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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FARM CREDIT ADMINISTRATION

12 CFR Parts 620, 621, 650, 651, 652, 653, 654, and 655

RIN 3052–AC18

Disclosure to Shareholders; Accounting and Reporting Requirements; Federal Agricultural Mortgage Corporation General Provisions; Federal Agricultural Mortgage Corporation Governance; Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Federal Agricultural Mortgage Corporation Disclosure and Reporting Requirements

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA, our, or we) issues this final rule governing the Federal Agricultural Mortgage Corporation (Farmer Mac or the Corporation) in the areas of non-program investments and liquidity. The intent of the rule is to ensure that Farmer Mac continues to hold high-quality, liquid investments to maintain a sufficient liquidity reserve, invest surplus funds, and manage interest-rate risk, while maintaining non-program investments at appropriate levels considering Farmer Mac's status as a Government-sponsored enterprise.

EFFECTIVE DATE: This regulation will be effective 30 days after publication in the **Federal Register** during which time either or both Houses of Congress are in session. We will publish a notice of the effective date in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Joseph T. Connor, Associate Director for Policy and Analysis, Office of Secondary Market Oversight, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4364; TTY (703) 883–4434; or Jennifer A. Cohn, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4020.

SUPPLEMENTARY INFORMATION:

I. Objectives

Farmer Mac's long-term liquidity is dependent on its ability to obtain funding from the securities markets. To aid in assuring market access, sources of liquid and low-risk investments are needed to provide liquidity in the short-term in the event of market disruptions or aberrations. The primary objectives of the final rule are to ensure the safety and soundness and continuity of Farmer Mac operations by:

- Establishing minimum liquidity standards that would require Farmer Mac to hold sufficient high-quality, marketable investments to provide adequate liquidity to fund maturing obligations, interest expense, and operating expenses for a minimum of 60 days;
- Specifying the type, quality, and maximum amount (or limit) of non-program investments [1] that may be held by Farmer Mac;
- Establishing diversification requirements, including portfolio limits on specific types of investments and counterparty exposure limits; and
- Requiring Farmer Mac's board of directors to approve liquidity and non-program investment management policies and implement appropriate internal controls to oversee the investment and liquidity management of the Corporation.

Another objective of this proposal is to better organize current regulatory sections pertaining to Farmer Mac, details of which are discussed in section V. below.

II. Background

On June 14, 2004, we published a proposed regulation for public comment.[2] As discussed in the proposed rule's supplementary information, we proposed these regulations because Farmer Mac has grown significantly in the past 10 years in terms of on-balance sheet assets and off-balance sheet obligations. We believe its exposure to various business risks, including liquidity risk, also has grown and could grow significantly in the future. In addition, excessive or inappropriate use of non-program investments is not consistent with the Corporation's status as a Government-sponsored enterprise (GSE). This rule seeks to enhance both safety and soundness and the program focus of the Corporation.

III. Comments

We received four comment letters on the proposed rule; two from Farmer Mac, and one each from the Farm Credit Bank of Texas (FCBT) and AgFirst Farm Credit Bank (AgFirst). In general, the comments consider the proposed rule's provisions to be inappropriately detailed, specific, and restrictive. Specific comments are discussed in the next section of this supplementary information.

IV. FCA's Summary of the Provisions of the Final Rule and Responses to Comments on the Proposed Rule

We begin by summarizing and responding to general comments on the proposed rule and then provide a section-by-section summary of provisions of the final rule. This summary includes a discussion of the comments on the proposed rule and FCA's responses to the comments.

A. General Comments

Farmer Mac and AgFirst commented that, in general, policies and procedures for investments, liquidity and the management of interest rate risk are best left to the Corporation's board of directors, with FCA oversight through the examination process. FCBT echoed this general view, adding that any regulations should be flexible enough to

[1] Pursuant to title VIII of the Farm Credit Act of 1971, as amended (Act), Farmer Mac issues debt in order to purchase or commit to purchase (invest in) ''program'' assets and obligations under the Corporation's core programs known as the Farmer Mac I Program and the Farmer Mac II Program. Under these programs, Farmer Mac purchases, or commits to purchase, ''qualified loans,'' as that term is defined in section 8.0(9) of the Act. Generally, ''qualified loans'' consist of loans on agricultural real estate or portions of loans guaranteed by the United States Department of Agriculture. Under section 8.0(1) of the Act, ''agricultural real estate'' includes both (1) a parcel or parcels of land or a building or structure affixed to the parcel or parcels that is used for the production of one or more agricultural commodities or products and (2) single-family, moderately priced principal residential dwellings located in rural areas. In this supplementary information, we refer to loans made on this latter type of real estate as ''rural housing mortgages.'' The rule defines investments other than those in (1) ''qualified loans,'' or (2) securities collateralized by ''qualified loans,'' as ''non-program'' investments.

[2] 69 FR 32905.

allow management the capability to react quickly to changing circumstances. All three commenters suggested that the level of specificity in the proposed rule could result in Farmer Mac's management being constrained to an undesirable degree under certain conditions.

In responding to these concerns we note that a primary objective of the rule is to establish a regulatory framework governing non-program investments and liquidity. This framework includes several quantitative limits on which the liquidity policies of the Corporation are to be based. We intend this regulatory framework to provide management with an enhanced level of guidance with which to structure the Corporation's internal policies on liquidity and non-program investments as well as to establish FCA standards of acceptability through quantitative limits on these measurements.

One specific requirement, the minimum liquidity reserve requirement (Farmer Mac must hold liquid investments sufficient to fund at least 60 days of maturing obligations, interest expense, and operating expenses) [3] should not be viewed as a target but as the minimum acceptable level under normal financial market conditions. The Corporation must also implement internal policy targets for days-of-liquidity. We believe the 60-day minimum provides the Corporation sufficient flexibility to manage liquidity under a variety of conditions and circumstances.

We believe the provisions of the final rule achieve greater clarity of FCA guidance and expectations on internal policymaking for Farmer Mac while both avoiding an excessive level of specificity and minimizing the potential for imposing unnecessary constraints that could adversely impact Farmer Mac's operations.

In their comments, Farmer Mac and FCBT expressed a preference for a regulatory approach similar to that in place for Farm Credit System (FCS) banks' investments and liquidity. We note that the approaches are similar in areas such as investment categories, category limits, obligor limits, and discounts, because we believe certain regulatory approaches and quantitative limits on liquidity and investments are reasonably applied to a wide variety of types of financial institutions. However, there are valid reasons to adopt differing regulatory approaches in certain areas because of the differences in the types of business conducted by the regulated institutions (*e.g.*, Farmer Mac's large proportion of mortgage assets and off-balance sheet obligations relative to direct lenders). Other differences may exist in areas in which the approach governing FCS banks is not the only reasonable regulatory approach.

In response to the commenters' contention that FCA should exercise its oversight authority over non-program and liquidity management through its examinations rather than through regulation, we state that while examinations are an integral component of our oversight, it is inappropriate for FCA to rely solely on examinations. Regulations are another oversight tool; they enhance the examination process by establishing clearly understood requirements in advance, thus enabling the reduction of potential problems that might become examination findings absent those regulations.

B. Section 652.1—Purpose

This section provides the user with a basic understanding of the contents and purpose of this subpart. The purpose of this subpart is to ensure safety and soundness, continuity of funding, and appropriate use of non-program investments considering Farmer Mac's status as a GSE. It also highlights responsibilities of Farmer Mac's board of directors and management. No comments specific to this section were received and none of its provisions were changed in the final rule.

C. Section 652.5—Definitions

This section alphabetically lists words or phrases that are applicable to this subpart and will help the user more fully understand the subpart and our requirements. Most of the definitions are self-explanatory, but one definition will benefit from explanation.

The definition of ''Government-sponsored agency'' includes Government-sponsored enterprises such as Fannie Mae and the Federal Home Loan Mortgage Corporation (Freddie Mac), as well as Federal agencies, such as the Tennessee Valley Authority, that issue obligations that are not explicitly guaranteed by the Government of the United States' full faith and credit. The definition in the final rule is slightly different from that in our proposal, although the meaning is the same; we have clarified that the term includes corporations, as well as agencies or instrumentalities, that are chartered or established to serve public purposes specified by Congress, and also that it includes GSEs. This information was provided in the supplementary information to the proposed rule but was not explicitly stated in the rule itself.

No comments specific to this section were received but several of its provisions were changed for clarity in the final rule in response to comments on other sections. Specifically, we are adding definitions for ''program assets'' and ''program obligations'' and are substituting ''regulatory capital'' for ''total capital.''

D. Section 652.10—Investment Management and Requirements

This section requires Farmer Mac to establish and follow certain fundamental practices to effectively manage risks in its investment portfolio. An effective risk management process for investments requires financial institutions to establish: (1) Policies; (2) risk limits; (3) a mechanism for identifying, measuring, and reporting risk exposures; and (4) a strong system of internal controls. Accordingly, § 652.10 requires Farmer Mac's board of directors to adopt written policies that establish risk limits and guide the decisions of investment managers. More specifically, board policies must establish objective criteria so investment managers can prudently manage credit, market, liquidity, and operational risks. Additionally, § 652.10 establishes other controls that are consistent with sound business practices, such as:

(1) Clear delegation of responsibilities and authorities to investment managers;

(2) Separation of duties;

(3) Timely and effective securities valuation practices; and

(4) Routine reports on investment performance.

Both Farmer Mac and FCBT objected to the proposed rule's pre-purchase and pre-sale securities valuation requirements for non-program investments, found in § 652.10(f). Farmer Mac commented generally that because its board has established and monitors policies and procedures governing the valuation process for securities purchased and internal controls of investment management, there is no need for FCA to adopt a regulation prescribing the details of such policies and procedures.

We agree that Farmer Mac should have flexibility in establishing its policies and procedures governing securities valuation. However, because of the potentially serious consequences of valuation errors, our regulations set forth basic requirements for Farmer Mac's policies and procedures. We believe, in general, that proposed § 652.10(f) permits sufficient flexibility for Farmer Mac. Accordingly, the final rule retains the general structure of the

[3] Also referred to in this supplementary information as ''days-of-liquidity.''

proposed rule, although we have made some changes in response to comments on specific provisions of this section.

Section 652.10(f)(1) of the proposed regulation required Farmer Mac to evaluate a security's credit quality prior to purchase. In the supplementary information explaining this proposed provision, we stated that Farmer Mac:

> may not rely exclusively on NRSRO [4] ratings prior to purchasing investments. An independent and timely evaluation performed by Farmer Mac is needed because there may be a lag before an adverse event is reflected in the credit rating. Therefore, Farmer Mac's analysis must indicate whether the security's risk has changed subsequent to the most recent NRSRO rating.

Farmer Mac commented that the proposed regulation, as interpreted by the supplementary information, effectively required Farmer Mac to ''second guess'' the NRSROs and would not be practical. The FCBT made a similar comment. Farmer Mac was concerned that its practice of routinely monitoring rating watch lists and news reports for recent events that could indicate stress in individual businesses and industry sectors might not be sufficient to satisfy FCA.

We reiterate that, because of potential lags before NRSRO ratings reflect adverse events, Farmer Mac must evaluate a security's risk subsequent to its most recent rating. Section 652.10(f)(1) does not, however, require a particular method of evaluating a security's risk. Farmer Mac may use any reliable approach to monitoring this risk. As a good business practice, Farmer Mac should retain documentation of its evaluation.

Section 652.10(f)(1) of the proposed rule required Farmer Mac, among other things, to ''verify the value of a security that [it] plan[s] to purchase, other than a new issue, with a source that is independent of the broker, dealer, counterparty, or other intermediary of the transaction.'' Farmer Mac commented that no benefit would be provided by requiring alternative price quotes because it would not necessarily afford Farmer Mac the opportunity to purchase the investment at the same or a better price.

FCA makes no change to this pre-purchase independent valuation verification requirement in the final rule. Accurate securities valuation is essential to measuring risk and monitoring compliance with Farmer Mac's objectives and risk parameters. Such valuation practices by the Corporation enable managers to better understand the risks and cashflow characteristics of their investments.

In addition, we note that, as stated in the supplementary information to the proposed rule, independent verification of price can be as simple as obtaining a price from an industry-recognized information provider. Farmer Mac may satisfy this requirement by independently verifying the price of a security with an online market reporting service such as Bloomberg, Telerate, or Reuters. We believe the benefits of this provision exceed any added burden on Farmer Mac.

Section 652.10(f)(1) of the proposed rule also would have required Farmer Mac, before it purchases a security, to document the size and liquidity of the secondary market for the security. The supplementary information stated that we expected Farmer Mac to monitor and update this information as market conditions change. Farmer Mac commented that this requirement is vague and difficult to accomplish, would be unduly time consuming, and would lead to missed investment opportunities. The FCBT commented that the requirement is not necessary for certain types of very high quality securities commonly known to trade in active secondary markets, such as agency-issued mortgage-backed securities. The FCBT also pointed out that the regulation does not specify what form the documentation should take.

We agree that satisfying this documentation requirement could present a challenge in some instances and have removed this documentation requirement from the rule. We affirm the Agency's view that such documentation is a good business practice.

Section 652.10(c)(2) of the proposed rule required Farmer Mac to evaluate how individual instruments and the investment portfolio as a whole affect the Corporation's overall interest rate profile. We have removed this requirement in the final rule. We believe that the limitations on the investment portfolio in § 652.35 of this rule, combined with our oversight of Farmer Mac's internal procedures on interest rate risk management, warrant this removal.

Section 652.10(c)(1)(ii) of the proposed rule provided that Farmer Mac's board must approve any changes to securities firms. Farmer Mac commented that, although it may be appropriate for the board to establish criteria for the selection of securities firms, the selection or removal of firms meeting the criteria is properly a function of management, with oversight by the board for compliance with board policy. We agree with this comment and have revised the provision to require pre-change notification to the board, or a designated subcommittee of the board, instead of board approval of the change.

We emphasize that the selection of securities firms is an important aspect of effective management of counterparty credit risk. A satisfactory approval process includes a review of each firm's financial statements and an evaluation of its ability to honor its commitments, including an inquiry into the general reputation of the securities firm. We expect Farmer Mac to review information from Federal or state securities regulators and industry self-regulatory organizations, such as the National Association of Securities Dealers, concerning any formal enforcement actions against the securities firm, its affiliates, or associated personnel.

E. Section 652.15—Interest Rate Risk Management and Requirements

Because interest rate risk management is such an important part of investment management, § 652.15 establishes certain responsibilities of Farmer Mac's board of directors and management as well as policy requirements to address the management of interest rate risk exposure. The regulations outline our minimum expectations for the management of interest rate risk exposure.

The potentially adverse effect that interest rate risk may have on net interest income and the market value of Farmer Mac's equity is of particular importance. Unless properly measured and managed, interest rate changes can have significant adverse effects on Farmer Mac's ability to generate earnings, build net worth, and maintain liquidity. We received no comments specific to this section. Other than two self-explanatory, minor clarifications, we made no changes to this provision in the final rule.

F. Section 652.20—Liquidity Reserve Management and Requirements

This section sets forth the minimum daily liquidity reserve requirement (i.e., the minimum days-of-liquidity), provides guidance on how that calculation is to be made, including specifying the discounts to be applied to various investments, and explains board responsibilities, required policies, and reporting requirements.

Section 652.20(a) provides that, within 24 months of this rule's effective date, and thereafter, Farmer Mac must hold cash, eligible non-program investments, and/or on-balance sheet

[4] Nationally recognized statistical rating organization.

securities backed by portions of USDA guaranteed loans to maintain at all times sufficient liquidity to fund a minimum of 60 days of maturing obligations, interest expense, and estimated operating expense.

AgFirst commented that the proposed minimum days-of-liquidity requirement should be increased to 90 days from 60 days, consistent with the self-imposed policy of the FCS, which was implemented after discussions with several NRSROs.[5] We have made no change to the required 60-day minimum. The final rule imposes a minimum below which Farmer Mac must not drop for safety and soundness purposes.[6] Section 652.20(e) requires Farmer Mac's liquidity reserve policy to specify the minimum and target (or optimum) amounts of liquidity that the board believes are appropriate for Farmer Mac. These minimum and target amounts may need to be significantly higher than 60 days. FCA intends to monitor Farmer Mac's implementation of this provision.

Farmer Mac commented that the proposed rule's requirement, in § 652.20(a), that days-of-liquidity be calculated and documented daily was an overly burdensome time interval and recommended changing the interval to monthly. In the final rule, this time interval is revised to monthly with the added specification that the Corporation must have systems in place that provide it the ability to make this calculation daily, and must maintain liquidity greater than 60 days at all times. Prudent business practice dictates that, if circumstances warrant, Farmer Mac may need to calculate its days-of-liquidity more often than the regulation requires. Such circumstances could include management decisions relative to debt issuance, asset-liability management, and investment purchases, all of which must be made with knowledge of the institution's liquidity position. We expect Farmer Mac's liquidity management practices to be monitored by Farmer Mac's internal audit function.

FCBT commented that, rather than specifying specific discount amounts, FCA's regulations should require Farmer Mac to apply discounts that are appropriate under prevailing market practices and expectations concerning liquidity. We believe it is appropriate for FCA to prescribe the discounts to ensure that an acceptable level of conservatism is applied to the Corporation's estimates of the liquidity of these instruments. As with other required calculations in this rule, we believe these discounts improve the clarity of the Agency's expectations on this subject to Farmer Mac and are best provided formally through rulemaking and in advance of the examination process. However, we have clarified in § 652.20(a) that discounts are to be applied to liquid asset values that have been marked to market, and in § 652.20(c)(3) and (c)(5) that discounts also apply to preferred stock investments.

Farmer Mac and FCBT commented that the discounts applied in § 652.20(c) to non-program assets for purposes of the days-of-liquidity calculation in the proposed rule are too great at 5 percent on money market instruments and floating rate debt securities and 10 percent on fixed rate debt securities. Farmer Mac supported this comment on the basis of the lower discounts applied by the Federal Reserve Discount Window (Fed) and the New York Stock Exchange (NYSE) for pledged assets. Farmer Mac's comment noted that the two examples they offer are not exactly analogous to the discounts applied in the proposed rule, but the Corporation requested consideration of these alternatives as potentially more appropriate benchmarks for discounts.

We acknowledge that the Fed discount window and NYSE discounts on margin collateral are lower but, with one exception, we have kept the discounts in this rule as proposed. The cited Fed discounts by their nature are applied to transactions with a very short-time horizon on average, typically overnight for the majority of the Fed discount window volume.[7] While NYSE positions requiring margin accounts are, on average, likely longer term than overnight, we have no information that would suggest the typical period over which the NYSE holds such pledged assets is as long as the several-year terms of many of Farmer Mac's investments. Farmer Mac's generally longer investment terms inherently involve greater risk, as they provide more time for the liquidity of the security to change.

However, the term difference between Farmer Mac and the Fed Discount Window is not always the case, for example with Farmer Mac's use of overnight and very short-term money market investments. In recognition of this, we have partially accommodated the comment by reducing the discount on money market instruments with maturities of 5-business days or less from 5 percent to 3 percent, in § 652.20(c)(2).

As discussed below, § 652.20(c)(7) of the rule reserves FCA's authority to modify or determine the appropriate discount for an investment if the otherwise applicable discount does not accurately reflect the investment's liquidity. FCA's Office of Secondary Market Oversight (OSMO) will consider any request Farmer Mac submits for a revised discount on particular items in its investment portfolio.

Farmer Mac commented that the proposed rule's 50-percent discount of securities backed by portions of Farmer Mac program assets (loans) guaranteed by the USDA (the Farmer Mac II portfolio or USDA-Guaranteed Portions) in § 652.20(c)(5)[8] is excessive because: (1) The assets are backed by the full faith and credit of the U.S. Government; (2) there exists a well-developed, competitive and active secondary market for USDA-Guaranteed Portions among numerous broker/dealers and banks around the country; (3) the interest rates on a large portion of Farmer Mac's USDA-guaranteed loans reset within 1 year, thereby presenting very limited exposure to market pricing risk; and, (4) the 50-percent discount is not consistent with FCA's June 25, 2004 Informational Memorandum on Investments in Rural America, which expressly encourages FCS institutions to participate in the secondary market for USDA-Guaranteed Portions and does not suggest that such investments would be discounted.

We agree with the comment that a 50-percent discount of the Farmer Mac II portfolio is too conservative an estimate of its liquidity. It is inherently difficult to evaluate precisely the depth of the market for USDA-Guaranteed Portions because they are traded through a broker market. However, FCA believes there is reasonable evidence pointing to greater liquidity of these instruments. Accordingly, the final rule decreases the discount to 25 percent of the on-balance sheet portion of the Farmer Mac II portfolio. In other words, the calculation now includes 75 percent of on-balance sheet Farmer Mac II assets as liquid investments, as a conservative estimate of the liquidity of the Farmer Mac II portfolio.

As discussed in section G. below, we have made a corresponding change in

[5] AgFirst also commented that FCA should try to minimize the regulatory burden this rule imposes. We note that requiring 90 rather than 60 days-of-liquidity would increase regulatory burden.

[6] Under new § 652.30(a), if the FCA determines that an extraordinary situation exists that necessitates a temporary regulatory waiver or modification, it may, in its sole discretion, waive or modify this minimum.

[7] The information related to the Federal Reserve is taken from the Federal Reserve Web site's description of the Discount Window.

[8] Renumbered as § 652.20(c)(6) in the final rule.

the formula for maximum non-program investments in § 652.25(b) in order to be more consistent with our recognition of 75 percent of the on-balance sheet Farmer Mac II portfolio as a liquid investment in the days-of-liquidity calculation. It is logically consistent to conclude that if 75 percent of on-balance sheet Farmer Mac II volume is correctly viewed as a liquid investment, then the rest of that portfolio segment is by definition not liquid and is appropriately included among those program assets against which the liquidity investments are held.

As explained in greater detail in section G. below, recognition of on-balance sheet Farmer Mac II assets as liquid investments could create a disincentive for Farmer Mac to sell these assets to investors, an incentive that FCA does not intend but which is unavoidable if the Agency intends, as it does, to make that recognition. Therefore, one reason why the 25-percent discount is not even smaller is due to concerns related to any potential disincentive to sell these securities that could be created through recognition of such a high percentage of the on-balance sheet Farmer Mac II portfolio in the days-of-liquidity calculation.

We note that the referenced FCA Informational Memorandum does not expressly encourage these investments and did not factor into FCA's decision to change the percentage. The Informational Memorandum highlights these instruments as an option available to FCS institutions to make mission-related investments but does not express or imply any position on the relative liquidity of these assets.

Farmer Mac commented on proposed § 652.20(c)(6),[9] which reserved FCA's authority to modify or determine the appropriate discount for any investment. Farmer Mac requested that it be provided 30 working days prior notice, with a longer period for those cases requiring more fundamental restructuring of the portfolio. The final rule provides Farmer Mac 20 business days to implement a discount determined by FCA unless we specify otherwise.

Commenting on the same section, FCBT noted that the provision is too general and could lead to arbitrary action on the part of FCA. The comment suggested FCA establish ''market-based'' criteria to guide FCA staff in making such determinations. We anticipate we would most likely exercise this provision if an adverse credit event or other adverse event caused an eligible investment to exhibit less liquidity. In such cases, we might increase the discount associated with that investment. Information related to such an event would be expected to be generally available to the public and readily verifiable.

Accordingly, the final rule reserves FCA's authority to modify or determine the appropriate discount for any investment used to meet the minimum liquidity reserve requirement if the otherwise applicable discount does not accurately reflect the liquidity of that investment or if the investment does not fit wholly within one of the specified investment categories. In addition, it provides that in making any modification or determination, we will consider the liquidity of the investment as well as any other relevant factors. We will provide at least 20 business days notice before any modified discounts will take effect.

Farmer Mac commented that the proposed rule's requirement that any breach of the minimum days-of-liquidity requirement in § 652.20(g) be reported ''immediately'' to FCA was not sufficiently clear in terms of its time requirement and suggested it be revised to read ''as soon as reasonably possible, but no later than 3 business days after Farmer Mac determines (or should have determined) the breach.'' Further, Farmer Mac suggested an additional grace period of 5 business days for the cure of any such breach if Farmer Mac is taking action to achieve compliance.

As discussed above, the final rule requires Farmer Mac to calculate its days-of-liquidity monthly, and we expect more frequent calculation if circumstances warrant it. We have revised the reporting requirement to require Farmer Mac to report a breach to FCA no later than the business day following Farmer Mac's discovery of the breach. This revision provides an objective time period for Farmer Mac to submit its report to FCA. In addition, we clarified that the regulation requires the report to be made in writing (which includes e-mail) to OSMO. In order to keep an objective standard for the reporting time frame, we did not include ''should have discovered'' language, as suggested by Farmer Mac. We did not include the requested grace period to cure any breach. Any cure of a breach in the minimum days-of-liquidity will be addressed as a part of the FCA's supervisory oversight of Farmer Mac. FCA adds no grace period in the final rule as any standing grace period could imply that the established minimum is less than a firm minimum. However, as affirmed in § 652.30 of the final rule, FCA would consider modifications under unusual circumstances if requested by Farmer Mac.

FCBT commented that it is unduly burdensome to require Farmer Mac to report to FCA whenever it breaches its regulatory liquidity reserve requirements, as the proposed rule required. Since the final rule requires Farmer Mac to calculate its days-of-liquidity monthly rather than daily, and to report a breach when it is discovered rather than when it occurs, any burden the proposed rule might have caused has been significantly reduced in the final rule.

FCBT also commented that the provision in § 652.20(g) of the proposed rule that required Farmer Mac to report to FCA when it discovers noncompliance with its own board policy requirements is inappropriate and constitutes ''micro-management'' that is inconsistent with the role of an arms-length regulator. FCA proposed this requirement so that it may learn in advance if liquidity is decreasing to a point where it might violate our regulatory minimum. However, so long as Farmer Mac's Board is aware of breaches of the Corporation's internal policy, we have determined that OSMO is well-positioned to track breaches of the policy and management's corrective actions through the examination process. We have, therefore, removed the provision from the final rule.

G. Section 652.25—Non-Program Investment Purposes and Limitation

This section lists authorized purposes for Farmer Mac non-program investments and imposes a limitation on those investments. The rule seeks to reasonably relate investments made by Farmer Mac to its statutory purpose as set forth in section 701 of the Agricultural Credit Act of 1987 [10] (12 U.S.C. 2279). We recognize non-program investments provide for a blend of Farmer Mac's needs; most fundamental of these needs is to provide highly liquid assets to meet immediate funding needs associated with Farmer Mac's business in agricultural and rural housing mortgages. Farmer Mac also uses non-program investments in managing interest rate risk and providing flexibility in responding to fluctuating liquidity and economic conditions.

Section 652.25(b)(1) of the proposed rule would have limited non-program investments to the greater of $1.5 billion or the aggregate of 30 percent of total assets and ''a reasonable estimate of off-balance sheet loans covered by guarantees or commitments that Farmer

[9] Renumbered as § 652.20(c)(7) in the final rule.

[10] Public Law 100–233.

Mac likely will be required to purchase during the upcoming 12-month period, not to exceed 15 percent of total off-balance sheet obligations.''

Farmer Mac and FCBT commented that this formula is overly restrictive and could result in adverse effects on the Corporation. Farmer Mac also commented that the proposed policy is a departure ''from the undertaking requested by FCA and given by Farmer Mac in 1999, to limit non-program investments to the greater of $1.5 billion and 30 percent of all guarantees and commitments outstanding.'' Farmer Mac further suggested that the proposed policy is inconsistent with investment limitations contained in FCA regulations governing FCS banks. Finally, Farmer Mac commented that the proposed rule's treatment of off-balance sheet obligations both fails to respond to concerns raised by Congress and creates a disincentive for Farmer Mac to sell agricultural mortgage-backed securities. Instead of the proposal, Farmer Mac requested that FCA adopt the Corporation's currently existing investment limit, based on its 1999 communications with FCA, of the greater of $1.5 billion and 30 percent of the aggregate of Farmer Mac's on-balance sheet program assets and off-balance sheet program obligations.

This rule is the first application of a regulatory maximum non-program investment level to a secondary market institution. FCA has applied caution to minimize the possibility of imposing unnecessary constraints. With this framework established, the rule's quantitative limits can be refined in future rulemaking if necessary. Accordingly, we have modified the formula in the final rule to respond to Farmer Mac's comments, as detailed below.

The final rule limits Farmer Mac's non-program investments to the greater of $1.5 billion or 35 percent of all program volume, excluding 75 percent of the on-balance sheet program assets that are guaranteed by the United States Department of Agriculture as described in section 8.9(9)(B) of the Farm Credit Act of 1971, as amended.[11]

With this change, we have responded to Farmer Mac's request to adopt the general approach taken in our 1999 guidance to Farmer Mac. As Farmer Mac requested, we have generally based the formula for maximum non-program investments on a percentage of both on- and off-balance program investments, with one exclusion. The formula excludes from program investments 75 percent of the Farmer Mac II portfolio because, as discussed in the previous section of this supplementary information, that portion is recognized as a liquid investment in the minimum liquidity reserve calculation required by § 652.20(a). Thus, the rule maintains logical consistency in its recognition (in both § 652.20(a) and § 652.25(b)) of 75 percent of the on-balance sheet Farmer Mac II program assets as a source of liquidity rather than as less-liquid assets against whose funding obligations liquidity investments are held.

This exclusion would generally result in a lower maximum non-program investment limit, which was not the intent of the exclusion. Therefore, to compensate for this exclusion and to add regulatory flexibility generally to the final rule, we increased the limitation from 30 to 35 percent of the included assets. The new formula is consistent with the objective of establishing a regulatory framework that minimizes the potential of establishing unnecessary constraints on management's ability to respond to unforeseen circumstances.

We believe the changes to this provision in the final rule should satisfy the concerns raised by Farmer Mac and the FCBT that the proposed provision was overly restrictive. Nevertheless, we respond to Farmer Mac's specific comments on the proposed rule below.

Farmer Mac stated that the proposed rule failed to address concerns expressed at hearings of the Agriculture Committee of the U.S. House of Representatives (June 4, 2004), at which members raised questions about the adequacy of provisions for risks associated with off-balance sheet exposures. The concerns raised at this hearing were related to a General Accounting Office (GAO)[12] report stating that Farmer Mac lacked a formal contingency plan for liquidity, and particularly for the potential obligation to purchase a significant volume of off-balance sheet obligations.[13] The GAO report did not imply any potential inadequacy of the Farmer Mac non-program investment levels.

In addition, Farmer Mac commented that the proposed rule, through its inclusion of 15 percent (at most) of off-balance sheet obligations in the maximum non-program investments formula, created a disincentive for it to sell AMBS to investors. As mentioned above in section F. with regard to changes made to the days-of-liquidity calculation, by including all off-balance sheet program obligations in the calculation of maximum non-program investments, the final rule largely removes any disincentive to sell program assets to investors. A small disincentive arguably remains related to the recognition of 75 percent of the on-balance sheet Farmer Mac II portfolio as a liquid investment (described in section F. above). However, this disincentive is at least partially offset by a corresponding reduction in the same proportion (75 percent) of the on-balance sheet Farmer Mac II portfolio that is excluded from the maximum non-program investments calculation.

Farmer Mac also commented that the proposed rule's maximum non-program investment formula is inconsistent with FCA's 1993 rule governing FCS banks. We note that the provisions of this final rule, through the inclusion of off-balance sheet obligations in the calculation, are much closer to the structure established in the 1993 regulation governing FCS banks on this maximum limit.

Finally on this section, in the supplementary information to our proposed rule, we specifically sought comment on whether we should consider in this section other issues pertinent to Farmer Mac's non-program investment needs or practices such as its ''debt issuance strategy.'' Farmer Mac commented that it would not be appropriate to impose regulations governing debt issuance strategies. Without agreeing or disagreeing with the comment, we note that no provision related to the strategy has been added to the final rule. Also, in response to this request for comment, FCBT said, ''given our view that portfolio limits should be flexible based on an institution's market environment, we do not believe that the regulation should fail to consider or preclude consideration of any factor that presents Farmer Mac with an actual need for liquidity, income stabilization, or diversification.'' We believe the regulation adequately considers these factors through the flexibility specifically inserted in the rule, *e.g.*, § 652.30(b) and § 652.35(e).

H. Section 652.30—Temporary Regulatory Waivers or Modifications for Extraordinary Situations

This section provides that the FCA may waive or modify restrictions on Farmer Mac's liquidity reserve and/or may modify the amount, qualities, and types of eligible investments during times of economic stress, financial stress, or other extraordinary situations. As waivers or modifications are

[11] 12 U.S.C. 2279aa(9)(b).

[12] This agency has been renamed the Government Accountability Office.

[13] United States General Accounting Office, Farmer Mac: Some Progress Made, but Greater Attention to Risk Management, Mission, and Corporate Governance is Needed, GAO–04–116 (2003).

approved, we may impose certain conditions, require plans to return to compliance, or set other limitations. The flexibility of this provision enables the agency to tailor specific remedies for particular problems or particular circumstances that might arise.

Examples of extraordinary situations include, but are not necessarily limited to: (1) Disrupted access to capital markets due to financial, economic, agricultural, or national defense crises; and (2) situations specific to Farmer Mac that necessitate modified liquidity reserves, other investments, or other measures for continued market access. No comments specific to this section were received but clarifications were added to its provisions in the final rule to note FCA's willingness in extraordinary circumstances to consider waivers of the rule's provisions related to ineligible asset quality and type.

I. Section 652.35—Eligible Non-Program Investments

This section permits Farmer Mac to invest, within limits, in an array of eligible high-quality, liquid investments while providing a regulatory framework that can readily accommodate innovations in financial products and analytical tools.

Farmer Mac may purchase and hold the eligible non-program investments listed in § 652.35(a) [14] to maintain liquidity reserves, manage interest rate risk, and invest surplus short-term funds. Only investments that can be promptly converted into cash without significant loss are suitable for achieving these objectives. For this reason, the eligible investments listed in § 652.35(a) generally have short terms to maturity and high credit ratings from NRSROs. All eligible investments are either traded in active and universally recognized secondary markets or are valuable as collateral. To enhance safety and soundness, for many of the investments, we require that they not exceed certain maximum percentages of the total non-program investment portfolio. We establish these portfolio caps to limit credit risk exposures, to promote diversification, and to curtail investments in securities that may exhibit considerable price volatility, price risk, or liquidity risks. For similar reasons, we establish obligor limits to help reduce exposure to counterparty risk.

We note that the final rule authorizes investment in shares of any investment company that is registered under section 8 of the Investment Company Act of 1940, 15 U.S.C. 80a–8, as long as the investment company's portfolio consists solely of investments that are authorized by § 652.35. Prior to investing in a particular investment company, Farmer Mac would be required to evaluate the investment company's risk and return objectives. As part of this evaluation, Farmer Mac should determine whether the investment company's use of derivatives is consistent with FCA guidance and Farmer Mac's investment policies.

Farmer Mac must maintain appropriate documentation on each investment, including a prospectus and analysis, so its investment and selection process can be independently and objectively verified. If Farmer Mac's shares in each investment company comprise 10 percent or less of Farmer Mac's total investment portfolio, no maximum portfolio limits are triggered. However, if Farmer Mac's shares in a particular investment company comprise more than 10 percent of Farmer Mac's total investment portfolio, then the pro rata interest in an asset class of security in an investment company must be added to the same asset class of Farmer Mac's other investments to determine investment portfolio limits. For example, if Farmer Mac has 12 percent of its total investment portfolio (*i.e.*, more than 10 percent) in Diversified Investment Company Alpha (Alpha), then Farmer Mac would have to determine the composition of investments in Alpha's portfolio. The pro rata dollar amount of corporate debt securities (one example of the many asset classes) in Alpha would have to be added to Farmer Mac's corporate debt securities, and that combined amount would have to be 25 percent or less of Farmer Mac's total investment portfolio. Corporate debt securities are used here only as an example. Any asset class in Farmer Mac's portfolio with an investment portfolio limit would have to be computed the same way.

FCBT commented that FCA should reconsider its overall approach with respect to fixed percentage limits on the classes or types of investments that may be included in Farmer Mac's portfolio to allow Farmer Mac more flexibility to respond to changing market conditions. FCBT suggests that, rather than specifying investment limits, the regulation should require Farmer Mac to establish and justify appropriate limits. Limits on classes and types of investments are a prudent managerial practice. It is not clear from the comment how changing market conditions might warrant a degree of flexibility that is not already provided for in the regulation. However, as detailed later in this section, the final rule does make an adjustment to the obligor limits from 20 to 25 percent of regulatory capital. In addition, we note that the final rule clarifies that the temporary waivers under § 652.30(b) could extend to asset quality and types, as well as amounts. In general, the regulation enhances guidance on OSMO's minimum expectations with regard to investment management policies and procedures related to concentration risk within Farmer Mac's investment portfolio.

Farmer Mac commented that the 20-percent investment category concentration limits in the proposed regulation are generally too restrictive and that a 33-percent limitation would be more appropriate. No analytical support was provided to support a 33-percent limitation rather than a 20-percent limitation. We have made a change to two categories detailed below.

Farmer Mac commented specifically that the proposed 20-percent limit on investments in corporate debt securities (§ 652.35(a)(8)) should be increased to 33 percent. The Corporation further objected to the proposed rule's requirement that corporate debt securities with maturities of less than 4 years, contending that an A rating is appropriate for such investments.[15] We believe that a concentration of one-third (33 percent) of the investment portfolio is excessive, but have changed the limit for corporate debt securities to 25 percent. We believe this to be an acceptable maximum weight for this non-Government-sponsored agency-backed or government-backed investment category and to be appropriate for this rule. We have made a similar change to the investment category limit for ABS. We note that if Farmer Mac were to request a waiver under the § 652.30 to invest in ABS types that are not specifically listed in § 652.35(a)(7), and such permission were granted, it could be granted subject

[14] Section 652.35(a)(1) and (a)(2) authorize investments in ''obligations of the United States'' and ''obligations of Government-sponsored agencies,'' respectively. The regulation lists eligible investments for each term; read in conjunction with the definition of Government-sponsored agency, we believe the meaning of these terms is clear. FCA regulation § 615.5140 (a)(1), which lists eligible investments for Farm Credit banks and associations, uses the term ''obligations of the United States'' to refer to both obligations of the United States and obligations of Government-sponsored agencies. Although new § 652.35(a)(1) and (a)(2) use more precise language, the meaning is the same as § 615.5140(a)(1). Section 652.35(a) uses the more precise language only for the purpose of clarity.

[15] The Corporation acknowledged that AA is appropriate for investments with maturities of between 4 and 5 years.

to reduced category limitations and other conditions.

To support its request for a minimum A rating for securities with maturities of 4 years or less, Farmer Mac cites to NRSRO data that, the Corporation contends, demonstrates that A-rated bonds represent very high asset quality, with only a slightly higher historical rate of default than AA bonds. We agree that shorter-term holdings inherently have less risk, and the final rule therefore permits investments in corporate debt securities that are rated at least A by an NRSRO as long as their maturities are 3 years or less. We did not extend the A-rating accommodation to securities with maturities of between 3 and 4 years, as Farmer Mac requested, in recognition of their higher level of risk.

Farmer Mac objects to § 652.35(d), which limits investments issued by any single entity, issue, or obligor to 20 percent of Farmer Mac's capital, with the exception of Government agency or Government-sponsored agency obligors. Farmer Mac suggests a limitation of 25 percent of capital is more appropriate. We agree with the comment and have changed the limitation to 25 percent in the final rule. For example, if Farmer Mac had $250 million in capital, the change would permit obligor limits to rise from $50 million to $62.5 million.

Farmer Mac also objects to the § 652.35(d)(2) requirement that it must count securities that it holds through an investment company toward the 20-percent obligor limit unless the investment company's holdings of the securities of any one issuer do not exceed 5 percent of the investment company's total portfolio. Farmer Mac contends that this requirement is unnecessary because concentration risks are balanced by diversity in the portfolio. Farmer Mac also states that tracking portions of individual investments held within a diversified investment would be difficult and unduly time consuming.

We believe that the Corporation's net exposure to a single obligor, when the portion found in diversified investment funds is significant, is important to consider regardless of the diversification benefits of the funds. When an obligor defaults, Farmer Mac absorbs the full financial impact of its net exposure to that obligor, even if a portion of that impact is realized in a lower return from an investment fund. For that reason, we believe the benefits of prudent obligor limits exceed the additional labor cost involved in tracking total obligor exposures. Therefore, we make no change to this provision in the final rule.

Farmer Mac commented that the proposed rules' collateral restrictions on asset-backed securities (ABS) should be eliminated and that any AAA-rated ABS should be permitted. Farmer Mac did not identify additional ABS-collateralized groups in which it wishes to invest or suggest criteria for determining the suitability of new types of ABS that financial markets may create. Without more compelling evidence of the practical impact on Farmer Mac's operations, the final rule makes no change to this provision. We note that § 652.35(e) of the final rule permits Farmer Mac to purchase non-program investments not listed in § 652.35(a) with our prior approval.

Farmer Mac commented that rather than using the term ''total capital,'' as we do in § 652.35(d)(1) of the proposed rule, we should use either the term ''core capital'' or the term ''regulatory capital,'' both of which are defined in Farmer Mac's statute. We agree that using an already-defined term would provide consistent regulatory treatment. Accordingly, § 652.35(d)(1) of the final rule uses the term ''regulatory capital'' as defined in section 8.31(5) of the Act.[16] We also make the corresponding change in the definitions section, § 652.5, replacing ''total capital'' with ''regulatory capital.''

Finally, on this section, Farmer Mac commented that investments in Farmer's Notes should be deemed an eligible non-program investment under § 652.35 if the FCA's currently pending proposed rule on Investments in Farmer's Notes becomes effective as proposed. However, as FCA did not propose such treatment of Farmer's Notes in its proposed rule on non-program investments and liquidity, we would have to propose it in another rulemaking process in order to consider this change. Therefore, the most practical process for Farmer Mac to obtain this treatment for Farmer's Notes would be to seek approval to invest in Farmer's Notes as provided for under § 652.35(e).

J. Section 652.40—Stress Tests for Mortgage Securities

Stress testing is essential when the cashflows from investments or assets of financial institutions change in response to fluctuations in market interest rates. For example, although credit risk on highly rated mortgage securities is low, mortgage securities may expose investors to significant interest rate risk. Since borrowers may prepay their mortgages, investors may not receive the expected cashflows and returns on these securities. Prepayments on these securities are affected by the spread between market rates and the actual interest rates of mortgages in the pool, the path of interest rates, and the unpaid balances and remaining terms to maturity on the mortgage collateral. The price behavior of a mortgage security also depends on whether the security was purchased at a premium or at a discount.

