,999.50	$3,674.33	$3,654.47
386	EXTREME IMMATURITY OR RESPIRATORY DISTRESS SYNDROME, NEONATE	N	$1,787.22	$3,284.23	$3,266.47
387	PREMATURITY W MAJOR PROBLEMS	N	$1,588.29	$2,918.69	$2,902.91
388	PREMATURITY W/O MAJOR PROBLEMS	N	$1,012.52	$1,860.62	$1,850.57
389	FULL TERM NEONATE W MAJOR PROBLEMS	N	$1,467.20	$3,230.18	$1,131.57
390	NEONATE W OTHER SIGNIFICANT PROBLEMS	N	$921.90	$1,694.09	$1,684.92
391	NORMAL NEWBORN	N	$342.97	$630.25	$626.84
392	SPLENECTOMY AGE >17	S	$1,171.20	$2,615.97	$5,412.20
393	SPLENECTOMY AGE 0-17	S	$1,068.56	$2,306.83	$5,482.59
394	OTHER O.R. PROCEDURES OF THE BLOOD AND BLOOD FORMING ORGANS	S	$1,555.78	$2,873.29	$4,417.32
395	RED BLOOD CELL DISORDERS AGE >17	N	$1,238.16	$2,220.54	$2,735.18
396	RED BLOOD CELL DISORDERS AGE 0-17	N	$2,208.52	$6,460.79	$9,840.69
397	COAGULATION DISORDERS	N	$1,263.92	$2,353.17	$4,194.79
398	RETICULOENDOTHELIAL & IMMUNITY DISORDERS W CC	N	$1,312.61	$2,405.61	$3,381.04
399	RETICULOENDOTHELIAL & IMMUNITY DISORDERS W/O CC	N	$1,336.94	$2,363.83	$3,145.53
401	LYMPHOMA & NON-ACUTE LEUKEMIA W OTHER O.R. PROC W CC	S	$1,424.00	$2,645.49	$4,268.28
402	LYMPHOMA & NON-ACUTE LEUKEMIA W OTHER O.R. PROC W/O CC	S	$1,372.97	$2,965.99	$5,224.67
403	LYMPHOMA & NON-ACUTE LEUKEMIA W CC	N	$1,361.99	$2,493.25	$3,520.36
404	LYMPHOMA & NON-ACUTE LEUKEMIA W/O CC	N	$1,649.15	$2,934.79	$3,982.08
405	ACUTE LEUKEMIA W/O MAJOR O.R. PROCEDURE AGE 0-17	N	$1,427.20	$2,838.84	$4,666.34
406	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W MAJ O.R.PROC W CC	S	$1,470.04	$2,949.60	$4,706.45
407	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W MAJ O.R.PROC W/O CC	S	$1,459.41	$2,897.34	$5,923.85
408	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W OTHER O.R.PROC	S	$1,424.59	$2,819.24	$4,811.47
409	RADIOTHERAPY	N	$2,195.92	$4,438.31	$3,846.94
410	CHEMOTHERAPY W/O ACUTE LEUKEMIA AS SECONDARY DIAGNOSIS	N	$1,794.54	$3,236.46	$5,942.33
411	HISTORY OF MALIGNANCY W/O ENDOSCOPY	N	$1,220.72	$1,220.72	$3,124.13
412	HISTORY OF MALIGNANCY W ENDOSCOPY	N	$3,228.42	$1,191.82	$8,323.84
413	OTHER MYELOPROLIF DIS OR POORLY DIFF NEOPL DIAG W CC	N	$1,274.69	$2,532.41	$2,653.68
414	OTHER MYELOPROLIF DIS OR POORLY DIFF NEOPL DIAG W/O CC	N	$1,215.88	$2,918.43	$2,398.13
415	O.R. PROCEDURE FOR INFECTIOUS & PARASITIC DISEASES	S	$1,332.56	$2,561.38	$3,717.51
416	SEPTICEMIA AGE >17	N	$1,245.71	$2,391.86	$2,790.37
417	SEPTICEMIA AGE 0-17	N	$1,674.93	$5,731.40	$6,493.04
418	POSTOPERATIVE & POST-TRAUMATIC INFECTIONS	N	$1,259.31	$2,334.44	$2,288.68
419	FEVER OF UNKNOWN ORIGIN AGE >17 W CC	N	$1,321.53	$2,274.27	$2,793.41
420	FEVER OF UNKNOWN ORIGIN AGE >17 W/O CC	N	$1,354.51	$2,363.06	$2,647.39
421	VIRAL ILLNESS AGE >17	N	$1,181.23	$2,159.18	$2,722.42
422	VIRAL ILLNESS & FEVER OF UNKNOWN ORIGIN AGE 0-17	N	$1,536.83	$2,837.80	$3,877.58
423	OTHER INFECTIOUS & PARASITIC DISEASES DIAGNOSES	N	$1,209.08	$2,444.68	$3,105.57
424	O.R. PROCEDURE W PRINCIPAL DIAGNOSES OF MENTAL ILLNESS	S	$1,508.34	$2,444.26	$1,635.67
425	ACUTE ADJUSTMENT REACTION & PSYCHOSOCIAL DYSFUNCTION	N	$1,197.34	$2,028.17	$1,521.09
426	DEPRESSIVE NEUROSES	N	$1,297.97	$1,680.82	$549.88
427	NEUROSES EXCEPT DEPRESSIVE	N	$1,229.26	$1,890.05	$473.55
428	DISORDERS OF PERSONALITY & IMPULSE CONTROL	N	$1,106.85	$1,638.61	$359.08
429	ORGANIC DISTURBANCES & MENTAL RETARDATION	N	$1,245.35	$1,919.63	$678.52
430	PSYCHOSES	N	$1,187.84	$1,650.58	$362.83

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

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DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
431	CHILDHOOD MENTAL DISORDERS	N	$893.52	$1,661.39	$236.11
432	OTHER MENTAL DISORDER DIAGNOSES	N	$1,019.65	$1,624.44	$291.19
433	ALCOHOL/DRUG ABUSE OR DEPENDENCE, LEFT AMA	N	$1,526.39	$2,869.59	$892.84
439	SKIN GRAFTS FOR INJURIES	S	$1,302.52	$2,998.99	$3,500.47
440	WOUND DEBRIDEMENTS FOR INJURIES	S	$1,236.54	$2,657.63	$3,162.77
441	HAND PROCEDURES FOR INJURIES	S	$1,094.93	$2,401.59	$4,853.93
442	OTHER O.R. PROCEDURES FOR INJURIES W CC	S	$1,219.82	$2,538.57	$4,522.22
443	OTHER O.R. PROCEDURES FOR INJURIES W/O CC	S	$1,296.27	$2,554.06	$5,680.26
444	TRAUMATIC INJURY AGE >17 W CC	N	$1,225.29	$2,709.96	$2,323.40
445	TRAUMATIC INJURY AGE >17 W/O CC	N	$1,281.26	$3,095.53	$2,058.86
446	TRAUMATIC INJURY AGE 0-17	N	$1,143.91	$2,425.79	$1,881.90
447	ALLERGIC REACTIONS AGE >17	N	$1,284.44	$2,564.76	$2,978.04
448	ALLERGIC REACTIONS AGE 0-17	N	$1,241.33	$2,444.08	$2,462.12
449	POISONING & TOXIC EFFECTS OF DRUGS AGE >17 W CC	N	$1,313.64	$2,503.46	$3,275.55
450	POISONING & TOXIC EFFECTS OF DRUGS AGE >17 W/O CC	N	$1,281.21	$2,306.29	$2,858.01
451	POISONING & TOXIC EFFECTS OF DRUGS AGE 0-17	N	$862.60	$1,643.66	$1,856.32
452	COMPLICATIONS OF TREATMENT W CC	N	$1,278.45	$2,517.40	$2,983.15
453	COMPLICATIONS OF TREATMENT W/O CC	N	$1,252.70	$2,491.54	$2,608.74
454	OTHER INJURY, POISONING & TOXIC EFFECT DIAG W CC	N	$1,240.12	$2,447.60	$2,516.23
455	OTHER INJURY, POISONING & TOXIC EFFECT DIAG W/O CC	N	$1,381.54	$2,488.02	$2,873.73
461	O.R. PROC W DIAGNOSES OF OTHER CONTACT W HEALTH SERVICES	S	$1,389.94	$3,209.79	$3,244.33
462	REHABILITATION	N	$1,243.85	$1,565.30	$1,479.71
463	SIGNS & SYMPTOMS W CC	N	$1,098.92	$2,289.46	$1,865.04
464	SIGNS & SYMPTOMS W/O CC	N	$1,077.02	$2,030.48	$1,647.70
465	AFTERCARE W HISTORY OF MALIGNANCY AS SECONDARY DIAGNOSIS	N	$1,077.09	$2,022.35	$1,437.19
466	AFTERCARE W/O HISTORY OF MALIGNANCY AS SECONDARY DIAGNOSIS	N	$1,176.58	$2,206.61	$1,440.03
467	OTHER FACTORS INFLUENCING HEALTH STATUS	N	$528.69	$1,652.95	$446.24
468	EXTENSIVE O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS	S	$1,287.22	$2,412.84	$4,404.43
471	BILATERAL OR MULTIPLE MAJOR JOINT PROCS OF LOWER EXTREMITY	S	$1,323.64	$2,622.63	$11,686.79
473	ACUTE LEUKEMIA W/O MAJOR O.R. PROCEDURE AGE >17	N	$1,579.37	$2,956.99	$5,034.02
475	RESPIRATORY SYSTEM DIAGNOSIS WITH VENTILATOR SUPPORT	N	$1,301.93	$2,751.23	$4,413.07
476	PROSTATIC O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS	S	$1,355.99	$2,360.10	$2,858.59
477	NON-EXTENSIVE O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS	S	$1,266.26	$2,364.63	$3,256.14
479	OTHER VASCULAR PROCEDURES W/O CC	S	$1,286.00	$2,268.78	$8,531.40
480	LIVER TRANSPLANT AND/OR INTESTINAL TRANSPLANT	S	$1,963.95	$4,400.88	$17,642.10
481	BONE MARROW TRANSPLANT	S	$2,493.35	$3,104.26	$5,732.60
482	TRACHEOSTOMY FOR FACE,MOUTH & NECK DIAGNOSES	S	$1,394.44	$2,809.75	$4,570.59
484	CRANIOTOMY FOR MULTIPLE SIGNIFICANT TRAUMA	S	$1,383.36	$2,796.47	$5,764.37
485	LIMB REATTACHMENT, HIP AND FEMUR PROC FOR MULTIPLE SIGNIFICANT TRA	S	$1,121.66	$2,478.63	$4,955.24
486	OTHER O.R. PROCEDURES FOR MULTIPLE SIGNIFICANT TRAUMA	S	$1,207.27	$2,598.40	$6,232.55
487	OTHER MULTIPLE SIGNIFICANT TRAUMA	N	$1,197.28	$3,024.88	$3,469.27
488	HIV W EXTENSIVE O.R. PROCEDURE	S	$2,322.20	$4,266.70	$6,130.45
489	HIV W MAJOR RELATED CONDITION	N	$2,265.49	$3,983.98	$4,352.56
490	HIV W OR W/O OTHER RELATED CONDITION	N	$1,853.96	$3,218.62	$3,159.50
491	MAJOR JOINT & LIMB REATTACHMENT PROCEDURES OF UPPER EXTREMITY	S	$1,144.11	$2,305.35	$9,556.38
492	CHEMOTHERAPY W ACUTE LEUKEMIA OR W USE OF HI DOSE CHEMOAGENT	N	$1,658.29	$3,061.06	$5,445.90
493	LAPAROSCOPIC CHOLECYSTECTOMY W/O C.D.E. W CC	S	$1,090.02	$2,060.22	$4,726.43
494	LAPAROSCOPIC CHOLECYSTECTOMY W/O C.D.E. W/O CC	S	$1,182.04	$2,108.66	$6,923.63
495	LUNG TRANSPLANT	S	$1,604.26	$3,952.39	$16,141.55
496	COMBINED ANTERIOR/POSTERIOR SPINAL FUSION	S	$1,373.31	$3,042.06	$13,398.91
497	SPINAL FUSION EXCEPT CERVICAL W CC	S	$1,210.69	$2,686.00	$11,100.91
498	SPINAL FUSION EXCEPT CERVICAL W/O CC	S	$1,127.08	$2,429.54	$13,087.75

