

*License* means a license issued pursuant to 10 CFR parts 50, 52, 60, 63, 70, or 72.

\* \* \* \* \*

*Security container* includes any of the following repositories:

\* \* \* \* \*

(2) A safe—burglar-resistive cabinet or chest which bears a label of the Underwriters' Laboratories, Inc., certifying the unit to be a TL-15, TL-30, or TRTL-30, and has a body fabricated of not less than 1 inch of steel and a door fabricated of not less than 1½ inches of steel exclusive of the combination lock and bolt work; or bears a Test Certification Label on the inside of the door, or is marked "General Services Administration Approved Security Container" and has a body of steel at least ½ inch thick, and a combination locked steel door at least 1 inch thick, exclusive of bolt work and locking devices; and an automatic unit locking mechanism.

\* \* \* \* \*

*Violation* means any knowing, willful, or negligent action that could reasonably be expected to result in an unauthorized disclosure of classified information or any knowing, willful, or negligent action to classify or continue the classification of information contrary to the requirements of E.O. 12958, as amended, or its implementing directives.

■ 9. Section 95.59 is revised to read as follows:

#### § 95.59 Inspections.

The Commission shall make inspections and reviews of the premises, activities, records and procedures of any person subject to the regulations in this part as the Commission and CSA deem necessary to effect the purposes of the Act, E.O. 12958, as amended, and/or NRC rules.

Dated at Rockville, Maryland, this 19th day of May, 2005.

For the Nuclear Regulatory Commission.

**Luis A. Reyes,**

*Executive Director for Operations.*

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## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

#### 12 CFR Part 568

[No. 2005-17]

RIN 1550-AB87

#### Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003

**AGENCY:** Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** OTS is making a technical amendment to its Security Procedures rule to ensure that an amendment to that rule published December 28, 2004, and scheduled to take effect July 1, 2005, does not supersede an amendment to that rule that was published and took effect March 29, 2005.

**DATES:** Effective July 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Richard Bennett, Counsel, Regulations and Legislation Division, (202) 906-7409.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

On December 28, 2004, OTS, along with the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, and Federal Deposit Insurance Corporation (the Agencies), published in the **Federal Register** a final rule entitled "Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003" (69 FR 77610), implementing section 216 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act). That rule included conforming amendments to OTS's Security Procedures rule in § 568.5 of Title 12 of the Code of Federal Regulations. These conforming amendments reflected the change to the title of Appendix B to part 570 of Title 12 from "Interagency Guidelines Establishing Standards for Safety and Soundness" to "Interagency Guidelines Establishing Standards for Safeguarding Customer Information" (Security Guidelines) and the expansion of the legal basis for the Security Guidelines with the implementation of section 216 of the FACT Act. These changes become effective on July 1, 2005.

On March 29, 2005, the Agencies published in the **Federal Register** (70 FR 15736) interpretive guidance and an OTS final rule entitled "Interagency Guidance on Response Programs for

Unauthorized Access to Customer Information and Customer Notice." OTS codified its interpretive guidance as Supplement A to its Security Guidelines in Appendix B to Part 570. The final rule also made a conforming, technical change to § 568.5, which added a sentence at the end of the section to reference the interpretive guidance in Supplement A.

On July 1, 2005, the December 28 rule text for § 568.5 will supersede the current text that became effective on March 29; however, the sentence that was added by the March 29 final rule will still be applicable and should remain as part of the rule text for § 568.5 beyond June 30, 2005. Therefore, OTS is making a further technical amendment to § 568.5 effective July 1, 2005, to add the sentence from the March 29 final rule that goes at the end of § 568.5 so that it will remain in effect when the December 28 final rule takes effect on July 1.

##### II. Regulatory Analysis

*Administrative Procedure Act; Riegle Community Development and Regulatory Improvement Act of 1994*

OTS finds that there is good cause to dispense with prior notice and comment on this final rule and with the 30-day delay of effective date mandated by the Administrative Procedure Act.<sup>1</sup> OTS believes that these procedures are unnecessary and contrary to public interest because the rule merely makes a technical change to an existing regulation. The amendment in the rule is not substantive and will not affect savings associations.

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 provides that regulations that impose additional reporting, disclosure, or other new requirements may not take effect before the first day of the quarter following publication.<sup>2</sup> This section does not apply because this final rule imposes no additional requirements and makes only a technical change to an existing regulation.

##### *Regulatory Flexibility Act*

Pursuant to section 605(b) of the Regulatory Flexibility Act,<sup>3</sup> the OTS Acting Director certifies that this technical amendment will not have a significant economic impact on a substantial number of small entities.

<sup>1</sup> 5 U.S.C. 553.

<sup>2</sup> Pub. L. 103-325, 12 U.S.C. 4802.