To better control and manage these factors, this section requires that Farmer Mac employ appropriate analytical techniques and methodologies to measure and evaluate interest rate risk inherent in mortgage securities. More specifically, prudent risk management practices require Farmer Mac to examine the performance of each mortgage security under a wide array of possible interest rate scenarios. No comments specific to this section were received and none of its provisions were changed in the final rule.

K. Section 652.45—Divestiture of Ineligible Non-Program Investments

This section requires an ineligible non-program investment or security to be divested within 6 months, unless FCA approves, in writing, a plan that authorizes the investment or its divesture over a longer period of time.[17] Farmer Mac commented that this requirement should be revised to remove divestiture deadlines and to include a requirement that ineligible investments be tracked and reported monthly to the board's asset-liability management committee (ALCO) along with analysis and recommendations regarding strategy for remedial actions. FCA believes that 6 months is a reasonable period for Farmer Mac to divest of ineligible investments. Moreover, if over the 6-month period Farmer Mac develops analysis and a written plan that make a persuasive case for FCA to permit the retention of an ineligible investment over a period greater than 6 months, the final rule allows for such consideration.

Farmer Mac also commented that any investments it owns prior to the effective date of this rule should be deemed eligible until they mature or are sold in the normal course of business. In response, we emphasize that

[16] 12 U.S.C. 2279bb(5).

[17] An acceptable plan generally requires Farmer Mac to divest of the ineligible investment or security as quickly as possible without substantial financial loss. Until the ineligible investment or security is actually divested of, Farmer Mac's investment manager must report at least quarterly to Farmer Mac's board of directors and to OSMO about the status and performance of the ineligible instrument, the reason why it remains ineligible, and the investment manager's progress in divesting of the investment or security.

ineligible assets are deemed ineligible for safety and soundness reasons, and it is therefore not acceptable that such assets be held by Farmer Mac for an indefinite period of time. We make no change to this provision in the final rule, but note that the rule permits Farmer Mac to seek FCA approval for a longer divestiture period.

V. Better Organizing Rules That Apply to Farmer Mac

In this final rule, we move some existing regulatory sections that pertain specifically to Farmer Mac to a centralized location in our regulations so they can be more easily located and used. The following table provides details of our proposal and shows where this final rule will be located.

ORGANIZATION OF FARMER MAC RULES

New part	New part name	New subpart	New subpart name	New sections	From
650	Federal Agricultural Mortgage Corporation—General Provisions.	.....	Receiver and Conservator.	§§ 650.1 to 650.80	Existing Part 650, Subpart C, §§ 650.50 to 650.68.
651	Federal Agricultural Mortgage Corporation—Governance.	.....	Conflicts of Interest	§§ 651.1 to 651.4	Existing Part 650, Subpart A, §§ 650.1 to 650.4.
652	Federal Agricultural Mortgage Corporation—Funding and Fiscal Affairs.	A	Investment Management	§§ 652.1 to 652.45	New in this rule.
652	Federal Agricultural Mortgage Corporation—Funding and Fiscal Affairs.	B	Risk-Based Capital	§§ 652.50 to 652.105	Existing Part 650, Subpart B, §§ 650.20 to 650.31.
653	Reserved.				
654	Reserved.				
655	Federal Agricultural Mortgage Corporation—Disclosure and Reporting Requirements.	A	Annual Report of Condition of the Federal Agricultural Mortgage Corporation.	§ 655.1	Existing Part 620, Subpart G, § 620.40.
655	Federal Agricultural Mortgage Corporation—Disclosure and Reporting Requirements.	B	Accounting and Reporting Requirements.	§ 655.50	Existing Part 621, Subpart E, § 621.20.

VI. Regulatory Flexibility Act

Farmer Mac has assets and annual income in excess of the amounts that would qualify it as a small entity. Therefore, Farmer Mac is not a ''small entity'' as defined in the Regulatory Flexibility Act. Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the FCA hereby certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects

12 CFR Part 620

Accounting, Agriculture, Banks, Banking, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 621

Accounting, Agriculture, Banks, Banking, Penalties, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 650

Agriculture, Banks, Banking, Conflicts of interest, Rural areas.

12 CFR Part 651

Agriculture, Banks, Banking, Conflicts of interest, Rural areas.

12 CFR Part 652

Agriculture, Banks, Banking, Rural areas, Investments, Capital.

12 CFR Part 655

Accounting, Agriculture, Banks, Banking, Accounting and reporting requirements, Disclosure and reporting requirements, Rural areas.

■ For the reasons stated in the preamble, we are amending parts 620, 621, and 650 of chapter VI, adding parts 651, 652, and 655 to chapter VI, and reserving parts 653 and 654 of chapter VI, title 12 of the Code of Federal Regulations to read as follows:

PART 655—FEDERAL AGRICULTURAL MORTGAGE CORPORATION DISCLOSURE AND REPORTING REQUIREMENTS

■ 1. Add the heading for a new part 655 to read as set forth above.

■ 2. Add the authority citation for new part 655 to read as follows:

Authority: Sec. 8.11 of the Farm Credit Act (12 U.S.C. 2279aa–11).

PART 620—DISCLOSURE TO SHAREHOLDERS

■ 3. The authority citation for part 620 continues to read as follows:

Authority: Secs. 5.17, 5.19, 8.11 of the Farm Credit Act (12 U.S.C. 2252, 2254, 2279aa–11); sec. 424 of Pub. L. 100–233, 101 Stat. 1568, 1656.

Subpart G—Annual Report of Condition of the Federal Agricultural Mortgage Corporation

§ 620.40 [Redesignated as § 655.1]

■ 4. Redesignate subpart G of part 620, consisting of § 620.40, as subpart A of new part 655, consisting of § 655.1.

PART 621—ACCOUNTING AND REPORTING REQUIREMENTS

■ 5. The authority citation for part 621 continues to read as follows:

Authority: Secs. 5.17, 8.11 of the Farm Credit Act (12 U.S.C. 2252, 2279aa–11).

Subpart E—Reports Relating to Securities Activities of the Federal Agricultural Mortgage Corporation

§ 621.20 [Redesignated as § 655.50]

■ 6. Redesignate subpart E of part 621, consisting of § 621.20, as subpart B of new part 655, consisting of § 655.50.

PART 651—FEDERAL AGRICULTURAL MORTGAGE CORPORATION GOVERNANCE

■ 7. Add the heading for a new part 651 to read as set forth above.

■ 8. The authority citation for new part 651 is added to read as follows:

Authority: Secs. 4.12, 5.9, 5.17, 8.11, 8.31, 8.32, 8.33, 8.34, 8.35, 8.36, 8.37, 8.41 of the Farm Credit Act (12 U.S.C. 2183, 2243, 2252, 2279aa–11, 2279bb, 2279bb–1, 2279bb–2, 2279bb–3, 2279bb–4, 2279bb–5, 2279bb–6, 2279cc); sec. 514 of Pub. L. 102–552, 106 Stat. 4102; sec. 118 of Pub. L. 104–105, 110 Stat. 168.

■ 9. Add a new part 652 to read as follows:

PART 652—FEDERAL AGRICULTURAL MORTGAGE CORPORATION FUNDING AND FISCAL AFFAIRS

Subpart A—Investment Management

652.1 Purpose.
652.5 Definitions.
652.10 Investment management and requirements.
652.15 Interest rate risk management and requirements.
652.20 Liquidity reserve management and requirements.
652.25 Non-program investment purposes and limitation.
652.30 Temporary regulatory waivers or modifications for extraordinary situations.
652.35 Eligible non-program investments.
652.40 Stress tests for mortgage securities.
652.45 Divestiture of ineligible non-program investments.

Subpart B—Risk-Based Capital Requirements [Reserved]

Authority: Secs. 4.12, 5.9, 5.17, 8.11, 8.31, 8.32, 8.33, 8.34, 8.35, 8.36, 8.37, 8.41 of the Farm Credit Act (12 U.S.C. 2183, 2243, 2252, 2279aa–11, 2279bb, 2279bb–1, 2279bb–2, 2279bb–3, 2279bb–4, 2279bb–5, 2279bb–6, 2279cc); sec. 514 of Pub. L. 102–552, 106 Stat. 4102; sec. 118 of Pub. L. 104–105, 110 Stat. 168.

Subpart A—Investment Management

§ 652.1 Purpose.

This subpart contains the Farm Credit Administration's (FCA) rules for governing liquidity and non-program investments held by the Federal Agricultural Mortgage Corporation (Farmer Mac). The purpose of this subpart is to ensure safety and soundness, continuity of funding, and appropriate use of non-program investments considering Farmer Mac's special status as a Government-sponsored enterprise (GSE). The subpart contains requirements for Farmer Mac's board of directors to adopt policies covering such areas as investment management, interest rate risk, and liquidity reserves. The subpart also requires Farmer Mac to comply with various reporting requirements.

§ 652.5 Definitions.

For purposes of this subpart, the following definitions will apply:

Affiliate means any entity established under authority granted to the Corporation under section 8.3(b)(13) of the Farm Credit Act of 1971, as amended.

Asset-backed securities (ABS) means investment securities that provide for ownership of a fractional undivided interest or collateral interests in specific assets of a trust that are sold and traded in the capital markets. For the purposes of this subpart, ABS exclude mortgage securities that are defined below.

Eurodollar time deposit means a non-negotiable deposit denominated in United States dollars and issued by an overseas branch of a United States bank or by a foreign bank outside the United States.

Farmer Mac, Corporation, you, and your means the Federal Agricultural Mortgage Corporation and its affiliates.

FCA, our, or we means the Farm Credit Administration.

Final maturity means the last date on which the remaining principal amount of a security is due and payable (matures) to the registered owner. It does not mean the call date, the expected average life, the duration, or the weighted average maturity.

General obligations of a state or political subdivision means:

(1) The full faith and credit obligations of a state, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or a political subdivision thereof that possesses general powers of taxation, including property taxation; or

(2) An obligation that is unconditionally guaranteed by an obligor possessing general powers of taxation, including property taxation.

Government agency means an agency or instrumentality of the United States Government whose obligations *are* fully and explicitly guaranteed as to the timely repayment of principal and interest by the full faith and credit of the United States Government.

Government-sponsored agency means an agency, instrumentality, or corporation chartered or established to serve public purposes specified by the United States Congress but whose obligations *are not* explicitly guaranteed by the full faith and credit of the United States Government, including but not limited to any Government-sponsored enterprise.

Liquid investments are assets that can be promptly converted into cash without significant loss to the investor. A security is liquid if the spread between its bid price and ask price is narrow and a reasonable amount can be sold at those prices promptly.

Long-Term Standby Purchase Commitment (LTSPC) is a commitment by Farmer Mac to purchase specified eligible loans on one or more undetermined future dates. In consideration for Farmer Mac's assumption of the credit risk on the specified loans underlying an LTSPC, Farmer Mac receives an annual commitment fee on the outstanding balance of those loans in monthly installments based on the outstanding balance of those loans.

Market risk means the risk to your financial condition because the value of your holdings may decline if interest rates or market prices change. Exposure to market risk is measured by assessing the effect of changing rates and prices on either the earnings or economic value of an individual instrument, a portfolio, or the entire Corporation.

Maturing obligations means maturing debt and other obligations that may be expected, such as buyouts of long-term standby purchase commitments or repurchases of agricultural mortgage securities.

Mortgage securities means securities that are either:

(1) Pass-through securities or participation certificates that represent ownership of a fractional undivided interest in a specified pool of residential (excluding home equity loans), multifamily or commercial mortgages, or

(2) A multiclass security (including collateralized mortgage obligations and real estate mortgage investment conduits) that is backed by a pool of residential, multifamily or commercial real estate mortgages, pass-through mortgage securities, or other multiclass mortgage securities.

(3) This definition does not include agricultural mortgage-backed securities guaranteed by Farmer Mac itself.

Nationally recognized statistical rating organization (NRSRO) means a rating organization that the Securities and Exchange Commission recognizes as an NRSRO.

Non-program investments means investments other than those in:

(1) ''Qualified loans'' as defined in section 8.0(9) of the Farm Credit Act of 1971, as amended; or

(2) Securities collateralized by ''qualified loans.''

Program assets means on-balance sheet ''qualified loans'' as defined in section 8.0(9) of the Farm Credit Act of 1971, as amended.

Program obligations means off-balance sheet ''qualified loans'' as defined in section 8.0(9) of the Farm Credit Act of 1971, as amended.

Regulatory capital means your core capital plus an allowance for losses and guarantee claims, as determined in accordance with generally accepted accounting principles.

Revenue bond means an obligation of a municipal government that finances a specific project or enterprise, but it is not a full faith and credit obligation. The obligor pays a portion of the revenue generated by the project or enterprise to the bondholders.

Weighted average life (WAL) means the average time until the investor receives the principal on a security, weighted by the size of each principal payment and calculated under specified prepayment assumptions.

§ 652.10 Investment management and requirements.

(a) *Investment policies—board responsibilities.* Your board of directors must adopt written policies for managing your non-program investment activities. Your board must also ensure that management complies with these policies and that appropriate internal controls are in place to prevent loss. At least annually, your board, or a designated subcommittee of the board, must review these investment policies. Any changes to the policies must be adopted by the board. You must report any changes to these policies to FCA's Office of Secondary Market Oversight within 10 business days of adoption.

(b) *Investment policies—general requirements.* Your investment policies must address the purposes and objectives of investments, risk tolerance, delegations of authority, exception parameters, securities valuation, internal controls, and reporting requirements. Furthermore, the policies must address the means for reporting, and approvals needed for, exceptions to established policies. Investment policies must be sufficiently detailed, consistent with, and appropriate for the amounts, types, and risk characteristics of your investments.

(c) *Investment policies—risk tolerance.* Your investment policies must establish risk limits and diversification requirements for the various classes of eligible investments and for the entire investment portfolio. These policies must ensure that you maintain prudent diversification of your investment portfolio. Risk limits must be based on the Corporation's objectives, capital position, and risk tolerance. Your policies must identify the types and quantity of investments that you will hold to achieve your objectives and control credit, market, liquidity, and operational risks. Your policies must establish risk limits for the following four types of risk:

(1) *Credit risk.* Your investment policies must establish:

(i) Credit quality standards, limits on counterparty risk, and risk diversification standards that limit concentrations based on a single or related counterparty(ies), a geographical area, industries or obligations with similar characteristics.

(ii) Criteria for selecting brokers, dealers, and investment bankers (collectively, securities firms). You must buy and sell eligible investments with more than one securities firm. As part of your annual review of your investment policies, your board of directors, or a designated subcommittee of the board, must review the criteria for selecting securities firms. Any changes to the criteria must be approved by the board. Also, as part of your annual review, the board, or a designated subcommittee of the board, must review existing relationships with securities firms. In addition, the board, or a designated subcommittee of the board, must be notified before any changes to securities firms are made.

(iii) Collateral margin requirements on repurchase agreements. You must regularly mark the collateral to market and ensure appropriate controls are maintained over collateral held.

(2) *Market risk.* Your investment policies must set market risk limits for specific types of investments, and for the investment portfolio or for Farmer Mac generally. Your board of directors must establish market risk limits in accordance with these regulations (including, but not limited to, §§ 652.15 and 652.40) and our other policies and guidance. You must document in the Corporation's records or minutes any analyses used in formulating your policies or amendments to the policies.

(3) *Liquidity risk.* Your investment policies must describe the liquidity characteristics of eligible investments that you will hold to meet your liquidity needs and the Corporation's objectives.

(4) *Operational risk.* Investment policies must address operational risks, including delegations of authority and internal controls in accordance with paragraphs (d) and (e) of this section.

(d) *Delegation of authority.* All delegations of authority to specified personnel or committees must state the extent of management's authority and responsibilities for investments.

(e) *Internal controls.* You must:

(1) Establish appropriate internal controls to detect and prevent loss, fraud, embezzlement, conflicts of interest, and unauthorized investments.

(2) Establish and maintain a separation of duties and supervision between personnel who execute investment transactions and personnel who approve, revaluate, and oversee investments.

(3) Maintain records and management information systems that are appropriate for the level and complexity of your investment activities.

(f) *Securities valuations.* (1) Before you purchase a security, you must evaluate its credit quality and price sensitivity to changes in market interest rates. You must also verify the value of a security that you plan to purchase, other than a new issue, with a source that is independent of the broker, dealer, counterparty, or other intermediary to the transaction. Your investment policies must fully address the extent of the prepurchase analysis that management needs to perform for various classes of instruments. For example, you should specifically describe the stress tests in § 652.40 that must be performed on various types of mortgage securities.

(2) At least monthly, you must determine the fair market value of each security in your portfolio and the fair market value of your whole investment portfolio. In doing so you must also evaluate the credit quality and price sensitivity to the change in market interest rates of each security in your portfolio and your whole investment portfolio.

(3) Before you sell a security, you must verify its value with a source that is independent of the broker, dealer, counterparty, or other intermediary to the transaction.

(g) *Reports to the board of directors.* At least quarterly, Farmer Mac's management must report to the Corporation's board of directors, or a designated subcommittee of the board:

(1) On the performance and risk of each class of investments and the entire investment portfolio;

(2) All gains and losses that you incur during the quarter on individual securities that you sold before maturity and why they were liquidated;

(3) Potential risk exposure to changes in market interest rates and any other factors that may affect the value of your investment holdings;

(4) How investments affect your overall financial condition;

(5) Whether the performance of the investment portfolio effectively achieves the board's objectives; and

(6) Any deviations from the board's policies. These deviations must be

formally approved by the board of directors.

§ 652.15 Interest rate risk management and requirements.

(a) The board of directors of Farmer Mac must provide effective oversight (direction, controls, and supervision) to the interest rate risk management program and must be knowledgeable of the nature and level of interest rate risk taken by Farmer Mac.

(b) The management of Farmer Mac must ensure that interest rate risk is properly managed on both a long-range and a day-to-day basis.

(c) The board of directors of Farmer Mac must adopt an interest rate risk management policy that establishes appropriate interest rate risk exposure limits based on the Corporation's risk-bearing capacity and reporting requirements in accordance with paragraphs (d) and (e) of this section. At least annually, the board of directors, or a designated subcommittee of the board, must review the policy. Any changes to the policy must be approved by the board of directors. You must report any changes to the policy to FCA's Office of Secondary Market Oversight within 10 business days of adoption.

(d) The interest rate risk management policy must, at a minimum:

(1) Address the purpose and objectives of interest rate risk management;

(2) Identify and analyze the causes of interest rate risks within Farmer Mac's existing balance sheet structure;

(3) Require Farmer Mac to measure the potential impact of these risks on projected earnings and market values by conducting interest rate shock tests and simulations of multiple economic scenarios at least quarterly;

(4) Describe and implement actions needed to obtain Farmer Mac's desired risk management objectives;

(5) Document the objectives that Farmer Mac is attempting to achieve by purchasing eligible investments that are authorized by § 652.35 of this subpart;

(6) Require Farmer Mac to evaluate and document, at least quarterly, whether these investments have actually met the objectives stated under paragraph (d)(4) of this section;

(7) Identify exception parameters and post approvals needed for any exceptions to the policy's requirements;

(8) Describe delegations of authority; and

(9) Describe reporting requirements, including exceptions to policy limits.

(e) At least quarterly, Farmer Mac's management must report to the Corporation's board of directors, or a designated subcommittee of the board, describing the nature and level of interest rate risk exposure. Any deviations from the board's policy on interest rate risk must be specifically identified in the report and approved by the board, or a designated subcommittee of the board.

§ 652.20 Liquidity reserve management and requirements.

(a) *Minimum liquidity reserve requirement.* Within 24 months of this rule becoming effective, and thereafter, Farmer Mac must hold cash, eligible non-program investments under § 652.35 of this subpart, and/or on-balance sheet securities backed by portions of Farmer Mac program assets (loans) that are guaranteed by the United States Department of Agriculture as described in section 8.0(9)(B) of the Act (in accordance with the requirements of paragraphs (b) and (c) of this section), to maintain sufficient liquidity to fund a minimum of 60 days of maturing obligations, interest expense, and operating expenses at all times. You must document your compliance with this minimum reserve requirement at least once each month as of the last day of the month using month end data. Liquid asset values must be marked to market. In addition, you must have the capability and information systems in place to be able to calculate the minimum reserve requirement on a daily basis.

(b) *Free of lien.* All investments held for the purpose of meeting the liquidity reserve requirement of this section must be free of liens or other encumbrances.

(c) *Discounts.* The amount that may be counted to meet the minimum liquidity reserve requirement is as follows:

(1) For cash and overnight investments, multiply the cash and investments by 100 percent;

(2) For money market instruments with maturities of 5 business days or less, multiply the instruments by 97 percent of market value;

(3) For money market instruments with maturities greater than 5 business days and floating rate debt and preferred stock securities, multiply the instruments and securities by 95 percent of market value;

(4) For diversified investment funds, multiply the individual securities in the funds by the discounts that would apply to the securities if held separately;

(5) For fixed rate debt and preferred stock securities, multiply the securities by 90 percent of market value;

(6) For securities backed by Farmer Mac program assets (loans) guaranteed by the United States Department of Agriculture as described in section 8.0(9)(B) of the Act, multiply the securities by 75 percent; and

(7) We reserve the authority to modify or determine the appropriate discount for any investment used to meet the minimum liquidity reserve requirement if the otherwise applicable discount does not accurately reflect the liquidity of that investment or if the investment does not fit wholly within one of the specified investment categories. In making any modification or determination, we will consider the liquidity of the investment as well as any other relevant factors. We will provide notice of at least 20 business days before any modified discounts will take effect.

(d) *Liquidity reserve policy—board responsibilities.* Farmer Mac's board of directors must adopt a liquidity reserve policy. The board must also ensure that management uses adequate internal controls to ensure compliance with the liquidity reserve policy standards, limitations, and reporting requirements established pursuant to this paragraph and to paragraphs (e), (f), and (g) of this section. At least annually, the board of directors or a designated subcommittee of the board must review and validate the liquidity policy's adequacy. The board of directors must approve any changes to the policy. You must provide a copy of the revised policy to FCA's Office of Secondary Market Oversight within 10 business days of adoption.

(e) *Liquidity reserve policy—content.* Your liquidity reserve policy must contain at a minimum the following:

(1) The purpose and objectives of liquidity reserves;

(2) A listing of specific assets, debt, and arrangements that can be used to meet liquidity objectives;

(3) Diversification requirements of your liquidity reserve portfolio;

(4) Maturity limits and credit quality standards for non-program investments used to meet the minimum liquidity reserve requirement of paragraph (a) of this section;

(5) The minimum and target (or optimum) amounts of liquidity that the board believes are appropriate for Farmer Mac;

(6) The maximum amount of non-program investments that can be held for meeting Farmer Mac's liquidity needs, as expressed as a percentage of program assets and program obligations;

(7) Exception parameters and post approvals needed;

(8) Delegations of authority; and

(9) Reporting requirements.

(f) *Liquidity reserve reporting—periodic reporting requirements.* At least quarterly, Farmer Mac's management must report to the Corporation's board

of directors or a designated subcommittee of the board describing, at a minimum, liquidity reserve compliance with the Corporation's policy and this section. Any deviations from the board's liquidity reserve policy (other than requirements specified in § 652.20(e)(5)) must be specifically identified in the report and approved by the board of directors.

(g) *Liquidity reserve reporting—special reporting requirements.* Farmer Mac's management must immediately report to its board of directors any noncompliance with board policy requirements that are specified in § 652.20(e)(5). Farmer Mac must report, in writing, to FCA's Office of Secondary Market Oversight no later than the next business day following the discovery of any breach of the minimum liquidity reserve requirement at § 652.20(a).

§ 652.25 Non-program investment purposes and limitation.

(a) Farmer Mac is authorized to hold eligible non-program investments listed under § 652.35 for the purposes of complying with the interest rate risk requirements of § 652.15, complying with the liquidity reserve requirements of § 652.20, and managing surplus short-term funds.

(b) Non-program investments cannot exceed the greater of $1.5 billion or thirty-five (35) percent of program assets and program obligations, excluding 75 percent of the program assets that are guaranteed by the United States Department of Agriculture as described in section 8.0(9)(B) of the Farm Credit Act of 1971, as amended.

§ 652.30 Temporary regulatory waivers or modifications for extraordinary situations.

Whenever the FCA determines that an extraordinary situation exists that necessitates a temporary regulatory waiver or modification, the FCA may, in its sole discretion:

(a) Modify or waive the minimum liquidity reserve requirement in § 652.20 of this subpart; and/or

(b) Modify the amount, qualities, and types of eligible investments that you are authorized to hold pursuant to § 652.25 of this subpart.

§ 652.35 Eligible non-program investments.

(a) You may hold only the types, quantities, and qualities of non-program investments listed in the following Non-Program Investment Eligibility Criteria Table. These investments must be denominated in United States dollars.

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Non-Program Investment Eligibility Criteria Table

ASSET CLASS	FINAL MATURITY LIMIT	NRSRO ISSUE OR ISSUER CREDIT RATING REQUIREMENT	OTHER REQUIREMENTS	MAXIMUM PERCENTAGE OF TOTAL NON-PROGRAM INVESTMENT PORTFOLIO
(1) Obligations of the United States • Treasuries • Other obligations (except mortgage securities) fully insured or guaranteed by the United States Government or a Government agency.	None	NA	None	None
(2) Obligations of Government-sponsored agencies • Government-sponsored agency securities (except mortgage securities). • Other obligations (except mortgage securities) fully insured or guaranteed by Government-sponsored agencies.	None	NA	None	None
(3) Municipal Securities				
• General obligations	10 years	One of the two highest.	None	None
• Revenue bonds	5 years for fixed rate bonds and 10 years for index/ floating rate bonds	Highest	None	15%
(4) International and Multilateral Development Bank Obligations	None	None	The United States must be a voting shareholder.	None
(5) Money Market Instruments				
• Federal funds	1 day or continuously callable up to 100 days	One of the two highest short-term.	None	None
• Negotiable certificates of deposit	1 year	One of the two highest short-term.	None	None
• Bankers acceptances	None	One of the two highest short-term.	Issued by a depository institution.	None
• Prime commercial paper	270 days	Highest short-term.	None	None
• Non-callable term Federal funds and Eurodollar time deposits.	100 days	Highest short-term.	None	20%
• Master notes	270 days	Highest short-term.	None	20%
• Repurchase agreements collateralized by eligible investments or marketable securities rated in the highest credit rating category by an NRSRO.	100 days	NA	If counterparty defaults, you must divest non-eligible securities as required under § 652.45.	None

Note: You must also comply with requirements of paragraphs (b), (c), and (d) of this section, and § 651.40 when applicable. "NA" means not applicable.

ASSET CLASS	FINAL MATURITY LIMIT	NRSRO ISSUE OR ISSUER CREDIT RATING REQUIREMENT	OTHER REQUIREMENTS	MAXIMUM PERCENTAGE OF TOTAL NON-PROGRAM INVESTMENT PORTFOLIO
(6) Mortgage Securities				
• Issued or guaranteed by the United States or a Government agency.	None	NA	Stress testing under § 652.40.	None
• Government-sponsored agency mortgage securities.	None	One of the two highest.	Stress testing under § 652.40.	50%
• Non-Government agency or Government-sponsored agency securities that comply with 15 U.S.C. 77d(5) or 15 U.S.C. 78c(a)(41).	None	Highest	Stress testing under § 652.40.	15% combined
• Commercial mortgage-backed securities.	None	Highest	• Security must be backed by a minimum of 100 loans. • Loans from a single mortgagor cannot exceed 5% of the pool. • Pool must be geographically diversified pursuant to the board's policy. • Stress testing under § 652.40.	
(7) Asset-Backed Securities secured by: • Credit card receivables • Automobile loans • Home equity loans • Wholesale automobile dealer loans • Student loans • Equipment loans • Manufactured housing loans	None	Highest	Maximum of 5-year WAL for fixed rate or floating rate ABS at their contractual interest rate caps.	25% combined
(8) Corporate Debt Securities	5 years	One of the highest two for maturities greater than 3 years, and one of the highest three for maturities of three years or less.	Cannot be convertible to equity securities.	25%
(9) Diversified Investment Funds Shares of an investment company registered under section 8 of the Investment Company Act of 1940.	NA	NA	The portfolio of the investment company must consist solely of eligible investments authorized by this section. The investment company's risk and return objectives and use of derivatives must be consistent with FCA guidance and your investment policies.	None, if your shares in each investment company comprise less than 10% of your portfolio. Otherwise counts toward limit for each type of investment.

Note: You must also comply with requirements of paragraphs (b), (c), and (d) of this section, and § 651.40 when applicable. "NA" means not applicable.

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(b) *Rating of foreign countries.* Whenever the obligor or issuer of an eligible investment is located outside the United States, the host country must maintain the highest sovereign rating for political and economic stability by an NRSRO.

(c) *Marketable investments.* All eligible investments, except money market instruments, must be readily marketable. An eligible investment is marketable if you can sell it promptly at a price that closely reflects its fair value in an active and universally recognized secondary market. You must evaluate and document the size and liquidity of the secondary market for the investment at time of purchase.

(d) *Obligor limits.* (1) You may not invest more than 25 percent of your regulatory capital in eligible investments issued by any single entity, issuer or obligor. This obligor limit does not apply to Government-sponsored agencies or Government agencies. You may not invest more than 100 percent of your regulatory capital in any one Government-sponsored agency. There are no obligor limits for Government agencies.

(2) *Obligor limits for your holdings in an investment company.* You must count securities that you hold through an investment company towards the obligor limits of this section unless the investment company's holdings of the security of any one issuer do not exceed 5 percent of the investment company's total portfolio.

(e) *Preferred stock and other investments approved by the FCA.* (1) You may purchase non-program investments in preferred stock issued by other Farm Credit System institutions only with our written prior approval. You may also purchase non-program investments other than those listed in the Non-Program Investment Eligibility Criteria Table at paragraph (a) of this section only with our written prior approval.

(2) Your request for our approval must explain the risk characteristics of the investment and your purpose and objectives for making the investment.

§ 652.40 Stress tests for mortgage securities.

(a) You must perform stress tests to determine how interest rate changes will affect the cashflow and price of each mortgage security that you purchase and hold, except for adjustable rate mortgage securities that reprice at intervals of 12 months or less and are tied to an index. You must also use stress tests to gauge how interest rate fluctuations on mortgage securities affect your capital and earnings. The stress tests must be able to measure the price sensitivity of mortgage instruments over different interest rate/yield curve scenarios and be consistent with any asset liability management and interest rate risk policies. The methodology that you use to analyze mortgage securities must be appropriate for the complexity of the instrument's structure and cashflows. Prior to purchase and each quarter thereafter, you must use the stress tests to determine that the risk in the mortgage securities is within the risk limits of your board's investment policies. The stress tests must enable you to determine at the time of purchase and each subsequent quarter that the mortgage security does not expose your capital or earnings to excessive risks.

(b) You must rely on verifiable information to support all your assumptions, including prepayment and interest rate volatility assumptions. You must document the basis for all assumptions that you use to evaluate the security and its underlying mortgages. You must also document all subsequent changes in your assumptions. If at any time after purchase, a mortgage security no longer complies with requirements in this section, Farmer Mac's management must report to the Corporation's board of directors in accordance with § 652.10(g).

§ 652.45 Divestiture of ineligible non-program investments.

(a) *Divestiture requirements*—(1) *Initial divestiture requirements.* Within 6 months of this rule's effective date, you must divest of all ineligible non-program investments or securities unless we approve, in writing, a plan that authorizes you to divest the instruments over a longer period of time. An acceptable plan generally would require you to divest of the ineligible investments or securities as quickly as possible without substantial financial loss.

(2) *Subsequent divestiture requirements.* Subsequent to the initial divestiture period set forth in paragraph (a)(1) of this section, you must divest of an ineligible non-program investment or security within 6 months unless we approve, in writing, a plan that authorizes you to divest the instrument over a longer period of time. An acceptable plan generally would require you to divest of the ineligible investment or security as quickly as possible without substantial financial loss.

(b) *Reporting requirements.* Until you divest of the ineligible non-program investment or security, you must report at least quarterly to your board of directors and to FCA's Office of Secondary Market Oversight about the status and performance of the ineligible instrument, the reasons why it remains ineligible, and the manager's progress in divesting of the investment.

Subpart B—Risk-Based Capital Requirements [Reserved]

PART 650—FEDERAL AGRICULTURAL MORTGAGE CORPORATION GENERAL PROVISIONS

■ 10. The authority citation for part 650 continues to read as follows:

Authority: Secs. 4.12, 5.9, 5.17, 8.11, 8.31, 8.32, 8.33, 8.34, 8.35, 8.36, 8.37, 8.41 of the Farm Credit Act (12 U.S.C. 2183, 2243, 2252, 2279aa–11, 2279bb, 2279bb–1, 2279bb–2, 2279bb–3, 2279bb–4, 2279bb–5, 2279bb–6, 2279cc); sec. 514 of Pub. L. 102–552, 106 Stat. 4102; sec. 118 of Pub. L. 104–105, 110 Stat. 168.

■ 11. Amend part 650 by revising the part heading to read as set forth above.

§§ 650.1 through 650.68 [Redesignated]

■ 12. Redesignate §§ 650.1 through 650.68 as follows:

Old section	New section
650.1, subpart A	651.1
650.2, subpart A	651.2
650.3, subpart A	651.3
650.4, subpart A	651.4
650.20, subpart B	652.50, subpart B
650.21, subpart B	652.55, subpart B
650.22, subpart B	652.60, subpart B
650.23, subpart B	652.65, subpart B
650.24, subpart B	652.70, subpart B
650.25, subpart B	652.75, subpart B
650.26, subpart B	652.80, subpart B
650.27, subpart B	652.85, subpart B
650.28, subpart B	652.90, subpart B
650.29, subpart B	652.95, subpart B
650.30, subpart B	652.100, subpart B
650.31, subpart B	652.105, subpart B
Appendix A to Subpart B of Part 650	**Appendix A to Subpart B of Part 652**
650.50, subpart C	650.1
650.51, subpart C	650.5
650.52, subpart C	650.10
650.55, subpart C	650.15
650.56, subpart C	650.20
650.57, subpart C	650.25
650.58, subpart C	650.30
650.59, subpart C	650.35
650.60, subpart C	650.40
650.61, subpart C	650.45
650.62, subpart C	650.50
650.63, subpart C	650.55
650.64, subpart C	650.60
650.65, subpart C	650.65
650.66, subpart C	650.70
650.67, subpart C	650.75
650.68, subpart C	650.80

Subpart A—General Provisions

§ 650.75 [Amended]

■ 13. Amend newly designated § 650.75 by removing the reference ''§ 620.40'' and adding in its place, the reference ''§ 655.1'' in paragraph (c).

PART 653—[ADDED AND RESERVED]

PART 654—[ADDED AND RESERVED]

■ 14. Add and reserve parts 653 and 654.

Dated: July 7, 2005.

Jeanette C. Brinkley,

Secretary, Farm Credit Administration Board.

[FR Doc. 05–13831 Filed 7–13–05; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–18670; Directorate Identifier 2002–NM–83–AD; Amendment 39–14187; AD 2005–14–10]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–10 and DC–10–10F Airplanes; Model DC–10–15 Airplanes; Model DC–10–30 and DC–10–30F (KC–10A and KDC–10) Airplanes; and Model DC–10–40 and DC–10–40F Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain McDonnell Douglas transport category airplanes. That AD currently requires implementation of a program of structural inspections to detect and correct fatigue cracking in order to ensure the continued airworthiness of these airplanes as they approach the manufacturer's original fatigue design life goal. This new AD requires implementation of a program of structural inspections of baseline structure to detect and correct fatigue cracking in order to ensure the continued airworthiness of these airplanes as they approach the manufacturer's original fatigue design life goal. This AD is prompted by a significant number of these airplanes approaching or exceeding the design service goal on which the initial type certification approval was predicated. We are issuing this AD to detect and correct fatigue cracking that could compromise the structural integrity of these airplanes.

DATES: This AD becomes effective August 18, 2005.

The incorporation by reference of Boeing Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Volume I, Revision 6, dated February 2002; and McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Volume II Revision 8, dated November 2003; as listed in the AD, is approved by the Director of the Federal Register as of August 18, 2005.

On January 2, 1996, (60 FR 61649, December 1, 1995), the Director of the Federal Register approved the incorporation by reference of certain publications, as listed in the regulations.

On November 24, 1993 (58 FR 54949, October 25, 1993), the Director of the Federal Register approved the incorporation of a certain other publication, as listed in the regulations.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). You can examine this information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (Telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Washington, DC. This docket number is FAA–2004–18670; the directorate identifier for this docket is 2002–NM–83–AD.

FOR FURTHER INFORMATION CONTACT: Ron Atmur, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5224; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with an AD to supersede AD 95–23–09, amendment 39–9429 (60 FR 61649, December 1, 1995). The existing AD applies to certain McDonnell Douglas transport category airplanes. The proposed AD was published in the **Federal Register** on August 3, 2004 (69 FR 46456), to require implementation of a program of structural inspections of baseline structure to detect and correct fatigue cracking in order to ensure the continued airworthiness of these airplanes as they approach the manufacturer's original fatigue design life goal.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been submitted on the proposed AD.

One Commenter Has No Objection to the Proposed AD

One commenter, an operator, advises that it has no objection to the proposed AD.

Requests To Revise Compliance Times for Certain Airplanes

One commenter, an operator, requests that, for airplanes approaching ¾ of the fatigue life threshold (N_{th}), the grace period for the compliance time required by paragraph (j)(1) of the proposed AD be extended from ''within 18 months of the effective date of the AD'' to ''within 60 months of the effective date of the AD.'' The commenter states that some of the inspections would require significant efforts and cost to access the inspection area. The commenter notes that while the proposed AD would require inspection within 18 months from the effective date of the AD for airplanes approaching ¾ N_{th}, the proposed AD would not require the same inspections for airplanes just beyond ¾ N_{th} at the effective date of the AD until the airplane reached N_{th}, which is several years later in most cases. Another commenter requests that the inspections required by paragraph (j)(1) of the proposed AD be revised to ''prior to N_{th} or ΔNDI/2, whichever comes later.'' The commenter points out that the revision would more accurately reflect the intent of the DC–10 Supplemental Inspection Document (SID) program.

We agree that the grace period specified in paragraph (j)(1) of the AD may be extended to ''within 60 months after the effective date of the AD,'' and have revised paragraph (j)(1) of the final rule accordingly. We consider that extension of the grace period will not

adversely affect the safety of the fleet. Additionally, we agree to revise the final rule to specify the compliance time for certain airplanes specified in paragraph (j)(1) of the AD by requiring ''before reaching the threshold (N_{th}) or ΔNDI/2, whichever occurs later.''

Request To Clarify Compliance ''Procedure''

One commenter states that the proposed AD introduces a more complicated compliance ''procedure'' than that in the existing AD. The commenter also states that the ''new procedure'' leaves questions of interpretation.

The FAA agrees that some clarification is needed. The concept of the SID inspections has resulted in some confusion since the beginning of the DC–10 SID program more than 15 years ago. The original intent of the SID program was that operators would perform the principal structural element (PSE) inspections at or near the threshold (N_{th}). In that case, inspecting every ΔNDI/2 after that inspection met the intent of the program. However, some operators have inspected certain PSEs well before the threshold (N_{th}). In that case, inspecting every ΔNDI/2 after that inspection may have caused the operator to inspect many more times than was intended by the program. Therefore, we have revised paragraph (j)(1) of this final rule to clarify the compliance times and have also specified that, ''After reaching the threshold (N_{th}), repeat the inspection for that PSE at intervals not to exceed ΔNDI/2.''

Request To Clarify the Requirements of Paragraph (k) of the Proposed AD

One commenter notes that, if a discrepancy is found, the compliance time in paragraph (k) of the proposed AD could ground an airplane while approval of a repair from the Manager, Los Angeles Aircraft Certification Office (ACO), is obtained. Another commenter, the manufacturer, points out that, in some instances, a repair is installed after the approved inspection is accomplished and is not discovered until the next required inspection is attempted, which would effectively ground the airplane. The manufacturer suggests that we continue to require inspection after detection of a discrepancy before (N_{th}), but that we add a ''grace period'' of 18 months after the discovery of the discrepancy, whichever occurs later.

We agree that a ''grace period'' may be added to paragraph (k) of the AD. We have determined that allowing an 18-month grace period for repairs that have met the static strength requirement provides an acceptable level of safety. We have revised paragraph (k) of the final rule accordingly.

Request To Remove Certain Airplanes From the Applicability of the Proposed AD

One commenter, the manufacturer, requests that Model MD–10 airplanes be removed from the applicability of the proposed AD. The commenter notes that Model MD–10 airplanes have an Airworthiness Limitations Instructions (ALI) document that references the Model DC–10 SID. The commenter believes that confusion may result if the Model MD–10 airplanes are included in the applicability of the proposed AD.

We agree that Model MD–10 airplanes may be removed from the applicability of this AD. The Model MD–10 airplanes have an ALI document that is based on a previous Model DC–10 SID, which was a 100% inspection program at the threshold. However, since rulemaking is necessary to ensure that the Model MD–10 ALI is revised with the latest revision, we may engage in separate rulemaking for those airplanes. We have removed reference to the MD–10 airplanes in the applicability of this AD.

Request To Revise the Definition of ''Discrepant PSE''

One commenter, the manufacturer, requests that the FAA reference the SID definition of ''discrepant PSE'' or specify the SID definition verbatim. The commenter advises that making the definition of ''discrepant PSE'' the same as the SID may prevent any possible confusion.

We agree that clarification is necessary. We have revised paragraph (k) of the final rule to more clearly correlate the definition of ''discrepancy'' with the definition provided in the SID.

Request To Limit Previous Alternative Methods of Compliance (AMOCs)

One commenter, the manufacturer, requests that paragraph (r) of the proposed AD be revised to limit the acceptable AMOCs to repairs and inspections accomplished using previous alternative inspection procedures. (Paragraph (r) of the proposed AD addresses AMOCs approved previously in accordance with AD 95–23–09.) The commenter explains that this will help clarify the change to the SID program that occurred with Boeing Report No. L26–012, Volume I, Revision 6, dated February 2002.

We agree with the commenter and have revised paragraph (r)(2) of the final rule accordingly.

Request To Revise the ''Costs of Compliance'' Section

Several commenters disagree with the statement in the ''Costs of Compliance'' section of the proposed AD that ''there is no additional economic burden on affected operators to perform any additional recurrent inspections.'' The commenters state that the inspection schedule used in AD 95–23–09 is based on fleet sampling, and the new SID program and the proposed AD would change this requirement to a 100% sampling program. The commenters state that the change in the requirement would result in a significant increase in the average labor hours per aircraft in operators' fleets. One commenter also notes that, in the same section of the proposed AD, in the phrase ''* * * takes about 1,290 work hours per airplane,'' the correct reference should be ''per operator'' rather than ''per airplane.'' Additionally, the commenter points out that no costs were stated in the proposed AD for the hours necessary for access to perform the inspections.