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

Page 10 OF 11

DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
499	BACK & NECK PROCEDURES EXCEPT SPINAL FUSION W CC	S	$1,225.36	$2,563.42	$5,822.56
500	BACK & NECK PROCEDURES EXCEPT SPINAL FUSION W/O CC	S	$1,182.96	$2,599.28	$7,738.69
501	KNEE PROCEDURES W PDX OF INFECTION W CC	S	$1,156.17	$2,187.85	$3,971.64
502	KNEE PROCEDURES W PDX OF INFECTION W/O CC	S	$1,039.00	$1,859.26	$3,626.11
503	KNEE PROCEDURES W/O PDX OF INFECTION	S	$1,254.61	$2,264.34	$5,852.39
504	EXTEN. BURNS OR FULL THICKNESS BURN W/MV 96+HRS W/SKIN GFT	S	$2,737.78	$6,289.56	$12,218.76
505	EXTEN. BURNS OR FULL THICKNESS BURN W/MV 96+HRS W/O SKIN GFT	N	$1,147.13	$4,560.53	$5,811.36
506	FULL THICKNESS BURN W SKIN GRAFT OR INHAL INJ W CC OR SIG TRAUMA	S	$1,696.59	$3,761.44	$3,742.72
507	FULL THICKNESS BURN W SKIN GRFT OR INHAL INJ W/O CC OR SIG TRAUMA	S	$1,082.57	$3,216.77	$2,285.42
508	FULL THICKNESS BURN W/O SKIN GRFT OR INHAL INJ W CC OR SIG TRAUMA	N	$1,320.78	$4,153.49	$2,509.13
509	FULL THICKNESS BURN W/O SKIN GRFT OR INH INJ W/O CC OR SIG TRAUMA	N	$1,015.38	$3,657.35	$1,780.89
510	NON-EXTENSIVE BURNS W CC OR SIGNIFICANT TRAUMA	N	$1,155.86	$4,190.26	$2,377.52
511	NON-EXTENSIVE BURNS W/O CC OR SIGNIFICANT TRAUMA	N	$1,176.95	$4,271.76	$2,110.82
512	SIMULTANEOUS PANCREAS/KIDNEY TRANSPLANT	S	$2,021.25	$4,239.83	$20,907.41
513	PANCREAS TRANSPLANT	S	$2,267.61	$4,968.72	$21,258.78
515	CARDIAC DEFIBRILLATOR IMPLANT W/O CARDIAC CATH	S	$1,416.29	$2,387.40	$24,470.68
518	PERC CARDIO PROC W/O CORONARY ARTERY STENT OR AMI	S	$1,723.91	$2,605.30	$11,087.27
519	CERVICAL SPINAL FUSION W CC	S	$1,161.49	$2,620.79	$9,610.83
520	CERVICAL SPINAL FUSION W/O CC	S	$1,084.42	$2,470.48	$15,564.86
521	ALCOHOL/DRUG ABUSE OR DEPENDENCE W CC	N	$1,266.85	$2,479.25	$1,331.59
522	ALC/DRUG ABUSE OR DEPEND W REHABILITATION THERAPY W/O CC	N	$1,104.97	$1,864.12	$290.03
523	ALC/DRUG ABUSE OR DEPEND W/O REHABILITATION THERAPY W/O CC	N	$1,386.07	$2,050.27	$516.18
524	TRANSIENT ISCHEMIA	N	$1,208.87	$2,105.10	$2,947.82
525	OTHER HEART ASSIST SYSTEM IMPLANT	S	$1,320.85	$2,531.71	$10,327.75
528	INTRACRANIAL VASCULAR PROC W PDX HEMORRHAGE	S	$1,553.52	$3,616.45	$7,870.78
529	VENTRICULAR SHUNT PROCEDURES W CC	S	$1,530.02	$3,394.67	$5,233.47
530	VENTRICULAR SHUNT PROCEDURES W/O CC	S	$1,503.60	$3,186.20	$6,241.18
531	SPINAL PROCEDURES W CC	S	$1,352.93	$2,935.15	$5,578.34
532	SPINAL PROCEDURES W/O CC	S	$1,308.65	$2,782.23	$6,890.27
533	EXTRACRANIAL PROCEDURES W CC	S	$1,217.80	$2,334.18	$6,600.87
534	EXTRACRANIAL PROCEDURES W/O CC	S	$1,153.83	$2,325.45	$9,169.60
535	CARDIAC DEFIB IMPLANT W CARDIAC CATH W AMI/HF/SHOCK	S	$1,656.55	$2,800.98	$14,371.35
536	CARDIAC DEFIB IMPLANT W CARDIAC CATH W/O AMI/HF/SHOCK	S	$1,514.06	$2,454.37	$21,866.23
537	LOCAL EXCIS & REMOV OF INT FIX DEV EXCEPT HIP & FEMUR W CC	S	$1,448.45	$2,785.48	$4,793.34
538	LOCAL EXCIS & REMOV OF INT FIX DEV EXCEPT HIP & FEMUR W/O CC	S	$1,304.13	$2,953.77	$6,732.60
539	LYMPHOMA & LEUKEMIA W MAJOR OR PROCEDURE W CC	S	$1,390.99	$2,814.39	$5,156.12
540	LYMPHOMA & LEUKEMIA W MAJOR OR PROCEDURE W/O CC	S	$1,300.54	$2,608.69	$5,853.42
541	ECMO OR TRACH W MV 96+HRS OR PDX EXC FACE, MOUTH & NECK W MAJ O.R.	S	$1,193.86	$3,124.55	$9,618.20
542	TRACH W MV 96+HRS OR PDX EXC FACE, MOUTH & NECK W/O MAJ O.R.	S	$2,372.39	$3,875.16	$12,287.33
543	CRANIOTOMY W/IMPLANT OF CHEMO AGENT OR ACUTE COMPLX CNS PDX	S	$1,706.62	$3,570.98	$6,013.46
544	MAJOR JOINT REPLACEMENT OR REATTACHMENT OF LOWER EXTREMITY	S	$1,460.81	$2,989.35	$4,874.62
545	REVISION OF HIP OR KNEE REPLACEMENT	S	$1,517.25	$2,994.70	$6,419.14
546	SPINAL FUSION EXC CERV WITH CURVATURE OF THE SPINE OR MALIG	S	$1,777.65	$3,346.46	$11,907.97
547	CORONARY BYPASS W CARDIAC CATH W MAJOR CV DX	S	$1,999.67	$4,026.79	$20,142.57
548	CORONARY BYPASS W CARDIAC CATH W/O MAJOR CV DX	S	$1,935.47	$3,978.93	$6,399.46
549	CORONARY BYPASS W/O CARDIAC CATH W MAJOR CV DX	S	$1,777.65	$3,346.46	$11,907.97
550	CORONARY BYPASS W/O CARDIAC CATH W/O MAJOR CV DX	S	$1,520.65	$3,026.91	$5,951.83
551	PERMANENT CARDIAC PACEMAKER IMPL W MAJ CV DX OR AICD LEAD OR GNRTR	S	$1,505.57	$3,051.77	$6,813.96
552	OTHER PERMANENT CARDIAC PACEMAKER IMPLANT W/O MAJOR CV DX	S	$1,499.66	$3,016.37	$4,975.95
553	OTHER VASCULAR PROCEDURES W CC W MAJOR CV DX	S	$1,507.19	$3,053.06	$6,923.45
554	OTHER VASCULAR PROCEDURES W CC W/O MAJOR CV DX	S	$1,506.11	$3,045.38	$5,040.88
555	PERCUTANEOUS CARDIOVASCULAR PROC W MAJOR CV DX	S	$1,521.22	$3,001.61	$6,511.38

TABLE A. — ACUTE INPATIENT FACILITY NATIONWIDE
PER DIEM CHARGES, BY DRG (DIAGNOSIS RELATED GROUP)

Page 11 OF 11

DRG	Description	Surgical/Non-Surgical Indicator	Per Diem Charge		
			Standard Room and Board	ICU Room and Board	Ancillary
556	PERCUTANEOUS CARDIOVASC PROC W NON-DRUG-ELUTING STENT W/O MAJ CV DX	S	$1,498.69	$3,096.58	$5,063.42
557	PERCUTANEOUS CARDIOVASCULAR PROC W DRUG-ELUTING STENT W MAJOR CV DX	S	$1,467.86	$2,895.26	$5,296.13
558	PERCUTANEOUS CARDIOVASCULAR PROC W DRUG-ELUTING STENT W/O MAJ CV DX	S	$1,537.12	$3,082.26	$6,185.31
559	ACUTE ISCHEMIC STROKE WITH USE OF THROMBOLYTIC AGENT	N	$1,416.64	$3,915.32	$5,238.53

TABLE B. — SKILLED NURSING FACILITY/SUB-ACUTE
INPATIENT FACILITY NATIONWIDE PER DIEM CHARGE

Description	All-Inclusive Per Diem Charge
Skilled Nursing Facility/Sub-Acute Inpatient Facility	$797.21

Supplementary Table 1
Reasonable Charges Data Sources - V2.5

V2.5 Data Source.xls - By Charge Type

Charge Type	Paragraph	Subject	Data Source	Edition
INPT	(b)(2)(iv)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Jan/Feb/Mar/Apr/Jun/Jul/Aug 2003, as of Sept 2004
INPT	(b)(2)(iv)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Mar/Apr/May/Jun 2005, as of August 2005
INPT	(b)(1)	National Volume	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)	National Total Days	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)	National ICU + CCU Days	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)	National Non-ICU Days	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)	National Semi Private Days	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)(i)	National Total Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Room & Board Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Private Room Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Semi Private Room Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Ward Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National ICU Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National CCU Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Ancillary Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	Effective Ancillary Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Total Charges per Volume	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Avg LOS	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)(i)	National R&B as % of Total Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)(i)	National Ancillary as % of Total Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)	National Special Care Days	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
SNF	(c)(2)(ii)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Jan/Feb/Mar/Apr/Jun/Jul/Aug 2003, as of Sept 2004
SNF	(c)(2)(ii)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Mar/Apr/May/Jun 2005, as of August 2005

Supplementary Table 1
Reasonable Charges Data Sources - V2.5

V2.5 Data Source.xls - By Data Source

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Charge Type	Paragraph	Subject	Data Source	Edition
INPT	(b)(2)(iv)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Jan/Feb/Mar/Apr/Jun/Jul/Aug 2003, as of Sept 2004
INPT	(b)(2)(iv)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Mar/Apr/May/Jun 2005, as of August 2005
SNF	(c)(2)(ii)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Jan/Feb/Mar/Apr/Jun/Jul/Aug 2003, as of Sept 2004
SNF	(c)(2)(ii)	trending forward	CPI-U, inpatient hospital services component, seasonally adjusted	Mar/Apr/May/Jun 2005, as of August 2005
INPT	(b)(1)	National Volume	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)	National Total Days	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)	National ICU + CCU Days	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)	National Non-ICU Days	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)	National Semi Private Days	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)(i)	National Total Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Room & Board Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Private Room Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Semi Private Room Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Ward Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National ICU Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National CCU Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Ancillary Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	Effective Ancillary Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Total Charges per Volume	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)	National Avg LOS	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)(i)	National R&B as % of Total Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(2)(i)	National Ancillary as % of Total Charges	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)	National Semi Private Days	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003
INPT	(b)(1)	National Special Care Days	Ingenix, CMS Medicare Provider Analysis and Review (MedPAR) Record	2003

Supplementary Table 1
Reasonable Charges Data Sources - V2.5

V2.5 Data Source.xls - Abbreviations

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Charge Type	Paragraph	Subject	Data Source	Edition
Charge Type Abbreviations			Other Abbreviations	
INPT = Acute inpatient facility charges			AVG = Average	
SNF = Skilled nursing facility / sub-acute inpatient facility charges			CMS = Centers for Medicare and Medicaid Services	
			CCU = Critical Care Unit	
			CPI-U = Consumer Price Index - All Urban Consumers	
			ICU = Intensive Care Unit	
			LOS = Length of Stay	
			MedPAR = Medicare Provider Analysis and Review	
			R&B = Room and Board	

