

Related Information

(n) CAA airworthiness directive G-2004-010, dated April 8, 2004, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on February 25, 2005.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

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DEPARTMENT OF HOMELAND SECURITY**Bureau of Customs and Border Protection****DEPARTMENT OF THE TREASURY****19 CFR Part 12**

[CBP Dec. 05-10]

RIN 1505-AB56

Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material From the Prehispanic Cultures of the Republic of El Salvador

AGENCY: Customs and Border Protection; Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs and Border Protection (CBP) regulations to reflect the extension of the import restrictions on certain categories of archaeological material from the Prehispanic cultures of the Republic of El Salvador which were imposed by T.D. 95-20. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has determined that conditions continue to warrant the imposition of import restrictions. Accordingly, the restrictions will remain in effect for an additional 5 years, and the CBP regulations are being amended to indicate this extension. These restrictions are being extended pursuant to determinations of the United States Department of State made under the terms of the Convention on Cultural Property Implementation Act in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. T.D. 95-20 contains the Designated List of archaeological material representing Prehispanic cultures of El Salvador.

DATES: *Effective Date:* March 8, 2005.

FOR FURTHER INFORMATION CONTACT: For legal aspects, Joseph Howard, (202) 572-8701. For operational aspects, Michael Craig, Chief, Other Government Agencies Branch, (202) 344-1684.

SUPPLEMENTARY INFORMATION:**Background**

Pursuant to the provisions of the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention, codified into U.S. law as the Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*), the United States entered into a bilateral agreement with the Republic of El Salvador on March 8, 1995, concerning the imposition of import restrictions on certain categories of archeological material from the Prehispanic cultures of the Republic of El Salvador. On March 10, 1995, the United States Customs Service published T.D. 95-20 in the **Federal Register** (60 FR 13352), which amended 19 CFR 12.104g(a) to reflect the imposition of these restrictions and included a list designating the types of article covered by the restrictions.

Import restrictions listed in 19 CFR 12.104g(a) are "effective for no more than five years beginning on the date on which the agreement enters into force with respect to the United States. This period can be extended for additional periods not to exceed five years if it is determined that the factors which justified the initial agreement still pertain and no cause for suspension of the agreement exists" (19 CFR 12.104g(a)).

On March 9, 2000, the United States Customs Service published T.D. 00-16 in the **Federal Register** (65 FR 12470), which amended 19 CFR 12.104g(a) to reflect the extension for an additional period of five years.

Sections 403(1) and 411 of the Homeland Security Act of 2002 (Pub. L. 107-296) transferred the United States Customs Service and certain of its functions from the Department of the Treasury to the Department of Homeland Security. Pursuant to section 1502 of the Act, the President renamed the "Customs Service" as the "Bureau of Customs and Border Protection," also referred to as the "CBP."

After reviewing the findings and recommendations of the Cultural Property Advisory Committee, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, concluding that the cultural heritage of El Salvador continues to be in jeopardy from pillage of Prehispanic archaeological resources, made the necessary determinations to extend the import restrictions for an

additional five years on February 2, 2005. Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The Designated List of Archaeological Material Representing Prehispanic Cultures of El Salvador covered by these import restrictions is set forth in T.D. 95-20. The Designated List and accompanying image database may also be found at the following Internet Web site address: <http://exchanges.state.gov/culprop/esimage.html>. The restrictions on the importation of these archaeological materials from the Republic of El Salvador are to continue in effect for an additional 5 years. Importation of such material continues to be restricted unless:

(1) Accompanied by appropriate export certification issued by the Government of the Republic of El Salvador; or

(2) With respect to Pre-Columbian material from archaeological sites throughout El Salvador, documentation exists that exportation from El Salvador occurred prior to March 10, 1995; or

(3) With respect specifically to Pre-Columbian material from the Cara Sucia archaeological region, documentation exists that exportation from El Salvador occurred prior to September 7, 1987.

Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure (5 U.S.C. 553(a)(1)). In addition, CBP has determined that such notice or public procedure would be impracticable and contrary to the public interest because the action being taken is essential to avoid interruption of the application of the existing import restrictions (5 U.S.C. 553(b)(B)). For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12866

This amendment does not meet the criteria of a "significant regulatory action" as described in Executive Order 12866.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(2).

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise.

Amendment to CBP Regulations

■ For the reasons set forth above, part 12 of the CBP Regulations (19 CFR part 12), is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g are revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

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Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

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§ 12.104 [Amended]

■ 2. In § 12.104g(a), the table of the list of agreements imposing import restrictions on described articles of cultural property of State Parties is amended in the entry for El Salvador by removing the reference to “T.D. 00–16” and adding in its place “CBP Dec. 05–10” in the column headed “Decision No.”.