We do agree that the correct reference in the phrase ''* * * takes about 1,290 work hours per airplane'' should be ''per operator,'' and we have revised the final rule accordingly. We do not agree with the commenter that AD 95–23–09 is based on fleet sampling. As specified in paragraph (g)(1) of the AD, which is part of the ''Restatement of Certain Requirements of AD 95–23–09,'' all PSEs are required to be inspected before the fatigue life threshold (N_{th}). No change is necessary to this final rule in that regard. We do not agree that hours and estimated costs should be provided for time necessary to access the inspection area. The cost information provided in the AD describes only the direct costs of the specific actions required by this AD. Based on the best data available, the manufacturer provided the number of work hours necessary to do the required actions. This number represents the time necessary to perform only the actions actually required by this AD. We recognize that, in doing the actions required by an AD, operators may incur incidental costs in addition to the direct costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs such as the time required to gain access and close up, time necessary for planning, or time necessitated by other administrative actions. Those incidental costs, which may vary significantly among operators, are almost impossible to calculate. Additionally, with the extension of the grace period in paragraph (j)(1) of this AD, there is

sufficient time to plan inspections when the airplanes are in a major maintenance visit. No change is necessary to this final rule in that regard.

Request To Reference Previous ADs Instead of Previous SID Revisions

One commenter, the manufacturer, requests that paragraph (o) of the proposed AD be revised to reference previous ADs rather than previous service information. The commenter states that all inspections accomplished per any previous revision of the DC–10 SID should be satisfactory to meet the requirements of paragraph (j) of the proposed AD.

We do not agree with the commenter. Paragraph (o) of the AD simply specifies certain revisions of the DC–10 SID that are acceptable for compliance with the inspection requirements of paragraph (j) of this AD. That information may be helpful for operators who may have performed certain inspections previously in accordance with the specified revisions. No change to the final rule is necessary in this regard.

Request To Explain Why Certain Requirements of AD 95–23–09 Are Restated

One commenter, the manufacturer, requests that the AD explain why certain requirements of AD 95–23–09 are included in the proposed AD.

Including a restatement in an AD of certain requirements of a superseded AD is a standard and common method of ensuring that certain actions are continued until the compliance times of ''new'' requirements are effective. Otherwise, there would be a gap between the two ADs when operators would be subject to the requirements of neither. In the preamble of the proposed AD, under the heading ''Change to Existing AD,'' we identified the specific requirements of AD 95–23–09 that would be retained with the requirements of this AD. In this case, those ''certain requirements'' continue to be required until the new requirements of paragraph (i) of this AD are accomplished. No change to the final rule is necessary in this regard.

Request To Clarify Thresholds

One commenter requests that we clarify paragraphs (m)(2) and (m)(3) to ensure that the thresholds specified in those paragraphs refer to the repair threshold, not the PSE threshold.

We agree that clarification is necessary, and we have revised those paragraphs in this final rule accordingly.

Request To Clarify Paragraph (p) of the Proposed AD

One commenter, the manufacturer, requests that paragraph (p) of the proposed AD also reference paragraph (j) of the proposed AD. (Paragraph (p) of the proposed AD specifies that McDonnell Douglas Report No. MDC 91K0264, ''DC–10/KC–10 Aging Aircraft Repair Assessment Program Document,'' Revision 1, dated October 2000, provides inspection/replacement programs for certain repairs to the fuselage pressure shell.) The commenter states that the document should also be considered as an acceptable method of compliance with the requirements of paragraph (j) of the proposed AD.

We do not agree. Paragraph (j) of the AD requires NDI inspections for fatigue cracking of each PSE at certain specified times, and does not specify repair requirements. Paragraph (p) of the AD specifies that certain repairs and inspection/replacement programs are acceptable for compliance with certain requirements of paragraphs (h) and (m) of the AD for repairs that are subject to that document. No change to the final rule is necessary in this regard.

Requests To Make Editorial Changes for Certain Paragraph References

Several commenters note that the references in paragraphs (m)(2) and (m)(3) of the proposed AD should refer to paragraph (m)(1) instead of (j)(1) of the proposed AD.

We agree that the correct reference is paragraph (m)(1) and have revised the final rule accordingly.

One commenter requests a definition of the word ''you'' in paragraph (e) of the proposed AD. We have recently revised the paragraph with the heading, ''Compliance,'' in our ADs. We use the word ''you'' as part of our ''plain language'' effort to make ADs easier to understand. In this case, ''you'' means whoever is responsible for the certificated operation of an aircraft, *e.g.*, the owner of the airplane, the operator of the airplane, etc.

Changes to Delegation Authority

Boeing has received a Delegation Option Authorization (DOA). We have revised this final rule add a delegation of authority to approve an alternative method of compliance for any repair required by this AD to the Authorized Representative for the Boeing DOA Organization.

Editorial Changes

We noticed that in paragraph (l) of the proposed AD, there is reference to ''paragraph (o)'' of the proposed AD. The correct reference should be to paragraph (j) or (o) of the AD, and we have revised paragraph (l) of the final rule accordingly. Additionally, we note that, in paragraph (g) of the proposed AD, we inadvertently specified December 1, 1995, as the effective date of AD 95–23–09. The effective date of AD 95–23–09 is January 2, 1996, and we have revised the final rule accordingly.

Conclusion

We have carefully reviewed the available data, including the comments that have been submitted, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Interim Action

This is considered to be interim action. We are currently considering requiring damage tolerance-based inspections and procedures that include all major structural repairs, alterations, and modifications (RAMs), which may result in additional rulemaking. That rulemaking may include appropriate recommendations from the previously mentioned FAA team and a public meeting on how to address RAMs.

Costs of Compliance

There are about 419 McDonnell Douglas transport category airplanes worldwide of the affected design. This AD will affect about 249 airplanes of U.S. registry and 13 U.S. operators.

The incorporation of the SID program into an operator's maintenance program, as required by AD 95–23–09, and retained in this AD takes about 1,290 work hours per operator, at an average labor rate of $65 per work hour. Based on these figures, the cost to the 13 affected U.S. operators to incorporate the SID program is estimated to be $1,090,050.

The recurring inspection costs, as required by AD 95–23–09, are estimated to be 365 work hours per airplane, per year, at an average labor rate of $65 per work hour. Based on these figures, the recurring inspection costs required by AD 95–23–09 are estimated to be $23,725 per airplane, per year, or $5,907,525 for the affected U.S. fleet per year.

Since no new recurring inspection procedures have been added to the program by this new AD, there is no additional economic burden on affected operators to perform any additional recurrent inspections.

Additionally, the number of required work hours for each inspection (and the

SID program), as indicated above, is presented as if the accomplishment of those actions are to be conducted as ''stand alone'' actions. However, in actual practice, these actions for the most part will be accomplished coincidently or in combination with normally scheduled airplane inspections and other maintenance program tasks. Further, any costs associated with special airplane scheduling are expected to be minimal.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing amendment 39–9429 (60 FR 61649, December 1, 1995), and by adding the following new airworthiness directive (AD):

2005–14–10 McDonnell Douglas: Amendment 39–14187. Docket No. FAA–2004–18670; Directorate Identifier 2002–NM–83–AD.

Effective Date

(a) This AD becomes effective August 18, 2005.

Affected ADs

(b) This AD supersedes AD 95–23–09, amendment 39–9429.

Applicability

(c) This AD applies to all McDonnell Douglas Model DC–10–10 and DC–10–10F airplanes; Model DC–10–15 airplanes; Model DC–10–30 and DC–10–30F (KC–10A and KDC–10) airplanes; and Model DC–10–40 and DC–10–40F airplanes; certificated in any category.

Unsafe Condition

(d) This AD was prompted by a significant number of these airplanes approaching or exceeding the design service goal on which the initial type certification approval was predicated. We are issuing this AD to detect and correct fatigue cracking that could compromise the structural integrity of these airplanes.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Restatement of Certain Requirements of AD 95–23–09

(f) Within 6 months after November 24, 1993 (the effective date of AD 93–17–09, amendment 39–8680), incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection(s) of the Principal Structural Elements (PSEs) defined in Section 2 of Volume I of McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Revision 3, dated December 1992, in accordance with Section 2 of Volume III–92, dated October 1992, of the SID. The non-destructive inspection (NDI) techniques set forth in Section 2 and Section 4 of Volume II, Revision 3, dated December 1992, of the SID provide acceptable methods for accomplishing the inspections required by this paragraph. All inspection results (negative or positive) must be reported to McDonnell Douglas, in accordance with the instructions contained in Section 2 of Volume III–92, dated October 1992, of the SID. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) For those Fleet Leader Operator Sampling (FLOS) PSEs that do not have a Normal Maintenance Visual Inspection specified in Section 4 of Volume II, Revision 3, dated December 1992, of the SID, the procedure for general visual inspection is as follows: Perform an inspection of the general PSE area for cleanliness, presence of foreign objects, security of parts, cracks, corrosion, and damage.

(2) For PSEs 53.10.031E/.032E, 53.10.047E/.048E, and 57.10.029E/.030E: The ENDDATE for these PSEs is October 1993. (For these PSEs, disregard the June 1993 ENDDATE specified in Section 2 of Volume III–92, dated October 1992, of the SID.)

(g) Within 6 months after January 2, 1996 (the effective date of AD 95–23–09, amendment 39–9429), replace the revision of the FAA-approved maintenance inspection program required by paragraph (f) of this AD with a revision that provides for inspection(s) of the PSEs defined in Section 2 of Volume I of McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Revision 5, dated October 1994, in accordance with Section 2 of Volume III–94, dated November 1994, of the SID. The NDI techniques set forth in Section 2 of Volume II, Revision 5, dated October 1994, of the SID provide acceptable methods for accomplishing the inspections required by this paragraph.

(1) Prior to reaching the threshold (N_{th}), but no earlier than one-half of the threshold (N_{th}/2), specified for all PSEs listed in Volume III–94, dated November 1994, of the SID, inspect each PSE sample in accordance with the NDI procedures set forth in Section 2 of Volume II, Revision 5, dated October 1994. Thereafter, repeat the inspection for that PSE at intervals not to exceed DNDI/2 of the NDI procedure that is specified in Volume III–94, dated November 1994, of the SID.

(2) This AD does not require visual inspections of FLOS PSEs on airplanes listed in Volume III–94, dated November 1994, of the SID planning data at least once during the specified inspection interval, in accordance with Section 2 of Volume III–94, dated November 1994, of the SID.

(3) For PSEs 53.10.055/.056E, 55.10.013/.014B, 53.10.005/.006E, 53.10.031/.032E, 53.10.047/.048E, 57.10.029/.030E: The EDATE for these PSEs is June 1998. (For these PSEs, disregard the June 1996 EDATE specified in Section 2, of Volume III–94, dated November 1994, of the SID.)

(4) All inspection results (negative or positive) must be reported to McDonnell Douglas in accordance with the instructions contained in Section 2 of Volume III–94, dated November 1994, of the SID. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(h) Any cracked structure detected during the inspections required by paragraph (f) or (g) of this AD must be repaired before further flight, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA.

Note 1: Requests for approval of any PSE repair that would affect the FAA-approved maintenance inspection program required by this AD should include a damage tolerance assessment for that PSE repair.

New Requirements of This AD

Revision of the Maintenance Inspection Program

(i) Within 12 months after the effective date of this AD, incorporate a revision into the FAA-approved maintenance inspection program that provides for inspection(s) of the PSEs, in accordance with Boeing Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Volume I, Revision 6, dated February 2002.'' Unless otherwise specified, all further references in this AD to the ''SID'' are to Revision 6, dated February 2002.

Non-Destructive Inspections (NDIs)

(j) For all PSEs listed in Section 2 of Volume I of the SID, perform an NDI for fatigue cracking of each PSE in accordance with the NDI procedures specified in Section 2 of Volume II, Revision 8, dated November 2003, of the SID, at the times specified in paragraph (j)(1), (j)(2), or (j)(3) of this AD, as applicable.

(1) For airplanes that have less than three quarters of the fatigue life threshold ($\frac{3}{4}N_{th}$) as of the effective date of the AD: Perform the NDI for fatigue cracking at the times specified in paragraphs (j)(1)(i) and (j)(1)(ii) of this AD. After reaching the threshold (N_{th}), repeat the inspection for that PSE at intervals not to exceed ΔNDI/2.

(i) Perform an initial NDI no earlier than one-half of the threshold ($\frac{1}{2}N_{th}$), but before reaching three-quarters of the threshold ($\frac{3}{4}N_{th}$), or within 60 months after the effective date of this AD, whichever occurs later.

(ii) Repeat the NDI no earlier than ($\frac{3}{4}N_{th}$), but before reaching the threshold (N_{th}), or within 18 months after the inspection required by paragraph (j)(1)(i) of this AD, whichever occurs later.

Note 2: The SID and this AD refer to the repetitive inspection interval as ΔNDI/2. However, the headings of the tables in Section 4 of Volume I of the SID refer to the repetitive inspection interval of NDI/2. The values listed under NDI/2 in the tables in Section 4 of Volume I of the SID are the repetitive inspection intervals, ΔNDI/2.

(2) For airplanes that have reached or exceeded three-quarters of the fatigue life threshold ($\frac{3}{4}N_{th}$), but less than the threshold (N_{th}), as of the effective date of the AD: Perform an NDI prior to reaching the threshold (N_{th}), or within 18 months after the effective date of this AD, whichever occurs later. Thereafter, after passing the threshold (N_{th}), repeat the inspection for that PSE at intervals not to exceed ΔNDI/2.

(3) For airplanes that have reached or exceeded the fatigue life threshold (N_{th}) as of the effective date of the AD: Perform an NDI within 18 months after the effective date of this AD. Thereafter, repeat the inspection for that PSE at intervals not to exceed ΔNDI/2.

Discrepant Findings

(k) If any discrepancy (*e.g.*, differences on the airplane from the NDI reference standard, such as PSEs that cannot be inspected as specified in Volume II of the SID or do not match rework, repair, or modification descriptions in Volume I of the SID) is detected during any inspection required by paragraph (j) of this AD, accomplish the action specified in paragraph (k)(1) or (k)(2) of this AD, as applicable.

(1) If a discrepancy is detected during any inspection performed prior to $\frac{3}{4}N_{th}$ or N_{th}: The area of the PSE affected by the discrepancy must be inspected prior to N_{th} or within 18 months after the discovery of the discrepancy, whichever occurs later, in accordance with a method approved by the Manager, Los Angeles ACO.

(2) If a discrepancy is detected during any inspection performed after N_{th}: The area of the PSE affected by the discrepancy must be inspected prior to the accumulation of an additional ΔNDI/2 or within 18 months after the discovery of the discrepancy, whichever occurs later, in accordance with a method approved by the Manager, Los Angeles ACO.

Reporting Requirements

(l) All negative, positive, or discrepant findings (examples of discrepant findings are described in paragraph (k) of this AD) of the inspections accomplished under paragraphs (j) or (o) of this AD must be reported to Boeing, at the times specified in, and in accordance with the instructions contained in, Section 4 of Volume I of the SID. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Corrective Actions

(m) Any cracked structure of a PSE detected during any inspection required by paragraph (j) of this AD must be repaired before further flight in accordance with a method approved by the Manager, Los Angles ACO or in accordance with data meeting the certification basis of the airplane approved by an Authorized Representative for the Boeing Delegation Option Authorization Organization who has been authorized by the Manager, Los Angeles Aircraft Certification Office (ACO), to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD. Accomplish the follow-on actions described in paragraphs (m)(1), (m)(2), and (m)(3) of this AD, at the times specified.

(1) Within 18 months after repair, perform a damage tolerance assessment (DTA) that defines the threshold for inspection of the repair and submit the assessment for approval.

(2) Before reaching 75% of the repair threshold as determined in paragraph (m)(1) of this AD, submit the inspection methods and repetitive inspection intervals for the repair for approval.

(3) Before the repair threshold, as determined in paragraph (m)(1) of this AD, incorporate the inspection method and repetitive inspection intervals into the FAA-approved structural maintenance or inspection program for the airplane.

Note 3: For the purposes of this AD, we anticipate that submissions of the DTA of the repair, if acceptable, should be approved within six months after submission.

Note 4: Advisory Circular (AC) 25.1529–1, ''Instructions for Continued Airworthiness of Structural Repairs on Transport Airplanes,'' dated August 1, 1991, is considered to be additional guidance concerning the approval of repairs to PSEs.

Inspection for Transferred Airplanes

(n) Before any airplane that has exceeded the fatigue life threshold (N_{th}) can be added to an air carrier's operations specifications, a program for the accomplishment of the inspections required by this AD must be established as specified in paragraph (n)(1) or (n)(2) of this AD, as applicable.

(1) For airplanes that have been inspected in accordance with this AD, the inspection of each PSE must be accomplished by the new operator in accordance with the previous operator's schedule and inspection method, or the new operator's schedule and inspection method, at whichever time would result in the earlier accomplishment date for that PSE inspection. The compliance time for accomplishment of this inspection must be measured from the last inspection accomplished by the previous operator. After each inspection has been performed once, each subsequent inspection must be performed in accordance with the new operator's schedule and inspection method.

(2) For airplanes that have not been inspected in accordance with this AD, the inspection of each PSE required by this AD must be accomplished either prior to adding the airplane to the air carrier's operations specification, or in accordance with a schedule and an inspection method approved by the Manager, Los Angeles ACO. After each inspection has been performed once, each subsequent inspection must be performed in accordance with the new operator's schedule.

Inspections Accomplished Before the Effective Date of This AD

(o) Inspections accomplished before the effective date of this AD in accordance with McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Volume I, Revision 4, dated June

1993, or Revision 5, dated October 1994; Volume II, Revision 6, dated October 1997, or Boeing Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Revision 7, dated August 2002; and McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Volume III–94, dated November 1994; are acceptable for compliance with the requirements of paragraph (j) of this AD.

Acceptable for Compliance

(p) McDonnell Douglas Report No. MDC 91K0264, ''DC–10/KC–10 Aging Aircraft Repair Assessment Program Document,'' Revision 1, dated October 2000, provides inspection/replacement programs for certain repairs to the fuselage pressure shell. These repairs and inspection/replacement programs are considered acceptable for compliance with the requirements of paragraphs (h) and (m) of this AD for repairs subject to that document.

Alternative Methods of Compliance (AMOCs)

(q) The Manager, Los Angles ACO, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(r)(1) Inspection procedures accomplished and approved previously as AMOCs prior to the effective date of this AD as alternative inspection procedures in accordance with AD 95–23–09, amendment 39–9429; AD 93–17–09, amendment 39–8680; AD 92–02–08, amendment 39–8144; or AD 89–22–10, amendment 39–6330; are approved as AMOCs with the actions required by paragraph (j) of this AD.

(2) Repairs accomplished and approved previously as AMOCs in accordance with AD 95–23–09, amendment 39–9429; AD 93–17–09, amendment 39–8680; AD 92–02–08, amendment 39–8144; or AD 89–22–10, amendment 39–6330; are approved as AMOCs with the actions required by paragraph (h) or (m) of this AD.

Material Incorporated by Reference

(s) You must use the service information that is specified in Table 1 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise.

TABLE 1.—MATERIAL INCORPORATED BY REFERENCE

Service information	Volume	Revision	Date
Boeing Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' including Appendices A and B.	Volume I	Revision 6	February 2002.
McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID)''.	Volume II	Revision 8	November 2003.
McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID)''.	Volume II	Revision 5	October 1994.
McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID)''.	Volume III–92	Original	October 1992.
McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID)''.	Volume III–94	Original	November 1994.

(1) The incorporation by reference of Boeing Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Volume I, including Appendices A and B, Revision 6, dated February 2002; and McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID)'' Volume II, Revision 8, dated November 2003; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. (Only the title, Record of Revision, and List of Effective pages identify Boeing Report No. L26–012, Volume I, as Revision 6. Only page 3.1 of Section 3 and pages B–1 through B–4 of Appendix B of Volume I, Revision 6, contain the Boeing Report No., L26–012. Only the title, Record of Revision, and Table of Contents pages identify McDonnell Douglas Report No. L26–012, Volume II, as Revision 8. Only the title page of Volume II, Revision 8, contains the McDonnell Douglas Report No., L26–012.)

(2) The incorporation by reference of McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Volume II, Revision 5, dated October 1994; and McDonnell Douglas Report No. L26–012, Volume III–94, dated November 1994; was approved previously by the Director of the Federal Register as of January 2, 1996 (60 FR 61649, December 1, 1995).

(3) The incorporation by reference of McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Volume III–92, dated October 1992, was approved previously by the Director of the Federal Register as of November 24, 1993 (58 FR 54949, October 25, 1993).

(4) To get copies of the service information, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). To view the AD docket, go to the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Nassif Building, Washington, DC. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on June 28, 2005.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–13437 Filed 7–13–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–21735; Directorate Identifier 2005–NE–22–AD; Amendment 39–14189; AD 2005–14–12]

RIN 2120–AA64

Airworthiness Directives; Hartzell Propeller Inc. Models HC–B3TN–2, HC–B3TN–3, HC–B3TN–5, HC–B3MN–3, HC–B4TN–3, HC–B4TN–5, HC–B4MN–5, HC–B4MP–3, HC–B4MP–5, and HC–B5MP–3 Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Hartzell Propeller Inc. models HC–B3TN–2, HC–B3TN–3, HC–B3TN–5, HC–B3MN–3, HC–B4TN–3, HC–B4TN–5, HC–B4MN–5, HC–B4MP–3, HC–B4MP–5, and HC–B5MP–3 propellers, installed with propeller mounting bolts, part number (P/N) B–3339. This AD requires initial and repetitive visual inspections and torque checks of certain manufacture lot numbers of propeller mounting bolts, P/N B–3339, and eventual removal from service of those bolts. This AD results from the discovery during routine

propeller installation that a bolt from a certain manufacture lot did not properly absorb the installation torque. This AD also results from the discovery that other bolts of the same part number from a different manufacture lot had material surface pitting. We are issuing this AD to prevent propeller attaching bolt failures or improperly secured propellers, which could lead to separation of the propeller from the airplane.

DATES: This AD becomes effective July 29, 2005. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of July 29, 2005.

We must receive any comments on this AD by September 12, 2005.

ADDRESSES: Use one of the following addresses to comment on this AD:

- DOT Docket Web site: Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- Fax: (202) 493–2251.
- 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.

Contact Hartzell Propeller Inc. Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone (937) 778–4200; fax (937) 778–4391, for the service information referenced in this AD.

FOR FURTHER INFORMATION CONTACT: Tim Smyth, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone: (847) 294–7132; fax: (847) 294–7834.

SUPPLEMENTARY INFORMATION: Hartzell Propeller Inc. has informed us that recently during routine installation of a steel hub propeller, one of the propeller mounting bolts, P/N B–3339, did not properly absorb the installation torque. The suspect bolt was removed and examined. Hartzell Propeller Inc., found that the bolt does not have the proper material hardness as specified by the propeller type design requirements. That bolt was identified as part of LFC Manufacturing Lot No. 56. Hartzell Propeller Inc., examined their inventory of bolts and found two other Lot No. 56 bolts also below proper material hardness. During this investigation, Hartzell Propeller Inc. also discovered a quantity of bolts, P/N B–3339, from LFC Manufacturing Lot No. 12, with material surface pitting underneath the anti-corrosion coating. These pitted bolts also do not meet the propeller type design requirements. This condition, if not corrected, could result in propeller mounting bolt failures or improperly secured propellers, which could lead to separation of the propeller from the airplane.

Relevant Service Information

We have reviewed and approved the technical contents of Hartzell Propeller Inc. Alert Service Bulletin (ASB) No. HC–ASB–61–279, Revision 2, dated May 6, 2005, that describes procedures to visually inspect, torque check, and replace the affected bolts.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other Hartzell Propeller Inc. models HC–B3TN–2, HC–B3TN–3, HC–B3TN–5, HC–B3MN–3, HC–B4TN–3, HC–B4TN–5, HC–B4MN–5, HC–B4MP–3, HC–B4MP–5, and HC–B5MP–3 propellers of the same type design, installed with propeller mounting bolts, P/N B–3339. For that reason, we are issuing this AD to prevent propeller mounting bolt failures or improperly secured propellers, which could lead to separation of the propeller from the airplane. This AD requires:

- Initial visual inspection and torque check of all eight mounting flange bolts when P/N B–3339 bolts from LFC manufacturing Lot No. 12 or Lot No. 56 are present, within 50 hours time-in-service (TIS) or 12 months after the effective date of the AD, whichever occurs first; and
- Thereafter, for all airplanes except Aerospatiale (Nord) Model 262(A) airplanes modified by STC SA2369SW, repetitive torque checks on all eight mounting flange bolts when P/N B–3339 bolts from LFC Manufacturing Lot No. 12 or Lot No. 56 are present, within 120 hours TIS since-last-inspection; and
- Thereafter, for Aerospatiale (Nord) Model 262(A) airplanes modified by STC SA2369SW, repetitive torque checks on all eight mounting flange bolts when P/N B–3339 bolts from LFC Manufacturing Lot No. 12 or Lot No. 56 are present, within 100 hours TIS since-last-inspection; and
- If any bolt fails the torque check, replacement of all eight bolts with P/N B–3339 bolts that are not from LFC Manufacturing Lot No. 12 or Lot No. 56, or with FAA-approved equivalent part number bolts.
- As mandatory terminating action to the repetitive visual inspections and torque checks required by this AD, replacement of all P/N B–3339, LFC Manufacturing Lot No. 12 and Lot No. 56 bolts with P/N B–3339 bolts that are not from LFC Manufacturing Lot No. 12 or Lot No. 56, or with FAA-approved equivalent part number bolts, within 12 months after the effective date of this AD.

You must use the service information described previously to perform the visual inspections, torque checks, and bolt replacements required by this AD.

FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''AD Docket No. FAA–2005–21735; Directorate Identifier 2005–NE–22–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of the Docket Management System (DMS) Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov.*

Examining the AD Docket

You may examine the docket that contains the AD, any comments

received, and any final disposition in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility (telephone (800) 647–5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the facility receives them.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

For the reasons discussed above, I certify that the regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2005–14–12 Hartzell Propeller Inc.: Amendment 39–14189. Docket No. FAA–2005–21735; Directorate Identifier 2005–NE–22–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective July 29, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Hartzell Propeller Inc. models HC–B3TN–2, HC–B3TN–3, HC–B3TN–5, HC–B3MN–3, HC–B4TN–3, HC–B4TN–5, HC–B4MN–5, HC–B4MP–3, HC–B4MP–5, and HC–B5MP–3 propellers installed with propeller mounting bolts, part number (P/N) B–3339. These propellers are installed on, but not limited to, the airplanes listed in the following Table 1:

TABLE 1.—AIRPLANES THAT PROPELLERS ARE INSTALLED ON, BUT NOT LIMITED TO

ADVANCED AERO & STRUCTURES, INC. 450.
AEROCOMMANDER:
680T, 680V, 681, 690, 690A, 690B, 690C, 695, 695A.
AEROSPATIALE (SOCATA):
TB–31 (Non U.S. type certificated (TC'd) product).
AIR TRACTOR:
AT–300, AT–301, AT–302, AT–400, AT–401, AT–402, AT–402A, AT–402B, AT–501, AT–502, AT–502A, AT–502B, AT–503, AT–503A, AT–602, AT–802.
AMERICAN AVIATION (GRUMMAN):
G–164, G–164B, G–164B–15T, G–164B–34T, G–164D.
AYRES:
S–2R, S–2R–R1340, S–2R–R3S, S–2R–G1, S–2R–G5, S–2R–G6, S–2R–G10, S–2R–T6, S–2R–T11, S–2R–T15, S–2R–T34, S–2R–T–45, S–2R–T65, S–2RHG–T65.
BAE 137.
BEECH (Raytheon):
(D, E)18 (C, S), (T, C)45(G, H, J), and E18S–9700 (with turbine conversions), 100, A100, A100A, B100, 1900C, 200(T), 200C(T), B200(T), B200C(T), 300, 300LW, B300, 65–90, –A90, –A90–1, –A90–2, –A90–4, B90, C90, C90A, E90, F90, H90, 99, 99A, A99, A99A, B99, C99, A36 and A36TC (with turbine conversions), 34C, T34C, T34C–1.
CASA:
C–212–CB, C–212–CC, C–212–CF–CF.
CESSNA:
208, 208A, 208B, 402, 421B, 421C, 425, 441, P210N (with turbine conversions).
DE HAVILLAND DH114.
DE HAVILLAND CANADA:
DHC–2, DHC–2 MKIII, DHC–3, DH6–1, DHC–6–100, DHC–6–200, DHC–6–300.
DORNIER:
128–6, DO228–100, –101, –200, –201, –202, –212.
DOUGLAS DC–3C (with turbine conversions).
EMBRAER:
EMB–110–P1, –P2, EMB–111, EMB–121A1, EMB–312 (Non U.S. TC'd product).
ENAER T–35–TX (Non U.S. TC'd product).
FAIRCHILD AIRCRAFT:

TABLE 1.—AIRPLANES THAT PROPELLERS ARE INSTALLED ON, BUT NOT LIMITED TO—Continued

SA226–AT, –T, –TB, –TC.
FAIRCHILD-HILLER (PILATUS) AU–23 (Non U.S. TC'd product).
FLUG & FAHRZEUGWERKE AG AS202/32TP (Non U.S. TC'd product).
FUJI KM–2D (T–5) (Non U.S. TC'd product).
GRUMMAN S–2 (with turbine conversions).
GRUMMAN (GULFSTREAM AERO) G73 (with turbine conversions).
GRUMMAN (MCKINNON) G21E, G (with turbine conversions).
HAFEI AVIATION INDUSTRY CO.
Y12, Y12IV (Non U.S. TC'd product).
HELIO:
HST–550, –550A.
ICA (ROMANIA) IAR–825TP (Non U.S. TC'd product).
ISRAEL AIRCRAFT INDUSTRIES:
101, 101B.
KOREAN AEROSPACE INDUSTRIES KTX–IT (Non U.S. TC'd product).
MAULE:
M–7–420, MX (T)–7–420.
MITSUBISHI:
MU–2B, MU–2B–10, –15, –20, –25, –26, –30, –35, –36, –40, –60, MU–2B–25A, –26A, –35A, –36A.
NORD 262 (FRAKES), and (NORD) Model 262(A) modified by Supplemental Type Certificate (STC) SA2369SW.
NORMAN AEROPLANE:
NA 6, NAC 6–65 (Non U.S. TC'd product).
POLISH AVIATION (MIELEC):
M–28, M–28B.
PACIFIC AEROSPACE FU24(A)–950/–954.
PACIFIC AEROSPACE (FLETCHER):
FU–24 CRESCO 08–600, FU–24 CRESCO 08–750XL.
PIAGGIO P–166 DL3.
PILATUS:
PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, PC–6/C1–H2, PC–7.
PIPER:
PA–31P, PA–31T, PA–31T1, PA–31T2, PA–31T3, PA–42, PA–42–720, PA–42—720R.
PROP JETS INC. 400 (Non U.S. TC'd product).
PZL MIELEC:
M18, M18A, M18B, M27, PZL–106BT, PZL–130TE.
ROCKWELL OV–10.
SCHWEIZER (GRUMMAN) G–164, G–164A and G–164B (with turbine conversions).
SHORT BROTHERS:
SC7 SERIES 3, SD3–30 VARIANT 200, SD3–SHERPA VARIANT 200, SD3–60 VARIANT 200, SD3–60 SHERPA VARIANT 200.
SIAI MARCHETTI (AERMACCHI):
F.260C, F.260D, SM–1019, SF600 CANGURO.
VALMET L–90TP (Non U.S. TC'd product).
VULCANAIR (PARTENAVIA):
AP68TP–300, AP68TP–600.
WALLAROO 605 (Non U.S. TC'd product).
WEATHERLY 620TP.

Unsafe Condition

(d) This AD results from the discovery during routine propeller installation that a bolt from a certain manufacture lot did not properly absorb the installation torque. This AD also results from the discovery that other bolts of the same part number from a different certain manufacture lot had material surface pitting. We are issuing this AD to prevent propeller mounting bolt failures or improperly secured propellers, which could lead to separation of the propeller from the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

Visual Inspections and Torque Checks

(f) Perform initial visual inspection and torque check of all eight mounting flange bolts when P/N B–3339 bolts from LFC manufacturing Lot No. 12 or Lot No. 56 are present, within 50 hours time-in-service (TIS) or 12 months after the effective date of the AD, whichever occurs first. For the location of bolt identification marks, see Figure 1 of Hartzell Propeller Inc. Alert Service Bulletin (ASB) No. HC–ASB–61–279, Revision 2, dated May 6, 2005.

(g) Thereafter, for all airplanes except Aerospatiale (Nord) Model 262(A) airplanes modified by STC SA2369SW, perform repetitive torque checks on all eight mounting flange bolts when P/N B–3339 bolts from LFC Manufacturing Lot No. 12 or Lot No. 56 are present, within 120 hours TIS since-last-inspection.

(h) Thereafter, for Aerospatiale (Nord) Model 262(A) airplanes modified by STC SA2369SW, perform repetitive torque checks on all eight mounting flange bolts when P/N B–3339 bolts from LFC Manufacturing Lot No. 12 or Lot No. 56 are present, within 100 hours TIS since-last-inspection.

(i) If any bolt fails the torque check, replace all eight bolts with P/N B–3339 bolts that are not from LFC Manufacturing Lot No. 12 or Lot No. 56, or with FAA-approved equivalent part number bolts.

(j) Perform the actions specified in paragraphs (f), (g), (h), and (i) of this AD, using paragraphs 3.A through 3.B.(5) of the Accomplishment Instructions of Hartzell Propeller Inc. ASB No. HC–ASB–61–279, Revision 2, dated May 6, 2005.

Mandatory Terminating Action

(k) As mandatory terminating action to the repetitive visual inspections and torque checks required by this AD, replace all P/N B–3339, LFC Manufacturing Lot No. 12 and Lot No. 56 bolts with P/N B–3339 bolts that are not from LFC Manufacturing Lot No. 12 or Lot No. 56, or with FAA-approved equivalent part number bolts, within 12 months after the effective date of this AD. Use paragraph 3.C of Accomplishment Instructions of Hartzell Propeller Inc. ASB No. HC–ASB–61–279, Revision 2, dated May 6, 2005, to do the bolt replacement.

Alternative Methods of Compliance

(l) The Manager, Chicago Aircraft Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(m) AD 2004–21–01, Amendment 39–13822 (69 FR 60952) also pertains to the subject of this AD.

Material Incorporated by Reference

(n) You must use Hartzell Propeller Inc. Alert Service Bulletin No. HC–ASB–61–279, and Alert Service Bulletin Appendix No. HC–ASBA–61–279, Revision 2, dated May 6, 2005, to perform the initial and repetitive visual inspections, torque checks, and bolt replacements required by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Hartzell Propeller Inc. Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone (937) 778–4200; fax (937) 778–4391, for a copy of this service information.

You may review copies at the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001, on the internet at *http://dms.dot.gov,* or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Burlington, Massachusetts, on July 6, 2005.

Francis A. Favara,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 05–13733 Filed 7–13–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 124

RIN 1076–AE74

Deposit of Proceeds From Lands Withdrawn for Native Selection

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: This rule implements provisions of the American Indian Trust Fund Management Reform Act of 1994 by revising the regulations governing proceeds from public lands withdrawn for Native selection under the Alaska Native Claims Settlement Act.

DATES: This rule is effective on July 14, 2005.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Office of Trust Regulations, Policies and Procedures, by telephone at (505) 816–1086, or by facsimile transmission at (505) 816–1377.

SUPPLEMENTARY INFORMATION: This rule is published by the authority of the Secretary, granted under 43 U.S.C. 1601 *et seq.* and 25 U.S.C. 4001 *et seq.*, and delegated to the Assistant Secretary—Indian Affairs 209 DM 8.1.

Background

The Alaska Native Claims Settlement Act (ANCSA) was created to address the need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based upon aboriginal land claims. It allows certain Alaskan Natives and Native Corporations to select lands to be withdrawn from public lands. Until proper title can be conveyed, the proceeds derived from contracts, leases, permits, and rights of way or easements pertaining to the affected lands will be escrowed. This regulation provides contact information to be used by all Departments and Agencies, the State of Alaska, and any other interested parties for deposit information. This regulation is published by the Assistant Secretary—Indian Affairs in consultation with the Special Trustee for American Indians under the provisions of the American Indian Trust Fund Management Reform Act of 1994.

Determination To Issue a Final Rule

The Department of the Interior has determined that the public notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b), do not apply because of the good cause exception under 5 U.S.C. 553(b)(3)(B), which allows the agency to suspend the notice and public procedure when the agency finds for good cause that those requirements are impractical, unnecessary and contrary to the public interest. This rule updates references to Department of the Interior offices and simplifies and clarifies language; it makes no substantive changes. For these reasons public comments are unnecessary and good cause exists for publishing this change as a final rule effective immediately.

Procedural Requirements

Regulatory Planning and Review (Executive Order 12866)

In accordance with the criteria in Executive Order 12866, this rule is not a significant regulatory action because:

(a) This rule will not have an annual economic effect of $100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A cost-benefit and economic analysis is not required. This regulation merely provides contact information to be used by all Departments and Agencies and the State of Alaska for deposit information.

(b) This rule will not create inconsistencies with other Agencies' actions. This regulation merely provides contact information to be used by all Departments and Agencies and the State of Alaska for deposit information.

(c) This rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. This regulation merely provides contact information to be used by all Departments and Agencies and the State of Alaska for deposit information.

(d) This rule will not raise novel legal or policy issues. This regulation merely provides contact information to be used by all Departments and Agencies and the State of Alaska for deposit information.

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This regulation provides contact information to be used by all Departments and Agencies and the State of Alaska for deposit information. Accordingly, a Small Entity Compliance Guide is not required.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of $100 million or more. The deposit of proceeds for a one year period do not add up to $100 million.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This regulation provides contact information to be used by all Departments and Agencies and the State of Alaska for deposit information.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

(a) This rule will not ''significantly or uniquely'' affect small governments. A Small Government Agency Plan is not required. This regulation provides contact information to be used by all Departments and Agencies and the State of Alaska for deposit information.

(b) This rule will not produce a Federal mandate of $100 million or greater in any year, *i.e.*, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The deposit of proceeds for a one year period do not add up to $100 million.

Takings (Executive Order 12630)

This rule does not have significant takings implications. A takings implication assessment is not required. The purpose of this regulation is to provide contact information to be used by all Departments and Agencies and the State of Alaska for deposit information.

Federalism (Executive Order 13132)

This rule does not have significant Federalism effects. A Federalism assessment is not required. This regulation does not contain federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999). The proposed regulations do not change any aspect of Federal-State relations already provided for in the current version of the rule.

Civil Justice Reform (Executive Order 12988)

The Office of the Solicitor has determined that the rule does not unduly burden the judicial system and does not meet the requirements of sections 3(a) and 3(b)(2) of the Order. The proposed regulation does not involve court action, nor does it provide significant use of enforcement or judicial action.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

National Environmental Policy Act

The Office has analyzed this rule in accordance with the criteria of the National Environmental Policy Act and 516 DM. This rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental impact statement is not required. This regulation provides contact information to be used by all Departments and Agencies and the State of Alaska for deposit information.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments,'' Executive Order 13175, and 512 DM 2, we have evaluated potential effects on Federally recognized Indian tribes and have determined that there are no potential effects. The purpose of this regulation is to provide contact information to be used by all Departments and Agencies and the State of Alaska for deposit information. The regulation pertains to funds that may belong to specific Native groups. No other Indian tribes or Native groups are affected by this regulation.

Effects on the Nation's Energy Supply

In accordance with Executive Order 13211, this regulation does not have a significant effect on the nation's energy supply, distribution, or use. This regulation provides contact information to be used by all Departments and Agencies and the State of Alaska for deposit information. There are no energy issues involved.

List of Subjects in 25 CFR Part 124

Alaska Natives, Indians, Trust.

Dated: July 11, 2005.

James E. Cason,

Associate Deputy Secretary, Department of the Interior.

■ For the reasons stated in the preamble, part 124 of title 25 of the Code of Federal Regulations is amended as set forth below.

PART 124—DEPOSITS OF PROCEEDS FROM LANDS WITHDRAWN FOR NATIVE SELECTION

Sec.

124.1 What is the purpose of this part?
124.2 Who should an agency or the State of Alaska contact for information?

Authority: 43 U.S.C. 1601 *et seq.*; Pub. L. 92–203, 85 Stat. 688; 25 U.S.C. 4001 *et seq.*; Pub L. 103–402, 108 Stat. 4239.

§ 124.1 What is the purpose of this part?

This part provides contact information on depositing proceeds from contracts, leases, permits, rights-of-way, or easements pertaining to lands withdrawn for Native selection under the Alaska Native Claims Settlement Act. All Federal agencies and the State of Alaska must use this part when making deposits of this type.

§ 124.2 Who should an agency or the State of Alaska contact for information?

When a Federal agency or the State of Alaska receives proceeds covered by this part, it must deposit the proceeds to the credit of the United States Department of the Interior, Office of the Special Trustee for American Indians. For further information including depositing instructions, contact: Office of the Special Trustee for American Indians, Attention: Division of Trust Funds Accounting, 4400 Masthead Street NE., Albuquerque, New Mexico 87109.

[FR Doc. 05–13891 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–2W–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9211]

RIN 1545–AP30; RIN 1545–BD47

Allocation and Apportionment of Deductions for Charitable Contributions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the allocation and apportionment of the deduction for charitable contributions allowed under sections 170, 873(b)(2), and 882(c)(1)(B) and the deduction for charitable contributions allowed under an income tax treaty. These regulations apportion the deduction for charitable contributions on the basis of income from sources within the United States. These regulations affect individuals and corporations that make contributions to charitable organizations and that have foreign source income and calculate their foreign tax credit limitations under section 904.

DATES: *Effective Date:* These regulations are effective July 28, 2004, except § 1.861–8(e)(12)(ii), which is effective July 14, 2005.

Applicability Dates: For dates of applicability, see §§ 1.861–8(e)(12)(iv) and 1.861–14(e)(6)(ii). The regulations generally apply to charitable contributions made on or after July 28, 2004, although taxpayers generally may choose to apply these regulations to contributions made before July 28, 2004, but during a taxable year ending on or after July 28, 2004. Section 1.861–8(e)(12)(ii) applies to contributions made on or after July 14, 2005, although taxpayers may choose to apply that section to contributions made before July 14, 2005, but during a taxable year ending on or after July 14, 2005.