Supplementary Table 2
Reasonable Charges Data Sources - V2.5 - Where To Obtain

V2.5 Data Sources - 2005-9-8.xls - Obtain

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Database	Where To Obtain
CPI-U, various components, seasonally adjusted	Bureau of Labor Statistics Internet site, CPI section, http://www.bls.gov/cpi/
MedPAR custom reports	Ingenix, Inc., 2525 Lake Park Blvd., Salt Lake City, UT 84120
Abbreviations	
CPI-U = Consumer Price Index - All Urban Consumers	
MedPAR = Medicare Provider Analysis and Review	

Supplementary Table 3
VA Medical Facility Locations, Three-Digit ZIP Codes, and Provider-Based/Non-Provider-Based Designations

RC V2p5 Facility List 2005-9-19FR.xls

Sta #	VA Facility Location	ST	ZIP 3	VN	Type	PB
402	TOGUS, ME	ME	043	1	VAMC	PBH
402GA	CARIBOU, ME	ME	047	1	CBOC	NPB
402GB	CALAIS, ME	ME	046	1	CBOC	NPB
402GC	RUMFORD, ME	ME	042	1	CBOC	NPB
402GD	SACO, ME	ME	040	1	CBOC	NPB
402HB	BANGOR, ME	ME	044	1	CBOC	NPB
402HC	PORTLAND, ME	ME	041	1	CBOC	NPB
405	WHITE RIVER JCT, VT	VT	050	1	VAMC	PBH
405GA	BENNINGTON, VT	VT	052	1	CBOC	NPB
405HA	BURLINGTON, VT	VT	054	1	CBOC	NPB
405HC	SAINT JOHNSBURY, VT	VT	058	1	CBOC	NPB
405HD	NEWPORT, VT	VT	058	1	CBOC	NPB
405HF	RUTLAND, VT	VT	057	1	CBOC	NPB
405HG	WILDER, VT	VT	050	1	CBOC	NPB
436	FORT HARRISON, MT	MT	596	19	VAMC	PBH
436GA	ANACONDA, MT	MT	597	19	CBOC	NPB
436GB	GREAT FALLS, MT	MT	594	19	CBOC	NPB
436GC	MISSOULA, MT	MT	598	19	CBOC	NPB
436GD	BOZEMAN, MT	MT	597	19	CBOC	NPB
436GF	KALISPELL, MT	MT	599	19	CBOC	NPB
436GH	BILLINGS, MT	MT	591	19	CBOC	NPB
436GI	GLASGOW, MT	MT	592	19	CBOC	NPB
436GJ	MILES CITY, MT	MT	593	19	CBOC	NPB
436GK	SIDNEY, MT	MT	592	19	CBOC	NPB
437	FARGO, ND	ND	581	23	VAMC	PBH
437GA	GRAFTON, ND	ND	582	23	CBOC	NPB
437GB	BISMARCK, ND	ND	585	23	CBOC	NPB
437GC	FERGUS FALLS, MN	MN	565	23	CBOC	NPB
437GD	MINOT, ND	ND	587	23	CBOC	NPB
438	SIOUX FALLS, SD	SD	571	23	VAMC	PBH
438GC	SIOUX CITY, IA	IA	511	23	CBOC	NPB
438GD	ABERDEEN, SD	SD	574	23	CBOC	NPB
442	CHEYENNE, WY	WY	820	19	VAMC	PBH
442GB	SIDNEY, NE	NE	691	19	CBOC	NPB
442GC	FORT COLLINS, CO	CO	805	19	CBOC	NPB
442GD	GREELEY, CO	CO	806	19	CBOC	NPB
459	HONOLULU, HI	HI	968	21	VAMC	PBH
459GA	KAHULUI, HI	HI	967	21	CBOC	NPB
459GB	HILO, HI	HI	967	21	CBOC	NPB
459GC	KAILUA KONA, HI	HI	967	21	CBOC	NPB
459GD	LIHUE, HI	HI	967	21	CBOC	NPB
459GE	GUAM, GU	GU	969	21	CBOC	NPB
460	WILMINGTON, DE	DE	198	4	VAMC	PBH
460GA	MILLSBORO, DE	DE	199	4	CBOC	NPB
460HE	VENTNOR CITY, NJ	NJ	084	4	CBOC	NPB
460HG	VINELAND, NJ	NJ	083	4	CBOC	PBO
463	ANCHORAGE, AK	AK	995	20	IOC	PBO
463GA	FAIRBANKS, AK	AK	997	20	CBOC	NPB
463GB	KENAI, AK	AK	996	20	CBOC	NPB
501	ALBUQUERQUE, NM	NM	871	18	VAMC	PBH
501G2	LAS VEGAS, NM	NM	875	18	CBOC	NPB
501GA	ARTESIA, NM	NM	882	18	CBOC	NPB
501GB	FARMINGTON, NM	NM	874	18	CBOC	NPB
501GC	SILVER CITY, NM	NM	880	18	CBOC	NPB
501GD	GALLUP, NM	NM	873	18	CBOC	NPB
501GE	ESPANOLA, NM	NM	884	18	CBOC	NPB
501GH	TRUTH OR CONSEQUENCES, NM	NM	879	18	CBOC	NPB
501GI	ALAMOGORDO, NM	NM	883	18	CBOC	NPB

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Sta #	VA Facility Location	ST	ZIP 3	VN	Type	PB
501GJ	DURANGO, CO	CO	813	18	CBOC	NPB
501GK	SANTA FE, NM	NM	875	18	CBOC	NPB
501HB	RATON, NM	NM	877	18	CBOC	NPB
502	ALEXANDRIA, LA	LA	713	16	VAMC	PBH
502GA	JENNINGS, LA	LA	705	16	CBOC	NPB
502GB	LAFAYETTE, LA	LA	705	16	CBOC	NPB
503	ALTOONA, PA	PA	166	4	VAMC	PBH
503GA	JOHNSTOWN, PA	PA	159	4	CBOC	PBO
503GB	DU BOIS, PA	PA	158	4	CBOC	NPB
503GC	STATE COLLEGE, PA	PA	168	4	CBOC	PBO
504	AMARILLO, TX	TX	791	18	VAMC	PBH
504BY	LUBBOCK, TX	TX	794	18	CBOC	NPB
504BZ	CLOVIS, NM	NM	881	18	CBOC	NPB
504GA	CHILDRESS, TX	TX	792	18	CBOC	NPB
504GB	LIBERAL, KS	KS	679	18	CBOC	NPB
504HB	STRATFORD, TX	TX	790	18	CBOC	NPB
506	ANN ARBOR, MI	MI	481	11	VAMC	PBH
506GA	TOLEDO, OH	OH	436	11	CBOC	NPB
506GB	FLINT, MI	MI	485	11	CBOC	NPB
506GC	JACKSON, MI	MI	492	11	CBOC	NPB
508	ATLANTA/DECATUR, GA	GA	300	7	VAMC	PBH
508GA	EAST POINT, GA	GA	303	7	CBOC	PBO
508GE	OAKWOOD/NE CORRIDOR, GA	GA	305	7	CBOC	PBO
508GF	SMYRNA, GA	GA	300	7	CBOC	PBO
508GH	LAWRENCEVILLE, GA	GA	300	7	CBOC	PBO
509	AUGUSTA DOWNTOWN, GA	GA	309	7	VAMC	PBH
509A0	AUGUSTA UPTOWN, GA	GA	309	7	VAMC	PBH
512	BALTIMORE, MD	MD	212	5	VAMC	PBH
512A5	PERRY POINT, MD	MD	219	5	VAMC	PBH
512GA	CAMBRIDGE, MD	MD	216	5	CBOC	NPB
512GC	GLEN BURNIE, MD	MD	210	5	CBOC	PBO
512GD	BALTIMORE/LOCH RAVEN, MD	MD	212	5	CBOC	PBO
512GE	POCOMOKE CITY, MD	MD	218	5	CBOC	NPB
512GF	FORT HOWARD CBOC, MD	MD	210	5	CBOC	PBO
512PA	PERRY POINT RTP'S, MD	MD	219	5	CBOC	NPB
515	BATTLE CREEK, MI	MI	490	11	VAMC	PBH
515BY	GRAND RAPIDS, MI	MI	495	11	CBOC	NPB
515GA	MUSKEGON, MI	MI	494	11	CBOC	NPB
515GB	LANSING, MI	MI	489	11	CBOC	NPB
515GC	BENTON HARBOR, MI	MI	490	11	CBOC	NPB
516	BAY PINES, FL	FL	337	8	VAMC	PBH
516BZ	FORT MYERS, FL	FL	339	8	CBOC	NPB
516GA	SARASOTA, FL	FL	342	8	CBOC	NPB
516GB	SAINT PETERSBURG, FL	FL	337	8	CBOC	PBO
516GC	DUNEDIN, FL	FL	346	8	CBOC	PBO
516GD	ELLENTON, FL	FL	342	8	CBOC	PBO
516GE	PORT CHARLOTTE, FL	FL	339	8	CBOC	NPB
516GF	NAPLES, FL	FL	341	8	CBOC	NPB
516GH	AVON PARK, FL	FL	338	8	CBOC	NPB
517	BECKLEY, WV	WV	258	6	VAMC	PBH
517GA	GASSAWAY, WV	WV	266	6	CBOC	NPB
518	BEDFORD, MA	MA	017	1	VAMC	PBH
518GA	LYNN, MA	MA	019	1	CBOC	PBO
518GB	HAVERHILL, MA	MA	018	1	CBOC	PBO
518GC	WINCHINDON, MA	MA	014	1	CBOC	NPB
518GD	LOWELL, MA	MA	018	1	CBOC	PBO
518GE	GLOUCESTER, MA	MA	019	1	CBOC	PBO
518GG	FITCHBURG, MA	MA	014	1	CBOC	PBO

