

imports of the sugar and syrup goods and sugar-containing products described above exceeded its exports of those goods by 553,535 metric tons according to data published by its Customs authority, the Office des Changes. Based on this data, USTR determines that Morocco's trade surplus is negative. Therefore, in accordance with U.S. Note 12(b) and U.S. Note 12(c) to subchapter XII of HTS chapter 99, goods of Morocco are not eligible to enter the United States duty-free under subheading 9912.17.05 or at preferential tariff rates under subheading 9912.17.10 through 9912.17.85 in CY2006 or CY2007.

**CAFTA-DR:** Pursuant to section 201 of the Dominican Republic—Central America—United States Free Trade Agreement Implementation Act (Pub. Law 109-53; 19 U.S.C. 4031), Presidential Proclamation No. 7987 of February 28, 2006 (71 FR 10827), Presidential Proclamation No. 7991 of March 24, 2006 (71 FR 16009), Presidential Proclamation No. 7996 of March 31, 2006 (71 FR 16971), and Presidential Proclamation No. 8034 of June 30, 2006 (71 FR 38509) implemented the CAFTA-DR on behalf of the United States and modified the HTS to reflect the tariff and rules of origin treatment provided for in the CAFTA-DR.

U.S. Note 25(b)(i) to subchapter XXII of HTS chapter 98 provides that USTR is required to publish annually in the **Federal Register** a determination of the amount of each CAFTA-DR country's trade surplus, by volume, with all sources for goods in HS subheadings 1701.11, 1701.12, 1701.91, 1701.99, 1702.40, and 1702.60, except that each CAFTA-DR country's exports to the United States of goods classified under HS subheadings 1701.11, 1701.12, 1701.91, and 1701.99 and its imports of U.S. goods classified under HS subheadings 1702.40 and 1702.60 that qualify for preferential tariff treatment under the CAFTA-DR are not included in the calculation of that country's trade surplus.

U.S. Note 25(b)(ii) to subchapter XXII of HTS chapter 98 provides duty-free treatment for certain sugar and syrup goods and sugar-containing products of each CAFTA-DR country entered under subheading 9822.05.20 in an amount equal to the lesser of that country's trade surplus or the specific quantity set out in that note for that country and that calendar year.

During CY2005, the most recent year for which data is available, El Salvador's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of

those goods by 293,500 metric tons according to data published by the Salvadoran Central Bank. Based on this data, USTR determines that El Salvador's trade surplus is 293,500 metric tons. Therefore, in accordance with U.S. Note 25(b)(ii) to subchapter XXII of HTS chapter 98, the aggregate quantity of goods of El Salvador that may be entered duty-free under subheading 9822.05.20 in CY2007 is 24,480 metric tons (*i.e.*, the amount set out in that note for El Salvador for 2007).

During CY2005, the most recent year for which data is available, Guatemala's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 891,159 metric tons according to data published by the World Trade Atlas. Based on this data, USTR determines that Guatemala's trade surplus is 891,159 metric tons. Therefore, in accordance with U.S. Note 25(b)(ii) to subchapter XXII of HTS chapter 98, the aggregate quantity of goods of Guatemala that may be entered duty-free under subheading 9822.05.20 in CY2007 is 32,640 metric tons (*i.e.*, the amount set out in that note for Guatemala for 2007).

During CY2005, the most recent year for which data is available, Honduras' exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 56,955 metric tons according to data published by the Central Bank of Honduras. Based on this data, USTR determines that Honduras' trade surplus is 56,955 metric tons. Therefore, in accordance with U.S. Note 25(b)(ii) to subchapter XXII of HTS chapter 98, the aggregate quantity of goods of Honduras that may be entered duty-free under subheading 9822.05.20 in CY2007 is 8,160 metric tons (*i.e.*, the amount set out in that note for Honduras for 2007).

During CY2005, the most recent year for which data is available, Nicaragua's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 208,257 metric tons according to data published by the World Trade Atlas. Based on this data, USTR determines that Nicaragua's trade surplus is 208,257 metric tons. Therefore, in accordance with U.S. Note 25(b)(ii) to subchapter XXII of HTS chapter 98, the aggregate quantity of goods of Nicaragua that may be entered duty-free under subheading 9822.05.20 in CY2007 is 22,440 metric tons (*i.e.*, the

amount set out in that note for Nicaragua for 2007).

**Richard T. Crowder,**

*Chief Agricultural Negotiator.*

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## OFFICE OF PERSONNEL MANAGEMENT

### Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations—Charity Recoding

**AGENCY:** Office of Personnel Management (OPM).

**ACTION:** Notice.

**SUMMARY:** The Office of Personnel Management (OPM) is assigning new, unique code numbers to charitable organizations that participate in the Combined Federal Campaign (CFC). The number of participating charitable organizations is increasing and will soon exceed the number of codes available under the current CFC coding procedure. In addition, the assignment of new, unique code numbers will allow OPM to improve the efficiency and effectiveness of the CFC by assisting in future promotion of the use of electronic giving technology and future revision to geographic restrictions to donor giving.

**DATES:** The Office of Personnel Management's Office of the CFC Operations (OCFCO) will issue new code numbers to charities and provide them to local campaigns and charities no later than March 30, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mark W. Lambert, Senior Compliance Officer for the Office of CFC Operations, by telephone at (202) 606-2564; by fax at (202) 606-0902; or by e-mail at [cfc@opm.gov](mailto:cfc@opm.gov).