FOR FURTHER INFORMATION CONTACT: Teresa Burridge Hughes at (202) 622–3850 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to 26 CFR part 1. Section 1.861–8(e)(9)(iv) (the 1977 regulations) provided that deductions for charitable contributions generally were not definitely related to any gross income and therefore were ratably apportioned to the statutory and residual groupings on the basis of gross income. In 1991, the Treasury Department and the IRS issued proposed regulations (the 1991 proposed regulations) that would have changed the ratable apportionment rule of the 1977 regulations to a rule that, assuming certain requirements were met, generally would have apportioned the deduction for a charitable contribution based on where the contribution would have been used. Prop. Treas. Reg. § 1.861–8(e)(12), 56 FR 10,395.

On July 28, 2004, the Treasury Department and the IRS issued temporary regulations (T.D. 9143, 2004–36 I.R.B. 442) relating to the allocation and apportionment of the deduction for charitable contributions allowed under sections 170, 873(b)(2), and 882(c)(1)(B) of the Internal Revenue Code. A notice of proposed rulemaking by cross reference to the temporary regulations (REG–208246–90, 2004–36 I.R.B. 450) was also published in the **Federal Register** on the same date. That notice of proposed rulemaking also proposed rules governing the allocation and apportionment of the deduction for charitable contributions that is allowed under a U.S. income tax treaty (rather than under sections 170, 873(b)(2), and 882(c)(1)(B)). As part of the issuance of the temporary and proposed regulations, the Treasury Department and the IRS removed the 1977 regulations and withdrew the 1991 proposed regulations. REG–208246–90; 2004–36 I.R.B. 450. Although a public hearing on the proposed regulations was originally scheduled for December 2, 2004, the public hearing was cancelled because no person requested to provide an oral statement at the hearing.

Explanation of Provisions

These final regulations adopt the rules of the temporary and proposed regulations, which provide that the deduction for charitable contributions allowed under sections 170, 873(b)(2), and 882(c)(1)(B) is definitely related and allocable to all of the taxpayer's gross income and is apportioned between the statutory grouping (or among the statutory groupings) of gross income and the residual grouping on the basis of the relative amounts of gross income from sources in the United States in each grouping. The corresponding temporary regulations are removed.

One written comment responding to the temporary and proposed regulations was received. The comment requested that taxpayers be permitted to elect to apply the new allocation and apportionment rules to deductions for charitable contributions previously claimed on timely filed tax returns for all open tax years. After consideration, the Treasury Department and the IRS concluded that adoption of the comment's suggestion is not appropriate. The new allocation and apportionment rules apply to charitable contributions made on or after July 28, 2004. Although the temporary regulations permit taxpayers to apply the new rules to charitable contributions made before July 28, 2004, this election applies only to charitable contributions made in a taxable year that ends on or after July 28, 2004. The purpose of this election is to allow taxpayers to apply only one set of allocation and apportionment rules to charitable contributions made in the same taxable year. To permit taxpayers to apply the new rules to all open tax years would not provide such simplification and would raise concerns regarding fairness and administration.

The regulations also adopt, as proposed, the rules with respect to deductions for charitable contributions that are allowed under an income tax treaty (rather than by sections 170, 873(b)(2), and 882(c)(1)(B)). The regulations make one change to the effective date in the proposed regulations. As with the deduction for charitable contributions allowed under sections 170, 873(b)(2), and 882(c)(1)(B), the regulations give taxpayers the opportunity to apply the new rules for all charitable contributions made during the taxable year. Accordingly, the rule for the deduction for charitable contributions allowed under an income tax treaty is effective for taxable years beginning on or after July 14, 2005, with an election to apply the rule to contributions made before July 14, 2005, but during a taxable year that ends on or after July 14, 2005.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. Because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, the proposed regulations preceding these regulations were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small businesses.

Drafting Information

The principal author of these regulations is Teresa Burridge Hughes, Office of Associate Chief Counsel (International). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph. 1.** The authority for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.861–8 is amended as follows:

■ 1. Remove the last sentence of paragraph (a)(5)(i).

■ 2. Revise paragraph (e)(12).

The revision reads as follows:

§ 1.861–8 Computation of taxable income from sources within the United States and from other sources and activities.

* * * * *

(e) * * * (1) * * *

(12) *Deductions for certain charitable contributions*—(i) *In general.* The deduction for charitable contributions

that is allowed under sections 170, 873(b)(2), and 882(c)(1)(B) is definitely related and allocable to all of the taxpayer's gross income. The deduction allocated under this paragraph (e)(12)(i) shall be apportioned between the statutory grouping (or among the statutory groupings) of gross income and the residual grouping on the basis of the relative amounts of gross income from sources in the United States in each grouping.

(ii) *Treaty provisions.* If a deduction for charitable contributions not otherwise permitted by sections 170, 873(b)(2), and 882(c)(1)(B) is allowed under a U.S. income tax treaty, and such treaty limits the amount of the deduction based on a percentage of income arising from sources within the treaty partner, the deduction is definitely related and allocable to all of the taxpayer's gross income. The deduction allocated under this paragraph (e)(12)(ii) shall be apportioned between the statutory grouping (or among the statutory groupings) of gross income and the residual grouping on the basis of the relative amounts of gross income from sources within the treaty partner within each grouping.

(iii) *Coordination with §§ 1.861–14 and 1.861–14T.* A deduction for a charitable contribution by a member of an affiliated group shall be allocated and apportioned under the rules of this section, § 1.861–14(e)(6), and § 1.861–14T(c)(1).

(iv) *Effective date.* (A) The rules of paragraphs (e)(12)(i) and (iii) of this section shall apply to charitable contributions made on or after July 28, 2004. Taxpayers may apply the provisions of paragraphs (e)(12)(i) and (iii) of this section to charitable contributions made before July 28, 2004, but during the taxable year ending on or after July 28, 2004.

(B) The rules of paragraphs (e)(12)(ii) of this section shall apply to charitable contributions made on or after July 14, 2005. Taxpayers may apply the provisions of paragraph (e)(12)(ii) of this section to charitable contributions made before July 14, 2005, but during the taxable year ending on or after July 14, 2005.

* * * * *

■ **Par. 3.** Section 1.861–8T is amended as follows:

■ 1. Remove paragraph (e)(12).

■ 2. Revise the second sentence of paragraph (h) introductory text.

The revision reads as follows:

§ 1.861–8T Computation of taxable income from sources within the United States and from other sources and activities (temporary).

* * * * *

(h) * * * However, see §§ 1.861–8(e)(12)(iv) and 1.861–14(e)(6) for rules concerning the allocation and apportionment of deductions for charitable contributions. * * *

* * * * *

■ **Par. 4.** Section 1.861–14 is amended by removing paragraphs (d)(3) through (j), adding new paragraphs (d)(3) through (e)(5), adding paragraph (e)(6) and adding new paragraphs (f) through (j) to read as follows:

§ 1.861–14 Special rules for allocating and apportioning certain expenses (other than interest expense) of an affiliated group of corporations.

* * * * *

(d)(3) through (e)(5) [Reserved]. For further guidance, see § 1.861–14T(d)(3) through (e)(5).

(e)(6) *Charitable contribution expenses*—(i) *In general.* A deduction for a charitable contribution by a member of an affiliated group shall be allocated and apportioned under the rules of §§ 1.861–8(e)(12) and 1.861–14T(c)(1).

(ii) *Effective date.* (A) The rules of this paragraph shall apply to charitable contributions subject to § 1.861–8(e)(12)(i) that are made on or after July 28, 2004, and, for taxpayers applying the second sentence of § 1.861–8(e)(12)(iv)(A), to charitable contributions made during the taxable year ending on or after July 28, 2004.

(B) The rules of this paragraph shall apply to charitable contributions subject to § 1.861–8(e)(12)(ii) that are made on or after July 14, 2005, and, for taxpayers applying the second sentence of § 1.861–8(e)(12)(iv)(B), to charitable contributions made during the taxable year ending on or after July 14, 2005.

(f) through (j) [Reserved]. For further guidance, see § 1.861–14T(f) through (j).

§ 1.861–14T [AMENDED]

■ **Par. 5.** Section 1.861–14T is amended by removing paragraph (e)(6).

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

Approved: July 5, 2005.

Eric Solomon,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 05–13690 Filed 7–13–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 9212]

RIN 1545–AO72

Source of Compensation for Labor or Personal Services

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulation.

SUMMARY: This document contains final regulations that describe the proper basis for determining the source of compensation for labor or personal services performed partly within and partly without the United States. These final regulations will affect individuals who earn compensation for labor or personal services performed partly within and partly without the United States and are needed to provide appropriate guidance regarding the determination of the proper source of that compensation.

DATES: *Effective Date:* These regulations are effective July 14, 2005.

Applicability Date: For dates of applicability, see § 1.861–4(d).

FOR FURTHER INFORMATION CONTACT: David Bergkuist, (202) 622–3850 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collections of information contained in these final regulations have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1545–1900.

The collections of information in these final regulations are in § 1.861–4(b)(2) (ii)(C)(*1*)(*i*), (b)(2)(ii)(D), and (b)(2)(ii)(D)(*6*). The information required in § 1.861–4(b)(2) (ii)(C)(1)(i) will enable an individual, where appropriate, to use an alternative basis other than that described in § 1.861–4(b)(2)(ii)(A) or (B) to determine the source of his or her compensation as an employee for labor or personal services performed partly within and partly without the United States. The information required in § 1.861–4(b)(2)(ii)(D) and (D)(*6*) will enable an employee to source certain fringe benefits on a geographical basis. The collections of information will, likewise, allow the IRS to verify these determinations.

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents might 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.

Background

This document contains amendments to 26 CFR part 1. On August 6, 2004, proposed revisions to the regulations (REG–208254–90) under section 861 of the Internal Revenue Code (Code) relating to the source of compensation for labor or personal services were published in the **Federal Register** (69 FR 47816). In the same document, a prior notice of proposed rulemaking (REG–208254–90), published in the **Federal Register** on January 21, 2000 (65 FR 3401), was withdrawn. A public hearing was held on January 13, 2005. Two written comments were received. After consideration of these comments, the August 6, 2004 proposed regulations are adopted as amended by this Treasury decision.

Summary of Comments and Explanation of Revisions

These final regulations, as proposed in the notice of proposed rulemaking, retain the facts and circumstances basis as the general rule for determining the source of compensation for labor or personal services performed partly within and partly without the United States received by persons other than individuals and by individuals who are not employees. As proposed, the final regulations provide two general bases for determining the proper source of compensation that an individual receives as an employee for such labor or personal services. Under the first general basis of § 1.861–4(b)(2)(ii)(A), an individual will source compensation, other than compensation in the form of certain fringe benefits, on a time basis, as defined in § 1.861–4(b)(2)(ii)(E).

Under the second general basis of § 1.861–4(b)(2)(ii)(B) and (D), an individual will source compensation in the form of fringe benefits, as described in § 1.861–4(b)(2) (ii)(D)(1) through (*6*), on a geographical basis (*e.g.*, at the employee's principal place of work, as defined in section 217 and § 1.217–2(c)(3)). The fringe benefits to which this general basis applies are housing, education, local transportation, tax reimbursement, hazardous or hardship duty pay, and moving expense reimbursement fringe benefits. This general basis will apply only if the amount of the fringe benefit is reasonable and is substantiated by adequate contemporaneous records or sufficient evidence under rules similar to those set forth in § 1.274–5T(c) or (h) or § 1.132–5.

Comments were received that proposed several changes with regard to the fringe benefits described in § 1.861–4(b)(2)(ii)(D)(*1*) through (*6*). Under one suggestion, the specific definitions of the identified fringe benefits would be replaced with broad categories. The comment further suggested that the housing fringe benefit, education fringe benefit, and local transportation fringe benefit include employer-provided allowances that are based on estimated, rather than actual, expenses. The comment also requested that the definition of education fringe benefit be expanded to include payments for the education of the employee's spouse for studies that relate to the foreign location of the employment, such as language courses and job training at the foreign location, and to include pre-school and post-secondary education, home schooling costs, and language courses of the employee's dependents. With respect to the transportation fringe benefit, the comment requested that automobile purchase assistance in the host country be included. The comment also requested that the amount of compensation qualifying for the hazardous or hardship duty pay fringe benefit not be limited to government-provided amounts. The comment suggested that the definition of moving expense reimbursement fringe benefit be expanded to include a list of specific expenses, such as moving allowances, home sale/purchase assistance, temporary living, car loss reimbursement, utility setup, appliance installation, auto registration, driver's license fees, power converters, and other related expenses. The comment also suggested three additional fringe benefits: home leave allowances, cost-of-living allowances, and exchange rate differential allowances.

The Treasury Department and the IRS considered the various comments regarding the approach, scope, and detail of the identified fringe benefits under the proposed regulations. In response to the comments, the final regulations modify the definition of education fringe benefit to include education expenses of the type described in section 530(b)(4)(A)(i) regardless of whether the education expenses are incurred in connection with enrollment or attendance at a school. The final regulations do not incorporate the suggestion for allowances based on estimated expenses because the Treasury Department and the IRS continue to believe that substantiation of relevant items is the more appropriate approach. Regarding the other proposed changes to the identified fringe benefits, the Treasury Department and the IRS believe that the regulations provide an appropriate scope of benefits, a reasonable manner of determining the appropriate amount of fringe benefit to be sourced geographically, and a reasonable limit to the amount of an individual's compensation that may be sourced under the exception to the general time basis rule of § 1.861–4(b)(2)(ii)(E). As noted in the preamble to the proposed regulations, the Treasury Department and the IRS intend to keep the list and descriptions of identified fringe benefits current and continue to invite comments on whether the identified fringe benefits are appropriately defined and whether other fringe benefits should be identified and sourced on a specific geographic basis.

Furthermore, the final regulations retain the proposed provision that permits an employee to use an alternative basis, based upon the facts and circumstances, to source such compensation if he or she establishes to the satisfaction of the Commissioner that such an alternative basis more properly determines the source of the compensation. An individual seeking to use an alternative basis need not obtain the satisfaction of the Commissioner prior to filing his or her return. To obtain the satisfaction of the Commissioner, an individual who uses an alternative basis must retain in his or her records documentation setting forth why the alternative basis more properly determines the source of the compensation than the basis for determining source of compensation described in § 1.861–4(b)(2)(ii)(A) or (B). One comment requested that substantiation by the individual's employer be accepted as substantiation by the employee, particularly where the alternative method is used by a group of employees. Whether an alternative basis more properly determines the source of an individual's compensation is based on the facts and circumstances of the individual's specific case. As a result, it is the individual employee, rather than the employer, who must demonstrate that the alternative basis more properly determines the source of the compensation than the basis for determining source of compensation described in § 1.861–4(b)(2)(ii)(A) or (B). It is expected, however, that the

individual employee would use, among other documentation, documentation provided by the employer for such substantiation.

Another comment requested relief from any penalties that might arise from inaccurate reporting or withholding if an alternative method is determined not to be acceptable or if the Commissioner determines that a method other than the two general methods determines the source of compensation in a more reasonable manner. The Treasury Department and the IRS believe that the existing standards of penalty administration, including applicable justifications, adequately address this matter.

Section 1.861–4(b)(2)(ii)(C)(*1*)(*i*) of the proposed regulations provided that to assert an alternative basis the individual must comply with the requirements set forth in any administrative pronouncement issued by the Commissioner. The final regulations require that to assert an alternative basis, the individual must provide the information related to the alternative basis required by applicable Federal tax forms and accompanying instructions. It is expected that the applicable Federal tax forms and accompanying instructions will require individuals with $250,000 or more in compensation for the tax year that use an alternative basis to respond to questions on the tax form and to attach to their income tax returns a written statement that sets forth: (1) The specific compensation income, or the specific fringe benefit, for which an alternative method is used; (2) for each such item, the alternative method of allocation of source used; (3) for each such item, a computation showing how the alternative allocation was computed; and (4) a comparison of the dollar amount of the compensation sourced within and without the United States under both the individual's alternative basis and the basis for determining source of compensation described in § 1.861–4(b)(2)(ii)(A) or (B).

The proposed regulations at § 1.861–4(b)(2)(ii)(C)(*3*) were reserved with respect to artists and athletes who are employees. Although requested, no comments were received on the definition of artists and athletes. The reservation is retained in these final regulations. As noted in the preamble to the proposed regulation, it is intended that the specific rules for artists and athletes who are employees, when issued, will require such individuals to determine the proper source of compensation for labor or personal services on the basis that most correctly reflects the proper source of that income under the facts and circumstances of the particular case, consistent with current law.

Proposed § 1.861–4(b)(2)(ii)(F) provided that the source of multi-year compensation of an employee is generally determined on a time basis over the applicable period to which the compensation is attributable. Determination of the applicable period to which the compensation is attributable (including whether the compensation relates to more than one taxable year) is based upon the facts and circumstances of the particular case. Comments requested additional guidance in the area of equity based compensation, particularly with respect to stock options, that relate to services performed over a period of more than one year. These comments requested guidance related to pre-grant sourcing, sourcing based upon exercise date, and non-conventional equity compensation awards. Because under the regulations the applicable period is determined based on the facts and circumstances of the particular case, and a taxpayer may assert an alternative method to source such compensation income pursuant to § 1.861–4(b)(2)(ii)(C)(1)(i), the Treasury Department and the IRS concluded that § 1.861–4(b)(2)(ii)(F), as proposed, was reasonable in its scope and the rules were not modified in the final regulations.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It is hereby certified that the collections of information contained in these regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. This certification is based upon that fact that the Treasury Department and the IRS believe that a time basis generally is the most appropriate method for determining the source of an individual employee's compensation for labor or personal services performed partly within and partly without the United States. The information necessary to apply the time basis should be readily available to employers and employees. For example, Form 2555, ''Foreign Earned Income'', requires an individual who claims the foreign earned income exclusion to provide the IRS with information relating to the number of business days spent within the United States and any fringe benefits received. In addition, if an employee wishes to use an alternative method to source compensation, it is the employee that must document such alternative method. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these final regulations is David Bergkuist of the Office of Associate Chief Counsel (International). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR parts 1 and 602 are amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read, in part, as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.861–4 is amended as follows:

■ 1. The heading for paragraph (a) is revised.

■ 2. A sentence is added at the beginning of paragraph (a)(1) introductory text.

■ 3. Paragraph (b) is revised.

■ 4. A sentence is added at the end of paragraph (d).

The revisions and addition read as follows:

§ 1.861–4 Compensation for labor or personal services.

(a) *Compensation for labor or personal services performed wholly within the United States.* (1) Generally, compensation for labor or personal services, including fees, commissions, fringe benefits, and similar items, performed wholly within the United States is gross income from sources within the United States. * * *

* * * * *

(b) *Compensation for labor or personal services performed partly within and partly without the United States*—(1) *Compensation for labor or*

personal services performed by persons other than individuals—(i) *In general.* In the case of compensation for labor or personal services performed partly within and partly without the United States by a person other than an individual, the part of that compensation that is attributable to the labor or personal services performed within the United States, and that is therefore included in gross income as income from sources within the United States, is determined on the basis that most correctly reflects the proper source of the income under the facts and circumstances of the particular case. In many cases, the facts and circumstances will be such that an apportionment on the time basis, as defined in paragraph (b)(2)(ii)(E) of this section, will be acceptable.

(ii) *Example.* The application of paragraph (b)(1)(i) is illustrated by the following example.

Example. Corp X, a domestic corporation, receives compensation of $150,000 under a contract for services to be performed concurrently in the United States and in several foreign countries by numerous Corp X employees. Each Corp X employee performing services under this contract performs his or her services exclusively in one jurisdiction. Although the number of employees (and hours spent by employees) performing services under the contract within the United States equals the number of employees (and hours spent by employees) performing services under the contract without the United States, the compensation paid to employees performing services under the contract within the United States is higher because of the more sophisticated nature of the services performed by the employees within the United States. Accordingly, the payroll cost for employees performing services under the contract within the United States is $20,000 out of a total contract payroll cost of $30,000. Under these facts and circumstances, a determination based upon relative payroll costs would be the basis that most correctly reflects the proper source of the income received under the contract. Thus, of the $150,000 of compensation included in Corp X's gross income, $100,000 ($150,000 × $20,000/$30,000) is attributable to the labor or personal services performed within the United States and $50,000 ($150,000 × $10,000/$30,000) is attributable to the labor or personal services performed without the United States.

(2) *Compensation for labor or personal services performed by an individual*—(i) *In general.* Except as provided in paragraph (b)(2)(ii) of this section, in the case of compensation for labor or personal services performed partly within and partly without the United States by an individual, the part of such compensation that is attributable to the labor or personal services performed within the United States, and that is therefore included in gross income as income from sources within the United States, is determined on the basis that most correctly reflects the proper source of that income under the facts and circumstances of the particular case. In many cases, the facts and circumstances will be such that an apportionment on a time basis, as defined in paragraph (b)(2)(ii)(E) of this section, will be acceptable.

(ii) *Employee compensation*—(A) *In general.* Except as provided in paragraph (b)(2)(ii)(B) or (C) of this section, in the case of compensation for labor or personal services performed partly within and partly without the United States by an individual as an employee, the part of such compensation that is attributable to the labor or personal services performed within the United States, and that is therefore included in gross income as income from sources within the United States, is determined on a time basis, as defined in paragraph (b)(2)(ii)(E) of this section.

(B) *Certain fringe benefits sourced on a geographical basis.* Except as provided in paragraph (b)(2)(ii)(C) of this section, items of compensation of an individual as an employee for labor or personal services performed partly within and partly without the United States that are described in paragraphs (b)(2)(ii)(D)(*1*) through (*6*) of this section are sourced on a geographical basis in accordance with those paragraphs.

(C) *Exceptions and special rules*—(*1*) *Alternative basis*—(*i*) *Individual as an employee generally.* An individual may determine the source of his or her compensation as an employee for labor or personal services performed partly within and partly without the United States under an alternative basis if the individual establishes to the satisfaction of the Commissioner that, under the facts and circumstances of the particular case, the alternative basis more properly determines the source of the compensation than a basis described in paragraph (b)(2)(ii)(A) or (B), whichever is applicable, of this section. An individual that uses an alternative basis must retain in his or her records documentation setting forth why the alternative basis more properly determines the source of the compensation. In addition, the individual must provide the information related to the alternative basis required by applicable Federal tax forms and accompanying instructions.

(*ii*) *Determination by Commissioner.* The Commissioner may, under the facts and circumstances of the particular case, determine the source of compensation that is received by an individual as an employee for labor or personal services performed partly within and partly without the United States under an alternative basis other than a basis described in paragraph (b)(2)(ii)(A) or (B) of this section if such compensation either is not for a specific time period or constitutes in substance a fringe benefit described in paragraph (b)(2)(ii)(D) of this section notwithstanding a failure to meet any requirement of paragraph (b)(2)(ii)(D) of this section. The Commissioner may make this determination only if such alternative basis determines the source of compensation in a more reasonable manner than the basis used by the individual pursuant to paragraph (b)(2)(ii)(A) or (B) of this section.

(*2*) *Ruling or other administrative pronouncement with respect to groups of taxpayers.* The Commissioner may, by ruling or other administrative pronouncement applying to similarly situated taxpayers generally, permit individuals to determine the source of their compensation as an employee for labor or personal services performed partly within and partly without the United States under an alternative basis. Any such individual shall be treated as having met the requirement to establish such alternative basis to the satisfaction of the Commissioner under the facts and circumstances of the particular case, provided that the individual meets the other requirements of paragraph (b)(2)(ii)(C)(*1*)(*i*) of this section. The Commissioner also may, by ruling or other administrative pronouncement, indicate the circumstances in which he will require individuals to determine the source of certain compensation as an employee for labor or personal services performed partly within and partly without the United States under an alternative basis pursuant to the authority under paragraph (b)(2)(ii)(C)(*1*)(*ii*) of this section.

(*3*) *Artists and athletes.* [Reserved.]

(D) *Fringe benefits sourced on a geographical basis.* Except as provided in paragraph (b)(2)(ii)(C) of this section, compensation of an individual as an employee for labor or personal services performed partly within and partly without the United States in the form of the following fringe benefits is sourced on a geographical basis as indicated in this paragraph (b)(2)(ii)(D). The amount of the compensation in the form of the fringe benefit must be reasonable, and the individual must substantiate such amounts by adequate records or by sufficient evidence under rules similar to those set forth in § 1.274–5T(c) or (h) or § 1.132–5. For purposes of this paragraph (b)(2)(ii)(D), the term *principal place of work* has the same

meaning that it has for purposes of section 217 and § 1.217–2(c)(3).

(*1*) *Housing fringe benefit.* The source of compensation in the form of a housing fringe benefit is determined based on the location of the individual's principal place of work. For purposes of this paragraph (b)(2)(ii)(D)(*1*), a housing fringe benefit includes payments to or on behalf of an individual (and the individual's family if the family resides with the individual) only for rent, utilities (other than telephone charges), real and personal property insurance, occupancy taxes not deductible under section 164 or 216(a), nonrefundable fees paid for securing a leasehold, rental of furniture and accessories, household repairs, residential parking, and the fair rental value of housing provided in kind by the individual's employer. A housing fringe benefit does not include payments for expenses or items set forth in § 1.911–4(b)(2).

(*2*) *Education fringe benefit.* The source of compensation in the form of an education fringe benefit for the education expenses of the individual's dependents is determined based on the location of the individual's principal place of work. For purposes of this paragraph (b)(2)(ii)(D)(*2*), an education fringe benefit includes payments only for qualified tuition and expenses of the type described in section 530(b)(4)(A)(i) (regardless of whether incurred in connection with enrollment or attendance at a school) and expenditures for room and board and uniforms as described in section 530(b)(4)(A)(ii) with respect to education at an elementary or secondary educational institution.

(*3*) *Local transportation fringe benefit.* The source of compensation in the form of a local transportation fringe benefit is determined based on the location of the individual's principal place of work. For purposes of this paragraph (b)(2)(ii)(D)(*3*), an individual's local transportation fringe benefit is the amount that the individual receives as compensation for local transportation of the individual or the individual's spouse or dependents at the location of the individual's principal place of work. The amount treated as a local transportation fringe benefit is limited to the actual expenses incurred for local transportation and the fair rental value of any vehicle provided by the employer and used predominantly by the individual or the individual's spouse or dependents for local transportation. For this purpose, actual expenses incurred for local transportation do not include the cost (including interest) of the purchase by the individual, or on behalf of the individual, of an automobile or other vehicle.

(*4*) *Tax reimbursement fringe benefit.* The source of compensation in the form of a foreign tax reimbursement fringe benefit is determined based on the location of the jurisdiction that imposed the tax for which the individual is reimbursed.

(*5*) *Hazardous or hardship duty pay fringe benefit.* The source of compensation in the form of a hazardous or hardship duty pay fringe benefit is determined based on the location of the hazardous or hardship duty zone for which the hazardous or hardship duty pay fringe benefit is paid. For purposes of this paragraph (b)(2)(ii)(D)(*5*), a hazardous or hardship duty zone is any place in a foreign country which is either designated by the Secretary of State as a place where living conditions are extraordinarily difficult, notably unhealthy, or where excessive physical hardships exist, and for which a post differential of 15 percent or more would be provided under section 5925(b) of Title 5 of the U.S. Code to any officer or employee of the U.S. Government present at that place, or where a civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health and well-being of the individual. Compensation provided an employee during the period that the employee performs labor or personal services in a hazardous or hardship duty zone may be treated as a hazardous or hardship duty pay fringe benefit only if the employer provides the hazardous or hardship duty pay fringe benefit only to employees performing labor or personal services in a hazardous or hardship duty zone. The amount of compensation treated as a hazardous or hardship duty pay fringe benefit may not exceed the maximum amount that the U.S. government would allow its officers or employees present at that location.

(*6*) *Moving expense reimbursement fringe benefit.* Except as otherwise provided in this paragraph (b)(2)(ii)(D)(*6*), the source of compensation in the form of a moving expense reimbursement is determined based on the location of the employee's new principal place of work. The source of such compensation is determined based on the location of the employee's former principal place of work, however, if the individual provides sufficient evidence that such determination of source is more appropriate under the facts and circumstances of the particular case. For purposes of this paragraph (b)(2)(ii)(D)(*6*), sufficient evidence generally requires an agreement, between the employer and the employee, or a written statement of company policy, which is reduced to writing before the move and which is entered into or established to induce the employee or employees to move to another country. Such written statement or agreement must state that the employer will reimburse the employee for moving expenses that the employee incurs to return to the employee's former principal place of work regardless of whether he or she continues to work for the employer after returning to that location. The writing may contain certain conditions upon which the right to reimbursement is determined as long as those conditions set forth standards that are definitely ascertainable and can only be fulfilled prior to, or through completion of, the employee's return move to the employee's former principal place of work.

(E) *Time basis.* The amount of compensation for labor or personal services performed within the United States determined on a time basis is the amount that bears the same relation to the individual's total compensation as the number of days of performance of the labor or personal services by the individual within the United States bears to his or her total number of days of performance of labor or personal services. A unit of time less than a day may be appropriate for purposes of this calculation. The time period for which the compensation for labor or personal services is made is presumed to be the calendar year in which the labor or personal services are performed, unless the taxpayer establishes to the satisfaction of the Commissioner, or the Commissioner determines, that another distinct, separate, and continuous period of time is more appropriate. For example, a transfer during a year from a position in the United States to a foreign posting that lasted through the end of that year would generally establish two separate time periods within that taxable year. The first of these time periods would be the portion of the year preceding the start of the foreign posting, and the second of these time periods would be the portion of the year following the start of the foreign posting. However, in the case of a foreign posting that requires short-term returns to the United States to perform services for the employer, such short-term returns would not be sufficient to establish distinct, separate, and continuous time periods within the foreign posting time period but would be relevant to the allocation of compensation relating to the overall

time period. In each case, the source of the compensation on a time basis is based upon the number of days (or unit of time less than a day, if appropriate) in that separate time period.

(F) *Multi-year compensation arrangements.* The source of multi-year compensation is determined generally on a time basis, as defined in paragraph (b)(2)(ii)(E) of this section, over the period to which such compensation is attributable. For purposes of this paragraph (b)(2)(ii)(F), *multi-year compensation* means compensation that is included in the income of an individual in one taxable year but that is attributable to a period that includes two or more taxable years. The determination of the period to which such compensation is attributable, for purposes of determining its source, is based upon the facts and circumstances of the particular case. For example, an amount of compensation that specifically relates to a period of time that includes several calendar years is attributable to the entirety of that multi-year period. The amount of such compensation that is treated as from sources within the United States is the amount that bears the same relationship to the total multi-year compensation as the number of days (or unit of time less than a day, if appropriate) that labor or personal services were performed within the United States in connection with the project bears to the total number of days (or unit of time less than a day, if appropriate) that labor or personal services were performed in connection with the project. In the case of stock options, the facts and circumstances generally will be such that the applicable period to which the compensation is attributable is the period between the grant of an option and the date on which all employment-related conditions for its exercise have been satisfied (the vesting of the option).

(G) *Examples.* The following examples illustrate the application of this paragraph (b)(2)(ii):

Example 1. B, a nonresident alien individual, was employed by Corp M, a domestic corporation, from March 1 to December 25 of the taxable year, a total of 300 days, for which B received compensation in the amount of $80,000. Under B's employment contract with Corp M, B was subject to call at all times by Corp M and was in a payment status on a 7-day week basis. Pursuant to that contract, B performed services (or was available to perform services) within the United States for 180 days and performed services (or was available to perform services) without the United States for 120 days. None of B's $80,000 compensation was for fringe benefits as identified in paragraph (b)(2)(ii)(D) of this section. B determined the amount of compensation that is attributable to his labor or personal services performed within the United States on a time basis under paragraph (b)(2)(ii)(A) and (E) of this section. B did not assert, pursuant to paragraph (b)(2)(ii)(C)(*1*)(*i*) of this section, that, under the particular facts and circumstances, an alternative basis more properly determines the source of that compensation than the time basis. Therefore, B must include in income from sources within the United States $48,000 ($80,000 × 180/300) of his compensation from Corporation M.

Example 2. (i) Same facts as in *Example 1* except that Corp M had a company-wide arrangement with its employees, including B, that they would receive an education fringe benefit, as described in paragraph (b)(2)(ii)(D)(*2*) of this section, while working in the United States. During the taxable year, B incurred education expenses for his dependent daughter that qualified for the education fringe benefit in the amount of $10,000, for which B received a reimbursement from Corp M. B did not maintain adequate records or sufficient evidence of this fringe benefit as required by paragraph (b)(2)(ii)(D) of this section. When B filed his Federal income tax return for the taxable year, B did not apply paragraphs (b)(2)(ii)(B) and (D)(*2*) of this section to treat the compensation in the form of the education fringe benefit as income from sources within the United States, the location of his principal place of work during the 300-day period. Rather, B combined the $10,000 reimbursement with his base compensation of $80,000 and applied the time basis of paragraph (b)(2)(ii)(A) of this section to determine the source of his gross income.

(ii) On audit, B argues that because he failed to substantiate the education fringe benefit in accordance with paragraph (b)(2)(ii)(D) of this section, his entire employment compensation from Corp M is sourced on a time basis pursuant to paragraph (b)(2)(ii)(A) of this section. The Commissioner, after reviewing Corp M's fringe benefit arrangement, determines, pursuant to paragraph (b)(2)(ii)(C)(*1*)(*ii*) of this section, that the $10,000 educational expense reimbursement constitutes in substance a fringe benefit described in paragraph (b)(2)(ii)(D)(*2*) of this section, notwithstanding a failure to meet all of the requirements of paragraph (b)(2)(ii)(D) of this section, and that an alternative geographic source basis, under the facts and circumstances of this particular case, is a more reasonable manner to determine the source of the compensation than the time basis used by B.

Example 3. (i) A, a United States citizen, is employed by Corp N, a domestic corporation. A's principal place of work is in the United States. A earns an annual salary of $100,000. During the first quarter of the calendar year (which is also A's taxable year), A performed services entirely within the United States. At the beginning of the second quarter of the calendar year, A was transferred to Country X for the remainder of the year and received, in addition to her annual salary, $30,000 in fringe benefits that are attributable to her new principal place of work in Country X. Corp N paid these fringe benefits separately from A's annual salary. Corp N supplied A with a statement detailing that $25,000 of the fringe benefit was paid for housing, as defined in paragraph (b)(2)(ii)(D)(*1*) of this section, and $5,000 of the fringe benefit was paid for local transportation, as defined in paragraph (b)(2)(ii)(D)(*3*) of this section. None of the local transportation fringe benefit is excluded from the employee's gross income as a qualified transportation fringe benefit under section 132(a)(5). Under A's employment contract, A was required to work on a 5-day week basis, Monday through Friday. During the last three quarters of the year, A performed services 30 days in the United States and 150 days in Country X and other foreign countries.

(ii) A determined the source of all of her compensation from Corp N pursuant to paragraphs (b)(2)(ii)(A), (B), and (D)(*1*) and (*3*) of this section. A did not assert, pursuant to paragraph (b)(2)(ii)(C)(*1*)(i) of this section, that, under the particular facts and circumstances, an alternative basis more properly determines the source of that compensation than the bases set forth in paragraphs (b)(2)(ii)(A), (B), and (D)(*1*) and (*3*) of this section. However, in applying the time basis set forth in paragraph (b)(2)(ii)(E) of this section, A establishes to the satisfaction of the Commissioner that the first quarter of the calendar year and the last three quarters of the calendar year are two separate, distinct, and continuous periods of time. Accordingly, $25,000 of A's annual salary is attributable to the first quarter of the year (25 percent of $100,000). This amount is entirely compensation that was attributable to the labor or personal services performed within the United States and is, therefore, included in gross income as income from sources within the United States. The balance of A's compensation as an employee of Corp N, $105,000 (which includes the $30,000 in fringe benefits that are attributable to the location of A's principal place of work in Country X), is compensation attributable to the final three quarters of her taxable year. During those three quarters, A's periodic performance of services in the United States does not result in distinct, separate, and continuous periods of time. Of the $75,000 paid for annual salary, $12,500 (30/180 × $75,000) is compensation that was attributable to the labor or personal services performed within the United States and $62,500 (150/180 × $75,000) is compensation that was attributable to the labor or personal services performed outside the United States. Pursuant to paragraphs (b)(2)(ii)(B) and (D)(*1*) and (*3*) of this section, A sourced the $25,000 received for the housing fringe benefit and the $5,000 received for the local transportation fringe benefit based on the location of her principal place of work, Country X. Accordingly, A included the $30,000 in fringe benefits in her gross income as income from sources without the United States.

Example 4. Same facts as in *Example 3.* Of the 150 days during which A performed services in Country X and in other foreign countries (during the final three quarters of A's taxable year), she performed 30 days of those services in Country Y. Country Y is a

country designated by the Secretary of State as a place where living conditions are extremely difficult, notably unhealthy, or where excessive physical hardships exist and for which a post differential of 15 percent or more would be provided under section 5925(b) of Title 5 of the U.S. Code to any officer or employee of the U.S. government present at that place. Corp N has a policy of paying its employees a $65 premium per day for each day worked in countries so designated. The $65 premium per day does not exceed the maximum amount that the U. S. government would pay its officers or employees stationed in Country Y. Because A performed services in Country Y for 30 days, she earned additional compensation of $1,950. The $1,950 is considered a hazardous duty or hardship pay fringe benefit and is sourced under paragraphs (b)(2)(ii)(B) and (D)(*5*) of this section based on the location of the hazardous or hardship duty zone, Country Y. Accordingly, A included the amount of the hazardous duty or hardship pay fringe benefit ($1,950) in her gross income as income from sources without the United States.

Example 5. (i) During 2006 and 2007, Corp P, a domestic corporation, employed four United States citizens, E, F, G, and H to work in its manufacturing plant in Country V. As part of his or her compensation package, each employee arranged for local transportation unrelated to Corp P's business needs. None of the local transportation fringe benefit is excluded from the employee's gross income as a qualified transportation fringe benefit under section 132(a)(5) and (f).

(ii) Under the terms of the compensation package that E negotiated with Corp P, Corp P permitted E to use an automobile owned by Corp P. In addition, Corp P agreed to reimburse E for all expenses incurred by E in maintaining and operating the automobile, including gas and parking. Provided that the local transportation fringe benefit meets the requirements of paragraph (b)(2)(ii)(D)(*3*) of this section, E's compensation with respect to the fair rental value of the automobile and reimbursement for the expenses E incurred is sourced under paragraphs (b)(2)(ii)(B) and (D)(*3*) of this section based on E's principal place of work in Country V. Thus, the local transportation fringe benefit will be included in E's gross income as income from sources without the United States.

(iii) Under the terms of the compensation package that F negotiated with Corp P, Corp P let F use an automobile owned by Corp P. However, Corp P did not agree to reimburse F for any expenses incurred by F in maintaining and operating the automobile. Provided that the local transportation fringe benefit meets the requirements of paragraph (b)(2)(ii)(D)(*3*) of this section, F's compensation with respect to the fair rental value of the automobile is sourced under paragraphs (b)(2)(ii)(B) and (D)(*3*) of this section based on F's principal place of work in Country V. Thus, the local transportation fringe benefit will be included in F's gross income as income from sources without the United States.

(iv) Under the terms of the compensation package that G negotiated with Corp P, Corp P agreed to reimburse G for the purchase price of an automobile that G purchased in Country V. Corp P did not agree to reimburse G for any expenses incurred by G in maintaining and operating the automobile. Because the cost to purchase an automobile is not a local transportation fringe benefit as defined in paragraph (b)(2)(ii)(D)(*3*) of this section, the source of the compensation to G will be determined pursuant to paragraph (b)(2)(ii)(A) or (C) of this section.

(v) Under the terms of the compensation package that H negotiated with Corp P, Corp P agreed to reimburse H for the expenses that H incurred in maintaining and operating an automobile, including gas and parking, which H purchased in Country V. Provided that the local transportation fringe benefit meets the requirements of paragraph (b)(2)(ii)(D)(*3*) of this section, H's compensation with respect to the reimbursement for the expenses H incurred is sourced under paragraphs (b)(2)(ii)(B) and (D)(*3*) of this section based on H's principal place of work in Country V. Thus, the local transportation fringe benefit will be included in H's gross income as income from sources without the United States.

Example 6. (i) On January 1, 2006, Company Q compensates employee J with a grant of options to which section 421 does not apply that do not have a readily ascertainable fair market value when granted. The stock options permit J to purchase 100 shares of Company Q stock for $5 per share. The stock options do not become exercisable unless and until J performs services for Company Q (or a related company) for 5 years. J works for Company Q for the 5 years required by the stock option grant. In years 2006–08, J performs all of his services for Company Q within the United States. In 2009, J performs ½ of his services for Company Q within the United States and ½ of his services for Company Q without the United States. In year 2010, J performs his services entirely without the United States. On December 31, 2012, J exercises the options when the stock is worth $10 per share. J recognizes $500 in taxable compensation $((\$10 - \$5) \times 100)$ in 2012.

(ii) Under the facts and circumstances, the applicable period is the 5-year period between the date of grant (January 1, 2006) and the date the stock options become exercisable (December 31, 2010). On the date the stock options become exercisable, J performs all services necessary to obtain the compensation from Company Q. Accordingly, the services performed after the date the stock options become exercisable are not taken into account in sourcing the compensation from the stock options. Therefore, pursuant to paragraph (b)(2)(ii)(A), since J performs 3½ years of services for Company Q within the United States and 1½ years of services for Company Q without the United States during the 5-year period, 7/10 of the $500 of compensation (or $350) recognized in 2012 is income from sources within the United States and the remaining 3/10 of the compensation (or $150) is income from sources without the United States.

* * * * *

(d) *Effective date.* * * * Paragraph (b) and the first sentence of paragraph (a)(1) of this section apply to taxable years beginning on or after July 14, 2005.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

■ **Par. 3.** The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

■ **Par. 4.** In § 602.101, paragraph (b) is amended by adding an entry for § 1.861–4 in numerical order to the table to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(b) * * *

CFR part or section where Identified and described	Current OMB control No.
* * * * *	
1.861–4	1545–1900
* * * * *	

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

Approved: July 5, 2005.

Eric Solomon,

Acting Deputy Assistant Secretary for Tax Policy.

[FR Doc. 05–13681 Filed 7–13–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9213]

RIN 1545–AV01

Return of Property in Certain Cases

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulation.

SUMMARY: This document contains final regulations that amend regulations under section 6343 of the Internal Revenue Code (Code) relating to the return of property in certain cases. The regulations reflect changes made to section 6343 of the Code by the Taxpayer Bill of Rights 2. The regulations also reflect changes affecting levies enacted by the Internal Revenue Service Restructuring and Reform Act of 1998. The regulations affect taxpayers seeking the return of levied property from the Internal Revenue Service (IRS).

DATES: *Effective Date:* These regulations are effective July 14, 2005.

Applicability Date: For dates of applicability, see § 301.6343–3(k).