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519	BIG SPRING, TX	TX	797	18	VAMC	PBH
519GA	ODESSA, TX	TX	797	18	CBOC	NPB
519GB	HOBBS, NM	NM	882	18	CBOC	NPB
519GD	FORT STOCKTON, TX	TX	797	18	CBOC	NPB
519HC	ABILENE, TX	TX	796	18	CBOC	NPB
519HD	STAMFORD, TX	TX	795	18	CBOC	NPB
519HF	SAN ANGELO, TX	TX	769	18	CBOC	NPB
520	BILOXI, MS	MS	395	16	VAMC	PBH
520A0	GULFPORT, MS	MS	395	16	VAMC	PBH
520BZ	PENSACOLA, FL	FL	325	16	CBOC	NPB
520GA	MOBILE, AL	AL	366	16	CBOC	NPB
520GB	PANAMA CITY, FL	FL	324	16	CBOC	NPB
521	BIRMINGHAM, AL	AL	352	7	VAMC	PBH
521GA	HUNTSVILLE, AL	AL	358	7	CBOC	NPB
521GB	DECATUR, AL	AL	356	7	CBOC	NPB
521GC	FLORENCE, AL	AL	356	7	CBOC	NPB
521GD	RAINBOW CITY, AL	AL	359	7	CBOC	NPB
521GE	ANNISTON, AL	AL	362	7	CBOC	NPB
521GF	JASPER, AL	AL	355	7	CBOC	NPB
523	BOSTON, MA	MA	021	1	VAMC	PBH
523A4	WEST ROXBURY, MA	MA	021	1	VAMC	PBH
523A5	BROCKTON, MA	MA	024	1	VAMC	PBH
523BY	LOWELL, MA	MA	018	1	CBOC	PBO
523BZ	BOSTON CBOC, MA	MA	021	1	CBOC	PBO
523GA	FRAMINGHAM, MA	MA	017	1	CBOC	PBO
523GB	WORCESTER, MA	MA	016	1	CBOC	PBO
523GC	QUINCY, MA	MA	021	1	CBOC	PBO
523GD	PLYMOUTH, MA	MA	023	1	CBOC	NPB
523GE	DORCHESTER, MA	MA	021	1	CBOC	PBO
526	BRONX, NY	NY	104	3	VAMC	PBH
526GA	WHITE PLAINS/BRONX, NY	NY	106	3	CBOC	PBO
526GB	YONKERS, NY	NY	107	3	CBOC	PBO
526GC	SOUTH BRONX, NY	NY	104	3	CBOC	PBO
526GD	QUEENS, NY	NY	111	3	CBOC	PBO
528	BUFFALO, NY	NY	142	2	VAMC	PBH
528A4	BATAVIA, NY	NY	140	2	VAMC	PBH
528A5	CANANDAIGUA, NY	NY	144	2	VAMC	PBH
528A6	BATH, NY	NY	148	2	VAMC	PBH
528A7	SYRACUSE, NY	NY	132	2	VAMC	PBH
528A8	ALBANY, NY	NY	122	2	VAMC	PBH
528G1	MALONE, NY	NY	129	2	CBOC	NPB
528G2	ELIZABETHTOWN, NY	NY	129	2	CBOC	NPB
528G3	BAINBRIDGE, NY	NY	137	2	CBOC	NPB
528G4	ELMIRA, NY	NY	149	2	CBOC	PBO
528G5	AUBURN, NY	NY	130	2	CBOC	NPB
528G6	FONDA, NY	NY	120	2	CBOC	NPB
528G7	CATSKILL, NY	NY	124	2	CBOC	NPB
528G8	WELLSVILLE, NY	NY	148	2	CBOC	NPB
528G9	CORTLAND, NY	NY	130	2	CBOC	NPB
528GB	JAMESTOWN, NY	NY	147	2	CBOC	NPB
528GC	DUNKIRK, NY	NY	140	2	CBOC	NPB
528GD	NIAGARA FALLS, NY	NY	143	2	CBOC	NPB
528GE	ROCHESTER, NY	NY	146	2	CBOC	PBO
528GK	LOCKPORT, NY	NY	140	2	CBOC	PBO
528GL	MASSENA, NY	NY	136	2	CBOC	NPB
528GM	ROME, NY	NY	134	2	CBOC	NPB
528GN	BINGHAMTON, NY	NY	139	2	CBOC	NPB
528GO	CARTHAGE, NY	NY	136	2	CBOC	NPB

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528GP	OSWEGO, NY	NY	131	2	CBOC	NPB
528GQ	LACKAWANNA, NY	NY	142	2	CBOC	NPB
528GR	OLEAN, NY	NY	147	2	CBOC	NPB
528GT	GLENS FALLS, NY	NY	128	2	CBOC	NPB
528GV	PLATTSBURGH, NY	NY	129	2	CBOC	NPB
528GW	SCHENECTADY, NY	NY	123	2	CBOC	NPB
528GX	TROY, NY	NY	121	2	CBOC	NPB
528GY	CLIFTON PARK, NY	NY	120	2	CBOC	PBO
528GZ	KINGSTON, NY	NY	124	2	CBOC	NPB
528J1	WARSAW CBOC, NY	NY	145	2	CBOC	PBO
529	BUTLER, PA	PA	160	4	VAMC	PBH
529GA	MERCER, PA	PA	161	4	CBOC	PBO
529GB	NEW CASTLE, PA	PA	161	4	CBOC	PBO
529GC	KITTANNING, PA	PA	162	4	CBOC	NPB
529GD	KNOX, PA	PA	162	4	CBOC	NPB
529GE	VENANGO CTY, PA	PA	163	4	CBOC	NPB
531	BOISE, ID	ID	837	20	VAMC	PBH
531GD	ONTARIO, OR	OR	979	20	CBOC	NPB
531GE	TWIN FALLS, ID	ID	833	20	CBOC	NPB
534	CHARLESTON, SC	SC	294	7	VAMC	PBH
534BY	SAVANNAH, GA	GA	314	7	CBOC	NPB
534GB	MYRTLE BEACH, SC	SC	295	7	CBOC	NPB
534GC	BEAUFORT, SC	SC	299	7	CBOC	NPB
534GD	GOOSE CREEK, SC	SC	294	7	CBOC	PBO
537	CHICAGO WEST SIDE, IL	IL	606	12	VAMC	PBH
537BY	CROWN POINT, IN	IN	463	12	CBOC	NPB
537GA	CHICAGO HEIGHTS, IL	IL	604	12	CBOC	PBO
537GD	LAKESIDE CBOC, IL	IL	606	12	VAMC	PBO
537HA	CHICAGO/WOODLAWN, IL	IL	606	12	CBOC	PBO
538	CHILLICOTHE, OH	OH	456	10	VAMC	PBH
538GA	ATHENS, OH	OH	457	10	CBOC	NPB
538GB	PORTSMOUTH, OH	OH	456	10	CBOC	NPB
538GC	MARIETTA, OH	OH	457	10	CBOC	NPB
538GD	LANCASTER, OH	OH	431	10	CBOC	PBO
539	CINCINNATI, OH	OH	452	10	VAMC	PBH
539DT	GEORGETOWN, OH	OH	451	10	SNF	SNF
539GA	BELLEVUE, KY	KY	410	10	CBOC	PBO
539GB	CINCINNATI CBOC, OH	OH	452	10	CBOC	PBO
539GC	LAWRENCEBURG, IN	IN	470	10	CBOC	PBO
540	CLARKSBURG, WV	WV	263	4	VAMC	PBH
540GA	PARSONS, WV	WV	262	4	CBOC	NPB
540GB	PARKERSBURG, WV	WV	261	4	CBOC	NPB
540GC	GASSAWAY, WV	WV	266	4	CBOC	NPB
541	CLEVELAND WADE PARK, OH	OH	441	10	VAMC	PBH
541A0	CLEVELAND BRECKSVILLE, OH	OH	441	10	VAMC	PBH
541BY	CANTON, OH	OH	447	10	CBOC	NPB
541BZ	YOUNGSTOWN, OH	OH	445	10	CBOC	NPB
541GB	LORAIN, OH	OH	440	10	CBOC	PBO
541GC	SANDUSKY, OH	OH	448	10	CBOC	NPB
541GD	MANSFIELD, OH	OH	449	10	CBOC	NPB
541GE	CLEVELAND CBOC, OH	OH	441	10	CBOC	PBO
541GF	PAINESVILLE, OH	OH	440	10	CBOC	PBO
541GG	AKRON, OH	OH	443	10	CBOC	NPB
541GH	EAST LIVERPOOL, OH	OH	439	10	CBOC	NPB
541GI	WARREN, OH	OH	444	10	CBOC	NPB
541GJ	NEW PHILADELPHIA, OH	OH	446	10	CBOC	NPB
541GK	RAVENNA, OH	OH	442	10	CBOC	PBO
542	COATESVILLE, PA	PA	193	4	VAMC	PBH

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542GA	SPRINGFIELD, PA	PA	190	4	CBOC	PBO
542GB	PHILADELPHIA CBOC, PA	PA	191	4	CBOC	NPB
542GE	SPRING CITY, PA	PA	194	4	CBOC	PBO
542GG	COATESVILLE MSCEC, PA	PA	193	4	CBOC	PBO
542GH	COATESVILLE CBOC, PA	PA	193	4	CBOC	PBO
544	COLUMBIA, SC	SC	292	7	VAMC	PBH
544BZ	GREENVILLE, SC	SC	296	7	CBOC	NPB
544GB	FLORENCE, SC	SC	295	7	CBOC	NPB
544GC	ROCK HILL, SC	SC	297	7	CBOC	NPB
544GD	ANDERSON, SC	SC	296	7	CBOC	NPB
544GE	ORANGEBURG, SC	SC	291	7	CBOC	NPB
544GF	SUMTER, SC	SC	291	7	CBOC	NPB
546	MIAMI, FL	FL	331	8	VAMC	PBH
546BZ	OAKLAND PARK, FL	FL	333	8	CBOC	PBO
546GA	MIAMI CBOC, FL	FL	331	8	CBOC	PBO
546GB	KEY WEST, FL	FL	330	8	CBOC	NPB
546GC	HOMESTEAD, FL	FL	330	8	CBOC	NPB
546GD	PEMBROKE PINES, FL	FL	330	8	CBOC	PBO
546GE	KEY LARGO, FL	FL	330	8	CBOC	NPB
546GF	HALLANDALE, FL	FL	330	8	CBOC	PBO
546GG	CORAL SPRINGS, FL	FL	330	8	CBOC	NPB
546GH	DEERFIELD BEACH, FL	FL	334	8	CBOC	NPB
548	WEST PALM BEACH, FL	FL	334	8	VAMC	PBH
548GA	FORT PIERCE, FL	FL	349	8	CBOC	NPB
548GB	DELRAY BEACH, FL	FL	334	8	CBOC	NPB
548GC	STUART, FL	FL	349	8	CBOC	NPB
548GD	BOCA RATON, FL	FL	334	8	CBOC	NPB
548GE	VERO BEACH, FL	FL	329	8	CBOC	NPB
548GF	OKEECHOBEE, FL	FL	349	8	CBOC	NPB
549	DALLAS, TX	TX	752	17	VAMC	PBH
549A4	BONHAM, TX	TX	754	17	VAMC	PBH
549BY	FORT WORTH SOC, TX	TX	761	17	CBOC	PBO
549GA	TYLER, TX	TX	757	17	CBOC	NPB
549GC	BONHAM CBOC, TX	TX	754	17	CBOC	NPB
549GD	DENTON, TX	TX	762	17	CBOC	NPB
549GE	DECATUR, TX	TX	762	17	CBOC	NPB
549GF	EASTLAND, TX	TX	764	17	CBOC	NPB
549GH	GREENVILLE, TX	TX	754	17	CBOC	NPB
549GI	CLEBURNE, TX	TX	760	17	CBOC	NPB
549HA	DIAMOND HILL, TX	TX	761	17	CBOC	PBO
550	DANVILLE, IL	IL	618	11	VAMC	PBH
550BY	PEORIA, IL	IL	616	11	CBOC	NPB
550GA	DECATUR, IL	IL	625	11	CBOC	NPB
550GC	LAFAYETTE, IN	IN	479	11	CBOC	NPB
550GD	SPRINGFIELD, IL	IL	627	11	CBOC	NPB
550GE	EFFINGHAM, IL	IL	624	11	CBOC	NPB
552	DAYTON, OH	OH	454	10	VAMC	PBH
552GA	MIDDLETOWN, OH	OH	450	10	CBOC	PBO
552GB	LIMA, OH	OH	458	10	CBOC	NPB
552GC	RICHMOND, IN	IN	473	10	CBOC	NPB
552GD	SPRINGFIELD, OH	OH	455	10	CBOC	PBO
553	DETROIT, MI	MI	482	11	VAMC	PBH
553GA	YALE, MI	MI	480	11	CBOC	NPB
553GB	PONTIAC, MI	MI	483	11	CBOC	NPB
554	DENVER, CO	CO	802	19	VAMC	PBH
554GB	AURORA, CO	CO	800	19	CBOC	PBO
554GC	LAKEWOOD, CO	CO	802	19	CBOC	PBO
554GD	PUEBLO, CO	CO	810	19	CBOC	NPB