Robert C. Bonner,

Commissioner, Customs and Border Protection.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

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PENSION BENEFIT GUARANTY CORPORATION**29 CFR Parts 4000 and 4010**

RIN 1212–AB01

Electronic Filing—Annual Financial and Actuarial Information

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The PBGC is amending its regulation on Annual Financial and Actuarial Information Reporting to require: Electronic filing in a standardized format of certain identifying, financial, and actuarial information and the filing of additional items of supporting information that are readily available to the filer, including a demonstration by a filer for the previous year that a filing is not

required for the current year. The final rule will strengthen the defined benefit system and enhance the PBGC’s ability to carry out its mission effectively and efficiently.

DATES: *Effective Date:* April 8, 2005. For a discussion of applicability of the amendments, see the Applicability section in **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT:

James J. Armbruster, Acting Director, Legislative & Regulatory Department, or James L. Beller, Attorney, Legislative & Regulatory Department, PBGC, 1200 K Street, NW., Washington, DC 20005–4026; (202) 326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to (202) 326–4024.)

SUPPLEMENTARY INFORMATION: On December 28, 2004 (at 69 FR 77679), the PBGC published a proposed rule modifying 29 CFR part 4010 of the PBGC’s regulations (Annual Financial and Actuarial Information Reporting). (The PBGC published a correction on January 12, 2005 (at 70 FR 2080)). The PBGC received seven comment letters on the proposed rule (which are addressed below) and is issuing the final regulation with three modifications: (1) The proposed requirement to provide identifying information on exempt entities is eliminated; (2) for the first year this rule is in effect, filers may submit their reports by providing the information in an electronic format specified on the PBGC’s Web site, rather than exclusively through the PBGC’s Web-based software application, and (3) for that first year, companies may continue to use the optional assumptions method to determine whether filing is required. There are other minor modifications, as noted below.

This rule is part of the Pension Benefit Guaranty Corporation’s (PBGC’s) ongoing effort to streamline regulation and to improve administration of the pension insurance program, with a focus on making pension-related data more accurate, complete, timely, and—in particular—transparent. It is also part of the PBGC’s ongoing implementation of the Government Paperwork Elimination Act and is consistent with the Office of Management and Budget’s directive to remove regulatory impediments to electronic transactions. The rule builds in the flexibility needed to allow the PBGC to update the electronic filing process as technology advances.

The PBGC administers the pension insurance programs under Title IV of the Employee Retirement Income Security Act of 1974 (ERISA). To enable the PBGC to anticipate and, when

possible, minimize potential liabilities that may arise from the termination of significantly underfunded plans, ERISA section 4010 requires the reporting of actuarial and financial information by controlled groups with pension plans that have significant funding problems. Specifically, reporting is required by a controlled group if: (1) The aggregate unfunded vested benefits of all plans maintained by members of the controlled group exceed \$50 million (disregarding plans with no unfunded vested benefits); (2) the conditions specified in section 302(f) of ERISA and section 412(n) of the Internal Revenue Code for imposing a lien for missed contributions exceeding \$1 million have been met with respect to any plan maintained by any member of the controlled group; or (3) the Internal Revenue Service has granted minimum funding waivers in excess of \$1 million to any plan maintained by any member of the controlled group, and any portion of the waiver(s) is still outstanding.

Pursuant to section 4010 of ERISA, the PBGC issued its regulation on Annual Financial and Actuarial Information Reporting in 1995 (29 CFR part 4010). The regulation specifies the items of identifying, financial, and actuarial information that filers must submit under section 4010 but does not currently require a standardized format. The PBGC reviews the information that is filed and enters it into an electronic database for more detailed analysis. Computer-assisted analysis of this information enables the PBGC to anticipate possible major demands on the pension insurance system and to focus PBGC resources on situations that pose the greatest risks to that system. Because other sources of information are usually not as current as the section 4010 information, the section 4010 filing plays a vital role in the PBGC’s ability to protect participant and premium-payer interests.

As modified, the final rule: (1) Requires electronic filing of section 4010 information in a standardized format; (2) requires the submission of certain additional information the PBGC needs to carry out its role of protecting participant and premium-payer interests; (3) modifies the rules for determining whether aggregate unfunded vested benefits exceed \$50 million (the \$50 million section 4010 gateway test) for reporting for information years ending on or after December 31, 2005; and (4) removes the requirement that a power of attorney accompany any filing made by a person other than a filer.