FOR FURTHER INFORMATION CONTACT: Kevin B. Connelly, (202) 622–3630 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Procedure and Administration Regulations (26 CFR part 301) relating to the return of property under section 6343 of the Code. Section 501(b) of the Taxpayer Bill of Rights 2 (TBOR2), Public Law 104–168 (110 Stat. 1452), amended section 6343 to authorize the IRS to return levied property in certain cases. The purpose of this provision is, to the extent possible, to return the taxpayer to the position the taxpayer would have been in had the levy not been issued. No interest shall be paid with respect to property returned to the taxpayer under this provision. These final regulations reflect the amendments made by section 501(b) of TBOR2.

These regulations also reflect amendments made by the Internal Revenue Service Restructuring and Reform Act (RRA 1998), Public Law 105–206 (112 Stat. 685), which added new sections 6331(i) and (j) to the Code to provide that no levy may be made during the pendency of proceedings for refund of divisible taxes or prior to completion of an investigation of the status of property that is to be sold under section 6335. RRA 1998 also added section 6331(k) to the Code, which provides that no levy may be made during the period an offer-in-compromise or an installment agreement is pending or in effect. In addition, RRA 1998 added section 6330, which provides in certain circumstances for notice and an opportunity for a hearing before a levy can be made.

Explanation of Provisions

On February 14, 2001, a notice of proposed rulemaking (REG–101520–97) reflecting these changes was published in the **Federal Register** (66 FR 10249). No written comments were received in response to the notice of proposed rulemaking and no public hearing was requested, scheduled or held. These final regulations adopt the provisions of the notice of proposed rulemaking without change.

Comments on the Proposed Regulation

None.

Modifications of Proposed Regulation

None.

Special Analyses

It has been determined that this final regulation is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Code, the preceding notice of proposed rulemaking was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Kevin B. Connelly, Office of Associate Chief Counsel (Procedure and Administration), Collection Bankruptcy & Summons Division, CC:PA:CBS, IRS.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1.** The authority citation for part 301 continues to read, in part, as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 301.6343–3 is added to read as follows:

§ 301.6343–3 Return of property in certain cases.

(a) *In general.* If money has been levied upon and applied toward the taxpayer's liability, or property has been levied upon and sold, and the receipts have been applied toward the taxpayer's liability, or property has been levied upon and purchased by the United States and the United States still possesses the property, and the Commissioner determines that any of the conditions in paragraph (c) of this section exist, the Commissioner may return—

(1) An amount of money equal to the amount of money levied upon;

(2) An amount of money equal to the amount of money received by the United States from a sale of the property; or

(3) The specific property levied upon and purchased by the United States.

(b) *Return of levied upon property in possession of the Internal Revenue Service (IRS) pending sale under section 6335.* Other than as provided in § 301.6343–1(b) or in paragraph (d) of this section, the Commissioner, in his or her discretion, may return levied upon property that is in the possession of the United States pending sale under section 6335.

(c) *Conditions authorizing the return of property.* The Commissioner may return property upon determining that one of the following conditions exist:

(1) *Premature or not in accordance with administrative procedures.* The levy was premature or otherwise not in accordance with the administrative procedures of the Secretary.

(2) *Installment agreement.* Subsequent to the levy, the taxpayer enters into an agreement under section 6159 to satisfy the liability for which the levy was made by means of installment payments. If, however, the agreement specifically provides that already levied upon property will not be returned under section 6343(d), the Commissioner may not grant a request for return of property under this paragraph (c)(2).

(3) *Facilitate collection.* The return of property will facilitate the collection of the tax liability for which the levy was made.

(4) *Best interests of the United States and the taxpayer*—(i) *In general.* The taxpayer or the National Taxpayer Advocate (or his or her delegate) has consented to the return of property, and the return of property would be in the best interest of the taxpayer, as determined by the National Taxpayer Advocate (or his or her delegate), and in the best interest of the United States, as determined by the Commissioner.

(ii) *Best interest of the taxpayer.* The National Taxpayer Advocate (or his or her delegate) generally will determine whether the return of property is in the best interest of the taxpayer. If, however, a taxpayer requests the Commissioner to return property and has not specifically requested the National Taxpayer Advocate (or his or her delegate) to determine the taxpayer's best interest, a finding by the Commissioner that the return of property is in the best interest of the taxpayer will be sufficient to support the return of property. Only the National Taxpayer Advocate (or his or her delegate) may determine that a return of property is not in the best interest of the taxpayer.

(5) *Examples.* The following examples illustrate the provisions of this paragraph (c):

Example 1. A owes $1,000 in Federal income taxes. The IRS levies on a broker with respect to a money market account belonging to the taxpayer and receives payment from the broker which it applies to the taxpayer's outstanding liability. However, the IRS failed to follow procedure provided by the Internal Revenue Manual (but not required by statute) with regard to managerial approval prior to the making of the levy. The Commissioner may return an amount of money equal to the amount of money the IRS levied upon and applied toward the taxpayer's tax liability.

Example 2. B owes $1,000 in Federal income taxes. The IRS levies on a bank with respect to a savings account belonging to the taxpayer and receives funds from the bank, which it applies to the taxpayer's liability. Subsequent to the levy, B enters into an installment agreement, under which B will pay timely installments to satisfy the entire liability. The installment agreement does not by its terms preclude the return of levied upon property. The revenue officer verifies that B is financially capable of paying the entire liability, including accruals, in the agreed-upon installment payments. The Commissioner may return an amount of money equal to the amount of money levied upon and applied toward the taxpayer's liability.

Example 3. C owns a house that is deteriorating and in unsalable condition. C is in the process of renovating the house for sale when the IRS levies upon C's bank account for the payment of a $20,000 outstanding Federal tax liability and receives funds in the amount of $3,000, which it applies toward C's liability. A notice of federal tax lien is the only lien encumbrancing the house. C requests that an amount of money equal to the amount seized from the bank account be returned so that C can complete the renovations on the house. Without the funds, C will be unable to complete the renovations and sell the house. Upon examination, the Commissioner determines that the IRS will be able to collect the entire tax liability if C's house is restored to salable condition. If the National Taxpayer Advocate, or the Commissioner in lieu of the National Taxpayer Advocate, determines that the return of the seized money is in the taxpayer's best interest, the Commissioner may return an amount of money equal to the amount seized from the bank account, in the best interest of the taxpayer and the United States.

(d) *Best Interests of the United States and the taxpayer to release levy and return of property where levy made in violation of law*—(1) *In general.* If the IRS makes a levy in violation of the law, it is in the best interests of the United States and the taxpayer to release the levy and the IRS will return to the taxpayer any property obtained pursuant to the levy. For example, the IRS will release the levy and return the taxpayer's property if the levy was made—

(i) Without giving the requisite thirty-day notice of the right to a hearing under section 6330;

(ii) During the pendency of a proceeding for refund of divisible tax in violation of section 6331(i);

(iii) Before investigation of the status of levied upon property in violation of section 6331(j);

(iv) During the pendency of an offer-in-compromise in violation of section 6331(k)(1); or

(v) During the period an offer to enter into an installment agreement is pending (or for 30 days following the rejection of an offer, or, if the rejection is timely appealed, during the period that the appeal is pending) or during the period an installment agreement is in effect (or during the 30 days following a termination or, if a timely appeal of termination is filed, during the period the appeal is pending) in violation of section 6331(k)(2).

(2) *Property may not be credited to outstanding liability without the taxpayer's permission.* When the release of a levy and the return of property are required under this paragraph (d), the property or the proceeds from the sale of the property received by the IRS pursuant to the levy must be returned to the taxpayer unless the taxpayer requests otherwise. The property or proceeds of sale may not be credited to any outstanding tax liability of the taxpayer, including the one with respect to which the IRS made the levy, without the written permission of the taxpayer.

(e) *Time of return.* Levied upon property in possession of the IRS (other than money) may be returned under paragraphs (c) and (d) of this section at any time. An amount of money equal to the amount of money levied upon or received from a sale of property may be returned at any time before the expiration of 9 months from the date of the levy. When a request for the return of money filed in accordance with paragraph (h) of this section is filed before the expiration of the 9-month period, or a determination to return an amount of money is made before the expiration of the 9-month period, the money may be returned within a reasonable period of time after the expiration of the 9-month period if additional time is necessary for investigation or processing.

(f) *Purchase by the United States.* For purposes of paragraph (a)(2) of this section, if property is declared purchased by the United States at a sale pursuant to section 6335(e)(1)(C), the United States will be treated as having received an amount of money equal to the minimum price determined by the Commissioner before the sale.

(g) *Determinations by the Commissioner.* The Commissioner must determine whether any of the conditions authorizing the return of property exists if a taxpayer submits a request for the return of property in accordance with paragraph (h) of this section. The Commissioner also may make this determination independently. If the Commissioner determines that conditions authorizing the return of property are not present, the Commissioner may not authorize the return of property. If the Commissioner determines that conditions authorizing the return of property are present, the Commissioner may (but is not required to, unless the reason for the return of property is that the levy was made in violation of law and is governed by paragraph (d) of this section) authorize the return of property. If the Commissioner decides independently to return property under paragraph (c)(4) of this section based on the best interests of the taxpayer and the United States, the taxpayer or the National Taxpayer Advocate (or his or her delegate) must consent to the return of property.

(h) *Procedures for request for the return of property*—(1) *Manner.* A request for the return of property must be made in writing to the address on the levy form.

(2) *Form.* The written request must include the following information—

(i) The name, current address, and taxpayer identification number of the person requesting the return of money (or property purchased by the United States);

(ii) A description of the property levied upon;

(iii) The date of the levy; and

(iv) A statement of the grounds upon which the return of money is being requested (or property purchased by the United States).

(i) *No interest.* No interest will be paid on any money returned under this section.

(j) *Administrative collection upon default.* If the Commissioner returns property under this section, and the taxpayer fails to pay the previously assessed liability for which the levy was made on the returned property, the Commissioner may administratively collect the liability. Collection may include levying again on the returned property as long as statutory and administrative requirements are followed.

(k) *Effective date.* This section is applicable on July 14, 2005.

Approved: June 30, 2005.

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

Eric Solomon,

Acting Deputy Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 05–13801 Filed 7–13–05; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 63

[OAR–2003–0185; FRL–7938–5]

RIN 2060–AE46

National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendments.

SUMMARY: EPA is amending the national emission standards for hazardous air pollutants (NESHAP) for primary copper smelting to correct the monitoring requirements for control systems other than baghouses and venturi wet scrubbers.

DATES: Effective July 14, 2005.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. OAR–2003–0185. 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.*, confidential business information or other information whose disclosure is restricted by statute. Certain other information, such as copyrighted materials, 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 form at the Air and Radiation Docket, Docket ID No. OAR–2003–0185, 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 Air and Radiation Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Fruh, Emission Standards Division (C439–02), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, NC 27711, telephone number (919) 541–2837, e-mail address: *fruh.steve@epa.gov*.

SUPPLEMENTARY INFORMATION: *Regulated Entities.* Categories and entities potentially regulated by this action include:

Category	NAICS code [1]	Examples of regulated entities
Industry	331411	Primary copper smelters.
Federal government		Not affected.
State/local/tribal government		Not affected.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 63.1441 of the NESHAP for primary copper smelting. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of today's final amendments will also be available on the World Wide Web (WWW) through the Technology Transfer Network (TTN). A copy of the final amendments will be placed on the TTN's policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control.

I. Background

We promulgated the NESHAP for primary copper smelting (40 CFR 63, subpart QQQ) on June 12, 2002 (68 FR 40478). The final rule establishes emissions limitations and work practice standards for primary copper smelters that use batch copper converters and are a major source of hazardous air pollutant (HAP) emissions. We received a petition (included in the docket for today's final amendments) asking us to review the requirements for specific operating parameters that must be monitored when an owner or operator uses a control device other than a baghouse (fabric filter) or a venturi wet scrubber to comply with the rule. Upon review of the monitoring requirements in subpart QQQ, we discovered an error in the regulatory language for the final rule that references the operating parameters to be monitored when a control device other than a baghouse or a venturi wet scrubber is used.

If an owner or operator of a primary copper smelter elects to use a control device other than a baghouse or venturi wet scrubber for an emissions source subject to a particulate emissions limit under the final rule (*e.g.*, use an electrostatic precipitator), the rule requires that the owner or operator continuously monitor and record appropriate operating parameters for the type of control device used to demonstrate compliance with the applicable emissions standard. In such cases, the final rule does not specify the individual operating parameters that must be monitored. Instead, the owner or operator is required to select specific operating parameters appropriate for the control device design that the owner or operator determines to be a representative and reliable indicator of the control device performance. During the initial performance test that the owner or operator conducts to demonstrate compliance with the applicable emissions standard, operating limits for each of the selected operating parameters are established on a site-specific basis using the actual operating values for the control device recorded while the performance test is conducted. Continuous compliance with the emissions standard is demonstrated by maintaining the selected operating parameters within the operating limits established during the performance test.

Under the monitoring requirements for control devices other than baghouses or venturi wet scrubbers in 40 CFR 63.1452(d) and 40 CFR 63.1453(e), language referencing the operating parameters for venturi wet scrubbers (*i.e.*, hourly average pressure drop and water flow) was incorrectly included in these paragraphs. In place of the reference to venturi wet scrubbers, the rule language in 40 CFR 63.1452(d) and 40 CFR 63.1453(e) should implement

the monitoring requirements as described above, and reference the operating parameters appropriate for the control device design that the owner or operator has determined to be a representative and reliable indicator of the control device performance.

Today's amendments correct our error by revising the language in 40 CFR 63.1452(d) and 40 CFR 63.1453(e) to reference the appropriate set of control device operating parameters. For cases when a control device other than a baghouse or venturi wet scrubber is used to comply with subpart QQQ, the owner or operator must continuously monitor and record the selected operating parameters appropriate for the control device design according the requirements in the final rule.

II. Good Cause Findings

Section 553(b) of the Administrative Procedure Act (APA) provides that, when any agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. Similarly, under section 553(d) of the APA, an agency may find that there is good cause to make the rule effective upon publication in the **Federal Register**.

We have determined that there is good cause for making today's amendments final without prior proposal and opportunity for public comment because we are merely correcting an error in the existing rule. This error conflicted with the approach we had taken and explained in the proposed rule. The final rule published on June 12, 2002, gave no explanation that this approach was being changed. In fact, the error resulted in adopting monitoring requirements that have no practical application.

Today's amendments are necessary to establish a monitoring requirement that is applicable to the control option and consistent with the rule as proposed. Notice and public comment on the correcting amendments are unnecessary due to their noncontroversial nature and because they do not substantively change the rule requirements, but rather correct the rule so that it is promulgated as we intended and explained to the public in the original rulemaking process. Therefore, we find that this constitutes good cause under 5 U.S.C. 553(b)(B). We also find, for the same reasons, that good cause exists under APA section 553(d)(3) to make the amendments effective upon publication in the **Federal Register** rather than 30 days later.

III. Statutory and Executive Order Reviews

Under Executive Order 12866, this action is not a ''significant regulatory action'' and is, therefore, not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13045, ''Protection of Children from Environmental Health and Safety Risks'' (62 FR 19885, April 23, 1997), or to Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28344, May 22, 2001). This action does not impose any new information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Because the agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the APA or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant federal intergovernmental mandate, as described in sections 203 and 204 of UMRA. Also, the final rule amendments do 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 governments, as specified by Executive Order 13132, ''Federalism'' (64 FR 43255, August 10, 1999), nor does it 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, ''Consultation and Coordination with Indian Tribal Governments'' (59 FR 22951, November 9, 2000). This action does not involve technical standards. EPA's compliance with section 12(d) of the National Technology Transfer Act of 1995 (Public Law No. 104–113; 15 U.S.C. 272 note) has been addressed in the preamble of the underlying final rule (67 FR 40478, June 12, 2002).

The Congressional Review Act (CRA), 5 U.S.C.801 *et seq.*, as added by the Small Business Regulatory Enforcement 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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of July 14, 2005. The EPA will submit a report containing the final amendments 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 final amendments in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: July 7, 2005.

Jeffrey R. Holmstead,

Assistant Administrator for Air and Radiation.

■ For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart QQQ—[Amended]

■ 2. Section 63.1452 is amended by revising paragraph (d) introductory text to read as follows:

§ 63.1452 What are my monitoring requirements?

* * * * *

(d) *Other control devices.* For each control device other than a baghouse or venturi wet scrubber subject to the operating limits for appropriate parameters in §§ 63.1444(h) or 63.1446(e), you must at all times monitor each of your selected parameters using an appropriate CPMS. You must install, operate, and maintain each CPMS according to the equipment manufacturer's specifications and the requirements in paragraphs (d)(1) though (5) of this section.

* * * * *

■ 3. Section 63.1453 is amended by revising paragraph (e)(2) to read as follows:

§ 63.1453 How do I demonstrate continuous compliance with the emission limitations, work practice standards, and operation and maintenance requirements that apply to me?

* * * * *

(e) * * *

(2) Inspect and maintain each CPMS operated according to § 63.1452(d) and record all information needed to document conformance with these requirements; and

* * * * *

[FR Doc. 05–13871 Filed 7–13–05; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 70, No. 134
Thursday, July 14, 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.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG–125443–01]

RIN 1545–AY92

Revisions to Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Revisions of Information Reporting Regulations; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on proposed regulations that relates to the withholding of income tax under sections 1441 and 1442 on certain U.S. source income paid to foreign persons and related requirements governing collection, deposit, refunds, and credits of withheld amounts under sections 1461 through 1463.

DATES: The public hearing originally scheduled for July 20, 2005, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Robin R. Jones of the Publications and Regulations Branch, Legal Processing Division, 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 that appeared in the **Federal Register** on Monday, April 18, 2005 (70 FR 20099) announced that a public hearing was scheduled for July 20, 2005, at 10 a.m., in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is under sections 1441 and 1442 of the Internal Revenue Code. The public comment period for these regulations expired on June 29, 2005.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Thursday, July 07, 2005, no one has requested to speak. Therefore, the public hearing scheduled for July 20, 2005, is cancelled.

Cynthia E. Grigsby,

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

[FR Doc. 05–13798 Filed 7–13–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 35, and 54

[REG–138362–04]

RIN 1545–BD68

Use of Electronic Technologies for Providing Employee Benefit Notices and Transmitting Employee Benefit Elections and Consents

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations that would provide guidance on the use of electronic media to provide certain notices to recipients or to transmit participant and beneficiary elections or consents with respect to employee benefit arrangements. In general, these proposed regulations would affect sponsors of, and participants and beneficiaries in, certain employee benefit arrangements. This document also provides a notice of public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by October 12, 2005. Requests to speak (with outlines of oral comments to be discussed) at the public hearing scheduled for November 2, 2005, must be received by October 12, 2005.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–138362–04), room 5203, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington DC 20044. Submissions may be hand delivered Monday through Friday, between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–138362–04), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the IRS Internet site at *http://www.irs.gov/regs* or via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS–REG–138362–04). The public hearing will be held in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Pamela R. Kinard at (202) 622–6060; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Richard Hurst, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collections of information referenced in this notice of proposed rulemaking were previously reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1545–1632, in conjunction with the Treasury Decision (TD 8873), relating to New Technologies in Retirement Plans, published on February 8, 2000, in the **Federal Register** (65 FR 6001), and control number 1545–1780, in conjunction with the Treasury Decision (TD 9052), relating to Notice of Significant Reduction in the Rate of Future Benefit Accrual, published on April 9, 2003, in the **Federal Register** (68 FR 17277). No substantive changes to these collections of information are being proposed.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

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.

Background

This document contains proposed amendments to the regulations under section 401 of the Internal Revenue Code (Code) and to other sections of the Code relating to employee benefit arrangements. These proposed amendments, when finalized, will set forth rules regarding the use of electronic media to provide notices to plan participants and beneficiaries or to transmit elections or consents relating to employee benefit arrangements. These regulations also reflect the provisions of the Electronic Signatures in Global and National Commerce Act, Public Law 106–229 (114 Stat. 464 (2000)) (E–SIGN).

The Code and regulations thereunder, and the parallel provisions of the Employee Retirement Income Security Act of 1974 (ERISA), include a number of rules that require certain retirement plan notices, elections, or consents to be written or in writing.[1] Examples of these rules include the following:

- Under sections 401(k)(12)(D) and 401(m)(11), a written notice is required to be given to each employee eligible to participate in a cash or deferred arrangement under section 401(k) in order for the plan to be permitted to use a safe harbor in lieu of the actual deferral percentage test or actual contribution percentage test to ensure that the plan satisfies certain nondiscrimination requirements.
- Under section 402(f), a plan is required to provide a distributee, within a reasonable period of time before an eligible rollover distribution is made, a written explanation of the distributee's rollover rights and the tax and other potential consequences of the distribution or rollover.
- Under section 411(a)(11) (and the parallel provision in section 203(e) of ERISA) and § 1.411(a)–11(f)(2), a participant cannot be cashed out of a plan before the later of normal retirement age or age 62 without the participant's written consent if the value of the participant's nonforfeitable accrued benefit exceeds $5,000.
- Under section 417 (and the parallel provision in section 205 of ERISA) and the regulations thereunder, a plan must provide to each participant a written explanation of the terms and conditions of a qualified joint and survivor annuity, the participant's right to make an election to waive the qualified joint and survivor annuity, the right to revoke such an election, and the rights of the participant's spouse. Under section 417(a)(2), an election to waive a qualified joint and survivor annuity can generally go into effect only if the participant's spouse consents to the election in writing and that consent is witnessed by either a plan representative or a notary public.
- Under section 3405(e)(10)(B) and § 34.3405–1, A–d–35, a payor is required to provide written notice to a payee regarding the payee's right to elect not to have Federal income tax withheld from a periodic payment (as defined in section 3405(e)(2)).
- Under section 4980F (and the parallel provision in section 204(h) of ERISA) and § 54.4980F–1, A–13, a plan must provide written notice (section 204(h) notice) of an amendment to an applicable pension plan that either provides for a significant reduction in the rate of future benefit accrual or that eliminates or significantly reduces an early retirement benefit or retirement-type subsidy.

Section 1510 of the Taxpayer Relief Act of 1997, Public Law 105–34 (111 Stat. 788, 1068) (TRA '97), provides for the Secretary of the Treasury to issue guidance designed to interpret the notice, election, consent, disclosure, and timing requirements (include related recordkeeping requirements) under the Code and ERISA relating to retirement plans as applied to the use of new technologies by plan sponsors and administrators. Section 1510 of TRA '97 further provides that the guidance should maintain the protection of the rights of participants and beneficiaries. Pursuant to the mandate of section 1510 of TRA '97, final regulations (TD 8873) relating to the use of electronic media for transmissions of notices and consents under sections 402(f), 411(a)(11), and 3405(e)(10)(B) were published in the **Federal Register** (65 FR 6001) on February 8, 2000 (the 2000 regulations). These regulations are discussed in this preamble under the heading *Prior Guidance Related to New Technologies*.

E–SIGN, signed into law on June 30, 2000, generally provides that electronic documents and signatures are given the same legal effect as their paper counterparts. Section 101(a) of E–SIGN provides that, notwithstanding any statute, regulation, or rule of law relating to a transaction in or affecting interstate or foreign commerce, a signature, contract, or other record may not be denied legal effect, validity, or enforceability solely because it is in electronic form.

Section 101(b)(1) provides that E–SIGN does not limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to a person's rights or obligations under any statute, regulation, or rule of law except with respect to a requirement that contracts be written, signed, or in non-electronic form. Section 101(b)(2) provides that E–SIGN does not require any person to agree to use or accept electronic signatures or records, other than a governmental agency with respect to a record other than a contract to which it is a party.

Section 101(c) of E–SIGN sets forth special protections for consumers that apply when a statute, regulation, or other rule of law requires that consumer information relating to a transaction be provided or made available in writing.[2] Under those protections, before information can be transmitted electronically, a consumer must first affirmatively consent to receiving the information electronically and the consent must be made in a manner that reasonably demonstrates the consumer's ability to access the information in electronic form (or if the consent is not provided in such a manner, that confirmation of the consent be made electronically in a manner that reasonably demonstrates the consumer's ability to access the information in electronic form). Prior to consent, the consumer must receive certain specified disclosures. The disclosures must include, among other items, the hardware or software requirements for access to and retention of the electronic records, the consumer's right to withdraw his or her consent to receive the information electronically (and the consequences that follow the withdrawal of consent), the procedures for requesting a paper copy of the electronic record, and the cost, if any, of obtaining a paper copy. Section 106(1) of E–SIGN generally defines a consumer as an individual who obtains products or services used primarily for personal, family, or household purposes.

Section 104(b)(1) of E–SIGN generally provides that a Federal or state agency that is responsible for rulemaking under a statute has interpretative authority to issue guidance interpreting section 101

[1] Pursuant to section 101(a) of the Reorganization Plan No. 4 of 1978, 29 U.S.C. 1001nt, the Secretary of the Treasury has authority to issue regulations under parts 2 and 3 of subtitle B of title I of ERISA with certain exceptions. Under section 104 of the Reorganization Plan No. 4, the Secretary of Labor retains enforcement authority with respects to parts 2 and 3 of subtitle B of title 1 of ERISA, but, in exercising that authority, is bound by the regulations issued by the Secretary of Treasury.

[2] The rules of section 101 of E–SIGN do not apply to certain consumer notices. These include consumer notices that are necessary for the protection of a consumer's health, safety, or shelter (*e.g.*, cancellation of health benefits or life insurance and foreclosure on a credit agreement secured by an individual's primary residence). See section 103(b)(2)(B) and (C) of E–SIGN.

of E–SIGN with respect to that other statute. However, as a limitation on that authority, section 104(b)(2) of E–SIGN prohibits the issuance of any regulation that is not consistent with section 101 or that adds to the requirements of that section. Section 104(b)(2) of E–SIGN also requires that any agency issuing the regulations find that the rules selected to carry out the purpose of the relevant statute are substantially equivalent to the requirements imposed on records that are not electronic, do not impose unreasonable cost on the acceptance and use of electronic records, and do not require or give greater legal status to a specific technology.

Section 104(d)(1) of E–SIGN authorizes a Federal regulatory agency to exempt, without condition, a specified category or type of record from the consent requirements in section 101(c). The exemption may be issued only if the exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers.

Subsequent to the enactment of E–SIGN, Congress amended section 204(h) of ERISA and enacted a corresponding provision in section 4980F of the Code. Under ERISA section 204(h)(7) and Code section 4980F(g), the Secretary of the Treasury may, by regulations, allow any section 204(h) notice to be provided by using new technologies.

Prior Guidance Relating to New Technologies

Following the enactment of section 1510 of TRA '97, the Treasury Department and IRS issued several items of guidance relating to the use of electronic media with respect to employee benefit arrangements. Notice 99–1 (1999–1 C.B. 269) provides guidance relating to qualified retirement plans permitting the use of electronic media for plan participants or beneficiaries conducting certain account transactions for which there is no specific writing requirement, such as plan enrollments, direct rollover elections, beneficiary designations, investment change allocations, elective and after-tax contribution designations, and general plan or specific account inquiries.[3]

The 2000 regulations relating to the use of electronic media for transmissions of notices and consents required to be in writing under sections 402(f), 411(a)(11), and 3405(e)(10)(B) set forth standards for the electronic transmission of certain notices and consents required in connection with distributions from retirement plans. These regulations provide that a plan may provide a notice required under section 402(f), 411(a)(11), or 3405(e)(10)(B) either on a written paper document or through an electronic medium that is reasonably accessible to the participant. The system must be reasonably designed to provide the notice in a manner no less understandable to the participant than a written paper document. In addition, the participant must be advised of the right to request and receive a paper copy of the written paper document at no charge, and, upon request, the document must be provided to the participant without charge.

The 2000 regulations permit an electronic system to satisfy the requirement that a participant provide written consent to a distribution if certain requirements are satisfied. First, the electronic medium must be reasonably accessible to the participant. Second, the electronic system must be reasonably designed to preclude anyone other than the participant from giving the consent. Third, the system must provide the participant with a reasonable opportunity to review and to confirm, modify, or rescind the terms of the consent before it becomes effective. Fourth, the system must provide the participant, within a reasonable time after the consent is given, a confirmation of the terms (including the form) of the distribution through either a written paper document or in an electronic format that satisfies the requirements for providing applicable notices. Thus, the participant must be advised of the right to request and to receive a confirmation copy of the consent on a written paper document without charge.

Subsequent to the issuance of the 2000 regulations, the Treasury Department and IRS have applied the standards set forth in those regulations in other situations. For example, § 1.7476–2(c)(2) provides that a notice to an interested party[4] is deemed to be provided in a manner that satisfies the delivery requirements of § 1.7476–2(c)(1) if the notice is delivered using an electronic medium under a system that satisfies the requirements of § 1.402(f)–1, Q&A–5. Q&A–7 of Notice 2000–3 (2000–1 C.B. 413) provides that, until the issuance of further guidance, a plan is permitted to use electronic media to provide notices required under sections 401(k)(12) and 401(m)(11) if the employee receives the notice through an electronic medium that is reasonably accessible, the system is designed to provide the notice in a manner no less understandable to the employee than a written paper document, and, at the time the notice is provided, the employee is advised that the employee may request and receive the notice on a written paper document at no charge. Similarly, regulations at § 1.72(p)–1, Q&A–3(b), require a loan from a plan to a participant to be set forth in a written paper document, in an electronic medium that satisfies standards that are the same as the standards in the 2000 regulations, or in such other form as may be approved by the Commissioner.

In 2003, final regulations (TD 9052) under section 4980F were published in the **Federal Register** (68 FR 17277). Q&A–13 of § 54.4980F–1 provides the rules for the manner of delivering a section 204(h) notice. For a plan to deliver electronically a section 204(h) notice, the following requirements must be satisfied. First, the section 204(h) notice must actually be received by the applicable individual or the plan administrator must take appropriate and necessary measures reasonably calculated to ensure that the method for providing the section 204(h) notice results in actual receipt. Second, the plan administrator must provide the applicable individual with a clear and conspicuous statement that the individual has a right to receive a paper version of the section 204(h) notice without the imposition of fees and, if the individual requests a paper copy of the section 204(h) notice, the paper copy must be provided without charge.

In addition, the regulations under section 4980F provide a safe harbor method for delivering a section 204(h) notice electronically. Under the safe harbor, which is substantially the same as the consumer consent rules of E–SIGN, consent must be made

[3] The Treasury Department and IRS have also issued guidance regarding the use of electronic media with respect to tax reporting and other tax requirements with respect to employee benefit plans. For example, Announcement 99–6 (1999–1 C.B. 352) authorizes payers of pensions, annuities, and other employee benefits to establish a system for payees to submit electronically Forms W–4P, ''Withholding Certificate for Pension or Annuity Payments,'' W–4S, ''Request for Federal Income Tax Withholding from Sick Pay,'' and W–4V, ''Voluntary Withholding Request,'' if certain requirements, including signature and recordkeeping requirements, are satisfied. In addition, Notice 2004–10 (2004–6 I.R.B. 433) authorizes the electronic delivery of certain forms relating to the reporting of contributions and distributions of pensions, simplified employee pensions, traditional IRAs, Roth IRAs, qualified tuition programs, Coverdell education savings accounts, and Archer Medical Savings Accounts. See also §§ 31.6051–1(j) and 1.6039–1(f).

[4] Under section 7476, in order to receive a determination letter on the qualified status of a retirement plan, the applicant must provide evidence that individuals who qualify as interested parties received notification of the determination letter application.

electronically in a manner that reasonably demonstrates the individual's ability to access the information in electronic form. The applicable individual must also provide an address for the delivery of the electronic section 204(h) notice and the plan administrator must provide the applicable individual with certain disclosures regarding the section 204(h) notice, including the right to withdraw consent.

The Department of Labor (DOL) and the Pension Benefit Guaranty Corporation (PBGC) have also issued regulations relating to the use of electronic media to furnish notices, reports, statements, disclosures, and other documents to participants, beneficiaries, and other individuals under titles I and IV of ERISA. *See* 29 CFR 2520.104b–1 and 29 CFR 4000.14.

Explanation of Provisions

Overview

The proposed regulations would coordinate the existing notice and election rules under the Code and regulations relating to certain employee benefit arrangements with the requirements of E–SIGN and set forth the exclusive rules relating to the use of electronic media to satisfy any requirement under the Code that a communication to or from a participant, with respect to the participant's rights under the employee benefit arrangement be in writing or in written form. The standards set forth in the proposed regulations would also function as a safe harbor when an electronic medium is used for any communication that is not required to be in writing or in written form.

The proposed regulations would apply to any notice, election, or similar communication provided to or made by a participant or beneficiary under a qualified plan, an annuity contract described in section 403(a) or 403(b), a simplified employee pension (SEP) under section 408(k), a simple retirement plan under section 408(p), or an eligible governmental plan under section 457(b). Thus, for example, the proposed regulations would apply to a section 402(f) notice, a section 411(a)(11) notice, and a section 204(h) notice.

In addition, the proposed regulations would apply to any notice, election, or similar communication provided to or made by a participant or beneficiary under an accident and health plan or an arrangement under section 104(a)(3) or 105, a cafeteria plan under section 125, an educational assistance program under section 127, a qualified transportation fringe program under section 132, an Archer Medical Savings Account under section 220, or a health savings account under section 223.

However, the proposed regulations would not apply to any notice, election, consent, or disclosure required under the provisions of title I or IV of ERISA over which the DOL or the PBGC has interpretative and regulatory authority. For example, the rules in § 2520.104b–1 of the Labor Regulations apply with respect to an employee benefit plan furnishing disclosure documents, such as a summary plan description or a summary annual report. The proposed regulations would also not apply to Code section 411(a)(3)(B) (relating to suspension of benefits), Code section 4980B(f)(6) (relating to an individual's COBRA rights), or any other Code provision over which DOL and the PBGC have similar interpretative authority. In addition, the rules in these proposed regulations apply only with respect to notices and elections relating to a participant's rights under an employee benefit arrangement; thus they do not apply with respect to other requirements under the Code, such as requirements relating to tax reporting, tax records,[5] or substantiation of expenses.

Requirements for the Use of Electronic Media

These proposed regulations would require that any communication that is provided using an electronic medium satisfy all the otherwise applicable requirements (including the applicable timing and content rules) relating to that communication. In addition, these regulations would require that the content of the notice and the medium through which it is delivered be reasonably designed to provide the information to a recipient in a manner no less understandable to the recipient than if provided on a written paper document. For example, a plan delivering a lengthy section 402(f) notice would not satisfy this requirement if the plan chose to provide the notice through a pre-recorded message on an automated phone system.[6] The regulations would also require that, at the time the applicable notice is provided, the electronic transmission alert the recipient to the significance of the transmittal (including the identification of the subject matter of the notice), and provide any instructions needed to access the notice, in a manner that is readily understandable and accessible.

The view of the Treasury Department and IRS is that a participant under an employee benefit arrangement is generally a consumer within the meaning of section 106(1) of E–SIGN when receiving a notice in order to make a decision about the participant's benefits or other rights under an employee benefit arrangement.[7] Accordingly, § 1.401(a)–21(b) of these proposed regulations would provide rules, reflecting the consumer consent requirements of section 101(c) of E–SIGN, under which an employee benefit arrangement may provide an applicable notice through an electronic medium. However, the Treasury Department and IRS also believe that, if an employee benefit arrangement could provide these notices only by complying with the rules in § 1.401(a)–21(b) of these proposed regulations, it would impose a substantial burden on electronic commerce. Furthermore, there is an alternative that is less burdensome and that would not increase the material risk of harm to plan participants. Accordingly, § 1.401(a)–21(c) of these proposed regulations provides an alternative means of providing notices electronically.

Section 1.401(a)–21(b) of these proposed regulations would generally require that before a plan may provide an applicable notice using an electronic medium, the participant must consent to receive the communication electronically. The consent generally must be made in a manner that reasonably demonstrates that the participant can access the notice in the electronic form that will be used to provide the notice. Alternatively, the consent may be made using a written paper document or through some other nonelectronic means, but only if the participant confirms the consent in a manner that reasonably demonstrates that the participant can access the notice in the electronic form to be provided. Prior to consenting, the participant must receive a disclosure statement that outlines the scope of the consent, the participant's right to withdraw his or her consent to receive the communication electronically (including any conditions,

[5] See section 6001 of the Code and the regulations thereunder, and Rev. Proc. 98–25 (1998–1 C.B. 689) (setting forth the basic requirements that the IRS treats as essential for satisfying the recordkeeping requirements of section 6001 in cases where a taxpayer's records are maintained in electronic form).

[6] Note that a section 204(h) notice cannot be provided using oral communication or a recording of an oral communication. See § 54.4980F–1, A–13(c)(1).

[7] See also 12 CFR 202.16, 205.17, 213.6, and 2226.36, treating electronic disclosures in connection with certain credit transactions as consumer information for purposes of E–SIGN.

consequences, or fees in the event of the withdrawal), and the right to receive the communication using paper. The disclosure must also specify the hardware and software requirements for accessing the electronic media and the procedures for updating information to contact the participant electronically. In the event the hardware or software requirements change, new consent must be obtained from the participant, generally following the rules of section 101(c) of E–SIGN.

Section 1.401(a)–21(c) of these proposed regulations provides alternate conditions for providing notices electronically. The proposed regulations would exempt applicable notices from the consumer consent requirements of E–SIGN and would provide an alternative method of complying with the requirement that a participant notice be in writing or in written form if the plan complies with those conditions. This alternative method of compliance is based on the 2000 regulations previously issued under section 1510 of TRA '97 (which provides that any guidance issued should maintain *the protection of the rights of participants and beneficiaries*). This alternative method of compliance satisfies the requirements of section 104(d)(1) of E–SIGN, including the requirement that any exemption from the consumer consent requirements *not increase the material risk of harm to consumers*.

The alternative method of compliance provides rules that are intended generally to replicate the requirements in the 2000 regulations that apply to notices required under sections 402(f), 411(a)(11), and 3405 and thereby allow plans to continue to provide these notices electronically using the rules in those 2000 regulations. As under the 2000 regulations, the proposed regulations would retain the requirement that, at the time the applicable notice is provided, the participant must be advised that he or she may request and must receive the applicable notice in writing on paper at no charge. However, the requirement that the electronic medium be reasonably accessible under the 2000 regulations would be changed to require that the recipient of the notice be effectively able to access the electronic medium. This is not intended to reflect a substantive change in the rules, but rather to avoid confusion with Labor Regulations interpreting the words *reasonably accessible* as used in section 101(i)(2)(D) of ERISA, as added by section 306 of the Sarbanes Oxley Act of 2002, Public Law 107–204 (116 Stat. 745).[8]

Proposed § 1.401(a)–21(d) would set forth the requirements that apply if a consent, election, request, agreement, or similar communication is made by or from a participant, beneficiary, or alternate payee using an electronic medium. (For simplicity, the proposed regulations refer to all of these types of actions as *participant elections*.) The rules in proposed § 1.401(a)–21(d), which are also based on the standards in the 2000 regulations, would require that (1) the participant be effectively able to access the electronic system in order to transmit the participant election, (2) the electronic system be reasonably designed to preclude any person other than the participant from making the participant election (for example, through the use of a personal identification number (PIN)), (3) the electronic system provide the participant making the participant election with a reasonable opportunity to review, confirm, modify, or rescind the terms of the election before it becomes effective, and (4) the participant making the participant election, within a reasonable time period, receive a confirmation of the election through either a written paper document or an electronic medium under a system that satisfies the applicable notice requirements of proposed § 1.401(a)–21(b) or (c).

These regulations require that a participant be effectively able to access the electronic system that the plan provides for participant elections, but, like the 2000 regulations, do not require that a plan also permit the election to be transmitted by paper as an alternative to using the electronic system available to the participant. If a plan were to require participant elections to be provided electronically, such as requiring that any consent to a distribution under section 411(a)(11) be transmitted electronically through a particular medium (without an option to make the election on paper), then these regulations would not apply with respect to a participant who is not effectively able to access to the electronic medium. In addition, such a participant would be effectively unable to provide consent and would generally not be paid until the later of age 62 or normal retirement age. Moreover, no form of distribution would be available to the former employee and such a plan may have difficulties demonstrating compliance with the qualification requirements. For example, the plan may not be able to demonstrate that it satisfies the requirements of § 1.401(a)(4)–4 under which benefits, rights, and features, such as a right to early distribution, must be made available in a nondiscriminatory manner.[9]

Unlike the 2000 regulations, the rules in these proposed regulations would extend the use of electronic media to the notice and election rules applicable to plans subject to the QJSA requirements of section 417. Section 417 requires the consent of a spouse to be witnessed by a plan representative or a notary public. In accordance with section 101(g) of E–SIGN, the proposed regulations would permit the use of an electronic acknowledgment or notarization of a signature (if the standards of section 101(g) of E–SIGN and State law applicable to notary publics are satisfied). However, the proposed regulations would require that the signature of the individual be witnessed in the physical presence of the plan representative or notary public, regardless of whether the signature is provided on paper or through an electronic medium.

As discussed above, these proposed regulations, which are consistent with section 101 of E–SIGN and do not add to the requirements of that section, are issued to set forth rules that coordinate section 101 of E–SIGN with the sections of the Code relating to employee benefit arrangements. In accordance with section 104(b)(2)(C) of E–SIGN, the Treasury Department and IRS find that there is substantial justification for these proposed regulations, that the requirements imposed on the use of electronic media under these regulations are substantially equivalent to those imposed on non-electronic records, that the requirements will not impose unreasonable costs on the acceptance and use of electronic records, and that these regulations do not require (or accord greater legal

[8] Section 101(i) of ERISA sets forth a requirement for a plan administrator to notify plan participants and beneficiaries of a blackout period with respect to an individual account plan. Section 101(i)(2)(D) provides that the required blackout notice ''shall be in writing, except that such notice may be in electronic or other form to the extent that such form is reasonably accessible to the recipient.'' Section 2520.101–3(b)(3) of the Labor Regulations interpreting this requirement provides for this notice to be in writing and furnished in any manner consistent with the requirements of section 2520.104b–1 of the Labor Regulations, including the provisions in that section relating to the use of electronic media. Those regulations also deem a notice requirement to be satisfied if certain measures are taken. Section 1.401(a)–21 of these proposed regulations only provides rules for satisfying, through the use of electronic media, a requirement that a notice or election be in writing.

[9] Similar problems would arise under section 411(d)(6), assuming the plan previously permitted election of early distribution to be made on paper.

status or effect to) the use of any specific technology.

Conforming Amendments to Other Rules in Law

The proposed regulations would modify a number of existing regulations (including the 2000 regulations and the other regulations described above) that have previously provided rules relating to the use of new technology in providing applicable notices that are required to be in writing or in written form. These modifications, which merely add the consumer consent requirements of E–SIGN, are not expected to adversely affect existing administrative practices of plan sponsors designed to comply with the 2000 regulations.