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554GE	COLORADO SPRINGS, CO	CO	809	19	CBOC	NPB
554GF	ALAMOSA, CO	CO	811	19	CBOC	NPB
554GG	LA JUNTA, CO	CO	810	19	CBOC	NPB
554GH	LAMAR, CO	CO	810	19	CBOC	NPB
554HB	FORT MORGAN, CO	CO	807	19	CBOC	NPB
556	NORTH CHICAGO, IL	IL	600	12	VAMC	PBH
556GA	EVANSTON, IL	IL	602	12	CBOC	PBO
556GC	MCHENRY, IL	IL	600	12	CBOC	PBO
556GD	KENOSHA, WI	WI	531	12	CBOC	PBO
557	DUBLIN, GA	GA	310	7	VAMC	PBH
557GA	MACON, GA	GA	312	7	CBOC	NPB
557GB	ALBANY, GA	GA	317	7	CBOC	NPB
558	DURHAM, NC	NC	277	6	VAMC	PBH
558GA	GREENVILLE, NC	NC	278	6	CBOC	NPB
558GB	RALEIGH, NC	NC	276	6	CBOC	NPB
558GC	MOOREHEAD CITY, NC	NC	285	6	CBOC	NPB
561	EAST ORANGE, NJ	NJ	070	3	VAMC	PBH
561A4	LYONS, NJ	NJ	079	3	VAMC	PBH
561BY	NEWARK SAC, NJ	NJ	071	3	CBOC	PBO
561BZ	BRICK, NJ	NJ	087	3	CBOC	NPB
561GA	TRENTON, NJ	NJ	086	3	CBOC	PBO
561GB	ELIZABETH, NJ	NJ	072	3	CBOC	PBO
561GD	HACKENSACK, NJ	NJ	076	3	CBOC	PBO
561GE	JERSEY CITY, NJ	NJ	073	3	CBOC	PBO
561GF	NEW BRUNSWICK, NJ	NJ	089	3	CBOC	PBO
561GG	NEWARK CBOC, NJ	NJ	071	3	CBOC	PBO
561GH	MORRISTOWN, NJ	NJ	079	3	CBOC	PBO
561GI	FORT MONMOUTH, NJ	NJ	077	3	CBOC	PBO
561GJ	PATERSON CBOC, NJ	NJ	075	3	CBOC	PBO
561HB	JAMESBURG, NJ	NJ	088	3	CBOC	PBO
562	ERIE, PA	PA	165	4	VAMC	PBH
562GA	MEADVILLE, PA	PA	163	4	CBOC	PBO
562GB	ASHTABULA, OH	OH	440	4	CBOC	NPB
562GC	SMETHPORT, PA	PA	167	4	CBOC	NPB
562GD	VENANGO CTY, PA	PA	163	4	CBOC	NPB
562GE	WARREN CTY, PA	PA	163	4	CBOC	NPB
564	FAYETTEVILLE, AR	AR	727	16	VAMC	PBH
564BY	MOUNT VERNON, MO	MO	657	16	CBOC	NPB
564GA	HARRISON, AR	AR	726	16	CBOC	NPB
564GB	FORT SMITH, AR	AR	729	16	CBOC	NPB
565	FAYETTEVILLE, NC	NC	283	6	VAMC	PBH
565GA	JACKSONVILLE UCJ, NC	NC	285	6	CBOC	NPB
565GC	WILMINGTON, NC	NC	284	6	CBOC	NPB
568	FORT MEADE, SD	SD	577	23	VAMC	PBH
568A4	HOT SPRINGS, SD	SD	577	23	VAMC	PBH
568GA	RAPID CITY, SD	SD	577	23	CBOC	PBO
568GB	PIERRE, SD	SD	575	23	CBOC	NPB
568HA	NEWCASTLE, WY	WY	827	23	CBOC	NPB
568HB	RUSHVILLE, NE	NE	693	23	CBOC	NPB
568HC	ALLIANCE, NE	NE	693	23	CBOC	NPB
568HF	PINE RIDGE, SD	SD	577	23	CBOC	NPB
568HH	GERING, NE	NE	693	23	CBOC	NPB
568HJ	ROSEBUD, SD	SD	575	23	CBOC	NPB
568HK	MCLAUGHLIN, SD	SD	576	23	CBOC	NPB
568HM	EAGLE BUTTE, SD	SD	576	23	CBOC	NPB
568HN	LAME DEER, MT	MT	590	23	CBOC	NPB
568HP	WINNER, SD	SD	575	23	CBOC	NPB
570	FRESNO, CA	CA	937	21	VAMC	PBH

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570GA	ATWATER, CA	CA	953	21	CBOC	NPB
570GB	TULARE, CA	CA	932	21	CBOC	NPB
573	GAINESVILLE, FL	FL	326	8	VAMC	PBH
573A4	LAKE CITY, FL	FL	320	8	VAMC	PBH
573BY	JACKSONVILLE, FL	FL	322	8	CBOC	NPB
573BZ	DAYTONA BEACH, FL	FL	321	8	CBOC	NPB
573GA	VALDOSTA, GA	GA	316	8	CBOC	NPB
573GD	OCALA, FL	FL	344	8	CBOC	PBO
573GE	SAINT AUGUSTINE, FL	FL	320	8	CBOC	NPB
573GF	TALLAHASSEE, FL	FL	323	8	CBOC	NPB
573GG	INVERNESS, FL	FL	344	8	CBOC	NPB
573GH	LEESBURG, FL	FL	347	8	CBOC	NPB
573GI	THE VILLAGES, FL	FL	321	8	CBOC	NPB
575	GRAND JUNCTION, CO	CO	815	19	VAMC	PBH
575GA	MONTROSE, CO	CO	814	19	CBOC	NPB
578	HINES, IL	IL	601	12	VAMC	PBH
578GA	JOLIET, IL	IL	604	12	CBOC	PBO
578GB	OAK PARK, IL	IL	603	12	CBOC	PBO
578GC	MANTENO, IL	IL	609	12	CBOC	NPB
578GD	AURORA, IL	IL	605	12	CBOC	PBO
578GE	ELGIN, IL	IL	601	12	CBOC	PBO
578GF	LA SALLE, IL	IL	613	12	CBOC	NPB
578GG	OAK LAWN, IL	IL	604	12	CBOC	NPB
580	HOUSTON, TX	TX	770	16	VAMC	PBH
580BY	BEAUMONT, TX	TX	777	16	CBOC	NPB
580BZ	LUFKIN, TX	TX	759	16	CBOC	NPB
580GC	GALVESTON (ISLAND), TX	TX	775	16	CBOC	NPB
581	HUNTINGTON, WV	WV	257	9	VAMC	PBH
581GA	PRESTONSBURG, KY	KY	416	9	CBOC	NPB
581GB	CHARLESTON, WV	WV	253	9	CBOC	NPB
581GD	WILLIAMSON, WV	WV	256	9	CBOC	NPB
583	INDIANAPOLIS, IN	IN	462	11	VAMC	PBH
583GA	TERRE HAUTE, IN	IN	478	11	CBOC	NPB
583GB	BLOOMINGTON, IN	IN	474	11	CBOC	NPB
585	IRON MOUNTAIN, MI	MI	498	12	VAMC	PBH
585GA	HANCOCK/PORTAGE, MI	MI	499	12	CBOC	NPB
585GB	RHINELANDER, WI	WI	545	12	CBOC	NPB
585GC	MENOMINEE, MI	MI	498	12	CBOC	NPB
585GD	IRONWOOD, MI	MI	499	12	CBOC	NPB
585HA	MARQUETTE, MI	MI	498	12	CBOC	NPB
585HB	SAULT SAINTE MARIE, MI	MI	497	12	CBOC	NPB
586	JACKSON, MS	MS	392	16	VAMC	PBH
586GA	KOSCIUSKO, MS	MS	390	16	CBOC	NPB
586GB	MERIDIAN, MS	MS	393	16	CBOC	NPB
586GC	GREENVILLE, MS	MS	387	16	CBOC	NPB
586GD	HATTIESBURG, MS	MS	394	16	CBOC	NPB
586GE	NATCHEZ, MS	MS	391	16	CBOC	NPB
586GF	COLUMBUS, MS	MS	397	16	CBOC	NPB
589	KANSAS CITY, MO	MO	641	15	VAMC	PBH
589A4	COLUMBIA, MO	MO	652	15	VAMC	PBH
589A5	TOPEKA, KS	KS	666	15	VAMC	PBH
589A6	LEAVENWORTH, KS	KS	660	15	VAMC	PBH
589A7	WICHITA, KS	KS	672	15	VAMC	PBH
589DQ	WICHITA NON-VA HOSP, KS	KS	627	15	CMC	PBH
589DS	KANSAS CITY NON-VA HOSPITALS, KS	KS	641	15	CMC	PBH
589G1	WARRENSBURG, MO	MO	640	15	CBOC	NPB
589G2	DODGE CITY, KS	KS	678	15	CBOC	NPB
589G3	LIBERAL, KS	KS	679	15	CBOC	NPB

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Sta #	VA Facility Location	ST	ZIP 3	VN	Type	PB
589G4	HAYS, KS	KS	676	15	CBOC	NPB
589G5	PARSONS, KS	KS	673	15	CBOC	NPB
589G6	SALINA, KS	KS	674	15	CBOC	NPB
589GB	BELTON, MO	MO	640	15	CBOC	PBO
589GC	PAOLA, KS	KS	660	15	CBOC	NPB
589GD	NEVADA, MO	MO	647	15	CBOC	NPB
589GE	KIRKSVILLE, MO	MO	635	15	CBOC	NPB
589GF	FORT LEONARD WOOD, MO	MO	654	15	CBOC	NPB
589GH	CAMDENTON, MO	MO	650	15	CBOC	NPB
589GI	SAINT JOSEPH, MO	MO	645	15	CBOC	PBO
589GJ	KANSAS CITY/WYANDOTTE, KS	KS	661	15	CBOC	PBO
589GK	ABILENE, KS	KS	674	15	CBOC	NPB
589GM	CHANUTE, KS	KS	667	15	CBOC	NPB
589GN	EMPORIA, KS	KS	668	15	CBOC	NPB
589GO	FORT RILEY, KS	KS	664	15	CBOC	NPB
589GP	GARNETT, KS	KS	660	15	CBOC	NPB
589GQ	HOLTON, KS	KS	664	15	CBOC	NPB
589GR	JUNCTION CITY, KS	KS	664	15	CBOC	NPB
589GS	RUSSELL, KS	KS	676	15	CBOC	NPB
589GT	SENECA, KS	KS	665	15	CBOC	NPB
589GU	LAWRENCE, KS	KS	660	15	CBOC	NPB
589GV	FORT SCOTT, KS	KS	667	15	CBOC	NPB
589GW	SALINA, KS	KS	674	15	CBOC	NPB
589GX	MEXICO, MO	MO	652	15	CBOC	PBO
589GY	SAINT JAMES, MO	MO	655	15	CBOC	NPB
589GZ	CAMERON, MO	MO	644	15	CBOC	NPB
590	HAMPTON, VA	VA	236	6	VAMC	PBH
590GA	NORFOLK, VA	VA	235	6	CBOC	PBO
593	LAS VEGAS, NV	NV	891	22	VAMC	PBH
593GA	LAS VEGAS CBOC, NV	NV	891	22	CBOC	PBO
593GB	HENDERSON, NV	NV	890	22	CBOC	PBO
593GC	PAHRUMP, NV	NV	890	22	CBOC	NPB
595	LEBANON, PA	PA	170	4	VAMC	PBH
595GA	CAMP HILL, PA	PA	170	4	CBOC	PBO
595GB	POTTSVILLE/SCHUYLKILL/SHENANDOAH, PA	PA	179	4	CBOC	PBO
595GC	LANCASTER, PA	PA	176	4	CBOC	PBO
595GD	READING, PA	PA	196	4	CBOC	PBO
595GE	YORK, PA	PA	174	4	CBOC	PBO
596A0	LEXINGTON LEESTOWN, KY	KY	405	9	VAMC	PBH
596A4	LEXINGTON COOPER DRIVE, KY	KY	405	9	VAMC	PBH
596GA	SOMERSET, KY	KY	425	9	CBOC	NPB
596HA	LEXINGTON MSORC, KY	KY	405	9	CBOC	PBO
598	LITTLE ROCK, AR	AR	722	16	VAMC	PBH
598A0	NORTH LITTLE ROCK, AR	AR	721	16	VAMC	PBH
598GA	MOUNTAIN HOME, AR	AR	726	16	CBOC	NPB
598GB	EL DORADO, AR	AR	717	16	CBOC	NPB
598GC	HOT SPRINGS, AR	AR	719	16	CBOC	NPB
598GD	MENA CBOC, AR	AR	719	16	CBOC	NPB
600	LONG BEACH, CA	CA	908	22	VAMC	PBH
600GA	ANAHEIM, CA	CA	928	22	CBOC	PBO
600GB	SANTA ANA, CA	CA	927	22	CBOC	PBO
600GC	LONG BEACH CBOC, CA	CA	908	22	CBOC	PBO
600GD	SANTA FE SPRINGS, CA	CA	906	22	CBOC	PBO
603	LOUISVILLE, KY	KY	402	9	VAMC	PBH
603GA	FORT KNOX, KY	KY	401	9	CBOC	NPB
603GB	NEW ALBANY, IN	IN	471	9	CBOC	NPB
603GC	LOUISVILLE CBOC, KY	KY	402	9	CBOC	PBO
605	LOMA LINDA, CA	CA	923	22	VAMC	PBH