<sup>3</sup> Pub. L. 96-354, 5 U.S.C. 601.

*Executive Order 12866*

OTS has determined that this rule is not a "significant regulatory action" for purposes of Executive Order 12866.

*Unfunded Mandates Reform Act of 1995*

OTS has determined that the requirements of this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of \$100 million or more in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995.

**List of Subjects in 12 CFR Part 568**

Consumer protection, Privacy, Reporting and recordkeeping requirements, Savings associations, Security measures.

■ For the reasons set forth in the preamble, OTS amends part 568 of title 12 of chapter V of the Code of Federal Regulations as follows:

**PART 568—SECURITY PROCEDURES**

■ 1. The authority citation for part 568 continues to read as follows:

**Authority:** 12 U.S.C. 1462a, 1463, 1464, 1467a, 1828, 1831p-1, 1881-1884; 15 U.S.C. 1681s and 1681w; 15 U.S.C. 6801 and 6805(b)(1).

■ 2. Revise § 568.5 to read as follows:

**§ 568.5 Protection of customer information.**

Savings associations and their subsidiaries (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) must comply with the Interagency Guidelines Establishing Information Security Standards set forth in appendix B to part 570 of this chapter. Supplement A to appendix B to part 570 of this chapter provides interpretive guidance.

Dated: May 25, 2005.

By the Office of Thrift Supervision.

**Richard M. Riccobono,**  
*Acting Director.*

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2004-19667; Airspace Docket No. 04-ASO-13]

RIN 2120-AA66

**Establishment of Area Navigation Routes; FL**

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes seven high altitude area navigation (RNAV) routes in Florida in support of the High Altitude Redesign (HAR) program. The FAA originally proposed to establish eight routes as part of this action, but one route was deleted due to operational problems with the route alignment. The FAA is taking this action to enhance safety and to facilitate the more flexible and efficient use of the navigable airspace within the Jacksonville Air Route Traffic Control Center's (ARTCC) area of responsibility. **DATES:** 0901 UTC, September 1, 2005.

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

**SUPPLEMENTARY INFORMATION:****History**

On February 7, 2005, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish eight RNAV routes in Florida in support of the HAR program (70 FR 6376). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on this proposal to the FAA. No comments were received in response to the proposal.

**Discussion**

During the comment period, the FAA reviewed the results of modeling simulations conducted to evaluate the safety and efficiency of the proposed Q route structure. Based on the results of the tests, and on further refinements to the route designs, the FAA determined that changes are required to the descriptions of three routes that were proposed in the Notice of Proposed Rulemaking (NPRM) (Q-104, Q-106, and Q-110), and that one proposed route (Q-114) will not be implemented as planned.

Two minor changes will be made to Q-104. First, the waypoint named MARVE in the proposal, was subsequently renamed SWABE. The latitude and longitude coordinates for this waypoint remain unchanged from those stated in the proposal. Second, Q-104 is modified by the insertion of a new fix, the St. Petersburg Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) (PIE), between SWABE and the Cypress VOR/DME (CYY). This modification adds PIE to Q-104 as a transition fix for aircraft arrivals destined for Fort Lauderdale. This change will realign the route slightly eastward to pass over the PIE VORTAC. This change will cause the route to more closely match current air traffic procedures.

Route Q-106 will be realigned to correct problems noted in the modeling tests. Q-106 was initially designed to turn westbound around the north side of Warning Area W-470, but at a point further south than current traffic is allowed to turn. Simulations of this proposed routing revealed conflicts between northwest bound traffic and Tampa arrivals just to the west of the proposed BULZI intersection. To correct this, BULZI will be relocated northwest of its proposed position to delay the westward turn. This new alignment will reduce the traffic conflict potential, while still providing reduced mileage for users. In addition, a new waypoint, DRABK, will be added to the Q-106 route description between BULZI and GADAY. The new waypoint will ensure that the Q-106 route remains clear of the Florida air traffic control assigned airspace area.

In route Q-110, the FEONA waypoint, located at the northwest end of the route, will be moved less than one nautical mile to the east of its present position. This will provide a better transition point for those aircraft exiting Q-110 to join the Seminole transition on the HONIE RNAV standard terminal arrival route.

Proposed route Q-114 will be eliminated from this rulemaking action. The testing revealed numerous difficulties with the proposed routing, primarily with crossing conflicts between Fort Lauderdale arrivals and Fort Myers arrivals. Therefore, the FAA has decided not to implement Q-114.

**The Rule**

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing seven RNAV routes in Florida (designated Q-104, Q-106, Q-108, Q-110, Q-112, Q-116, and Q-118) within the airspace assigned to the Jacksonville ARTCC. The FAA is taking