As noted above, these proposed regulations would apply to categories of applicable notices that were not previously addressed in the 2000 regulations and subsequent regulations. As such, these regulations apply whenever there is a requirement that an applicable notice under one of the covered sections be provided in written form or in writing, without regard to whether that other requirement specifically cross-references these regulations. Thus, safe harbor notices under sections 401(k)(12)(D) and 401(m)(11), which are required to be in writing, can be provided electronically if the requirements of § 1.401(a)–21 of this chapter are satisfied.

Proposed Effective Date

These regulations are proposed to apply prospectively. Thus, these rules will apply no earlier than the date of the publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**. These regulations cannot be relied upon prior to their issuance as final regulations.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because these regulations do not propose any new collection of information, the provisions of the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply. These regulations only provide guidance on how to satisfy existing collection of information requirements through the use of electronic media. Pursuant to section 7805(f) of the Code, these proposed regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. The Treasury Department and IRS specifically request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be available for public inspection and copying.

The proposed regulations have reserved the issue of whether there should be any exceptions to the rule generally requiring the physical presence of the spouse for a notarization of the spouse's consent. Comments are requested on whether the reservation should be: (i) Deleted in favor of a broad prohibition that has no exception; (ii) filled in based on a general standard under which electronic notarization of an electronic signature (without the spouse's presence) would be permitted if the technology provides the same protections and assurance as the requirement that a person's signature be executed in the presence of a notary (*e.g.,* that the spouse is actually the person signing); or (iii) filled in with a grant of discretion to the Commissioner to determine in the future, after advance notice and an opportunity for comment, that a particular form of electronic notarization of an electronic signature (without the spouse's presence) provides the same protections and assurance as the requirement that a person's signature be executed in the presence of a notary.

A public hearing has been scheduled for November 2, 2005, beginning at 10 a.m. in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the main entrance, located at 1111 Constitution Avenue, NW. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** portion of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments must submit written or electronic comments and an outline of the topics to be discussed and time to be devoted to each topic (a signed original and eight (8) copies) by October 12, 2005. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving comments has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these proposed regulations is Pamela R. Kinard, Office of Division Counsel/ Associate Chief Counsel (Tax Exempt and Government Entities), Internal Revenue Service. However, personnel from other offices of the IRS and Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 35

Employment taxes, Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 54

Excise taxes, Pensions, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR parts 1, 35, and 54 are proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding an entry in numerical order to read as follows:

Authority: 26 U.S.C. 7805 * * *.

Section 1.401(a)–21 also issued under 26 U.S.C. 401 and section 104(b)(1) and (2) of the Electronic Signatures in Global and National Commerce Act, Public Law 106–229 (114 Stat. 464). * * *

Par. 2. Section 1.72(p)–1, Q&A–3, is amended by revising the text of paragraph (b) to read as follows:

§ 1.72(p)–1 Loans treated as distributions.

* * * * *

A–3. * * *

(b) * * * A loan does not satisfy the requirements of this paragraph unless the loan is evidenced by a legally enforceable agreement (which may include more than one document) and the terms of the agreement demonstrate compliance with the requirements of

section 72(p)(2) and this section. Thus, the agreement must specify the amount and date of the loan and the repayment schedule. The agreement does not have to be signed if the agreement is enforceable under applicable law without being signed. The agreement must be set forth either—

(1) In a written paper document; or

(2) In an electronic medium under a system that satisfies the participant election requirements of § 1.401(a)–21(d) of this chapter.

* * * * *

Par. 3. Section 1.401(a)–21 is added to read as follows:

§ 1.401(a)–21 Rules relating to the use of electronic media to provide applicable notices and to transmit participant elections.

(a) *Introduction*—(1) *In general*—(i) *Permission to use electronic media.* This section provides rules relating to the use of electronic media to provide applicable notices and to transmit participant elections as defined in paragraphs (e)(1) and (2) of this section with respect to certain employee benefit arrangements referenced in this section. The rules in this section reflect the provisions of the Electronic Signatures in Global and National Commerce Act, Public Law 106–229 (114 Stat. 464 (2000) (E–SIGN)).

(ii) *Notices and elections required to be in writing or in written form*—(A) *In general.* The rules of this section must be satisfied in order to use electronic media to provide an applicable notice or to transmit a participant election if the notice or election is required under the Internal Revenue Code or Department of Treasury regulations to be in writing or in written form.

(B) *Rules relating to applicable notices.* An applicable notice that is provided using electronic media is treated as being provided in writing or in written form if and only if the consumer consent requirements of paragraph (b) of this section are satisfied or the requirements for exemption from the consumer consent requirements under paragraph (c) of this section are satisfied. For example, in order to provide a section 402(f) notice electronically, a qualified plan must satisfy either the consumer consent requirements of paragraph (b) of this section or the requirements for exemption under paragraph (c) of this section. If a plan fails to satisfy either of these requirements, the plan must provide the section 402(f) notice using a written paper document in order to satisfy the requirements of section 402(f).

(C) *Rules relating to participant elections.* A participant election that is transmitted using electronic media is treated as being provided in writing or in written form if and only if the requirements of paragraph (d) of this section are satisfied.

(iii) *Safe harbor method for applicable notices and participant elections that are not required to be in writing or written form.* For an applicable notice or a participant election that is not required to be in writing or in written form, the rules of this section provide a safe harbor method for using electronic media to provide the applicable notice or to transmit the participant election.

(2) *Application of rules*—(i) *Notices, elections, or consents under retirement plans.* The rules of this section apply to any applicable notice or any participant election relating to a qualified retirement plan under section 401(a) or 403(a). In addition, the rules of this section apply to any applicable notice and any participant election relating to an annuity contract under section 403(b), a simplified employee pension (SEP) under section 408(k), a simple retirement plan under section 408(p), and an eligible governmental plan under section 457(b).

(ii) *Notices, elections, or consents under other employee benefit arrangements.* The rules of this section also apply to any applicable notice or any participant election relating to accident and health plans or arrangements under sections 104(a)(3) and 105, cafeteria plans under section 125, qualified education assistance programs under section 127, qualified transportation fringe programs under section 132, Archer medical savings accounts under section 220, and health savings accounts under section 223.

(3) *Limitation on application of rules*—(i) *In general.* The rules of this section do not apply to any notice, election, consent, or disclosure required under the provisions of title I or IV of the Employee Retirement Income Security Act of 1974, as amended (ERISA), over which the Department of Labor or the Pension Benefit Guaranty Corporation has interpretative and regulatory authority. For example, the rules in 29 CFR 2520.104b–1 of the Labor Regulations apply with respect to an employee benefit plan providing disclosure documents, such as a summary plan description or a summary annual report. The rules in this section also do not apply to Internal Revenue Code section 411(a)(3)(B) (relating to suspension of benefits), Internal Revenue Code section 4980B(f)(6) (relating to an individual's COBRA rights), or any other Internal Revenue Code provision over which Department of Labor or the Pension Benefit Guaranty Corporation has similar interpretative authority.

(ii) *Other requirements under the Internal Revenue Code.* Because the rules in this section only apply with respect to applicable notices and participant elections relating to a participant's rights under an employee benefit arrangement; thus they do not apply with respect to other requirements under the Internal Revenue Code, such as requirements relating to tax reporting, tax records, or substantiation of expenses.

(4) *Additional requirements related to applicable notices and participant elections.* The rules of this section supplement the general requirements related to each applicable notice and to each participant election. Thus, in addition to satisfying the rules for delivery under this section, the timing, content, and other general requirements (including recordkeeping requirements in guidance issued by the Commissioner under section 6001) relating to the applicable notice or participant election must be satisfied. With respect to the content of the notice, the system of delivery must be reasonably designed to provide the applicable notice to a recipient in a manner no less understandable to the recipient than a written paper document. In addition, at the time the applicable notice is provided, the electronic transmission must alert the recipient to the significance of the transmittal (including identification of the subject matter of the notice) and provide any instructions needed to access the notice, in a manner that is readily understandable and accessible.

(b) *Consumer consent requirements*—(1) *Requirements.* The consumer consent requirements of this paragraph (b) are satisfied if the requirements in paragraphs (b)(2) through (5) of this section are satisfied.

(2) *Consent*—(i) *In general.* The recipient must affirmatively consent to the delivery of the applicable notice using electronic media. This consent must be either—

(A) Made electronically in a manner that reasonably demonstrates that the recipient can access the applicable notice in the electronic form that will be used to provide the notice; or

(B) Made using a written paper document (or using another form not described in paragraph (b)(2)(i)(A) of this section), but only if the recipient confirms the consent electronically in a manner that reasonably demonstrates that the recipient can access the

applicable notice in the electronic form that will be used to provide the notice.

(ii) *Withdrawal of consumer consent.* The consent to receive electronic delivery requirement of this paragraph (b)(2) is not satisfied if the recipient withdraws his or her consent before the applicable notice is delivered.

(3) *Required disclosure statement.* The recipient, prior to consenting under paragraph (b)(2)(i) of this section, must be provided with a clear and conspicuous statement containing the disclosures described in paragraphs (b)(3)(i) through (v) of this section:

(i) *Right to receive paper document*—(A) *In general.* The statement informs the recipient of any right to have the applicable notice be provided using a written paper document or other nonelectronic form.

(B) *Post-consent request for paper copy.* The statement informs the recipient how, after having provided consent to receive the applicable notice electronically, the recipient may, upon request, obtain a paper copy of the applicable notice and whether any fee will be charged for such copy.

(ii) *Right to withdraw consumer consent.* The statement informs the recipient of the right to withdraw consent to receive electronic delivery of an applicable notice on a prospective basis at any time and explains the procedures for withdrawing that consent and any conditions, consequences, or fees in the event of the withdrawal.

(iii) *Scope of the consumer consent.* The statement informs the recipient whether the consent to receive electronic delivery of an applicable notice applies only to the particular transaction that gave rise to the applicable notice or to other identified transactions that may be provided or made available during the course of the parties' relationship. For example, the statement may provide that a recipient's consent to receive electronic delivery will apply to all future applicable notices of the recipient relating to the employee benefit arrangement until the recipient is no longer a participant in the employee benefit arrangement (or withdraws the consent).

(iv) *Description of the contact procedures.* The statement describes the procedures to update information needed to contact the recipient electronically.

(v) *Hardware or software requirements.* The statement describes the hardware and software requirements needed to access and retain the applicable notice.

(4) *Post-consent change in hardware or software requirements.* If, after a recipient provides consent to receive electronic delivery, there is a change in the hardware or software requirements needed to access or retain the applicable notice and such change creates a material risk that the recipient will not be able to access or retain the applicable notice in electronic format—

(i) The recipient must receive a statement of—

(A) The revised hardware or software requirements for access to and retention of the applicable notice; and

(B) The right to withdraw consent to receive electronic delivery without the imposition of any fees for the withdrawal and without the imposition of any condition or consequence that was not previously disclosed in paragraph (b)(3) of this section.

(ii) The recipient must reaffirm consent to receive electronic delivery in accordance with the requirements of paragraph (b)(2) of this section.

(5) *Prohibition on oral communications.* For purposes of this paragraph (b), neither an oral communication nor a recording of an oral communication is an electronic record.

(c) *Exemption from consumer consent requirements*—(1) *In general.* This paragraph (c) is satisfied if the conditions in paragraphs (c)(2) and (3) of this section are satisfied. This paragraph (c) constitutes an exemption from the consumer consent requirements of section 101(c) of E–SIGN pursuant to the authority granted in section 104(d)(1) of E–SIGN.

(2) *Effective ability to access.* For purposes of this paragraph (c), the electronic medium used to provide an applicable notice must be a medium that the recipient has the effective ability to access.

(3) *Free paper copy of applicable notice.* At the time the applicable notice is provided, the recipient must be advised that he or she may request and receive the applicable notice in writing on paper at no charge, and, upon request, that applicable notice must be provided to the recipient at no charge.

(d) *Special rules for participant elections*—(1) *In general.* This paragraph (d) is satisfied if the conditions described in paragraphs (d)(2) through (6) of this section are satisfied.

(2) *Effective ability to access.* The electronic medium under a system used to make a participant election must be a medium that the individual who is eligible to make the election is effectively able to access. If the individual is not effectively able to access the electronic medium for making the participant election, the participant election will not be treated as made available to that individual. For example, the participant election will not be treated as made available for purposes of the rules under section 401(a)(4).

(3) *Authentication.* The electronic system used in delivering a participant election is reasonably designed to preclude any person other than the appropriate individual from making the election. For example, a system can require that an account number and a personal identification number (PIN) be entered into the system before a participant election can be transmitted.

(4) *Opportunity to review.* The electronic system provides the individual making the participant election with a reasonable opportunity to review, confirm, modify, or rescind the terms of the election before the election becomes effective.

(5) *Confirmation of action.* The person making the participant election, within a reasonable time, receives a confirmation of the effect of the election under the terms of the plan through either a written paper document or an electronic medium under a system that satisfies the requirements of either paragraph (b) or (c) of this section (as if the confirmation were an applicable notice).

(6) *Participant elections, including spousal consents, that are required to be witnessed by a plan representative or a notary public.* (i) Except as provided in paragraph (d)(6)(ii) of this section, in the case of a participant election which is required to be witnessed by a plan representative or a notary public (such as a spousal consent under section 417), an electronic notarization acknowledging a signature (in accordance with section 101(g) of E–SIGN and state law applicable to notary publics) will not be denied legal effect so long as the signature of the individual is witnessed in the physical presence of the plan representative or notary public.

(ii) [Reserved].

(e) *Definitions.* The following definitions apply to this section:

(1) *Applicable notice.* The term *applicable notice* includes any notice, report, statement, or other document required to be provided to a recipient under an arrangement described in paragraph (a)(2) of this section.

(2) *Participant election.* The term *participant election* includes any consent, election, request, agreement, or similar communication made by or from a participant, beneficiary, or alternate payee to which this section applies under an arrangement described in paragraph (a)(2) of this section.

(3) *Recipient.* The term *recipient* means a plan participant, beneficiary, employee, alternate payee, or any other person to whom an applicable notice is to be provided.

(4) *Electronic.* The term *electronic* means technology having electrical, digital, magnetic, wireless, optical, electromagnetic, voice-recording systems, or similar capabilities.

(5) *Electronic media.* The term *electronic media* means an electronic method of communication (*e.g.*, web sites, electronic mail, telephonic systems, magnetic disks, and CD–ROMs).

(6) *Electronic record.* The term *electronic record* means an applicable notice created, generated, sent, communicated, received, or stored by electronic means.

(f) *Examples.* The following examples illustrate the rules of this section. In all of these examples, with the exception of *Example 4* and *Example 5*, assume that the requirements of paragraph (a)(4) of this section are satisfied. The examples read as follows:

Example 1. (i) *Facts.* Plan A, a qualified plan, permits participants to request benefit distributions from the plan on Plan A's Intranet web site. Under Plan A's system for such transactions, a participant must enter his or her account number and personal identification number (PIN), and this information must match the information in Plan A's records in order for the transaction to proceed. If a participant requests a distribution from Plan A on Plan A's web site, then, at the time of the request for distribution, a disclosure statement appears on the computer screen that explains that the participant can consent to receive the section 402(f) notice electronically. In the disclosure statement, Plan A provides information relating to the consent, including how to receive a paper copy of the notice, how to withdraw the consent, the hardware and software requirements, and the procedures for accessing the section 402(f) notice, which is in a file format from a specific spreadsheet program. After reviewing the disclosure statement, which satisfies the requirements of paragraph (b)(3) of this section, the participant consents to receive the section 402(f) notice via e-mail by selecting the consent button at the end of the disclosure statement. As a part of the consent procedure, the participant must demonstrate that the participant can access the spreadsheet program by answering a question from the spreadsheet program, which is in an attachment to an e-mail. Once the participant correctly answers the question, the section 402(f) notice is then delivered to the participant via e-mail.

(ii) *Conclusion.* In this *Example 1*, Plan A's delivery of the section 402(f) notice satisfies the requirements of paragraph (b) of this section.

Example 2. (i) *Facts.* Plan B, a qualified plan, permits participants to request benefit distributions from the plan by e-mail. Under Plan B's system for such transactions, a participant must enter his or her account number and personal identification number (PIN) and this information must match the information in Plan B's records in order for the transaction to proceed. If a participant requests a distribution from Plan B by e-mail, the plan administrator provides the participant with a section 411(a)(11) notice in an attachment to an e-mail. Plan B sends the e-mail with a request for a computer generated notification that the message was received and opened. The e-mail instructs the participant to read the attachment for important information regarding the request for a distribution. In addition, the e-mail also provides that the participant may request the section 411(a)(11) notice on a written paper document and that, if the participant requests the notice on a written paper document, it will be provided at no charge. Plan B receives notification indicating that the e-mail was received and opened by the participant. The participant is effectively able to access the e-mail system used to make a participant election and consents to the distribution by e-mail. Within a reasonable period of time after the participant's consent to the distribution by e-mail, the plan administrator, by e-mail, sends confirmation of the terms (including the form) of the distribution to the participant and advises the participant that the participant may request the confirmation on a written paper document that will be provided at no charge.

(ii) *Conclusion.* In this *Example 2*, Plan B's delivery of the section 411(a)(11) notice and the transmission of a participant's consent to a distribution satisfy the requirements of paragraphs (c) and (d) of this section.

Example 3. (i) *Facts.* Plan C, a qualified pension plan, permits participants to request plan loans through the Plan C's web site on the internet with the notarized consent of the spouse in accordance with applicable State law. Under Plan C's system for such transactions, a participant must enter his or her account number, personal identification number (PIN), and his or her e-mail address. The information entered by the participant must match the information in Plan C's records in order for the transaction to proceed. A participant may request a loan from Plan C by following the applicable instructions on Plan C's web site. Participant M, a married participant, is effectively able to access the web site available to apply for a loan and completes the forms on the web site for obtaining the loan. The forms include attachments setting forth the terms of the loan agreement and all other required information. Participant M is then instructed to submit to the plan administrator a notarized spousal consent form. Participant M and M's spouse go to a notary public and the notary witnesses Participant M's spouse signing the spousal consent for the loan agreement. After witnessing M's spouse signing the spousal consent, the notary public sends an e-mail with an electronic acknowledgement that is attached to or logically associated with the signature of M's spouse to the plan administrator. The electronic acknowledgement is in accordance with section 101(g) of E–SIGN and the relevant state law applicable to notary publics. After the plan receives the e-mail, Plan C sends an e-mail to the participant, giving the participant a reasonable period to review and confirm the loan application or to determine whether the application should be modified or rescinded. In addition, the e-mail to the participant also provides that the participant may request the plan loan application on a written paper document and that, if the participant requests the written paper document, it will be provided at no charge.

(ii) *Conclusion.* In this *Example 3*, the transmissions of the loan agreement and the spousal consent satisfy the requirements of paragraph (d) of this section.

Example 4. (i) *Facts.* A qualified profit-sharing plan (Plan D) permits participants to request distributions through an automated telephone system. Under Plan D's system for such transactions, a participant must enter his or her account number and personal identification number (PIN); this information must match that in Plan D's records in order for the transaction to proceed. Plan D provides only the following distribution options: single-sum payment; and annual installments over 5, 10, or 20 years. A participant may request a distribution from Plan D by following the applicable instructions on the automated telephone system. After the participant has requested a distribution, the automated telephone system recites the section 411(a)(11) notice to the participant. The automated telephone system also advises the participant that he or she may request the notice on a written paper document and that, if the participant requests the notice on a written paper document, it will be provided at no charge. The participants are effectively able to access the automated telephone system used to make a participant election. The automated telephone system requires a participant to review and confirm the terms (including the form) of the distribution before the transaction is completed. After the participant has given consent, the automated telephone system confirms the distribution to the participant and advises the participant that he or she may request the confirmation on a written paper document that will be provided at no charge.

(ii) *Conclusion.* In this *Example 4*, because Plan D has relatively few and simple distribution options, the provision of the section 411(a)(11) notice through the automated telephone system is no less understandable to the participant than a written paper notice for purposes of paragraph (a)(4) of this section. In addition, the automated telephone procedures of Plan D satisfy the requirements of paragraphs (c) and (d) of this section.

Example 5. (i) Facts. Same facts as *Example 4*, except that, pursuant to Plan D's system for processing such transactions, a participant who so requests is transferred to a customer service representative whose conversation with the participant is recorded. The customer service representative provides the section 411(a)(11) notice from a prepared text and processes the participant's distribution in accordance with the predetermined instructions from the plan administrator.

(ii) *Conclusion.* Like in *Example 4*, because Plan D has relatively few and simple distribution options, the provision of the section 411(a)(11) notice through the automated telephone system is no less understandable to the participant than a written paper notice for purposes of paragraph (a)(4) of this section. Further, in this *Example 5*, the customer service telephone procedures of Plan D satisfy the requirements of paragraphs (c) and (d) of this section.

Example 6. (i) Facts. Plan E, a qualified plan, permits participants to request distributions by e-mail on the employer's e-mail system. Under this system, a participant must enter his or her account number and personal identification number (PIN). This information must match that in Plan E's records in order for the transaction to proceed. If a participant requests a distribution by e-mail, the plan administrator provides the participant with a section 411(a)(11) notice by e-mail. The plan administrator also advises the participant by e-mail that he or she may request the section 411(a)(11) notice on a written paper document and that, if the participant requests the notice on a written paper document, it will be provided at no charge. Participant N requests a distribution and receives the section 411(a)(11) notice from the plan administrator by reply e-mail. However, before Participant N elects a distribution, N terminates employment. Following termination of employment, Participant N no longer has access to the employer's e-mail system.

(ii) *Conclusion.* In this *Example 6*, Plan E does not satisfy the participant election requirements under paragraph (d) of this section because Participant N is not effectively able to access the electronic medium used to make the participant election. Plan E must provide Participant N with the opportunity to transmit the participant election through another system that Participant N is effectively able to access, such as the automated telephone systems described in *Example 4* and *Example 5* of this paragraph (f).

Par. 4. Section 1.402(f)–1 is amended by:

(1) Revising A–5.

(2) Removing Q&A–6.

The revision reads as follows:

§ 1.402(f)–1 Required explanation of eligible rollover distributions; questions and answers.

* * * * *

A–5. Yes. See § 1.401(a)–21 of this chapter for rules permitting the use of electronic media to provide applicable notices to recipients with respect to employee benefit arrangements.

Par. 5. Section 1.411(a)–11 is amended by:

(1) Revising the text of paragraphs (f)(1) and (2).

(2) Removing paragraph (g).

The revisions read as follows:

§ 1.411(a)–11 Restriction and valuation of distributions.

* * * * *

(f) * * *

(1) * * * The notice of a participant's rights described in paragraph (c)(2) of this section or the summary of that notice described in paragraph (c)(2)(iii)(B)(2) of this section must be provided on a written paper document. However, see § 1.401(a)–21 of this chapter for rules permitting the use of electronic media to provide applicable notices to recipients with respect to employee benefit arrangements.

(2) * * * The consent described in paragraphs (c)(2) and (3) of this section must be given on a written paper document. However, see § 1.401(a)–21(d) of this chapter for rules permitting the use of electronic media to transmit participant elections with respect to employee benefit arrangements.

Par. 6. Section 1.417(a)(3)–1 is amended by revising the text of paragraph (a)(3) to read as follows:

§ 1.417(a)(3)–1 Required explanation of qualified joint and survivor annuity and qualified preretirement survivor annuity.

(a) * * *

(3) * * * A section 417(a)(3) explanation must be a written explanation. First class mail to the last known address of the participant is an acceptable delivery method for a section 417(a)(3) explanation. Likewise, hand delivery is acceptable. However, posting of the explanation is not considered provision of the section 417(a)(3) explanation. But see § 1.401(a)–21 of this chapter for rules permitting the use of electronic media to provide applicable notices to recipients with respect to employee benefit arrangements.

* * * * *

Par. 7. Section 1.7476–2 is amended by revising paragraph (c)(2) to read as follows:

§ 1.7476–2 Notice to interested parties.

* * * * *

(c) * * *

(2) If the notice to interested parties is delivered using an electronic medium under a system that satisfies the applicable notice requirements of § 1.401(a)–21 of this chapter, the notice is deemed to be provided in a manner that satisfies the requirements of paragraph (c)(1) of this section.

* * * * *

PART 35—EMPLOYMENT TAX AND COLLECTION OF INCOME TAX AT THE SOURCE REGULATIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Par. 8. The authority citation for part 35 continues to read, in part, as follows:

Authority: 26 U.S.C. 7805 * * *.

Par. 9. Section 35.3405–1 is amended by:

(1) Revising d–35, A.

(2) Removing d–36, Q&A.

The revision reads as follows:

§ 35.3405–1 Questions and answers relating to withholding on pensions, annuities, and certain other deferred income.

* * * * *

d–35. * * *

A. A payor may provide the notice required under section 3405 (including the abbreviated notice described in d–27 of § 35.3405–1T and the annual notice described in d–31 of § 35.3405–1T) to a payee on a written paper document. However, see § 1.401(a)–21 of this chapter for rules permitting the use of electronic media to provide applicable notices to recipients with respect to employee benefit arrangements.

PART 54—PENSION EXCISE TAXES

Par. 10. The authority citation for part 54 continues to read, in part, as follows:

Authority: 26 U.S.C. 7805 * * *.

Par. 11. Section 54.4980F–1, Q&A–13, is amended as follows:

(1) Revising paragraph A–13 (c)(1)(ii).

(2) Removing paragraph A–13 (c)(1)(iii) and (c)(3).

The revision reads as follows:

§ 54.4980F–1 Notice requirements for certain pension plan amendments significantly reducing the rate of future benefit accrual.

* * * * *

A–13. * * *

(c) * * *

(1) * * *

(ii) The section 204(h) notice is delivered using an electronic medium under a system that satisfies the applicable notice requirements of § 1.401(a)–21.

* * * * *

Mark E. Mathews,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 05–13911 Filed 7–13–05; 8:45 am]

BILLING CODE 4830–01–P

Notices

Federal Register
Vol. 70, No. 134
Thursday, July 14, 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.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

WTO Agricultural Safeguard Trigger Levels

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of product coverage and trigger levels for safeguard measures provided for in the World Trade Organization (WTO) Agreement on Agriculture.

SUMMARY: This notice lists the updated quantity trigger levels for products, which may be subject to additional import duties under the safeguard provisions of the WTO Agreement on Agriculture. Beginning this year, the method of determining these triggers has been modified to exclude trade from countries that are not subject to WTO safeguards. This notice also includes the relevant period applicable for the trigger levels on each of the listed products.

EFFECTIVE DATE: August 14, 2005.

FOR FURTHER INFORMATION CONTACT: Charles R. Bertsch, Multilateral Trade Negotiations Division, Foreign Agricultural Service, room 5524—South Building, U.S. Department of Agriculture, Washington, DC 20250–1022, telephone at (202) 720–6278, or e-mail *charles.bertsch@usda.gov.*

SUPPLEMENTARY INFORMATION: Article 5 of the WTO Agreement on Agriculture provides that additional import duties may be imposed on imports of products subject to tarriffication as a result of the Uruguay Round if certain conditions are met. The agreement permits additional duties to be charged if the price of an individual shipment of imported products falls below the average price for similar goods imported during the years 1986–88 by a specified percentage. It also permits additional duties to be imposed if the volume of imports of an article exceeds the average of the most recent 3 years for which data are available by 5, 10, or 25 percent, depending on the article. These additional duties may not be imposed on quantities for which minimum or current access commitments were made during the Uruguay Round negotiations, and only one type of safeguard, price or quantity, may be applied at any given time to an article.

Section 405 of the Uruguay Round Agreements Act requires that the President cause to be published in the **Federal Register** information regarding the price and quantity safeguards, including the quantity trigger levels, which must be updated annually based upon import levels during the most recent 3 years. The President delegated this duty to the Secretary of Agriculture in Presidential Proclamation No. 6763, Quantity Based Safeguard Trigger dated December 23, 1994. The Secretary of Agriculture further delegated the duty to the Administrator of the Foreign Agricultural Service (7 CFR 2.43(a)(2)). The Annex to this notice contains the updated quantity trigger levels.

Beginning this year a change has been made in the method for calculating these trigger levels. In previous years imports from all sources were included in the three year average used as the basis of the safeguard triggers. After consulting with the U.S. Trade Representative's Office, it was determined that it is more appropriate to exclude from these calculations imports from countries that are not subject to the WTO safeguard duties. The following countries are not subject to those duties as a result of Free Trade Agreements: Canada, Mexico, Jordan, Singapore, Chile and Australia.

Additional information on the products subject to safeguards and the additional duties which may apply can be found in subchapter IV of Chapter 99 of the Harmonized Tariff Schedule of the United States and in the Secretary of Agriculture's Notice of Safeguard Action, published in the **Federal Register** at 60 FR 427, January 4, 1995.

Notice: As provided in section 405 of the Uruguay Round Agreements Act, consistent with Article 5 of the Agreement on Agriculture, the safeguard quantity trigger levels previously notified are superceded by the levels indicated in the Annex to this notice.

Dated: Issued at Washington, DC this 28 day of June, 2005.

A. Ellen Terpstra,

Administrator, Foreign Agricultural Service, Annex.

The definitions of these products were provided in the Notice of Safeguard Action published in the **Federal Register**, at 60 FR 427, January 4, 1995.

ANNEX—QUANTITY-BASED SAFEGUARD TRIGGER

Product	Trigger level	Period
Beef	358,015 mt	January 1, 2005 to December 31, 2005.
Mutton	2,105 mt	January 1, 2005 to December 31, 2005.
Cream	5,074,624 liters	January 1, 2005 to December 31, 2005.
Evaporated or Condensed Milk	5,956,000 kilograms	January 1, 2005 to December 31, 2005.
Nonfat Dry Milk	2,060,875 kilograms	January 1, 2005 to December 31, 2005.
Dried Whole Milk	4,186,708 kilograms	January 1, 2005 to December 31, 2005.
Dried Cream	28,042 kilograms	January 1, 2005 to December 31, 2005.
Dried Whey/Buttermilk	185,042 kilograms	January 1, 2005 to December 31, 2005.
Butter	12,278,292 kilograms	January 1, 2005 to December 31, 2005.
Butter Oil and Butter Substitutes	7,294,708 kilograms	January 1, 2005 to December 31, 2005.
Dairy Mixtures	31,026,208 kilograms	January 1, 2005 to December 31, 2005.
Blue Cheese	4,685,625 kilograms	January 1, 2005 to December 31, 2005.
Cheddar Cheese	12,127,708 kilograms	January 1, 2005 to December 31, 2005.
American-Type Cheese	23,336,917 kilograms	January 1, 2005 to December 31, 2005.

ANNEX—QUANTITY-BASED SAFEGUARD TRIGGER

Product	Trigger level	Period
Edam/Gouda Cheese	6,660,467 kilograms	January 1, 2005 to December 31, 2005.
Italian-Type Cheese	22,661,375 kilograms	January 1, 2005 to December 31, 2005.
Swiss Cheese with Eye Formation	35,579,750 kilograms	January 1, 2005 to December 31, 2005.
Gruyere Process Cheese	8,484,500 kilograms	January 1, 2005 to December 31, 2005.
Lowfat Cheese	4,227,750 kilograms	January 1, 2005 to December 31, 2005.
NSPF Cheese	54,338,417 kilograms	January 1, 2005 to December 31, 2005.
Peanuts	56,596 mt	April 1, 2005 to March 31, 2006.
Peanut Butter Paste	2,841 mt	January 1, 2005 to December 31, 2005.
Raw Cane Sugar	1,297,851 mt	October 1, 2004 to September 30, 2005.
	1,096,324	October 1, 2005 to September 30, 2006.
Refined Sugar and Syrups	95,785 mt	Ocober 1, 2004 to September 30, 2005.
	36,661 mt	October 1,2005 to September 30, 2006.
Blended Syrups	8 mt	October 1, 2004 to September 30, 2005.
	59 mt	October 1, 2005 to September 30, 2006.
Articles Over 65% Sugar	23 mt	October 1, 2004 to September 30, 2005.
	170 mt	October 1, 2005 to September 30, 2006.
Articles Over 10% Sugar	80,886 mt	October 1, 2004 to September 30, 2005.
	12,067 mt	October 1, 2005 to September 30, 2006.
Sweetened Cocoa Powder	531 mt	October 1, 2004 to September 30, 2005.
	660 mt	October 1, 2005 to September 30, 2006.
Chocolate Crumb	9,239,208 kilograms	January 1, 2005 to December 31, 2005.
Lowfat Chocolate Crumb	127,708 kilograms	January 1, 2005 to December 31, 2005.
Infant Formula Containing Oligosaccharides	22,708 kilograms	January 1, 2005 to December 31, 2005.
Mixes and Doughs	6,757 mt	October 1, 2004 to September 30, 2005.
	78 mt	October 1, 2005 to September 30, 2006.
Mixed Condiments and Seasonings	402 mt	October 1, 2004 to September 30, 2005.
	98 mt	October 1, 2005 to September 30, 2006.
Ice Cream	795,143 liters	January 1, 2005 to December 31, 2005.
Animal Feed Containing Milk	254,958 kilograms	January 1, 2005 to December 31, 2005.
Short Staple Cotton	94,717 kilograms	September 20, 2004 to September 19, 2005.
	20,042 kilograms	September 20, 2005 to September 19, 2006.
Harsh or Rough Cotton	0 mt	August 1, 2004 to July 31, 2005.
	0 mt	August 1, 2005 to July 31, 2006.
Medium Staple Cotton	485,971 kilograms	August 1, 2004 to July 31, 2005.
	1,571,375 kilograms	August 1, 2005 to July 31, 2006.
Extra Long Staple Cotton	8,982,620 kilograms	August 1, 2004 to July 31, 2005.
	9,736,417 kilograms	August 1, 2005 to July 31, 2006.
Cotton Waste	0 kilograms	September 20, 2004 to September 19, 2005.
	5,125 kilograms	September 20, 2005 to September 19, 2006.
Cotton, Processed Not Spun	5,343 kilograms	September 11, 2004 to September 10, 2005.
	80,208 kilograms	September 11, 2005 to September 10, 2006.

[FR Doc. 05–13828 Filed 7–13–05; 8:45 am]
BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Forest Service

Mines Management Inc. Montanore Project, Kootenai National Forest, Lincoln County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Department of Agriculture, Forest Service, Kootenai National Forest, in conjunction with Montana Department of Environmental Quality, will prepare an environmental impact statement (EIS) to document the analysis and disclose the environmental impacts of the proposed action to permit the construction, operation and reclamation of the Montanore silver/copper mine project and associated power transmission line. The project is located on public and private islands approximately 18 miles south of Libby, Montana. Mines Management, Inc. submitted a proposed Plan of Operations and an application for a Hard Rock Operating Permit on January 3, 2005, pursuant to Forest Service locatable mineral regulations 36 CFR part 228, subpart A, and the State of Montana Metal Mine Reclamation Act MCA 82–4–301 *et. seq.* A single EIS evaluating all components of the proposed project will be prepared.

DATES: Comments concerning the proposed action must be postmarked by September 15, 2005, to be considered in the draft EIS. The draft EIS is expected May 2006 and the final EIS is expected by January 2007.

ADDRESSES: Send written comments concerning the Proposed Action to Bob Castaneda, Forest Supervisor, Montanore Project, Kootenai National Forest, 1101 U.S. Hwy 2 West, Libby, MT 59923, or e-mail your comments to *rl_montanore@fs.fed.us*. All comments received must contain: name of commenter, post service mailing address, and date of comment. Comments sent as an e-mail message should be sent as an attachment to the message. A copy on computer-generated disc, should accompany all comments over one page in length.

FOR FURTHER INFORMATION CONTACT: Bobbie Lacklen, Project Coordinator, Canoe Gulch Ranger Station, 12557 Hwy 37, Libby, Montana 59923. Phone (406) 293–7773, or e-mail at *blacklen@fs.fed.us*, or consult *http://www.fs.fed.us/rl/kootenai/projects/montanore*.

SUPPLEMENTARY INFORMATION: Mines Management Inc. owns two patented mining claims (HR 133 & HR 134) with mineral rights that extend beneath the Cabinet Mountains Wilderness. On

January 3, 2005, Mines Management Inc. submitted to the Kootenai National Forest and Montana Department of Environmental Quality an application for a Hard Rock Operating Permit and a proposed Plan of Operations for the Montanore Project. The ore body is located beneath the Cabinet Mountains Wilderness. All surface disturbances including mill facilities, transmission lines, across roads, and the tailings disposal impoundment would be located outside the Cabinet Mountains Wilderness area.

Proposed Action

The Montanore Project, as proposed by Mines Management, Inc. would consist initially of a 12,500 tons per underground mining operation that would expand a 20,000 tons per day rate. The surface mill would be located on National Forest System lands outside of the Cabinet Mountains Wilderness in the Ramsey Creek drainage. The ore body would be accessed from two portals located adjacent to the mill. Two ventilation portals, both located on private lands, would be utilized during the project. One ventilation portal would be located in the upper Libby Creek drainage; the other would be located in the upper Rock Creek drainage near Rock Lake.

A 230-kilovolt electric transmission line would be constructed from Pleasant Valley (Sedlak Park) along U.S. Highway 2, and then routed up Miller Creek drainage to the project site.

The size of the ore body is approximately 135 million tons. Ore would be crushed underground and conveyed to the surface mill located near the Ramsey Creek portals. Copper and silver minerals would be removed from the ore by a flotation process. Tailings from the milling process would be transported through a pipeline to the tailings disposal impoundment located in the Little Cherry Creek drainage, a distance of about four miles from the proposed mill site.

Access to the mine and all surface facilities would be via U.S. Highway 2 and the existing Bear Creek road. Mines Management, Inc. would upgrade an estimated 11 miles of the Bear Creek road to standards specified by the agencies. Silver/copper concentrate from the mill would be shipped by truck to a rail siding in Libby, Montana. The concentrate would then be transported by rail to an out-of-state smelting facility. Mining operations are projected to continue for an estimated 15 years once facility development is completed and actual mining operations commence. The mill and mine would operate on a three shifts per day, seven days per week, yearlong schedule.

An estimated seven million tons of ore would be produced annually during a 350-day production year. Employment numbers are estimated to be 450 people when at full production. An annual payroll of $12 million is projected for full production periods. Mines Management, Inc.'s permit area utilizes approximately 3,000 acres of National Forest System land and approximately 200 acres of private land for the proposed mine and associated facilities including the power transmission line. All surface activities would be outside designated wilderness. Mines Management, Inc. has developed a reclamation plan to rehabilitate the disturbed areas following the phases associated with exploration, construction, operation, and ultimately, mine closure.

Lead and Cooperating Agencies

The U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Montana Department of Natural Resources and Conservation, Confederated Salish and Kootenai Tribes, Kootenai Tribe of Idaho, and the Bonneville Power Administration have either jurisdiction or interest and will participate as cooperating agencies or government entities in the preparation of this EIS. The USDA Forest Service and the Montana Department of Environmental Quality have agreed to be the Lead Agencies for this project. Other governmental agencies and any public that may be interested in or affected by the proposal are invited to participate in the scoping process, which is designed to obtain input and to identify potential issues relating to the proposed project.

Responsible Officials

Bob Castaneda, Forest Supervisor, Kootenai National Forest, 1101 U.S. Hwy 2 West, Libby, MT 59923 and Richard Opper, Director, Montana Department of Environmental Quality, Director's Office, 1520 E 6th Ave., Helena, MT 59620–9601, will be jointly responsible for the EIS. These two agencies will make a decision regarding this proposal after considering comments and responses pertaining to environmental consequences discussed in the Final EIS and all applicable laws regulations, and policies. The decision of a selected alternative and supporting reasoning will be documented in a Record of Decision.

Preliminary Issues and Alternatives

The EIS will consider a range of alternatives based on the issues, concerns, and opportunities associated with the Montanore Project.

A preliminary identification of issues, concerns, and opportunities are:

- What effect would the proposed project have on the Cabinet Mountains Wilderness?
- How would the project affect wildlife, especially grizzly bear and bull trout?
- How might the quantity and quality of water in the project area be affected?
- How stable would the proposed tailings impoundment facility be, and to what degree would the site be reclaimed following mine closure?
- What would be the social and economic effects to local communities?
- What would be the cumulative effects of the Montanore Project and other past, present and reasonably foreseeable activities including the permitted Rock Creek Mine?

Two primary alternatives will be considered: A No Action Alternative and an alternative to approve the project as Proposed. Other alternatives will be developed that consist of modifications of, or changes to various elements comprising the proposal.

Nature of Decision To Be Made

The nature of the decision to be made is to select an action that meets the legal rights of the proponent, while protecting the environment in compliance with applicable laws, regulations and policy. The Forest Supervisor will use the EIS process to develop the necessary information to make an informed decision as required by 36 CFR part 228 subpart A. Based on the alternatives developed in the EIS, the following are possible decisions:

(1) An approval of the Plan of Operations as submitted;

(2) An approval of the Plan of Operations with changes, and the incorporation of mitigations and stipulations that meet the mandates of applicable laws, regulations, and policy;

(3) Denial of the Plan of Operations if no alternative can be developed that is in compliance with applicable laws, regulations and policy.

Permits or Licenses Required

Various permits and licenses are needed prior to implementation of this project. Permits or licenses required by the issuing agencies identified for this proposal are:

- Approval of Plan of Operations from the Kootenai National Forest
- Hardrock Mine Operating Permit from the Montana Department of Environmental Quality
- Air Quality Permit from the Montana Department of Environmental Quality

• Storm Water Permit and Montana Pollution Discharge Elimination System (MPDES) Permit from the Montana Department of Environmental Quality
• 404 Permit from the U.S. Army Corps of Engineers
• Water Rights Permit from the Montana Department of Natural Resources and Conservation
• 310 Permit from the Montana Department of Fish, Wildlife and Parks and Lincoln County Conservation District
• Special Use Permits from the Kootenai National Forest
• Major Facility Siting Act (MFSA) Certificate of Compliance from the Montana Department of Environmental Quality.

Comment Requested

This Notice of Intent initiates the scoping process, which guides the development of the EIS. At this stage of the planning process, site-specific public comments are being requested to determine the scope of the analysis, and identify significant issues and alternatives to the Proposed Action. The estimated date for issuance of the draft environmental impact statement is May 2006.

Scoping Process

The Forest Service, in conjunction with Montana State agencies, will hold public scoping meetings in Libby, Montana, Bonners Ferry, Idaho; and noxon, Montana during the week of August 15, 2005. Specific location and time of the meetings will be published in the local newspapers approximately one week prior to the meeting date. A scoping document is available upon request or an electronic copy may be viewed at: *http://www.fs.fed.us/rl/kootenai/projects/montanore*.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft EIS will be prepared for comment. The comment period on the draft EIS ends 60 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to the public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this Proposed Action participate by the close of the 60 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the Proposed Action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal, and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15,Section 21)

Dated: July 7, 2005.

Cami Winslow,

Acting Forest Supervisor, Kootenai National Forest.