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605GA	VICTORVILLE, CA	CA	923	22	CBOC	PBO
605GB	SUN CITY, CA	CA	923	22	CBOC	PBO
605GC	PALM DESERT, CA	CA	922	22	CBOC	NPB
605GD	CORONA, CA	CA	928	22	CBOC	PBO
605GE	UPLAND, CA	CA	917	22	CBOC	PBO
607	MADISON, WI	WI	537	12	VAMC	PBH
607GC	JANESVILLE, WI	WI	535	12	CBOC	NPB
607GD	BARABOO, WI	WI	539	12	CBOC	PBO
607GE	BEAVER DAM, WI	WI	539	12	CBOC	NPB
607GF	FREEPORT CBOC, IL	IL	610	12	CBOC	NPB
607HA	ROCKFORD, IL	IL	611	12	CBOC	NPB
608	MANCHESTER, NH	NH	031	1	VAMC	PBH
608GA	PORTSMOUTH, NH	NH	038	1	CBOC	PBO
608GC	SOMERSWORTH, NH	NH	038	1	CBOC	PBO
608GD	CONWAY, NH	NH	038	1	CBOC	NPB
608HA	TILTON, NH	NH	032	1	CBOC	PBO
610	MARION, IN	IN	469	11	VAMC	PBH
610A4	FORT WAYNE, IN	IN	468	11	VAMC	PBH
610GA	SOUTH BEND, IN	IN	466	11	CBOC	NPB
610GB	MUNCIE, IN	IN	473	11	CBOC	NPB
612	MARTINEZ, CA	CA	945	21	VAMC	PBH
612A4	SACRAMENTO/MATHER AFB, CA	CA	958	21	VAMC	PBH
612B4	REDDING, CA	CA	960	21	CBOC	NPB
612BY	OAKLAND, CA	CA	946	21	CBOC	PBO
612CZ	TRAVIS AFB, CA	CA	945	21	CBOC	PBO
612GD	FAIRFIELD, CA	CA	945	21	CBOC	PBO
612GE	MARE ISLAND, CA	CA	945	21	CBOC	PBO
612GF	MARTINEZ CBOC, CA	CA	945	21	CBOC	PBO
612GG	CHICO, CA	CA	959	21	CBOC	NPB
612GH	MCCLELLAN AFB, CA	CA	956	21	CBOC	PBO
613	MARTINSBURG, WV	WV	254	5	VAMC	PBH
613GA	CUMBERLAND, MD	MD	215	5	CBOC	NPB
613GB	HAGERSTOWN, MD	MD	217	5	CBOC	PBO
613GC	STEPHENS CITY, VA	VA	226	5	CBOC	PBO
613GD	FRANKLIN, WV	WV	268	5	CBOC	NPB
613GE	PETERSBURG, WV	WV	268	5	CBOC	NPB
613GF	HARRISONBURG, VA	VA	228	5	CBOC	NPB
614	MEMPHIS, TN	TN	381	9	VAMC	PBH
614GA	SMITHVILLE, MS	MS	388	9	CBOC	NPB
614GB	JONESBORO, AR	AR	724	9	CBOC	NPB
614GC	BYHALIA, MS	MS	386	9	CBOC	NPB
614GD	SAVANNAH, TN	TN	383	9	CBOC	NPB
614GE	COVINGTON, TN	TN	381	9	CBOC	PBO
618	MINNEAPOLIS, MN	MN	554	23	VAMC	PBH
618BY	SUPERIOR, WI	WI	548	23	CBOC	NPB
618GA	MANKATO, MN	MN	560	23	CBOC	NPB
618GB	HIBBING, MN	MN	557	23	CBOC	NPB
618GD	SAINT PAUL, MN	MN	551	23	CBOC	PBO
618GE	CHIPPEWA FALLS, WI	WI	547	23	CBOC	NPB
618GG	ROCHESTER, MN	MN	559	23	CBOC	NPB
619	MONTGOMERY, AL	AL	361	7	VAMC	PBH
619A4	TUSKEGEE, AL	AL	360	7	VAMC	PBH
619GA	COLUMBUS, GA	GA	319	7	CBOC	NPB
619GB	DOTHAN, AL	AL	363	7	CBOC	NPB
620	MONTROSE, NY	NY	105	3	VAMC	PBH
620A4	CASTLE POINT, NY	NY	125	3	VAMC	PBH
620GA	NEW CITY, NY	NY	109	3	CBOC	PBO
620GB	CARMEL, NY	NY	105	3	CBOC	PBO

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620GD	WALLKILL, NY	NY	125	3	CBOC	PBO
620GE	PORT JERVIS, NY	NY	127	3	CBOC	NPB
620GF	HARRIS, NY	NY	127	3	CBOC	NPB
620GG	POUGHKEEPSIE, NY	NY	126	3	CBOC	PBO
620GH	EASTERN DUTCHESS, NY	NY	125	3	CBOC	NPB
621	MOUNTAIN HOME, TN	TN	376	9	VAMC	PBH
621GA	ROGERSVILLE, TN	TN	378	9	CBOC	NPB
621GB	MOUNTAIN CITY, TN	TN	376	9	CBOC	NPB
621GC	NORTON, VA	VA	242	9	CBOC	NPB
621GD	SAINT CHARLES, VA	VA	242	9	CBOC	NPB
623	MUSKOGEE, OK	OK	744	16	VAMC	PBH
623BY	TULSA, OK	OK	741	16	CBOC	NPB
623GA	MCALESTER, OK	OK	745	16	CBOC	NPB
626	NASHVILLE, TN	TN	372	9	VAMC	PBH
626A4	MURFREESBORO, TN	TN	371	9	VAMC	PBH
626BY	KNOXVILLE, TN	TN	379	9	CBOC	NPB
626GA	DOVER, TN	TN	370	9	CBOC	NPB
626GC	BOWLING GREEN, KY	KY	421	9	CBOC	NPB
626GD	FT. CAMPBELL CBOC, KY	KY	422	9	CBOC	NPB
626GE	CLARKSVILLE, TN	TN	370	9	CBOC	NPB
626GF	CHATTANOOGA, TN	TN	374	9	CBOC	NPB
626GG	TULLAHOMA/ARNOLD AFB, TN	TN	373	9	CBOC	NPB
626GH	COOKEVILLE, TN	TN	385	9	CBOC	NPB
626GI	VINE HILL, TN	TN	372	9	CBOC	PBO
629	NEW ORLEANS, LA	LA	701	16	VAMC	PBH
629BY	BATON ROUGE, LA	LA	708	16	CBOC	NPB
629GA	HOUMA CBOC, LA	LA	703	16	CBOC	NPB
630	NEW YORK, NY	NY	100	3	VAMC	PBH
630A4	BROOKLYN, NY	NY	112	3	VAMC	PBH
630A5	SAINT ALBANS, NY	NY	114	3	VAMC	PBH
630B2	NEW YORK SOHO C&P UNIT, NY	NY	100	3	CBOC	PBO
630BZ	NEW YORK METHADONE, NY	NY	100	3	CBOC	PBO
630GA	HARLEM, NY	NY	100	3	CBOC	PBO
630GB	STATEN ISLAND, NY	NY	103	3	CBOC	PBO
630GC	BROOKLYN CHAPEL STREET, NY	NY	112	3	CBOC	PBO
631	NORTHAMPTON, MA	MA	010	1	VAMC	PBH
631BY	SPRINGFIELD SOC, MA	MA	011	1	CBOC	PBO
631GA	NORTHAMPTON CBOC, MA	MA	010	1	CBOC	PBO
631GB	SPRINGFIELD CBOC, MA	MA	011	1	CBOC	PBO
631GC	PITTSFIELD, MA	MA	012	1	CBOC	PBO
631GD	GREENFIELD, MA	MA	013	1	CBOC	PBO
632	NORTHPORT/LONG ISLAND, NY	NY	117	3	VAMC	PBH
632GA	PLAINVIEW, NY	NY	118	3	CBOC	PBO
632HA	LYNBROOK, NY	NY	115	3	CBOC	PBO
632HB	RIVERHEAD, NY	NY	119	3	CBOC	NPB
632HC	ISLIP, NY	NY	117	3	CBOC	PBO
632HD	PATCHOGUE, NY	NY	117	3	CBOC	PBO
632HE	MOUNT SINAI, NY	NY	117	3	CBOC	PBO
632HF	LINDENHURST, NY	NY	117	3	CBOC	PBO
635	OKLAHOMA CITY, OK	OK	731	16	VAMC	PBH
635DZ	LAWTON/FORT SILL, OK	OK	735	16	VAMC	PBH
635GA	LAWTON/FORT SILL, OK	OK	735	16	CBOC	NPB
635GB	WICHITA FALLS, TX	TX	763	16	CBOC	NPB
635GC	PONCA CITY, OK	OK	746	16	CBOC	NPB
635GD	KONAWA, OK	OK	748	16	CBOC	NPB
635HB	ARDMORE, OK	OK	734	16	CBOC	NPB
636	OMAHA, NE	NE	681	23	VAMC	PBH
636A4	GRAND ISLAND, NE	NE	688	23	VAMC	PBH

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636A5	LINCOLN, NE	NE	685	23	VAMC	PBH
636A6	DES MOINES, IA	IA	503	23	VAMC	PBH
636A7	KNOXVILLE, IA	IA	501	23	VAMC	PBH
636A8	IOWA CITY, IA	IA	522	23	VAMC	PBH
636GA	NORFOLK, NE	NE	687	23	CBOC	NPB
636GB	NORTH PLATTE, NE	NE	691	23	CBOC	NPB
636GC	MASON CITY, IA	IA	504	23	CBOC	NPB
636GF	BETTENDORF, IA	IA	527	23	CBOC	NPB
636GG	QUINCY, IL	IL	623	23	CBOC	NPB
636GH	WATERLOO, IA	IA	507	23	CBOC	NPB
636GI	GALESBURG, IL	IL	614	23	CBOC	NPB
636GJ	DUBUQUE, IA	IA	520	23	CBOC	NPB
636GK	FORT DODGE, IA	IA	505	23	CBOC	NPB
637	ASHEVILLE, NC	NC	288	6	VAMC	PBH
640	PALO ALTO, CA	CA	943	21	VAMC	PBH
640A0	MENLO PARK, CA	CA	940	21	VAMC	PBH
640A4	LIVERMORE, CA	CA	945	21	VAMC	PBH
640BY	SAN JOSE, CA	CA	951	21	CBOC	PBO
640GA	CAPITOLA, CA	CA	950	21	CBOC	PBO
640GB	SONORA, CA	CA	953	21	CBOC	NPB
640HA	STOCKTON, CA	CA	952	21	CBOC	NPB
640HB	MODESTO, CA	CA	953	21	CBOC	NPB
640HC	MONTEREY/FORT ORD, CA	CA	939	21	CBOC	NPB
642	PHILADELPHIA, PA	PA	191	4	VAMC	PBH
642GA	FORT DIX, NJ	NJ	086	4	CBOC	PBO
642GB	CAPE MAY, NJ	NJ	082	4	CBOC	NPB
642GC	WILLOW GROVE, PA	PA	190	4	CBOC	PBO
642GD	GLOUCESTER, NJ	NJ	080	4	CBOC	PBO
644	PHOENIX, AZ	AZ	850	18	VAMC	PBH
644BY	MESA/WILLIAMS AFB, AZ	AZ	852	18	CBOC	PBO
644GA	SUN CITY, AZ	AZ	853	18	CBOC	PBO
644GB	SHOW LOW, AZ	AZ	859	18	CBOC	NPB
644GC	BUCKEYE, AZ	AZ	853	18	CBOC	NPB
644GD	PAYSON, AZ	AZ	855	18	CBOC	NPB
646	PITTSBURGH UNIV DR, PA	PA	152	4	VAMC	PBH
646A4	VA HCS - Heinz Division	PA	152	4	VAMC	PBH
646A5	PITTSBURGH HIGHLAND DR, PA	PA	152	4	VAMC	PBH
646GA	SAINT CLAIRSVILLE, OH	OH	439	4	CBOC	NPB
646GB	GREENSBURG, PA	PA	156	4	CBOC	PBO
646GC	ALIQUIPPA, PA	PA	150	4	CBOC	PBO
646GD	WASHINGTON, PA	PA	153	4	CBOC	PBO
646GE	UNIONTOWN, PA	PA	154	4	CBOC	NPB
648	PORTLAND, OR	OR	972	20	VAMC	PBH
648A4	VANCOUVER, WA	WA	986	20	VAMC	PBH
648GA	BEND, OR	OR	977	20	CBOC	NPB
648GB	SALEM, OR	OR	973	20	CBOC	NPB
648GC	LONGVIEW, WA	WA	986	20	CBOC	NPB
648GD	NORTH COAST, OR	OR	971	20	CBOC	NPB
649	PRESCOTT, AZ	AZ	863	18	VAMC	PBH
649GA	KINGMAN, AZ	AZ	864	18	CBOC	NPB
649GB	BELLEMONT, AZ	AZ	860	18	CBOC	NPB
649GC	LAKE HAVASU CITY, AZ	AZ	864	18	CBOC	NPB
649GD	ANTHEM, AZ	AZ	850	18	CBOC	NPB
649GE	COTTONWOOD, AZ	AZ	863	18	CBOC	PBO
650	PROVIDENCE, RI	RI	029	1	VAMC	PBH
650GA	NEW BEDFORD, MA	MA	027	1	CBOC	PBO
650GB	HYANNIS, MA	MA	026	1	CBOC	NPB
650GC	OAK BLUFFS, MA	MA	025	1	CBOC	NPB