**SUPPLEMENTARY INFORMATION:** Currently, the CFC coding procedure is based on a four-digit number. Charitable organizations that are approved to participate in the CFC as national or international organizations are assigned a four-digit code by OPM. Local CFCs assign a four-digit code to organizations approved to participate in that local CFC. OPM informs local CFCs of which four-digit codes were not used for national and international organizations and that are, therefore, available for local use. There are approximately 2,000 participating national and international organizations and an estimated additional 20,000 local organizations. With a four-digit coding procedure, there are only 9,999 available codes. Charitable organizations in different

local CFCs often have identical codes because of the independent assignment process and the limits of the current four-digit code structure. At the same time, OPM has reclaimed all or part of a code series in the past several years to accommodate the ever-expanding list of national/ international federations. Consequently, redundant code assignments can lead to the misdirection of donor funds, as donor choices in giving currently remain limited to the national/international list and to local charities located within the employee's designated duty station campaign.

In recently issued CFC regulations, set forth at 5 CFR Part 950, the OPM Director has the authority, upon implementation of appropriate electronic technology, to remove the restriction that limits donors to contributing only to local charities within their geographic campaign area, based on their official duty station. A first step in implementing electronic technology that would allow donors to contribute to local organizations in other campaign areas is to make sure that each organization has its own unique code. Being able to identify all participating charitable organizations by a unique code will also allow OPM to better monitor compliance with CFC eligibility standards and sanctions compliance requirements. In order to be eligible to participate in the CFC, each charitable organization must be determined to be a tax-exempt public charity under section 501(c)(3) of the Internal Revenue Code. In order to demonstrate compliance with this eligibility standard, each charitable organization must provide a copy of its IRS determination letter. However, many of the IRS determination letters provided by charitable organizations are dated at the time of the initial IRS determination. That determination could have been made many years prior to the current CFC to which the charitable organization is applying for participation. To ensure that each charitable organization meets the 501(c)(3) eligibility standard, OPM will compare the applicant organization against an IRS database to determine that the charitable organization is still recognized as a 501(c)(3) tax-exempt public charity by the IRS. The newly assigned unique codes will assist OPM in identifying each charitable organization against the IRS database. In addition, OPM requires each charitable organization participating in the CFC to complete a certification that it is in compliance with all statutes, Executive orders, and regulations restricting or

prohibiting U.S. persons from engaging in transactions and dealings with countries, entities or individuals subject to economic sanctions administered by the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC). Currently, OPM checks each participating national and international organization against the OFAC list of sanctioned organizations and requests local campaigns to do the same. The newly assigned unique codes will assist OPM in performing this check against the OFAC list for all national, international, and local, organizations participating in the CFC and relieve a burden from the local campaigns.

U.S. Office of Personnel Management.

**Linda M. Springer,**  
Director.

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## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 27599; 812-13029]

### ProFunds, et al.; Notice of Application

December 14, 2006.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of an application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the "Act") for exemption from sections 12(d)(1)(A) and (B) of the Act and under sections 6(c) and 17(b) of the Act for an exemption from section 17(a) of the Act.

*Summary of the Application:* The order would permit certain management investment companies and unit investment trusts registered under the Act to acquire shares of certain open-end management investment companies and unit investment trusts registered under the Act, including those that operate as exchange-traded funds, that are outside the same group of investment companies as the acquiring investment companies.

*Applicants:* ProFunds, Access One Trust, ProShares Trust ("ETF Trust," and together with ProFunds and Access One Trust, the "Trusts"), ProShare Advisors LLC ("ProShare Advisors"), and ProFund Advisors LLC ("ProFund Advisors," and together with ProShare Advisors, the "Advisers").

*Filing Dates:* The application was filed on October 7, 2003, and amended on June 3, 2004, July 15, 2005, and October 6, 2006. Applicants have agreed to file an amendment during the notice

period, the substance of which is reflected in this notice.

*Hearing or Notification of Hearing:* An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on January 8, 2007, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090; Applicants, 7501 Wisconsin Avenue, Suite 1000, Bethesda, MD 20814.

**FOR FURTHER INFORMATION CONTACT:** John Yoder, Senior Counsel, at (202) 551-6878, or Michael W. Mundt, Senior Special Counsel, at (202) 551-6821 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the Public Reference Desk, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-0102 (telephone (202) 551-5850).

### Applicants' Representations

1. The Trusts are open-end management investment companies registered under the Act and are each comprised of separate series ("Funds") that pursue distinct investment objectives and strategies. Shares of certain Funds of ProFunds and Access One Trust are sold publicly to retail investors, and shares of other such Funds are sold to insurance company separate accounts funding variable life and variable annuity contracts. The Funds of the ETF Trust ("ETF Funds") rely on an order from the Commission that allows the ETF Funds to operate as exchange-traded funds and to redeem their shares in large aggregations ("Creation Units").<sup>1</sup> Certain Funds pursue their investment objectives

<sup>1</sup> ProShares Trust, et al., Investment Company Act Release Nos. 27323 (May 18, 2006) (notice) and 27394 (June 13, 2006) (order) ("ETF Order").