[FR Doc. 05–13846 Filed 7–13–05; 8:45 am]

BILLING CODE 3410–11–M

CENTRAL INTELLIGENCE AGENCY

Fleet Alternative Fuel Use and Vehicle Acquisition Report for Fiscal Years 2004 and 2005 (Through June 2005)

AGENCY: Central Intelligence Agency.

ACTION: Notice of availability.

SUMMARY: Pursuant to the Energy Policy Act of 1992 (EPAct) (42 U.S.C. 13218(b)) and Executive Order 13149, the Central Intelligence Agency gives notice of its intention to make its Fleet Alternative Fuel Use and Vehicle Acquisition Report for Fiscal Years 2004 and 2005 (through June 2005) available on-line as of July 14, 2005, at *http://www.cia.gov/cia/reports/afvreports/2005/index.html* and at *http://www.cia.gov/cia/reports/afvreports/2005/report.pdf.*

FOR FURTHER INFORMATION CONTACT: Public Communications Branch, Central Intelligence Agency, telephone (703) 482–0623.

Dated: July 8, 2005.

Edmund Cohen,

Director, Information Management Services.

[FR Doc. 05–13890 Filed 7–13–05; 8:45 am]

BILLING CODE 6310–02–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–804]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Japan: Notice of Court Decision Not in Harmony

AGENCY: Import Administration, International Trade Administration, Department of Commerce

SUMMARY: On June 27, 2005, the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department's) redetermination on remand of the final results of the antidumping duty administrative reviews on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan. See *NSK Ltd. v. United States*, Consol. Court No. 98–07–02527, slip op. 05–77 (CIT 2005). The Department is now issuing this notice of court decision not in harmony.

EFFECTIVE DATE: July 14, 2005.

FOR FURTHER INFORMATION: Yang Jin Chun or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5760 or (202) 482–4477, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 1998, the Department published the final results of administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan for the period May 1, 1996, through April 30, 1997. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al.; Final Results of Antidumping Duty Administrative Reviews*, 63 FR 33320 (June 18, 1998). NSK Ltd. and NSK Corporation (hereafter ''NSK'') filed a lawsuit challenging the final results. On July 8, 2002, the CIT affirmed the Department's decision to classify NSK's repacking expenses as a selling expense

under section 772(d)(1)(B) of the Tariff Act of 1930, as amended (the Act). See *NSK Ltd. v. United States*, 217 F. Supp 2d. 1291 (CIT 2002). NSK appealed the CIT's judgment to the United States Court of Appeals for the Federal Circuit (CAFC). The CAFC vacated and remanded the Department's decision to classify NSK's repacking expenses as selling expenses and not movement expenses under section 772(d)(1)(B) of the Act. On February 18, 2005, pursuant to the CAFC's decision, the CIT remanded this case to the Department to revisit its classification of U.S. repacking expenses as selling expenses and provide an explanation for the inconsistent treatment of U.S. repacking expense, U.S. warehousing expense, and U.S. expense for shipping from warehouse to customer. See *NSK Ltd. v. United States*, Consol. Court No. 98–07–02527, slip op. 05–26 (CIT 2005). In accordance with the CIT's remand order in NSK Ltd., slip op. 05–26, the Department filed its remand results on May 18, 2005. On June 27, 2005, the CIT affirmed the Department's final results of remand redetermination in their entirety. See *NSK Ltd.*, slip op. 05–77.

The changes to our calculations with respect to NSK resulted in a change in the weighted–average margin for ball bearings (BBs) from 2.35 percent to 2.34 percent and a change in the weighted–average margin for cylindrical roller bearings (CRBs) from 2.21 percent to 2.19 percent for the period of review. Accordingly, absent an appeal, or, if appealed, upon a ''conclusive'' decision by the CAFC which is consistent with the CIT's decision, we will amend our final results of these reviews to reflect the recalculation of margins for NSK.

Suspension of Liquidation

The CAFC held that the Department must publish notice of a decision of the CIT or the CAFC which is not in harmony with the Department's determination. See *The Timken Company v. United States*, 893 F.2d 337, 341 (CAFC 1990). Publication of this notice fulfills that obligation. The CAFC also held that, in such a case, the Department must suspend liquidation until there is a ''conclusive'' decision in the action. *Id.* Therefore, the Department must suspend liquidation pending the expiration of the period to appeal the CIT's June 27, 2005, decision affirming the Department's remand results or pending a final decision of the CAFC if that decision is appealed.

Because entries of the BBs and CRBs from Japan produced by, exported to, or imported into the United States by NSK are currently being suspended pursuant to the court's injunction order in effect, the Department does not need to order U.S. Customs and Border Protection to suspend liquidation of affected entries. The Department will not order the lifting of the suspension of liquidation on entries of the BBs and CRBs made during the review period before a court decision in this lawsuit becomes final and conclusive.

We are issuing and publishing this notice in accordance with section 516A(c)(1) of the Act.

Dated: July 8, 2005.

Susan Kuhbach,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5–3750 Filed 7–13–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Provisional Patent Applications Concerning Inhibitors of Type F Botulinum Neurotoxin Proteinase Activity

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of the invention set forth in U.S. Provisional Patent Application Serial No. 60/656,551 entitled ''Inhibitors of Type F Botulinum Neurotoxin Proteinase Activity,'' filed February 17, 2005; as well as the invention set forth in related U.S. Provisional Patent application Serial No. 60/660,024 entitled ''Inhibitors of Type F Botulinum Neurotoxin Proteinase Activity,'' filed February 23, 2005. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–ZA–J, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: Botulinum neurotoxins (BoNTs A–G) are zinc metalloendoproteases that exhibit extraordinary specificities for proteins involved in neurotransmitter release. In view of the extreme toxicities of these molecules, their applications in human medicine, and potential for misuse, it is of considerable importance to elucidate the mechanisms underlying substrate recognition and to develop inhibitors, with the ultimate goal of obtaining anti-botulinum drugs.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 05–13856 Filed 7–13–05; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Prospective Grant of Exclusive Patent License

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 35 U.S.C. 209 and 37 CFR 404, U.S. Army Research, Development and Engineering Command (RDECOM) hereby given notice that it is contemplating the grant of an exclusive license in the United States to practice the below referenced invention owned by the U.S. Government to TSI Incorporated, 500 Cardigan Road, Shoreview, MN 55126.

FOR FURTHER INFORMATION CONTACT: Mr. John Biffoni, Intellectual Property Attorney, U.S. Army Research, Development and Engineering Command, ATTN: AMSRD–CC (Bldg E4435), Aberdeen Proving Ground, MD 21010–5424, phone: (410) 436–1158; Fax: 410–436–2534 or e-mail: *u.john.biffoni@us.army.mil*.

SUPPLEMENTARY INFORMATION: The prospective exclusive license may be granted, unless REDECOM receives written evidence and argument to establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7 on or before July 29, 2005. The following Patent Number, Title, and Issue Date is provided:

Title: ''Low Concentration Aerosol''.

Description: The present invention relates to an apparatus useful in generating and counting low concentrations of individual aerosol particles.

Patent Number: 5,918,254.

Issue Date: June 29, 1999.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 05–13857 Filed 7–13–05; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Computer Matching Program

AGENCY: Defense Manpower Data Center (DMDC), Department of Defense, DoD.

ACTION: Notice of a computer matching program.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended (5 U.S.C. 552a), requires agencies to publish advanced notices of any proposed or revised computer matching program by the matching agency for public comment. The Department of Defense (DoD), as the matching agency under the Privacy Act, is hereby giving notice to the record subjects of a computer matching program between the DoD and the Department of Health and Human Services (HHS) acting on behalf of the State Public Assistance Agencies (SPAA). The purpose the computer matching program is to exchange personal data for purposes of identifying individuals who are receiving Federal compensation or pension payments and also are receiving payments pursuant to Federal benefit programs being administered by the States.

DATES: This proposed action will become effective August 15, 2005, and matching may commence unless changes to the matching program are required due to public comments or by Congressional or by Office of Management and Budget objections. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, 1901 South Bell Street, Arlington, VA 22202–4512.

FOR FURTHER INFORMATION CONTACT: Mr. Vahan Moushegian, Jr. at (703) 607–2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DHHS and DMDC have concluded an agreement to conduct a computer matching program between agencies. The purpose of the computer matching program is to exchange personal data for purposes of identifying individuals who are receiving Federal compensation or pension payments and also are receiving payments pursuant to Federal benefit programs being administered by the States.

The parties to this agreement have determined that a computer matching program is the most efficient, expeditious, and effective means of obtaining and processing the information needed by the SPAAs to identify individuals who may be ineligible for public assistance benefits. The principal alternative to using a computer matching program for identifying such individuals would be to conduct a manual comparison of all Federal personnel records with SPAA records of those individuals currently receiving public assistance under a Federal benefit program being administered by the State. Conducting a manual match, however, would clearly impose a considerable administrative burden, constitute a greater intrusion of the individual's privacy, and would result in additional delay in determining eligibility and, if applicable, the eventual recovery of any outstanding debts.

A copy of the computer matching agreement between HHS and DoD is available upon request. Requests should be submitted to the address caption above or to the HHS, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published on June 19, 1989, at 54 FR 25818.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on June 27, 2005, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d 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: July 7, 2005.

Jeannette Owings-Ballard,

OSD Federal Register Liaison Officer, Department of Defense.

Notice of a Computer Matching Program Among the Defense Manpower Data Center, the Department of Defense; the Administration for Children and Families, Department of Health and Human Services; and State Public Assistance Agencies for Verification of Continued Eligibility for Public Assistance

A. Participating Agencies

Participants in this computer matching program are State Public Assistance Agencies (SPAA), the Department of Health and Human Services (HHS), and the Department of Defense (DoD). The SPAA is the source agency, the agency disclosing the records for purpose of the match; HHS is the facilitating agency, the agency acting on behalf of the SPAAs, and DoD is the matching agency, the agency that actually performs the match.

B. Purpose of the Match

To provide the SPAAs with data from Federal employee wage and pension files to determine eligibility and to ensure fair and equitable treatment in the delivery of benefits attributable to funds provided by the Federal government. The SPAAs will use the matched data to verify the continued eligibility of individuals to receive public assistance benefits and, if ineligible, to take such action as may be authorized by law and regulation. ACF, in its role as match facilitator, will support each SPAA's efforts to ensure appropriate delivery of benefits by assisting with drafting the necessary agreements, helping arranging signatures to the agreements, and acting as a central shipping point as necessary.

C. Authority for Conducting the Match

The legal authority for conducting the matching program is contained in sections 402 and 1137 of the Social Security Act (42 U.S.C. 602 and 1320b-7).

D. Records To Be Matched

The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

1. Federal, but not State, agencies must publish system notices for ''systems of records'' pursuant to subsection (e)(4) of the Privacy Act and must identify ''routine uses'' pursuant to subsection (b)(3) of the Privacy Act

for those systems of records from which they intend to disclose this information. The DoD system of records described below contains an appropriate routine use proviso, which permits disclosure of information by DMDC to ACF and the SPAAs.

2. DoD will use personal data from the record system identified as S322.10 DMDC, entitled ''Defense Manpower Data Center Base,'' last published in the **Federal Register** at 69 FR 31974, June 8, 2004, as amended by 69 FR 67117, November 16, 2004.

3. HHS will be disclosing, as applicable, to DMDC personal data it has collected from the SPAAs. No information will be disclosed from systems of records that ACF operates and maintains. HHS will be disclosing, as applicable, to the SPAAs personal data it has received from DMDC. The DMDC supplied matched data will be disclosed by ACF pursuant to the DoD routine use.

E. Description of Computer Matching Program

Each participating SPAA will send ACF an electronic file of eligible public assistance client information. These files are non-Federal computer records maintained by the states. ACF will then send this information to DMDC. In the alternative, participating SPAAs can submit files directly to DMDC. After DMDC receives the SPAA data, it will match the data against the DMDC database. The Database consists of personnel records of non-postal Federal civilian employees and military members, both active and retired. Resulting ''hits'' or matches will be disclosed to the SPAA that submitted the client information.

1. The electronic files provided by ACF and the SPAAs will contain data elements of the client's name, SSN, date of birth, address, sex, marital status, number of dependents, information regarding the specific public assistance benefit being received, and such other data as considered necessary and on no more than 10,000,000 public assistance beneficiaries.

2. The DMDC computer database file contains approximately 4.85 million records of active duty and retired military members, including the Reserve and Guard, and approximately 3.68 million records of active and retired non-postal Federal civilian employees.

3. DMDC will match the SSN on the ACF/SPAA file by computer against the DMDC database. Matching records, ''hits'' based on SSNs, will produce data elements of the individual's name; SSN; active or retired; if active, military service or employing agency, and current work or home address, and other relevant information.

F. Inclusive Dates of the Matching Program

The effective date of the matching agreement and date when matching may actually begin shall be at the expiration of the 40-day review period for OMB and Congress, or 30 days after publication of the matching notice in the **Federal Register,** whichever date is later. The parties to this agreement may assume OMB and Congressional concurrence if no comments are received within 40 days of the date of the transmittal letter. The 40-day OMB and Congressional review period and the mandatory 30-day public comment period for the **Federal Register** publication of the notice will run concurrently. By agreement between HHS and DoD, the matching program will be in effect for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. Address for Receipt of Public Comments or Inquiries

Director, Defense Privacy Office, 1901 South Bell Street, Suite 920, Arlington, VA 22202–4512. Telephone (703) 607–2943.

[FR Doc. 05–13729 Filed 7–13–05; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Final Supplemental Environmental Impact Statement for the Wyoming Valley Levee Raising Project, Wilkes-Barre, PA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Baltimore District announces the availability of the Final Supplemental Environmental Impact Statement (SEIS) for the design modifications and recreational enhancements to the Wyoming Valley Levee Raising Project at the Wilkes-Barre, Pennsylvania River Commons. The Final SEIS investigates the potential environmental effects of an array of alternative plans based on the conceptual riverfront plan for Wilkes-Barre. The preferred alternative includes the addition of two portals through the levee, a river landing, fishing platform, and an amphitheater and stage.

The Draft SEIS was released on a 45-day review and comment period during August and September 2004, and a Notice of Availability was published in the **Federal Register** under the U.S. Environmental Protection Agency on August 13, 2004. Comments received on the Draft SEIS and our responses are included in the Final SEIS (Appendices G and H).

DATES: A Record of Decision may be signed no sooner than 30 days after publication of the notice for this action, as stated in 40 CFR 1506.10(b)(2).

ADDRESSES: To obtain copies of the Final SEIS, contact Jo Ann Grundy, (410) 962–6136 or write to: U.S. Army Corps of Engineers, Baltimore District, Attn: Jo Ann Grundy, CENAB–PL–P, PO Box 1715, Baltimore, MD 21203–1715.

FOR FURTHER INFORMATION CONTACT: Jo Ann Grundy, (410) 962–6136 or (800) 295–1610.

SUPPLEMENTARY INFORMATION: Federal flood control projects along the Susquehanna River have protected communities in the Wyoming Valley of northeastern Pennsylvania since the late 1930's. However, the June 1972, Tropical Storm Agnes struck, and the Susquehanna River overtopped the levee system in the Valley, causing severe damage in many communities. In response, in 1986 the U.S. Congress authorized raising the Wyoming Valley levee system and implementing other flood damage reduction measures. Construction of the levee raising started in the Spring of 1997 and continues.

In the urbanized area of Wyoming Valley, including the City of Wilkes-Barre, the levee and floodwall system have created a physical, psychological and aesthetic barrier between the communities along the Susquehanna River. Through public workshops in 1999, a conceptual plan was developed for the City of Wilkes-Barre riverfront that would restore the connection between the city and the river. The plan consists of a riverfront park to be located on the riverside of the levee at downtown Wilkes-Barre, which would be accessible through two portals (*i.e.* gates) in the levee/floodwall system. The Luzerne County Flood Protection Authority, which is the non-Federal project partner for the Wyoming Valley Levee Raising Project, requested that the conceptual riverfront plan be incorporated into the project. This request initiated a general reevaluation report and this Final SEIS to investigate the potential environmental effects to alternative plans based on the conceptual riverfront plan.

The preferred plan for the riverfront park includes two portals, a river landing, a fishing platform, and an amphitheater and stage. In addition to the features, miscellaneous recreational amenities (*e.g.*, lights, seating areas with benches, trees/vegetation, educational kiosks, and trash receptacles) would be included. Also, the existing access road at the riverside of the levee would be paved.

USACE has distributed copies of the Final SEIS to appropriate members of Congress, State and local government officials, Federal agencies, and other interested parties. Copies are also available at the following locations:

(1) Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, PA 18701.

(2) Osterhout Free Library, South Branch, 2 Airy Street, Wilkes-Barre, PA 18702.

(3) D. Leonard Corgan Library, King's College, 14 West Jackson Street, Wilkes-Barre, PA 18711.

You may view the Final SEIS and related information on our Web page at *http://www.nab.usace.army.mil/publications/non-reg_pub.htm.*

The Final SEIS has been prepared in accordance with (1) The National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), and (3) USACE regulations implementing NEPA (ER–200–2–2).

Jo Ann Grundy,

Biologist.

[FR Doc. 05–13855 Filed 7–13–05; 8:45 am]

BILLING CODE 3710–41–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Supplemental Environmental Impact Statement for the Dredged Material Management Plan for the Calcasieu River and Pass, Louisiana, Federal Navigation Channel

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers, New Orleans District (CEMVN) is initiating this draft supplemental environmental impact statement (DSEIS) under the authority of the Rivers and Harbors Act of July 24, 1946 (House Document 190, 79th Congress, 2nd Session) and prior Rivers and Harbors acts; the Rivers and Harbors Act of July 14, 1960 (House Document 436, 86th Congress, 2nd Session); the Rivers and Harbors Act of October 23, 1962 (House Document 582, 87th Congress, 2nd Session); the Senate Public Works committee on December 27, 1970, and the House Public Works committee on December 15, 1970, under the provisions of Section 201 of the Flood Control Act of 1965 (Pub. L. 89–298; S.D. 91–111); and Section 107 of the Rivers and Harbors Act of 1960, as amended by Section 310 and Section 112 of the Rivers and Harbors Acts of 1965 and 1970, respectively, to investigate dredged material placement for the next 20 years of maintenance dredging of the Calcasieu and River and Pass, LA. The Calcasieu River and Pass, LA project does not have adequate dredged material disposal areas for the long-term maintenance of the project. Existing disposal sites are at or near capacity, and some disposal sites have been substantially eroded into adjacent water bodies. Other disposal areas have been lost to commercial developments. As a result, remaining disposal areas cannot accommodate the volume of dredged material needed to maintain the Calcasieu River and Pass, LA navigation channel to project-authorized dimensions, and CEMVN has been forced to reduce channel dimensions in some reaches.

FOR FURTHER INFORMATION CONTACT: Questions concerning this DEIS should be addressed to Mr. Casey Rowe at U.S. Army Corps of Engineers, PM–RP, P.O. Box 60267, New Orleans, LA 70160–0267, phone (504) 862–1583, fax number (504) 862–2572 or by e-mail at *Casey.J.Rowe@mvn02.usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. Proposed Action. The overall goal of the dredged material management plan is to investigate and develop a long-term management plan to maintain, in an economically and environmentally sound manner, the Federally authorized channel dimensions, and maximize the use of the dredged material as a beneficial resource.

2. Alternatives. A number of alternative dredged material disposal sites will be investigated for the Calcasieu River and Pass, LA project, as well as feasible alternatives to maximize the capacity of existing dredged material disposal areas along the channel.

3. Scoping. Scoping is the process for determining the scope of alternatives and significant issues to be addressed in the DSEIS. For this analysis, a letter will be sent to all parties believed to have an interest in the analysis, requesting their input on alternative disposal sites and issues to be evaluated. The letter will also notify interested parties of public scoping meetings that will be held in the local area. Notices will also be sent to local news media. All interested parties are invited to comment at this time, and anyone interested in this study should request to be included in the study mailing list.

Two public scoping meetings will be held in July 2005, in Calcasieu and Cameron Parishes. Depending on public interest, and if further public coordination is warranted, additional meetings may be scheduled.

4. Significant Issues. The tentative list of resources and issues to be evaluated in the DSEIS include essential fish habitat, wetlands, aquatic resources, commercial and recreational fisheries, wildlife resources, water quality, air quality, threatened and endangered species, recreation resources, and cultural resources. Socioeconomic impacts will also be evaluated in the DSEIS, including navigation as well as potential noise impacts.

Environmental Consultation and Review. The U.S. Fish and Wildlife Service (USFWS) will be assisting in the documentation of existing conditions and assessment of effects of project alternative through Fish and Wildlife Coordination Act consultation procedures. The USFWS will also provide a Fish and Wildlife Coordination Act report. The CEMVN will consult with the USFWS and National Marine Fisheries Service (NMFS) concerning threatened and endangered species and their critical habitat. The CEMVN will coordinate with the Advisory Counsel on Historic Preservation and the State Historic Preservation Officer. The CEMVN will coordinate with the Louisiana Department of Natural Resources regarding consistency with the Coastal Zone Management Act. The Louisiana Department of Environmental Quality will review the action for consistency with applicable laws regarding the discharge of dredged material as it relates to impacting water quality and will provide the State of Louisiana Water Quality Certification. Coordination may also occur with the following agencies for evaluation of impacts to significant resources: U.S. Environmental Protection Agency, Minerals Management Service, Natural Resources Conservation Service, U.S. Geologic Survey, and Louisiana Department of Wildlife and Fisheries.

Estimated Date of Availability. Funding levels and time constraints will dictate the date when the DSEIS will be available for review. The earliest date

that the draft EIS is expected to be available is November 2006.

Dated: June 23, 2005.

Stephen E. Jeselink,

Lieutenant Colonel, U.S. Army, District Engineer.

[FR Doc. 05–13872 Filed 7–13–05; 8:45 am]

BILLING CODE 3710–84–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Inland Waterways Users Board

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the forthcoming meeting.

Name of Committee: Inland Waterways Users Board (Board).

Date: July 27, 2005.

Location: Radisson Riverfront Hotel St. Paul, 11 East Kellogg Blvd, St. Paul, Minnesota 55101, (1–651–292–1900).

Time: Registration will begin at 8:30 a.m. and the meeting is scheduled to adjourn at 12:30 p.m.

Agenda: The Board will hear briefings on the status of both the funding for inland navigation projects and studies, and the Inland Waterways Trust Fund. The Board will also consider its priorities for the next fiscal year.

FOR FURTHER INFORMATION, CONTACT: Mr. Norman T. Edwards, Headquarters, U.S. Army Corps of Engineers, CEMP–POD, 441 G. Street, NW., Washington, DC 20314–1000; Ph: 202–761–1934.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 05–13858 Filed 7–13–05; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by July 22, 2005.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Carolyn Lovett, Desk Officer, Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: July 11, 2005.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: IDEA Part B State Performance Plan (SPP) and Annual Performance Report (APR).

Frequency: SPP—every six years; APR—annually.

Affected Public:

State, local, or tribal gov't, SEAs or LEAs; Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 60.

Burden Hours: 19,500.

Abstract: The Individuals with Disabilities Education Improvement Act of 2004, signed on December 3, 2004, became Public Law 108–446. In accordance with 20 U.S.C. 1416(b)(1), not later than 1 year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, each State must have in place a performance plan that evaluates the States efforts to implement the requirements and purposes of Part B and describe how the State will improve such implementation. This plan, referenced here-to-after, is called the Part B State Performance Plan (Part B—SPP). In accordance with 20 U.S.C. 1416(b)(C)(ii) the State shall report annually to the public on the performance of each local educational agency located in the State on the targets in the State's performance plan. The State shall report annually to the Secretary on the performance of the State under the State's performance plan. This report, referenced here-to-after, is called the Part B Annual Performance Report (Part B—APR).

Additional Information: In accordance with 20 U.S.C. 1416(b)(1), not later than 1 year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, each State must have in place a performance plan that evaluates the State's efforts to implement the requirements and purposes of Part B and describe how the State will improve such implementation.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 2705. When you access the information collection, click on ''Download Attachments ''to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: IDEA Part C State Performance Plan (SPP) and Annual Performance Report (APR).

Frequency: SPP—every 6 years; APR—annually.

Affected Public:

State, local, or tribal gov't, SEAs or LEAs; Not-for-profit institutions; Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 14,000.

Abstract: The Individuals with Disabilities Education Improvement Act of 2004, signed on December 3, 2004, became Public Law 108–446. In accordance with 20 U.S.C. 1416(b)(1) and 20 U.S.C. 1442, not later than 1 year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, each Lead Agency must have in place a performance plan that evaluates the Lead Agency's efforts to implement the requirements and purposes of Part C and describe how the Lead Agency will improve such implementation. This plan, referenced here-to-after, is called the Part C State Performance Plan (Part C—SPP). In accordance with 20 U.S.C. 1416(b)(2)(C)(ii) and 20 U.S.C. 1442 the Lead Agency shall report annually to the public on the performance of each Part C program located in the State on the targets in the Lead Agency's performance plan. The Lead Agency shall report annually to the Secretary on the performance of the State under the Lead Agency's performance plan. This report, referenced here-to-after, is called the Part C Annual Performance Report (Part C—APR).

Additional Information: In accordance with 20 U.S.C. 1416(b)(1) and 20 U.S.C. 1442, not later than 1 year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, each Lead Agency must have in place a performance plan that evaluates the Lead Agency's efforts to implement the requirements and purposes of Part C and describe how the Lead Agency will improve such implementation.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 2706. When you access the information collection, click on ''Download Attachments ''to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 05–13888 Filed 7–13–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Notice Reopening the State Vocational Rehabilitation Unit In-Service Training Program Fiscal Year (FY) 2005 Competition

Catalog of Federal Domestic Assistance (CFDA) Number: 84.265A

SUMMARY: On April 28, 2005, we published in the **Federal Register** (70 FR 22006) a notice inviting applications for the State Vocational Rehabilitation Unit In-Service Training program's FY 2005 competition. The original notice for this FY 2005 competition established a June 13, 2005, deadline for eligible applicants to apply for funding under this program.

In order to afford as many eligible applicants as possible an opportunity to receive funding under this program, we are reopening the State Vocational Rehabilitation Unit In-Service Training program FY 2005 competition. The new application deadline date for the competition is July 21, 2005.

DATES: *Deadline for Transmittal of Applications:* July 21, 2005. (applications must be received by the Electronic Grant Application System (e-Application) no later than 4:30 p.m., Washington, DC time).

Note: Applications for grants under the State Vocational Rehabilitation Unit In-Service Training program must be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-Grants system. You may not e-mail an electronic copy of a grant application to us. For information about how to submit your application electronically, please refer to section IV. 6. *Other Submission Requirements* in the April 28, 2005, notice (70 FR 22008). We have not extended the deadline for submitting a statement that an applicant qualifies for an exception to the electronic submission requirement.

Deadline for Intergovernmental Review: The deadline date for Intergovernmental Review under Executive Order 12372 is extended to September 19, 2005.

FOR FURTHER INFORMATION CONTACT: Marilyn P. Fountain, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5028, Potomac Center Plaza, Washington, DC 20202–2550. Telephone: (202) 245–7346 or by e-mail: *Marilyn.Fountain@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

SUPPLEMENTARY INFORMATION: Any eligible applicant may apply for funding under this program by the deadline date in this notice. Eligible applicants that submitted their applications in a timely manner for the State Vocational Rehabilitation Unit In-Service Training program FY 2005 competition to the Department on or before 4:30 p.m. on the competition's original deadline date of June 13, 2005, are not required to resubmit their applications or reapply in order to be considered for FY 2005 awards under this program. We encourage eligible applicants to submit their applications as soon as possible to

avoid any problems with filing electronic applications on the last day. The deadline for submission of applications will not be extended any further.

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: July 11, 2005.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 05–13894 Filed 7–13–05; 8:45 am]

BILLING CODE 4000–01–M

ELECTION ASSISTANCE COMMISSION

Sunshine Act Notice

AGENCY: United States Election Assistance Commission.

ACTION: Notice of public hearing agenda.

DATE AND TIME: Thursday, July 28, 2005, 1 p.m.–5 p.m.

PLACE: California Institute of Technology, Baxter Humanities Building, Baxter Lecture Hall (Third Floor), 1200 East California Blvd., Pasadena, CA 91125.

AGENDA: The Commission will conduct a public hearing on the proposed voluntary voting system guidelines. The commission will receive presentations regarding the proposed guidelines from state election officials and academicians. The Commission will also hear comments specifically related to the wireless capabilities testing guidelines.

EAC will provide a public comment period to receive comments from the public regarding the voluntary voting system guidelines. Members of the public who wish to speak should contact EAC via email at *testimony@eac.gov*, or via mail addressed to the U.S. Election Assistance Commission 1225 New York Ave., NW., Suite 1100, Washington, DC 20005, or by fax at 202/566–3127. Comments will be strictly limited to 3 minutes per person or organization to assure that all constituent or stakeholder groups are represented. All speakers will be contacted prior to the hearing. EAC also encourages members of the public to submit written testimony via email, mail or fax. All public comments will be taken in writing via email at *testimony@eac.gov*, or via mail addressed to the U.S. Election Assistance Commission 1225 New York Ave, NW., Suite 1100, Washington, DC 20005, or by fax at 202/566–3127.

This hearing will be open to the public.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Bryan Whitener, Telephone: (202) 566–3100.

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

[FR Doc. 05–14007 Filed 7–12–05; 3:24 pm]

BILLING CODE 6820–KF–M

DEPARTMENT OF ENERGY

Office of Science; Notice of Renewal of the Basic Energy Sciences Advisory Committee

Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act and in accordance with Title 41of the Code of Federal Regulations, Section 102–3.65, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Basic Energy Sciences Advisory Committee has been renewed for a two-year period, beginning July 1, 2005.

The Committee will provide advice to the Office of Science, on the basic energy sciences program. The Secretary of Energy has determined that renewal of the Basic Energy Sciences Advisory Committee is essential to the conduct of the Department's business and is in the public interest in connection with the performance of duties imposed by law upon the Department of Energy. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. No. 92–463), the General Services Administration Final Rule on Federal Advisory Committee Management, and other directives and instructions issued in implementation of those acts.

FOR FUTHER INFORMATION CONTACT: Ms. Rachel Samuel at (202) 586–3279.

Issued in Washington, DC on July 1, 2005.

Carol Matthews,

Acting Advisory Committee Officer.

[FR Doc. 05–13860 Filed 7–13–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Draft Environmental Impact Statement (EIS) for the Proposed Consolidation of Nuclear Operations Related to Production of Radioisotope Power Systems: Details of Public Hearing Locations

AGENCY: Department of Energy.

ACTION: Notice of public hearing locations.

SUMMARY: The Notice of Availability of the Draft EIS for the Proposed Consolidation of Nuclear Operations Related to Production of Radioisotope Power Systems was published by the Environmental Protection Agency in the **Federal Register** on July 1, 2005. In addition to the notifications through local media, the Department is providing details through this **Federal Register** notice of the locations and times of public hearings to be held to receive public comments on the subject Draft EIS.

DATES: The 60-day public comment period began with the publication of the Notice of Availability published by the Environmental Protection Agency in the **Federal Register** dated July 1, 2005 (70 FR 38131), and concludes on August 29, 2005. The Department invites the general public, Native American Tribes, state and local governments, other Federal agencies, Departmental stakeholders, and other interested parties to comment on the Draft EIS. To ensure that the comments are considered in preparation of the Final EIS, the comments should be transmitted or postmarked by August 29, 2005. Late comments will be considered to the extent practicable.

The Department will conduct eight public hearings in Oak Ridge, Tennessee; Los Alamos, New Mexico; Jackson, Wyoming; and Sun Valley/Ketchum, Idaho Falls, Fort Hall, Twin Falls, and Boise, Idaho. During the hearings, the Department will provide information on the Draft EIS and receive oral and written comments that will be considered in preparation of the Final EIS. All of the public meetings will begin at 7 p.m. The locations and dates for these public hearings are as follows:

Oak Ridge, Tennessee: Monday, July 18, 2005, at Double Tree Hotel, Salon C, 215 South Illinois Avenue, Oak Ridge, Tennessee 37830.

Los Alamos, New Mexico: Tuesday, July 19, 2005, at University of New Mexico, Los Alamos, Lecture Hall, Student Center, 4000 University Drive, Los Alamos, New Mexico 87544.

Sun Valley/Ketchum, Idaho: Wednesday, July 20, 2005, at Sun Valley Inn, Continental Room, Sun Valley Road, Sun Valley, Idaho 83353.

Jackson, Wyoming: Thursday, July 21, 2005, at Snow King Convention Center, 400 E. Snow King Avenue, Jackson Hole, Wyoming 83001.

Idaho Falls, Idaho: Monday, July 25, 2005, at Shilo Inn, 780 Lindsay Boulevard, Idaho Falls, Idaho 83402.

Fort Hall, Idaho: Tuesday July 26, 2005, at Tribal Business Center, Tribal Council Chambers, Pima Drive (I–15, Exit 80), Fort Hall Town Site, Fort Hall, Idaho 83203.

Twin Falls, Idaho: Wednesday, July 27, 2005, at College of Southern Idaho, Taylor Building, Room 276, 315 Falls Avenue, Twin Falls, Idaho 83303.

Boise, Idaho: Thursday, July 28, 2005, at Red Lion Hotel, Boise Downtowner, Selway Meeting Room, 1800 Fairview, Boise, Idaho 83702.

ADDRESSES: Comments on the Draft EIS requests for special arrangements that would enable participation at the hearings (*e.g.*, an interpreter for the hearing impaired) and requests to be placed on the Final EIS distribution list may be directed to: Timothy A. Frazier, Document Manager, NE–50/Germantown Building, Office of Space and Defense Power Systems, Office of Nuclear Energy, Science and Technology, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–1290 or submitted via e-mail to *ConsolidationEIS@nuclear.energy.gov*. You may also leave a message at (800) 919–3716 or send a fax to (800) 919–3765. Comments may also be submitted to the Department via e-mail at *ConsolidationEIS.doe.gov*.

SUPPLEMENTARY INFORMATION: The Department has prepared the subject Draft EIS pursuant to the National Environmental Policy Act of 1969. The Notice of Intent to prepare the EIS was published in the **Federal Register** on November 16, 2004. Seven public scoping meetings were held at Oak Ridge, Tennessee; Los Alamos, New Mexico; Jackson, Wyoming; Idaho Falls, Fort Hall, and Twin Falls, Idaho; and Washington, DC. Comments received on the scope of the EIS were considered in preparation of the Draft EIS. The Notice of Availability of the Draft was published by the U.S. Environmental Protection Agency in the **Federal Register** on July 1, 2005. This notice announces the details of the dates and locations of the public hearings and invites comments on the Draft EIS that will be considered in preparation of the Final EIS scheduled for publication in November 2005. Additionally, announcements in the local media have been and are being made to enhance and facilitate public participation.

Issued in Washington, DC, on July 8, 2005.

R. Shane Johnson,

Acting Director, Office of Nuclear Energy, Science and Technology.

[FR Doc. 05–13859 Filed 7–13–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science; Fusion Energy Sciences Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting correction.

On June 3, 2005, the Department of Energy published a notice of open meeting announcing a meeting of the Fusion Energy Sciences Advisory Committee, 70 FR 33887. In that notice, the meeting was scheduled for Tuesday, July 19, 2005, 8 a.m. to 6 p.m. and Wednesday, July 20, 2005, 8 a.m. to 12 noon. Today's notice is announcing that the meeting will now be for one day, July 19, 2005, 9 a.m. to 5 p.m.

Issued in Washington, DC on July 8, 2005.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 05–13861 Filed 7–13–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM96–1–026]

Standards for Business Practices of Interstate Natural Gas Pipelines; Notice of Compliance Filing

July 8, 2005.

In the matter of: RP05–417–000, RP05–479–000, RP05–465–000, RP05–464–000, RP05–471–000, RP05–482–000, RP05–411–000, RP05–419–000, RP05–457–000, RP05–436–000, RP05–404–000, RP05–424–000, RP05–446–000, RP05–488–000, RP05–459–000, RP05–433–000, RP05–434–000, RP05–435–000, RP05–495–000, RP05–426–000, RP05–437–000, RP05–472–000, RP05–423–000, RP05–416–000, RP05–407–000, RP05–460–000, RP05–445–000, RP05–442–000, RP05–443–000, RP05–444–000, RP05–453–000, RP05–458–000, RP05–447–000, RP05–475–000, RP05–391–000, RP05–400–000, RP05–414–000, RP05–439–000, RP05–429–000, RP05–413–000, RP05–468–000, RP05–456–000, RP05–438–000, RP05–473–000, RP05–418–000, RP05–461–000, RP05–393–000, RP05–489–000, RP05–454–000, RP05–448–000, RP05–477–000, RP05–420–000, RP05–498–000, RP05–463–000, RP05–496–000, RP05–392–000, RP05–409–000, RP05–406–000, RP05–497–000, RP05–405–000, RP05–485–000, RP05–469–000, RP05–462–000, RP05–441–000, RP05–483–000, RP05–466–000, RP05–487–000, RP05–455–000, RP05–486–000, RP05–402–000, RP05–470–000, RP05–395–000, RP05–390–000, RP05–427–000, RP05–474–000, RP05–499–000, RP05–452–000, RP05–410–000, RP05–396–000, RP05–428–000, RP05–421–000, RP05–481–000, RP05–480–000, RP05–449–000, RP05–493–000, RP05–492–000, RP05–415–000, RP05–412–000, RP05–484–000, RP05–430–000, RP05–394–000, RP05–478–000, RP05–432–000, RP05–450–000, and RP05–451–000; Algonquin Gas Transmission, L.L.C., Alliance Pipeline L.P., ANR Pipeline Company, ANR Storage Company, Black Marlin Pipeline Company, Blue Lake Gas Storage Company, B–R Pipeline Company, Canyon Creek Compression Company, CenterPoint Energy Gas Transmission Company, CenterPoint Energy-Mississippi River Transmission, Corporation, Central New York Oil and Gas Company, LLC, Chandeleur Pipe Line Company, Cheyenne Plains Gas Pipeline Company, L.L.C., Clear Creek Storage Company, L.L.C., Colorado Interstate Gas Company, Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company, Crossroads Pipeline Company, Dauphin Island Gathering Partners, Destin Pipeline Company, L.L.C., Discovery Gas Transmission LLC, Dominion Cove Point LNG, LP, Dominion Transmission, Inc., East Tennessee Natural Gas, L.L.C., Egan Hub Storage, LLC, El Paso Natural Gas Company, Enbridge Offshore Pipeline, Enbridge Pipelines (AlaTenn), Enbridge Pipelines (KPC), Enbridge Pipelines (Midla) L.L.C., Garden Banks Gas Pipeline, LLC, Gas Transmission Northwest Corporation, Granite State Gas Transmission, Inc., Great Lakes Gas Transmission Limited Partnership, Guardian Pipeline, LLC, Gulf South Pipeline Company, Gulfstream Natural Gas System L.L.C., High Island Offshore System, L.L.C., Honeoye Storage Corporation, Horizon Pipeline Company, Iroquois Gas Transmission System, L.P., Kern River Gas Transmission Company, Kinder Morgan Interstate Gas Transmission LLC, KO Transmission Company, Maritimes & Northeast Pipeline, L.L.C., MarkWest New Mexico L.P., Midwestern Gas Transmission Company, MIGC, Inc., Mississippi Canyon Gas Pipeline, LLC, Mojave Pipeline Company, National Fuel Gas Supply Corporation, Natural Gas Pipeline Company of America, Nautilus Pipeline Company, L.L.C., NGO Transmission, Inc., North Baja Pipeline, LLC, Northern Border Pipeline Company, Northern Natural Gas Company, Northwest Pipeline Corporation, Overthrust Pipeline Company, Ozark Gas Transmission, L.L.C., Paiute Pipeline Company, Panhandle Eastern Pipe Line Company, LP, Panther Interstate Pipeline Energy, L.L.C., Petal Gas Storage, L.L.C., Pine Needle LNG Company,

LLC, Questar Pipeline Company, Questar Southern Trails Pipeline Company, Sabine Pipe Line LLC, Saltville Gas Storage Company, L.L.C., SCG Pipeline, Inc., Sea Robin Pipeline Company, LLC, Southern LNG Inc., Southern Natural Gas Company, Southern Star Central Gas Pipeline, Inc., Southwest Gas Storage Company, Stingray Pipeline Company, L.L.C., Tennessee Gas Pipeline Company, Texas Eastern Transmission, LP, Texas Gas Transmission Corporation, Total Peaking Services, L.L.C., Trailblazer Pipeline Company, TransColorado Gas Transmission Company, Transcontinental Gas Pipe Line Corporation, Transwestern Pipeline Company, LLC, Trunkline Gas Company, LLC, Trunkline LNG Company, LLC, Tuscarora Gas Transmission Co., USG Pipeline Company, Vector Pipeline L.P., Venice Gathering System L.L.C., Viking Gas Transmission Company, WestGas InterState, Inc., Williston Basin Interstate Pipeline Company, Wyoming Interstate Company, Ltd., and Young Gas Storage Company, Ltd.

Take notice that the above-referenced pipelines filed revised tariff sheets to comply with the Commission's Order No. 587–S, Final Rule, in Docket No. RM96–1–026 issued May 9, 2005, 111 FERC ¶ 61,203 (2005). The revised tariff sheets are to be effective September 1, 2005.

Any person desiring to become a party in any of the listed dockets must file a separate motion to intervene in each docket for which they wish party status.

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.

Intervention and Protest Date: 5 p.m. eastern time on July 18, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–3726 Filed 7–13–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–357–001]

Cheniere Creole Trail Pipeline Company; Notice of Amendment

July 8, 2005.

Take notice that on July 1, 2005, Cheniere Creole Trail Pipeline Company (Cheniere Creole Trail), 717 Texas Avenue, Suite 3100, Houston Texas 77002, filed in Docket No. CP05–357–001 to amend its pending application filed on May 23, 2005, pursuant to section 7(c) of the Natural Gas Act (NGA) to construct and operate certain pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The 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 ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Cheniere Creole Trail's amendment reflects a shortening of the length of pipeline to be constructed for the project. Specifically, Cheniere Creole Trail withdraws its proposal to construct Segment 1 of its project. Segment 1 consists of 46.9 miles of single 42-inch diameter pipeline, in Cameron Parish, Louisiana, extending from the previously authorized Sabine Pass liquefied natural gas (LNG) terminal to a juncture with Cheniere Creole Trail's remaining proposed pipeline facilities. The remaining proposed pipeline facilities will be connected to Creole Trail LNG, L.P.'s proposed LNG terminal for which authorization was requested in a companion application filed on May 23, 2005, in Docket No. CP05–360–000. The amendment also reflects a change in the maximum capacity of the proposed pipeline from 5.9 Bcf per day to 3.3 Bcf per day.

Any questions regarding these applications should be directed to Patricia Outtrim, Cheniere LNG, Inc., 717 Texas Avenue, Suite 3100, Houston, Texas 77002, (713) 659–1361 or Lisa Tonery, King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036, (212) 556–2307.