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650GD	MIDDLETOWN, RI	RI	028	1	CBOC	PBO
650GE	NANTUCKET, MA	MA	025	1	CBOC	NPB
652	RICHMOND, VA	VA	232	6	VAMC	PBH
652GA	FREDERICKSBURG, VA	VA	224	6	CBOC	NPB
653	ROSEBURG, OR	OR	974	20	VAMC	PBH
653BY	EUGENE, OR	OR	974	20	CBOC	NPB
653GA	BANDON, OR	OR	974	20	CBOC	NPB
653GB	BROOKINGS, OR	OR	974	20	CBOC	NPB
654	RENO, NV	NV	895	21	VAMC	PBH
654GA	AUBURN, CA	CA	956	21	CBOC	NPB
654GB	MINDEN, NV	NV	894	21	CBOC	PBO
655	SAGINAW, MI	MI	486	11	VAMC	PBH
655GA	GAYLORD, MI	MI	497	11	CBOC	NPB
655GB	TRAVERSE CITY, MI	MI	496	11	CBOC	NPB
655GC	OSCODA, MI	MI	487	11	CBOC	NPB
656	SAINT CLOUD, MN	MN	563	23	VAMC	PBH
656GA	BRAINERD, MN	MN	564	23	CBOC	NPB
656GB	MONTEVIDEO, MN	MN	562	23	CBOC	NPB
657	SAINT LOUIS JOHN COCHRAN, MO	MO	631	15	VAMC	PBH
657A0	SAINT LOUIS JEFF BARRACKS, MO	MO	631	15	VAMC	PBH
657A4	POPLAR BLUFF, MO	MO	639	15	VAMC	PBH
657A5	MARION, IL	IL	629	15	VAMC	PBH
657DP	MARION NON-VA HOSPITALS, IL	IL	629	15	CMC	PBH
657DS	ST. LOUIS NON-VA HOSPITAL, IL	IL	631	15	CMC	PBH
657GA	BELLEVILLE, IL	IL	622	15	CBOC	PBO
657GB	SAINT LOUIS CBOC, MO	MO	631	15	CBOC	PBO
657GC	EFFINGHAM, IL	IL	624	15	CBOC	NPB
657GD	SAINT CHARLES, MO	MO	633	15	CBOC	PBO
657GE	SPRINGFIELD, IL	IL	627	15	CBOC	NPB
657GF	WEST PLAINS, MO	MO	657	15	CBOC	NPB
657GG	PARAGOULD, AR	AR	724	15	CBOC	NPB
657GH	CAPE GIRARDEAU, MO	MO	637	15	CBOC	NPB
657GI	FARMINGTON, MO	MO	636	15	CBOC	NPB
657GJ	EVANSVILLE, IN	IN	477	15	CBOC	NPB
657GK	MOUNT VERNON, IL	IL	628	15	CBOC	NPB
657GL	PADUCAH, KY	KY	420	15	CBOC	NPB
657GM	EFFINGHAM, IL	IL	624	15	CBOC	NPB
657GN	SALEM, MO	MO	655	15	CBOC	NPB
657GO	HANSON CBOC, KY	KY	424	15	CBOC	NPB
658	SALEM, VA	VA	241	6	VAMC	PBH
658GA	TAZEWELL, VA	VA	246	6	CBOC	NPB
658GB	DANVILLE, VA	VA	245	6	CBOC	NPB
658HA	STUARTS DRAFT, VA	VA	244	6	CBOC	NPB
658HB	PULASKI, VA	VA	243	6	CBOC	NPB
658HC	LYNCHBURG, VA	VA	245	6	CBOC	NPB
658HD	HILLSVILLE, VA	VA	243	6	CBOC	NPB
658HE	MARTINSVILLE, VA	VA	241	6	CBOC	NPB
658HG	COVINGTON, VA	VA	244	6	CBOC	NPB
658HH	MARION, VA	VA	243	6	CBOC	NPB
659	SALISBURY, NC	NC	281	6	VAMC	PBH
659BY	WINSTON-SALEM, NC	NC	271	6	CBOC	PBO
659GA	CHARLOTTE, NC	NC	282	6	CBOC	NPB
660	SALT LAKE CITY, UT	UT	841	19	VAMC	PBH
660GA	POCATELLO, ID	ID	832	19	CBOC	NPB
660GB	OGDEN, UT	UT	844	19	CBOC	PBO
660GC	ELY, NV	NV	893	19	CBOC	NPB
660GD	ROOSEVELT, UT	UT	840	19	CBOC	NPB
660GE	OREM, UT	UT	840	19	CBOC	PBO

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Sta #	VA Facility Location	ST	ZIP 3	VN	Type	PB
660GF	GREEN RIVER, WY	WY	829	19	CBOC	NPB
660GG	SAINT GEORGE, UT	UT	847	19	CBOC	NPB
660GI	NEPHI, UT	UT	846	19	CBOC	NPB
662	SAN FRANCISCO, CA	CA	941	21	VAMC	PBH
662BU	SAN FRANCISCO HOMELESS CTR, CA	CA	941	21	CBOC	PBO
662GA	SANTA ROSA, CA	CA	954	21	CBOC	NPB
662GC	EUREKA, CA	CA	955	21	CBOC	NPB
662GD	UKIAH, CA	CA	954	21	CBOC	NPB
662GE	SAN BRUNO CBOC, CA	CA	940	21	CBOC	PBO
663	SEATTLE, WA	WA	981	20	VAMC	PBH
663A4	AMERICAN LAKE/TACOMA, WA	WA	984	20	VAMC	PBH
663GA	LYNNWOOD/NORTHGATE, WA	WA	980	20	CBOC	PBO
663GB	BREMERTON, WA	WA	983	20	CBOC	PBO
664	SAN DIEGO, CA	CA	921	22	VAMC	PBH
664BY	SAN DIEGO CBOC, CA	CA	921	22	CBOC	PBO
664GA	EL CENTRO, CA	CA	922	22	CBOC	NPB
664GB	VISTA, CA	CA	920	22	CBOC	PBO
664GC	CHULA VISTA, CA	CA	919	22	CBOC	PBO
664GD	ESCONDIDO, CA	CA	920	22	CBOC	PBO
666	SHERIDAN, WY	WY	828	19	VAMC	PBH
666GB	CASPER, WY	WY	826	19	CBOC	NPB
666GC	RIVERTON, WY	WY	825	19	CBOC	NPB
666GD	POWELL, WY	WY	824	19	CBOC	NPB
666GE	GILLETTE, WY	WY	827	19	CBOC	NPB
666GF	ROCK SPRINGS CBOC, WY	WY	829	19	CBOC	NPB
667	SHREVEPORT, LA	LA	711	16	VAMC	PBH
667GA	TEXARKANA, AR	AR	718	16	CBOC	NPB
667GB	MONROE, LA	LA	712	16	CBOC	NPB
667GC	LONGVIEW, TX	TX	756	16	CBOC	NPB
668	SPOKANE, WA	WA	992	20	VAMC	PBH
668HK	SPOKANE MOC, WA	WA	992	20	CBOC	PBO
671	SAN ANTONIO, TX	TX	782	17	VAMC	PBH
671A4	KERRVILLE, TX	TX	780	17	VAMC	PBH
671B0	MCALLEN, TX	TX	785	17	CBOC	NPB
671BY	SAN ANTONIO CBOC, TX	TX	782	17	CBOC	PBO
671BZ	CORPUS CHRISTI, TX	TX	784	17	CBOC	NPB
671GA	BROWNSVILLE, TX	TX	785	17	CBOC	NPB
671GB	VICTORIA, TX	TX	779	17	CBOC	NPB
671GC	DEL RIO, TX	TX	788	17	CBOC	NPB
671GD	EAGLE PASS, TX	TX	788	17	CBOC	NPB
671GE	LAREDO, TX	TX	780	17	CBOC	NPB
671GF	SOUTH BEXAR COUNTY, TX	TX	782	17	CBOC	PBO
671GG	ALICE, TX	TX	783	17	CBOC	NPB
671GH	BEEVILLE, TX	TX	781	17	CBOC	NPB
671GI	KINGSVILLE, TX	TX	783	17	CBOC	NPB
671GJ	UVALDE, TX	TX	788	17	CBOC	NPB
671GK	SAN ANTONIO CBOC, TX	TX	782	17	CBOC	NPB
671GL	NEW BRAUNFELS, TX	TX	781	17	CBOC	NPB
671GN	SEGUIN CBOC, TX	TX	781	17	CBOC	PBO
672	SAN JUAN, PR	PR	009	8	VAMC	PBH
672B0	PONCE, PR	PR	007	8	CBOC	NPB
672BZ	MAYAGUEZ, PR	PR	006	8	CBOC	NPB
672GA	SAINT CROIX, VI	VI	008	8	CBOC	NPB
672GB	SAINT THOMAS, VI	VI	008	8	CBOC	NPB
672GC	ARECIBO, PR	PR	006	8	CBOC	NPB
672GD	KINGSHILL, VI	VI	008	8	CBOC	NPB
672GE	GUAYAMA, PR	PR	007	8	CBOC	PBO
673	TAMPA, FL	FL	336	8	VAMC	PBH

Supplementary Table 3
VA Medical Facility Locations, Three-Digit ZIP Codes,
and Provider-Based/Non-Provider-Based Designations

RC V2p5 Facility List 2005-9-19FR.xls

Sta #	VA Facility Location	ST	ZIP 3	VN	Type	PB
673BY	ORLANDO, FL	FL	328	8	CBOC	NPB
673BZ	PORT RICHEY, FL	FL	346	8	CBOC	NPB
673GA	VIERA/MELBOURNE, FL	FL	329	8	CBOC	NPB
673GB	LAKELAND, FL	FL	338	8	CBOC	PBO
673GC	BROOKSVILLE, FL	FL	346	8	CBOC	NPB
673GD	SANFORD, FL	FL	327	8	CBOC	NPB
673GE	KISSIMMEE, FL	FL	347	8	CBOC	NPB
673GF	ZEPHYRHILLS, FL	FL	335	8	CBOC	NPB
674	TEMPLE, TX	TX	765	17	VAMC	PBH
674A4	WACO, TX	TX	767	17	VAMC	PBH
674A5	MARLIN, TX	TX	766	17	VAMC	PBH
674BY	AUSTIN, TX	TX	787	17	CBOC	NPB
674GA	PALESTINE, TX	TX	758	17	CBOC	NPB
674GB	BROWNWOOD, TX	TX	768	17	CBOC	NPB
674GC	BRYAN/COLLEGE STATION, TX	TX	778	17	CBOC	NPB
674GD	CEDAR PARK, TX	TX	786	17	CBOC	NPB
674GE	MARLIN CBOC, TX	TX	766	17	CBOC	PBO
676	TOMAH, WI	WI	546	12	VAMC	PBH
676GA	WAUSAU, WI	WI	544	12	CBOC	NPB
676GC	LA CROSSE, WI	WI	546	12	CBOC	NPB
676GD	WISCONSIN RAPIDS, WI	WI	544	12	CBOC	NPB
676GE	LOYAL, WI	WI	544	12	CBOC	NPB
676HB	WAUTOMA, WI	WI	549	12	CBOC	NPB
678	TUCSON, AZ	AZ	857	18	VAMC	PBH
678GA	SIERRA VISTA, AZ	AZ	856	18	CBOC	NPB
678GB	YUMA, AZ	AZ	853	18	CBOC	NPB
678GC	CASA GRANDE, AZ	AZ	852	18	CBOC	NPB
678GD	SAFFORD, AZ	AZ	855	18	CBOC	NPB
678GE	GREEN VALLEY, AZ	AZ	856	18	CBOC	PBO
679	TUSCALOOSA, AL	AL	354	7	VAMC	PBH
679PA	TUSCALOOSA PRRTP, AL	AL	354	7	CBOC	PBO
687	WALLA WALLA, WA	WA	993	20	VAMC	PBH
687GA	RICHLAND, WA	WA	993	20	CBOC	NPB
687GB	LEWISTON, ID	ID	835	20	CBOC	NPB
687HA	YAKIMA, WA	WA	989	20	CBOC	NPB
688	WASHINGTON, DC	DC	204	5	VAMC	PBH
688GA	ALEXANDRIA, VA	VA	223	5	CBOC	PBO
688GB	WASHINGTON SE, DC	DC	200	5	CBOC	PBO
688GC	LANDOVER, MD	MD	207	5	CBOC	PBO
688GD	CHARLOTTE HALL, MD	MD	206	5	CBOC	PBO
688PA	WASHINGTON CWT/TR DC	DC	204	5	VAMC	PBO
689	WEST HAVEN, CT	CT	065	1	VAMC	PBH
689A4	NEWINGTON, CT	CT	061	1	CBOC	PBO
689GA	WATERBURY, CT	CT	067	1	CBOC	PBO
689GB	STAMFORD, CT	CT	069	1	CBOC	PBO
689GC	WINDHAM, CT	CT	062	1	CBOC	NPB
689GD	WINSTED, CT	CT	060	1	CBOC	NPB
689GE	DANBURY, CT	CT	068	1	CBOC	PBO
689HA	WILLIMANTIC, CT	CT	062	1	CBOC	NPB
689HC	NEW LONDON, CT	CT	063	1	CBOC	NPB
691	WEST LOS ANGELES, CA	CA	900	22	VAMC	PBH
691A4	SEPULVEDA, CA	CA	913	22	CBOC	PBO
691GA	WEST LOS ANGELES CBOC, CA	CA	900	22	CBOC	PBO
691GB	SANTA BARBARA, CA	CA	931	22	CBOC	NPB
691GC	GARDENA, CA	CA	902	22	CBOC	PBO
691GD	BAKERSFIELD, CA	CA	933	22	CBOC	NPB
691GE	LOS ANGELES CBOC, CA	CA	900	22	CBOC	PBO
691GF	EAST LOS ANGELES, CA	CA	900	22	CBOC	PBO

Supplementary Table 3
VA Medical Facility Locations, Three-Digit ZIP Codes, and Provider-Based/Non-Provider-Based Designations

RC V2p5 Facility List 2005-9-19FR.xls

Sta #	VA Facility Location	ST	ZIP 3	VN	Type	PB
691GG	LANCASTER/ANTELOPE VALLEY, CA	CA	935	22	CBOC	NPB
691GK	SAN LUIS OBISPO, CA	CA	934	22	CBOC	NPB
691GL	LOMPOC, CA	CA	934	22	CBOC	NPB
691GM	PORT HUENEME/OXNARD, CA	CA	930	22	CBOC	NPB
691GN	LYNWOOD, CA	CA	902	22	CBOC	NPB
691GO	PASADENA, CA	CA	911	22	CBOC	NPB
692	WHITE CITY, OR	OR	975	20	DOM	PBO
692GA	KLAMATH FALLS, OR	OR	976	20	CBOC	NPB
693	WILKES-BARRE, PA	PA	187	4	VAMC	PBH
693B4	ALLENTOWN, PA	PA	181	4	CBOC	NPB
693GA	SAYRE, PA	PA	188	4	CBOC	NPB
693GB	WILLIAMSPORT, PA	PA	177	4	CBOC	NPB
693GC	TOBYHANNA, PA	PA	184	4	CBOC	PBO
693GD	SCRANTON, PA	PA	185	4	CBOC	PBO
693GE	POTTSVILLE/SCHUYLKILL/SHENANDOAH, PA	PA	179	4	CBOC	PBO
693GF	BERWICK, PA	PA	186	4	CBOC	PBO
693GG	NORTHAMPTON CTY, PA	PA	180	4	CBOC	NPB
693HK	WILKES-BARRE MOC, PA	PA	187	4	CBOC	PBO
695	MILWAUKEE, WI	WI	532	12	VAMC	PBH
695BY	APPLETON, WI	WI	549	12	CBOC	NPB
695GA	UNION GROVE, WI	WI	531	12	CBOC	PBO
695GC	CLEVELAND, WI	WI	530	12	CBOC	NPB
695GD	GREEN BAY, WI	WI	543	12	CBOC	NPB
695HK	MILWAUKEE MOC, WI	WI	532	12	CBOC	NPB
756	EL PASO, TX	TX	799	18	IOC	PBO
756GA	LAS CRUCES, NM	NM	880	18	CBOC	NPB
757	COLUMBUS, OH	OH	432	10	IOC	PBO
757GA	ZANESVILLE, OH	OH	437	10	CBOC	NPB
757GB	GROVE CITY, OH	OH	431	10	CBOC	PBO
757GC	MARION, OH	OH	433	10	CBOC	NPB

Abbreviations
CBOC = Community-Based Outpatient Clinic
CMC = Civilian Medical Center
DOM = Independent Domiciliary
Fac # = VA Facility Number
IOC = Independent Outpatient Clinic
MOC = Mobile Outreach Clinic
NPB = Non-Provider-Based Outpatient Facility
PB = Provider-Based/Non-Provider-Based Designation
PBH = Provider-Based Hospital
PBO = Provider-Based Outpatient Facility
ST = State
VAMC = VA Medical Center
VN = Veterans Integrated Service Network
ZIP 3 = First three digits of ZIP Code

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Federal Register

Wednesday,
September 28, 2005

Part II

The President

Presidential Determination No. 2005–36 of September 14, 2005—Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2006

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Wednesday, September 28, 2005

Presidential Documents

Title 3—

The President

Presidential Determination No. 2005–36 of September 14, 2005

Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2006

Memorandum for the Secretary of State

Pursuant to section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) (FRAA), I hereby identify the following countries as major drug transit or major illicit drug producing countries: Afghanistan, The Bahamas, Bolivia, Brazil, Burma, Columbia, Dominican Republic, Ecuador, Guatemala, Haiti, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, and Venezuela.

A country's presence on the Majors List is not necessarily an adverse reflection of its government's counternarcotics efforts or level of cooperation with the United States. Consistent with the statutory definition of a major drug-transit or drug-producing country set fourth in section 481(e)(2) and (5) of the Foreign Assistance Act of 1961, as amended (FAA), one of the reasons that major drug transit or illicit drug producing countries are placed on the list is the combination of geographical, commercial, and economic factors that allow drugs to transit or be produced despite the concerned government's most assiduous enforcement measures.

Pursuant to section 706(2)(A) of the FRAA, I hereby designated Burma and Venezuela as countries that have failed demonstrably during the previous 12 months to adhere to their obligations under international counternarcotics agreements and take the measures set fourth in section 489(a)(1) of the FAA. Attached to this report (Tab A) are justifications for the determinations on Burma and Venezuela, as required by section 706(2)(B).

I have also determined, in accordance with provisions of section 706(3)(A) of the FRAA, that support for program to aid Venezuela's democratic institutions, establish selected community development projects, and strengthen Venezuela's political party system is vital to the national interests of the United States.

I have removed China and Vietnam from the list of major drug transit or major illicit drug producing countries because there is insufficient evidence to suggest that China is a major source zone or transit country for illicit narcotics that significantly affects the United States. There is insufficient evidence to refute claims by the Government of Vietnam that they have virtually eliminated opium poppy production. Additionally, although cooperation with United States law enforcement is limited, there are no indications of a significant Vietnam-based drug threat to the United States.

Despite the Government of Afghanistan's counternarcotics efforts, we remain concerned about the disturbing magnitude of the drug trade and the prospect that opium poppy cultivation will likely increase in 2006. We are also concerned about government corruption, especially at the regional and local levels, impending counternarcotics efforts. For these efforts to be effective, government corruption with respect to the opium economy must be seriously addressed-by both local and central government authorities.

The Government of Canada has made real progress in curbing the diversion into the United States of pseudoephedrine, which fuels the production of methamphetamine. There are indications, however, that Canadian-based

criminal groups are increasingly involved in the production of MDMA (Ecstasy) destined for the United States. Large scale cross-border trafficking of Canadian-grown marijuana remains a serious concern. The United States appreciates the excellent law enforcement cooperation with Canada in combating these shared threats.

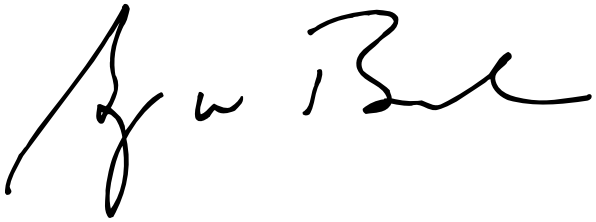
While Haiti made efforts this year to improve its performance, we reiterate our concerns from last year about the Interim Government of Haiti's inability to effectively organize Haitian law enforcement resources to permit sustained counternarcotics efforts. Further, the national criminal justice system must be significantly strengthened in order to be effective and gain public confidence.

The Government of The Netherlands has achieved considerable success in countering the production and flow of MDMA (Ecstasy) to the United States, and The Netherlands is commended for its enhanced efforts. In the coming year, the United States would like to build upon our law enforcement cooperation with the Dutch government through advancements in mutual legal assistance and direct engagement between our respective police agencies.

Drug trafficking, money laundering, and other organized criminal activity in Nigeria remain major sources of concern to the United States. Progress over the past year on anti-money laundering controls is welcome, but much remains to be done to make such controls effective. Implementing anti-corruption policies must advance more quickly, as corruption at all levels of government continues to hamper effective narcotics law enforcement. In addition, measures similar to those taken to improve drug law enforcement at Nigeria's main airport need to be expanded to, and replicated at, Nigeria's seaports, where drug trafficking is a growing concern. Finally, the National Drug Law Enforcement Agency (NDLEA) and other counternarcotics institutions should work towards developing the mindset and capacity to pursue investigations, and prosecutions of major drug traffickers based in the country.

We remain concerned with the continued involvement by the Democratic People's Republic of Korea (DPRK) in criminal activity, including drug production and drug trafficking. Given the close relationship between Japanese and Chinese criminal elements and DPRK drug traffickers in past smuggling incidents, there is a real possibility of continuing DPRK involvement in drug trafficking, even when a given incident appears only to involve ethnic Chinese or other organized Asian criminal groups.

You are hereby authorized and directed to submit this determination to the Congress and to publish it in the Federal Register.



THE WHITE HOUSE,
Washington, September 14, 2005.

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LIST OF PUBLIC LAWS

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