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.

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 commentors 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 commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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. The Commission strongly encourages electronic filings.

Comment Date: July 29, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–3733 Filed 7–13–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–388–000]

Southern Natural Gas Company; Notice of Application

July 8, 2005.

Take notice that on June 29, 2005 Southern Natural Gas Company (Southern), PO Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP05–388–000 an application pursuant to section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting a certificate of public convenience and necessity for the authorization to construct and operate a total of 176.43 miles of 24-inch and 30-inch diameter pipeline, three new compressor stations totaling approximately 31,050 horsepower, and other appurtenant facilities. Southern states that this project, known as the Cypress Pipeline Project (located in Georgia and Florida), will be constructed in three phases with phased in-service dates of May 1, 2007, May 1, 2009, and May 1, 2010. Southern states that the project will be able to provide 500,000 Mcf/d of firm transportation capacity. Southern explains that it has entered into precedent agreements with BG LNG Services, L.L.C., Florida Power Corporation d/b/a Progress Energy Florida, Inc., and the City of Austell, Georgia for firm, long-term transportation services, 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 Patrick B. Pope, Vice President & General Counsel, Southern Natural Gas Company, PO Box 2563, Birmingham, Alabama 35202–2563, or call (205) 325–7126.

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: July 29, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–3727 Filed 7–13–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Filings #1

July 8, 2005.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER02–1238–004; ER01–1310–004; EL05–111–000.

Applicants: MPC Generating, LLC.

Description: Progress Energy Service Company, LLC requests that FERC exclude MPC Generating LLC and Walter County Power, LLC from the section 206 proceeding re filing updates by 2/28/06 under ER02–1238 *et al.*

Filed Date: 06/21/2005.

Accession Number: 20050701–0009.

Comment Date: 5 p.m. Eastern Time on Tuesday, July 18, 2005.

Docket Numbers: ER05–1169–000.

Applicants: Central Maine Power Company.

Description: Central Maine Power Company submits its 6/30/05 informational filing regarding annual update to formula rates in effect as of 6/1/05.

Filed Date: 06/30/2005.

Accession Number: 20050701–0158.

Comment Date: 5 p.m. Eastern Time on Thursday, July 21, 2005.

Docket Numbers: ER05–1170–000.

Applicants: AMVEST Power, Inc.

Description: AMVEST Power, Inc. submits notice of cancellation of its market-based rate tariff currently on file (Rate Schedule 1).

Filed Date: 06/30/2005.

Accession Number: 20050701–0159.

Comment Date: 5 p.m. Eastern Time on Thursday, July 21, 2005.

Docket Numbers: ER05–1171–000.

Applicants: ISO New England Inc.

Description: ISO New England, Inc. submits revised Code of Conduct and Ethics Policy.

Filed Date: 06/30/2005.
Accession Number: 20050701–0160.
Comment Date: 5 p.m. Eastern Time on Thursday, July 21, 2005.

Docket Numbers: ER05–1172–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits executed service agreement for network integration transmission service and an executed Network Operating Agreement, Service Agreement No. 1142, with Kansas Electric Power Cooperative, Inc.
Filed Date: 06/30/2005.
Accession Number: 20050701–0161.
Comment Date: 5 p.m. Eastern Time on Thursday, July 21, 2005.

Docket Numbers: ER05–1173–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits an executed service agreement for Network Integration Transmission Service and a Network Operating Agreement, Service Agreement No. 1141, with Kansas Electric Power Cooperative, Inc.
Filed Date: 06/30/2005.
Accession Number: 20050705–0121.
Comment Date: 5 p.m. Eastern Time on Thursday, July 21, 2005.

Docket Numbers: ER05–1174–000.
Applicants: Desert Southwest Power, LLC.
Description: Desert Southwest Power, LLC submits a notice of cancellation of its market-based rate tariff—FERC Electric Tariff, Original Volume 1, effective 6/6/05.
Filed Date: 06/30/2005.
Accession Number: 20050705–0122.
Comment Date: 5 p.m. Eastern Time on Thursday, July 21, 2005.

Docket Numbers: ER05–1175–000.
Applicants: NorthWestern Corporation d/b/a NorthWestern Energy
Description: NorthWestern Corporation d/b/a NorthWestern Energy submits an amendment to the firm point-to-point transmission service agreement 18–SD under NorthWestern Energy's open access transmission tariff between the City of Miller, South Dakota and Northwestern Energy.
Filed Date: 06/30/2005.
Accession Number: 20050705–0123.
Comment Date: 5 p.m. eastern time on Thursday, July 21, 2005.

Docket Numbers: ER05–1176–000; ER05–1177–000.
Applicants: Adirondack Hydro Development Corporation; Enserco Energy Inc.
Description: Black Hills Corporation, on behalf of Adirondack Hydro Development Corporation (AHDC) and Enserco Energy Inc. (Enserco), submits notices of cancellation of AHDC's and Enserco's Market-Based Rate Wholesale Power Sales Tariffs.
Filed Date: 06/30/2005.
Accession Number: 20050705–0124.
Comment Date: 5 p.m. eastern time on Thursday, July 21, 2005.

Docket Numbers: ER05–1178–000.
Applicants: Gila River Power, L.P.
Description: Gila River Power, LP submits a notice of succession to notify the Commission that effective 6/1/05 Gila River has succeeded to the FERC Electric Tariff Original Volume No. 1 of Panda Gila River LP.
Filed Date: 06/30/2005.
Accession Number: 20050705–0125.
Comment Date: 5 p.m. eastern time on Thursday, July 21, 2005.

Docket Numbers: ER05–1179–000.
Applicants: Berkshire Power Company, LLC.
Description: Berkshire Power Company, LLC submits an unexecuted cost-of-service agreement with ISO New England, Inc.
Filed Date: 06/30/2005.
Accession Number: 20050705–0126.
Comment Date: 5 p.m. eastern time on Thursday, July 21, 2005.

Docket Numbers: ER05–1180–000.
Applicants: Aquila, Inc.
Description: Aquila, Inc. on behalf of three of its operating divisions, Aquila Networks—MPS Networks—WPK & Aquila Networks—LP informs that it has adopted NERC's revised transmission loading relief procedures.
Filed Date: 06/30/2005.
Accession Number: 20050705–0114.
Comment Date: 5 p.m. eastern time on Thursday, July 21, 2005.

Docket Numbers: ER05–722–003.
Applicants: Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc.
Description: Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. amends its compliance filing to replace the unexecuted version of the revised power supply agreement pursuant to Order 614 etc., effective 5/23/05.
Filed Date: 06/30/2005.
Accession Number: 20050701–0162.
Comment Date: 5 p.m. eastern time on Thursday, July 21, 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 email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,
Secretary.
[FR Doc. E5–3725 Filed 7–13–05; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

July 8, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Exemption of a small hydroelectric power project, 5 MW or less.

b. *Project No.:* 12597–000.

c. *Date filed:* June 24, 2005.

d. *Applicant:* Birch Power Company.

e. *Name of Project:* Lower Turnbull Drop Hydroelectric Project.

f. *Location:* On the Spring Valley Canal, in Teton County, Montana, about 4 miles west of Fairfield, Montana. The project would occupy in part lands of the United States administered by the Bureau of Reclamation.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. §§ 2705, 2708.

h. *Applicant Contact:* Ted Sorenson, Sorenson Engineering, 5203 South 11th East, Idaho Falls, ID 83404, (208) 522–8069.

i. *FERC Contact:* Dianne Rodman, (202) 502–6077, *Dianne.rodman@ferc.gov.*

j. *Cooperating Agencies:* We are asking Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item l below.

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* August 23, 2005.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *(http://www.ferc.gov)* under the ''e-Filing'' link.

m. The application is not ready for environmental analysis at this time.

n. The proposed project would be built at the Spring Valley Canal's Lower Turnbull drop structure, which is a reinforced concrete structure 2,332 feet long, with a total drop of 146.5 feet. The applicant proposes to construct: (1) A check structure, consisting of a spillway gate panel anchored to a ballast concrete structure spanning the full width of the canal floor between new concrete abutment walls; (2) an intake structure to divert flows from the left side of the canal; (3) 84-inch-diameter, 2,340-feet-long steel or polyethylene penstock that would be completely buried; (4) a powerhouse containing two horizontal Francis turbines and one generator with a rated output of 5 MW; (5) a draft tube and tailrace discharging flows into the canal about 40 feet downstream of the drop structure's existing stilling basin; (6) a 0.8-mile-long, 12.5-kilovolt (kV) transmission line; (7) a switchyard; and (8) a 1.7-mile-long, 69-kV transmission line extending from the switchyard to interconnect with an existing Sun River Electric Cooperative transmission line. The project would use flows as they are provided in accordance with the needs of the Greenfield Irrigation District, which operates the canal. The project would not impound water and would be operated strictly as a run-of-river plant. Average annual generation would be 13,350,000 kilowatt-hours.

o. A copy of the application 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 ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Montana State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. *Procedural schedule:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter—August 2005.

Issue Acceptance letter—November 2005.

Issue Scoping Document 1 for comments—December 2005.

Issue Scoping Document 2—February 2006.

Notice of application is ready for environmental analysis—February 2006.

Notice of the availability of the EA—August 2006.

Ready for Commission's decision on the application—August 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E5–3728 Filed 7–13–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

July 8, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Exemption of a small hydroelectric power project, 5 MW or less.

b. *Project No.:* 12598–000.

c. *Date filed:* June 24, 2005.

d. *Applicant:* Birch Power Company

e. *Name of Project:* Upper Turnbull Drop Hydroelectric Project.

f. *Location:* On the Spring Valley Canal, in Teton County, Montana, about 4 miles west of Fairfield, Montana. The project would occupy lands of the United States administered by the Bureau of Reclamation.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708.

h. *Applicant Contact:* Ted Sorenson, Sorenson Engineering, 5203 South 11th East, Idaho Falls, ID 83404, (208) 522–8069.

i. *FERC Contact:* Dianne Rodman, (202) 502–6077, *Dianne.rodman@ferc.gov.*

j. *Cooperating agencies:* We are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item l below.

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* August 23, 2005.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *(http://www.ferc.gov)* under the ''e-Filing'' link.

m. The application is not ready for environmental analysis at this time.

n. The proposed project would be built at the Spring Valley Canal's Upper Turnbull drop structure, which is a reinforced concrete structure 1,102 feet long, with a total drop of 101.6 feet. The applicant proposes to construct: (1) A check structure, consisting of a spillway gate panel anchored to a ballast concrete structure spanning the full width of the canal floor between new concrete abutment walls; (2) an intake structure to divert flows from the left side of the canal; (3) 84-inch-diameter, 1,100-feet-long steel or polyethylene penstock that would be completely buried; (4) a powerhouse containing two horizontal Francis turbines and one generator with a rated output of 4.1 MW; (5) a draft tube and tailrace discharging flows into the canal about 40 feet downstream of the drop structure's existing stilling basin; (6) a 1.3-mile-long, 12.5-kilovolt (kV) transmission line; (7) a switchyard; and (8) a 1.7-mile-long, 69-kV transmission line extending from the switchyard to interconnect with an existing Sun River Electric Cooperative transmission line. The project would use flows as they are provided in accordance with the needs of the Greenfield Irrigation District, which operates the canal. The project would not impound water and would be operated strictly as a run-of-river plant. Average annual generation would be 11,200,000 kilowatt-hours.

o. A copy of the application 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 ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Montana State Historic Preservation Officer (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. *Procedural schedule:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter—August 2005.

Issue Acceptance letter—November 2005.

Issue Scoping Document 1 for comments—December 2005.

Issue Scoping Document 2—February 2006.

Notice of application is ready for environmental analysis—February 2006.

Notice of the availability of the EA—August 2006.

Ready for Commission's decision on the application—August 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E5–3731 Filed 7–13–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

July 8, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Exemption of a small hydroelectric power project, 5 MW or less.

b. *Project No.:* 12599–000.

c. *Date filed:* June 24, 2005.

d. *Applicant:* Wade Jacobsen.

e. *Name of Project:* Mill Coulee Drops Hydroelectric Project

f. *Location:* On the Mill Coulee Canal, in Cascade County, Montana, about 4 miles west of Fairfield, Montana. The project would occupy in part lands of the United States administered by the Bureau of Reclamation.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708.

h. *Applicant Contact:* Ted Sorenson, Sorenson Engineering, 5203 South 11th East, Idaho Falls, ID 83404, (208) 522–8069.

i. *FERC Contact:* Dianne Rodman, (202) 502–6077, *Dianne.rodman@ferc.gov.*

j. *Cooperating agencies:* We are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item l below.

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and

serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: August 23, 2005.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

m. The application is not ready for environmental analysis at this time.

n. The proposed project would be built at the Mill Coulee Canal's Upper and Lower Mill Coulee drop structures, which are reinforced concrete structures 290 and 190 feet long, respectively. The total drop for the two structures is 101.6 feet. The applicant proposes to construct: (1) A check structure, consisting of a spillway gate panel anchored to a ballast concrete structure spanning the full width of the canal floor between new concrete abutment walls, upstream from the concrete transition of the Upper Mill Coulee chute drop; (2) an intake structure to divert flows from the left side of the canal; (3) a 48-inch-diameter, 1,400-feet-long pre-stressed concrete, tape-coated steel, or polyethylene penstock that would be completely buried; (4) a powerhouse containing one horizontal Francis turbine and one generator with a rated output of 1.05 MW; (5) a draft tube and 2,650-feet-long tailrace discharging flows into the canal below the Lower Mill Coulee drop structure; (6) a switchyard immediately adjacent to the powerhouse; and (7) a 0.7-mile-long, 69-kV transmission line extending from the switchyard to interconnect with an existing Sun River Electric Cooperative transmission line. The project would use flows as they are provided in accordance with the needs of the Greenfield Irrigation District, which operates the canal. The project would not impound water and would be operated strictly as a run-of-river plant. Average annual generation would be 2,430,000 kilowatt-hours.

o. A copy of the application 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 ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Montana State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. Procedural schedule: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter—August 2005.

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Issue Scoping Document 1 for comments—December 2005.

Issue Scoping Document 2—February 2006.

Notice of application is ready for environmental analysis—February 2006.

Notice of the availability of the EA—August 2006.

Ready for Commission's decision on the application—August 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E5–3732 Filed 7–13–05; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7938–3]

Clean Air Act Advisory Committee (CAAAC) Notice of Meeting Date Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: In the **Federal Register** of July 1, 2005, 70 FR 38133, EPA announced the Notice of a public meeting scheduled for the Clean Air Act Advisory Committee for July 27 and 28, 2005, but inadvertently listed the dates as Thursday July 27, and Friday July 28. This notice is being published to correct the dates as Wednesday July 27, and Thursday July 28, 2005.

Pursuant to the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that the Clean Air Act Advisory Committee will hold its next open meeting on Thursday July 28, 2005. On July 28 the meeting will begin at 8:30 a.m. to 3:30 p.m. at the Double Tree Hotel, 300 Army Navy Drive, Arlington, VA 22202. The Subcommittee meetings will be held on Wednesday July 27, 2005, at 8:30 a.m. to 4:30 p.m. at the same location as the full Committee. Seating will be available on a first come, first served basis. The Mobile Source Technical Review subcommittee will not meet at this time. The agenda for the full committee meeting will be posted on the CAAAC Web site: *http://www.epa.gov/oar/caaac/.* It is open to the public.

DATES: Clean Air Act Advisory Committee will hold its next open meeting on Thursday, July 28, 2005, from approximately 8:30 a.m. to 3:30 p.m. Subcommittees will meet on Wednesday, July 27, 2005, at the same location.

ADDRESSES: CAAAC and its subcommittee meetings will be held at the Double Tree Hotel, 300 Army Navy Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Concerning the CAAAC, please contact Pat Childers, Office of Air and Radiation, U.S. EPA (202) 564–1082, FAX (202) 564–1352 or by mail at U.S. EPA, Office of Air and Radiation (Mail code 6102 A), 1200 Pennsylvania Avenue, NW., Washington, DC 20004. For information on the Subcommittee meetings, please contact the following individuals: (1) Permits/NSR/Toxics Integration—Debbie Stackhouse, 919–541–5354; and (2) Air Quality Management—Jeff Whitlow 919–541–5523 (3) Economic Incentives and Regulatory Innovations—Carey Fitzmaurice, 202–564–1667. Additional Information on these meetings, CAAAC and its Subcommittees can be found on the CAAAC Web site: *http://www.epa.gov/oar/caaac/.*

SUPPLEMENTARY INFORMATION: Please refer to July 1, 2005, **Federal Register** notice or EPA's Web site *http://www.epa.gov/fedrgstr/EPA-AIR/2005/July/Day-01/a13057.htm.*

Dated: July 5, 2005.

Robert D. Brenner,

Principal Deputy Assistant Administrator, for Air and Radiation.

[FR Doc. 05–13870 Filed 7–13–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act; Meetings

* * * * *

Previously announced Date & Time: Tuesday, July 26, 2005, 10 a.m. meeting closed to the public. This meeting was rescheduled to Tuesday, July 19, 2005.

* * * * *

DATE AND TIME *Tuesday, July 19, 2005 at 10 a.m.*

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, section 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: *Thursday, July 21, 2005, at 10 a.m.*

PLACE: 999 E. Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 2005–07: Andy Mayberry and Andy Mayberry for Congress Committee.

Alternative Drafts for Final Rules and Explanation and Justification for Definitions of ''Agent'' for BCRA Regulations on Non-Federal Funds and Coordinated and Independent Expenditures (11 CFR 109.3 and 300.2(b)).

Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Robert Biersack, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 05–14013 Filed 7–12–05; 3:37 pm]

BILLING CODE 6715–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technolo; ormation of the American Health Information Community

AGENCY: Office of the National Coordinator for Health Information Technology (ONCHIT), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces the establishment of the American Health Information Community (the Community), a committee established under the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.) by the Secretary of the Department of Health and Human Services.

The American Health Information Community will advise the Secretary and recommend specific actions to achieve a common interoperability framework for health information technology (IT) and serve as a forum for participation from a broad range of stakeholders to provide input on achieving interoperability of health IT. The Community shall not exceed 17 voting members, including the Chair, and members shall be appointed by the Secretary.

FOR FURTHER INFORMATION CONTACT: Nominations to serve on the Community should be sent to onchit.request@hhs.gov with a resume and a letter of intent or nomination letter. More information on the nomination and selection process, including a draft copy of the charter establishing the Community, is available on the Web site of the Office of the National Coordinator for Health Information Technology at http://www.hhs.gov/healthit. A final version of the charter will be available fifteen days following the publication of this notice. The deadline for submitting a nomination will be 5 p.m. e.d.t., Friday, August 5, 2005. Questions should be directed to the above e-mail address or to 1–866–505–3500.

Lori Evans, Senior Adviser, National Health Information Technology Coordinator, Office of the National Coordinator for Health Information Technology.

[FR Doc. 05–13840 Filed 7–13–05; 8:45 am]

BILLING CODE 4150–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

2005 White House Conference on Aging

AGENCY: Administration on Aging, HHS.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a) of the Federal Advisory Committee Act as amended (5 U.S.C. Appendix 2), notice is hereby given of the sixth Policy Committee meeting concerning planning for the 2005 White House Conference on Aging. 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 inform the contact person listed below in advance of the meeting. This notice is being published less than 15 days prior to the meeting due to scheduling problems.

DATES: The meeting will be held Wednesday, July 20, 2005, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held in the Hall of States at the National Guard Association of the United States, Inc., One Massachusetts Avenue, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Kim Butcher, (301) 443–2887, or e-mail at *Kim.Butcher@whcoa.gov*. Registration is not required. Seating is on a first come, first-served basis.

SUPPLEMENTARY INFORMATION: Pursuant to the Older Americans Act Amendments of 2000 (Pub. L. 106–501, November 2000), the Policy Committee will meet to continue discussions and planning for the 2005 White House Conference on Aging. In addition, there will be presentations by Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security, Government Accountability Office, Richard Jackson, Ph.D., Director and Senior Fellow, Global Aging Initiative, The Center for Strategic & International Studies, and Jon Pynoos, Ph.D., UPS Foundation Professor of Gerontology, Policy, Planning and Development Director, Division of Policy and Services Research, University of Southern California.

Dated: July 11, 2005.

Edwin L. Walker,

Deputy Assistant Secretary for Policy and Programs.

[FR Doc. 05–13849 Filed 7–13–05; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Diffusion of Partnership for Health to Health Care and Medical Agencies Serving Persons Living With HIV/AIDS

Announcement Type: New.

Funding Opportunity Number: CDC–RFA–AA068.

Catalog of Federal Domestic Assistance Number: 93.941.

DATES:

Letter of Intent Deadline: July 25, 2005.

Application Deadline: August 8, 2005.

I. Funding Opportunity Description

Authority: Public Health Service Act, Section 301(a), [42 U.S.C. 241(a)], as amended.

Background: Partnership for Health [1] (PfH) is a brief counseling program, delivered by medical providers, for men and women living with HIV/AIDS. The program is designed to improve patient-provider communication about disclosure of HIV serostatus and HIV prevention. PfH is based on a social cognitive model that uses message framing, repetition, and reinforcement to increase the patient's knowledge, skills, and motivations to engage in behaviors that reduce risk for HIV transmission. The AIDS Education and Training Centers (AETCs) have diffused PfH to the 12 new CDC-funded PA #04064 agencies. This project will expand the diffusion of PfH to 35–40 more clinics, via intervention training and technical assistance.

Purpose: The purpose of the program is to diffuse the PfH intervention to health care professionals, and other public or private medical facilities, that provide services to HIV-positive persons through national training and technical assistance for planning, implementation, and evaluation of PfH. Partnership for Health is an evidence-based HIV prevention intervention designed to integrate HIV prevention into medical services for persons living with HIV/AIDS. This program addresses the Healthy People 2010 focus area of HIV infection. It also addresses Strategy 3 of the Advancing HIV Prevention initiative: Prevent new infections by working with persons diagnosed with HIV and with their partners.

This project supports the following Division of HIV/AIDS Prevention (DHAP) Strategic Plan priorities:

Goal 1, Objective 1: Among persons living with HIV, increase the proportion who consistently engage in behaviors that reduce risk for HIV transmission or acquisition.

Goal 4, Objective 2: Increase the number of evidence-based interventions and the proportion of prevention providers funded by CDC who successfully provide demonstrably effective HIV prevention interventions.

Measurable outcomes of the program will align with the following performance goal for the National Center for HIV, STD, and TB Prevention (NCHSTP):

Goal 1. Decrease the number of persons at high risk for acquiring or transmitting HIV infection.

This announcement is only for nonresearch activities supported by CDC/ATSDR. If research is proposed, the application will not be reviewed. For the definition of research, please see the CDC Web site at the following Internet address: *http://www.cdc.gov/od/ads/opspoll1.htm*.

Activities: Awards activities for this program are as follows:

- In cooperation with CDC and other grantees funded under this announcement, the grantee will develop and implement a marketing plan to promote the diffusion of the PfH intervention to health care and other public or private medical facilities providing services to HIV-positive persons within their public health designated area.
- The grantee will identify and contact at least two health care and other public or private medical facilities that provide services to HIV-positive persons and that are interested in implementing PfH. This information will be shared with CDC and other grantees funded under this announcement to ensure adequate coverage of PfH in the United States and its territories.
- In accordance with PfH trainer curriculum and related intervention materials, the grantee will plan, schedule, and conduct PfH training sessions for health care and other public or private medical facilities providing services to HIV-positive persons. The number of agencies trained will range from two to eight depending on regional clinic demand and epidemiologic need. Each PfH training session will include: (1) A 45-minute orientation program on site; (2) a 4½-hour training program on site; and (3) a 2-hour booster program on site. The grantee will work in partnership with CDC and other grantees under this program announcement to establish a national training calendar for PfH.
- The grantee will provide two trainers, who have completed the PfH training-of-trainers conducted by the University of Southern California, to conduct each of the three components of the PfH training and to provide technical assistance.
- The grantee will provide technical assistance to trained agencies to support planning, implementation, and evaluation of PfH during the program year. Technical assistance will be provided by telephone, e-mail, or face-to-face. The grantee will coordinate this technical assistance with CDC, which may include using a CDC Web-based tracking system.
- The grantee, along with CDC and other grantees funded under this announcement, will develop and implement a quality assurance plan for the training delivery and technical assistance.
- The grantee will obtain a PfH intervention package and related materials (*e.g.*, starter kit, technical assistance guide, sample budget) for training participants from the PfH researcher, Jean Richardson, at the Keck School of Medicine, University of Southern California, Department of Preventive Medicine and Institute for Prevention Research, 1441 Eastlake Avenue, Suite 3409, Los Angeles, CA 90089–9175. Phone: 323–865–0343. E-mail: *jeanr@usc.edu*.
- The grantee will submit the list of agencies to be trained and schedule of training sessions to the CDC Project Officer and other grantees funded under this program announcement.
- The grantee will submit an interim report summarizing the activities and deliverables for the first half of the project period, including training provided and scheduled, dates of training, attendance at training sessions, a narrative description of the response of the organization and problems/challenges encountered, lessons learned, recruitment efforts for PfH training, technical assistance provided, and other activities.
- The grantee will submit a final project report summarizing the activities and deliverables for the project period, including training completed, lessons learned, challenges, recruitment efforts for PfH training, technical assistance provided, and other activities.

In a cooperative agreement, CDC staff members are substantially involved in the program activities, above and beyond routine grant monitoring.

CDC activities for this program are as follows:

[1] Richardson, J.L., Milam, J., McCutchan, A., Stoyanoff, S., Bolan, R., Weiss, J., Kemper, C., Larsen, R.A., Hollander, H., Weismuller, P., Chou, C.P., Marks, G. (2004). Effect of brief safer-sex counseling by medical providers to HIV–1 seropositive patients: A multi-clinic assessment. AIDS, 18:1179–1186.

• Provide technical assistance in the general operation of this HIV prevention project, including but not limited to detailed advice on steps to accomplish the grantee activities.

• Consult on the choice of agencies selected for PfH training, by suggesting selection criteria, assisting in identifying potential agencies in the event that a grantee has difficulty, and approving the final choices.

• Monitor and evaluate progress and deliverables of this project through frequent telephone contact; observation of PfH training sessions; and review of implementation plans, interim and final progress reports, quality assurance plans, marketing plans, and training schedules.

• Conduct monthly calls with individual grantees and monthly conference calls with all grantees funded to provide PfH training to encourage exchange of information and technology transfer among grantees.

• Make recommendations aimed at solving problems and improving the quality and timeliness of grantee activities.

II. Award Information

Type of Award: Cooperative Agreement. CDC involvement in this program is described in the preceding activities section.

Fiscal Year Funds: FY 2005.

Approximate Total Funding: $350,000.

Approximate Number of Awards: 11 (eleven).

Approximate Average Award: $40,000. (This amount is for the 12-month budget period, and includes both direct and indirect costs.)

Floor of Award Range: $20,000.

Ceiling of Award Range: $60,000. (This ceiling is for the first 12-month budget period.)

Anticipated Award Date: August 31, 2005.

Budget Period Length: 12 months.

Project Period Length: Two years.

Throughout the project period, CDC's commitment to continuation of awards will be conditioned on the availability of funds, evidence of satisfactory progress by the recipient (as documented in required reports), and the determination that continued funding is in the best interest of the federal government.

III. Eligibility Information

III.1. Eligible applicants

Applications may be submitted by academic medical centers meeting the requirements of the criteria listed under III.3. Other.

III.2. Cost Sharing or Matching

Matching funds are not required for this program.

III.3. Other

If you request a funding amount greater than the ceiling of the award range, your application will be considered non-responsive and will not be entered into the review process. You will be notified that your application did not meet the submission requirements.

Special Requirements: If any of the aforementioned academic medical centers do not have the following qualifications, they will not be eligible to apply for this program: (1) Experience conducting targeted, multidisciplinary education and training programs for health care providers treating persons living with HIV/AIDS (*e.g.*, physicians, advanced practice nurses, physician assistants, nurses, oral health professionals, and pharmacists); (2) experience collaborating with organizations funded by the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act, area health education centers, community-based HIV/AIDS organizations, and medical and health professional organizations; and (3) location in the region or locality of the agencies to be trained as identified in the application.

If your application is incomplete or nonresponsive to the special requirements listed in this section, it will not be entered into the review process. You will be notified that your application did not meet submission requirements.

• Late applications will be considered nonresponsive. See section ''IV.3. Submission Dates and Times'' for more information on deadlines.

• Note: Title 2 of the United States Code, Section 1611, states that an organization described in Section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive federal funds constituting an award, grant, or loan.

IV. Application and Submission Information

IV.1. Address To Request Application Package

To apply for this funding opportunity use application form PHS 5161–1.

Electronic Submission: CDC strongly encourages the applicant to submit the application electronically by utilizing the forms and instructions posted for this announcement on *http://www.Grants.gov,* the official Federal agency wide E-grant Web site. Only applicants who apply on-line are permitted to forego paper copy submission of all application forms.

Paper Submission: Application forms and instructions are available on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm.*

If access to the Internet is not available, or if there is difficulty accessing the forms on-line, contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) staff at 770–488–2700 and the application forms can be mailed.

IV.2. Content and Form of Submission

Letter of Intent (LOI): Your LOI must be written in the following format:

• Maximum number of pages: 1.
• Font size: 12-point unreduced.
• Single spaced.
• Paper size: 8.5 by 11 inches.
• Page margin size: 1 inch.
• Printed on only one side of page.
• Written in plain language, avoid jargon.

Your LOI must contain the following information:

• Intention to submit an application.
• Approximate number of organizations to be targeted for training.
• Name, address, and telephone number for the applicant.
• Name, address, and telephone number for contact person for this application.
• Number and title of this RFA.

Application: You must submit a project narrative with your application forms. The narrative must be submitted in the following format:

• Maximum number of pages: 15. If your narrative exceeds the page limit, only the first 15 pages will be reviewed.
• Font size: 12-point unreduced.
• Double spaced.
• Paper size: 8.5 by 11 inches.
• Page margin size: One inch.
• Printed on only one side of page.
• Held together only by rubber bands or metal clips; not bound in any other way.
• Cover page—funding opportunity number and title of this announcement.
• Table of contents—with the major sections and page numbering, including each attachment.
• Consecutive page numbering throughout the document, including attachments.

Your narrative should address activities to be conducted over the entire project period, and it must include the following items in the order listed:

A. Introduction
B. Statement of Need
C. Capacity

D. Implementation Plan
E. Quality Assurance Plan
F. Evaluation of the project and services provided
G. Performance Goals
H. Budget (will not count in the stated page limit)

A. Introduction

The introduction narrative should consist of a one-page abstract of the proposal, a complete table of contents to the application and its appendices, and text addressing each required element. Beginning with the first page of text, number all pages clearly and sequentially, including each page in the appendices.

B. Statement of Need

Describe the need for the integration of HIV prevention services into medical care for persons living with HIV/AIDS in the region or community that will be targeted for recruitment. Describe known or estimated demand for PfH training in the proposed region or community. Describe how organizations will be targeted for recruitment for PfH based on epidemiologic data, number of organizations that will be selected for training, and selection process, if demand exceeds capacity to provide PfH training and technical assistance. Describe the populations served by the organizations to be recruited.

C. Capacity

a. Demonstrate capacity to conduct the activities required for this project, including all mentioned under other eligibility requirements and experience with the population(s) for whom the intervention was designed. Include evidence of experience conducting similar trainings and technical assistance to Ryan White CARE Act-funded sites, and other health care professionals and medical facilities providing services to HIV-positive persons.

b. Clearly describe the proposed staffing, *e.g.,* show percentages of each staff member's commitment to this and other projects, the division of duties and responsibilities for this project, brief position descriptions for existing and proposed personnel, and any partnerships with HIV prevention agencies.

c. Demonstrate that the applicant's staff has the expertise to complete this project. Name the staff members who are key to the completion of the project. Provide a brief description of their strengths that relate to this project. Include their curriculum vitae in the appendix.

d. Describe current protocols for quality assurance and evaluation of high-quality training and technical assistance. Include examples of how quality assurance or evaluation findings were used to improve services.

e. Briefly describe compliance regarding the inclusion of women and ethnic and racial groups in the proposed activities or justification when representation is limited or absent.

D. Implementation Plan

Describe the applicant's plan and timeframe for implementation of this project, including but not limited to these activities:

a. Identifying health care and medical facilities that are interested in receiving PfH training and implementing PfH intervention.

b. Planning, scheduling, and implementing PfH training sessions.

c. Providing technical assistance and other methods to support implementation of PfH.

d. Communicating regularly with CDC regarding progress of this project and for review and approval of aforementioned activities.

E. Quality Assurance Plan

Describe the quality assurance plan that will be used to maintain high-quality training and technical assistance to the organizations trained. Include the staff responsibility for quality assurance activities.

F. Evaluation of the Project and Services Provided

Describe the process for evaluating the trained organizations' satisfaction with training, technical assistance, and support for PfH implementation.

G. Performance Goals

Describe the measurable outcomes of the project and how these will align with one or more of the following performance goals:

a. Strengthen the capacity nationwide to monitor the epidemic, develop and implement effective HIV prevention interventions, and evaluate prevention programs.

b. Decrease the number of persons at high risk for acquiring or transmitting HIV infection.

H. Budget (Will Not Count in the Stated Page Limit)

Provide a detailed, line-item budget for the project; justify each line item. This cooperative agreement is for purposes of coordinating a national training initiative to diffuse PfH into medical practice. Any application requesting greater than eight percent in indirect costs will not be considered for review and will be returned to the applicant.

Additional information may be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information includes:

- Curriculum vitae or resumes.
- Organizational charts.
- References.
- Quality assurance tools.
- Evaluation tools.

You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the federal government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. For more information, see the CDC Web site at this Internet address: *http://www.cdc.gov/od/pgo/funding/pubcommt.htm.*

If your application form does not have a DUNS number field, please write your DUNS number at the top of the first page of your application or include your DUNS number in your application cover letter.

Additional requirements that may require you to submit additional documentation with your application are listed in section ''VI.2. Administrative and National Policy Requirements.''

IV.3. Submission Dates and Times

LOI Deadline Date: July 25, 2005.

CDC requests that you send a LOI if you intend to apply for this program. Although the LOI is not required, not binding, and does not enter into the review of your subsequent application, the LOI will be used to gauge the level of interest in this program and to allow CDC to plan the application review.

Application Deadline Date: August 8, 2005.

Explanation of Deadlines: Applications must be received in the CDC Procurement and Grants Office by 4 p.m. eastern time on the deadline date.

Applications may be submitted electronically at *http://www.grants.gov.* Applications completed on-line through Grants.gov are considered formally submitted when the applicant organization's Authorizing Official electronically submits the application to *http://www.grants.gov.* Electronic applications will be considered as having met the deadline if the application has been submitted

electronically by the applicant organization's Authorizing Official to Grants.gov on or before the deadline date and time.

If submittal of the application is done electronically through Grants.gov (*http://www.grants.gov*), the application will be electronically time/date stamped, which will serve as receipt of submission. Applicants will receive an e-mail notice of receipt when CDC receives the application.

If submittal of the LOI or application is by the United States Postal Service or commercial delivery service, the applicant must ensure that the carrier will be able to guarantee delivery by the closing date and time. If CDC receives the submission after the closing date due to: (1) Carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, the applicant will be given the opportunity to submit documentation of the carrier's guarantee. If the documentation verifies a carrier problem, CDC will consider the submission as having been received by the deadline.

If a hard copy application is submitted, CDC will not notify the applicant upon receipt of the submission. If questions arise on the receipt of the application, the applicant should first contact the carrier. If the applicant still has questions, contact the PGO–TIM staff at (770) 488–2700. The applicant should wait two to three days after the submission deadline before calling. This will allow time for submissions to be processed and logged.

This announcement is the definitive guide on LOI and application content, submission address, and deadline. It supersedes information provided in the application instructions. If the submission does not meet the deadline above, it will not be eligible for review, and will be discarded. The applicant will be notified the application did not meet the submission requirements.

IV.4. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

IV.5. Funding Restrictions

Restrictions, which must be taken into account while writing your budget, are as follows:

- Funds may not be used for research.
- Reimbursement of pre-award costs is not allowed.
- Indirect charges are limited to eight percent.

If you are requesting indirect costs in your budget, you must include a copy of your indirect cost rate agreement. If your indirect cost rate is a provisional rate, the agreement should have been in effect less than 12 months.

Guidance for completing your budget can be found on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/funding/budgetguide.htm.*

IV.6. Other Submission Requirements

LOI Submission Address: Submit your LOI by express mail, delivery service, fax, or e-mail to: Dr. Miriam E. Phields, CDC/NCHSTP/DHAP/CBB, 1600 Clifton Road, Mail Stop E–40, Atlanta, GA 30333. Telephone: 404–639–4957. Fax: 404–639–0915. E-mail: *MPhields@cdc.gov.*

Application Submission Address:

Electronic Submission: CDC strongly encourages applicants to submit applications electronically at *http://www.Grants.gov.* The application package can be downloaded from *http://www.Grants.gov.* Applicants are able to complete it off-line, and then upload and submit the application via the Grants.gov Web site. E-mail submissions will not be accepted. If the applicant has technical difficulties in Grants.gov, costumer service can be reached by e-mail at *http://www.grants.gov/CustomerSupport* or by phone at 1–800–518–4726 (1–800–518–GRANTS). The Customer Support Center is open from 7 a.m. to 9 p.m. eastern time, Monday through Friday.

CDC recommends that submittal of the application to Grants.gov should be early to resolve any unanticipated difficulties prior to the deadline. Applicants may also submit a back-up paper submission of the application. Any such paper submission must be received in accordance with the requirements for timely submission detailed in Section IV.3. of the grant announcement. The paper submission must be clearly marked: ''BACK-UP FOR ELECTRONIC SUBMISSION.'' The paper submission must conform to all requirements for non-electronic submissions. If both electronic and back-up paper submissions are received by the deadline, the electronic version will be considered the official submission.

It is strongly recommended that the applicant submit the grant application using Microsoft Office products (*e.g.*, Microsoft Word, Microsoft Excel, etc.). If the applicant does not have access to Microsoft Office products, a PDF file may be submitted. Directions for creating PDF files can be found on the Grants.gov Web site. Use of file formats other than Microsoft Office or PDF may result in the file being unreadable by staff.

Or:

Paper Submission: Applicants should submit the original and two hard copies of the application by mail or express delivery service to: Technical Information Management—CDC–RFA–AA068, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341.

V. Application Review Information

V.1. Criteria

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the ''Purpose'' section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

Your application will be evaluated against the following criteria:.

1. Capacity (30 Points)

Does the applicant have the overall ability to perform the proposed activities, including all mentioned under other eligibility requirements and experience with populations for whom the intervention was designed, as reflected in their staff's qualifications and availability? How well has the applicant demonstrated that proposed staff members have experience with PfH training, Ryan White CARE Act-funded sites, and other health care and medical organizations, and quality assurance to provide high-quality professional education, training, and technical assistance? Has the applicant provided evidence that the proposed trainers completed the training-of-trainers for PfH from Dr. Jean Richardson at the University of Southern California? Are there existing support staff, equipment, and facilities?

2. Implementation Plan (30 Points)

Is the plan adequate and feasible to carry out the proposed objectives and performance goals in a timely manner, including agency recruitment and selection, implementation, process monitoring and evaluation, technical assistance, and other support for PfH implementation? Does the plan include quantitative process measures? Are the staff roles clearly defined? As described, will the staff be sufficient to accomplish the program goals?

3. Statement of Need
(20 Points)

To what extent does the applicant justify the need for this program within the region or community targeted? Do the epidemiologic and other data support this need? Does evidence demonstrate a demand for PfH intervention?

4. Quality Assurance (10 Points)

To what extent has the applicant demonstrated an adequate plan to maintain high-quality services?

5. Evaluation (10 Points)

To what extent has the applicant demonstrated ability to measure and achieve process outcomes?

6. Budget and Justification

(Reviewed but not scored.)

V.2. Review and Selection Process

Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) staff, and for responsiveness by NCHSTP. Incomplete applications and applications that are nonresponsive to the eligibility criteria will not advance through the review process. Applicants will be notified that their application did not meet submission requirements.

An objective review panel will evaluate complete and responsive applications according to the criteria listed in the preceding ''V.1. Criteria'' section. The objective review panel will be composed of CDC and other federal employees.

In addition, the following factors may affect the funding decision:

- Maintaining geographic diversity.
- Giving preference to organizations in certain geographic areas with high HIV seroprevalence or a large number of AIDS cases.

CDC will provide justification for any decision to fund out of rank order.

V.3. Anticipated Announcement and Award Dates

Award date: August 31, 2005.

VI. Award Administration Information

VI.1. Award Notices

Successful applicants will receive a Notice of Award (NoA) from the CDC Procurement and Grants Office. The NoA will be the only binding, authorizing document between the recipient and CDC. The NoA will be signed by an authorized Grants Management Officer and mailed to the recipient fiscal officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review by mail.

VI.2. Administrative and National Policy Requirements

45 CFR part 74 and part 92.

For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html.*

The following additional requirements apply to this project:

- AR–4 HIV/AIDS Confidentiality Provisions
- AR–5 HIV Program Review Panel Requirements
- AR–6 Patient Care
- AR–8 Public Health System Reporting Requirements
- AR–9 Paperwork Reduction Act Requirements
- AR–10 Smoke-Free Workplace Requirements
- AR–11 Healthy People 2010
- AR–12 Lobbying Restrictions
- AR–14 Accounting System Requirements
- AR–15 Proof of Non-Profit Status
- AR–24 Health Insurance Portability and Accountability Act Requirements
- AR–25 Release and Sharing of Data

Additional information on these requirements can be found on the CDC Web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm.*

An additional Certifications form from the PHS 5161–1 application needs to be included in your Grants.gov electronic submission only. Refer to *http://www.cdc.gov/od/pgo/funding/PHS5161-1-Certifications.pdf.* Once this form is filled out, attach it to your Grants.gov submission as Other Attachment Forms.

VI.3. Reporting Requirements

You must provide CDC with an original, plus two hard copies of the following reports:

1. Interim progress report, due no more than 30 days after the performance period. The progress report will serve as your noncompeting continuation application and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period and Program Proposed Activity Objectives.

d. Budget.

e. Measures of Effectiveness.

f. Additional Requested Information.

2. Financial status report and annual progress report, due 60 days after the end of the budget period.

3. Final financial and performance reports, due no more than 90 days after the end of the project period.

These reports must be mailed to the Grants Management or Contract Specialist listed in the ''Agency Contacts'' section of this announcement.

VII. Agency Contacts

We encourage inquiries concerning this announcement.

For general questions, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341. Telephone: 770–488–2700.

For program technical assistance, contact: Dr. Miriam E. Phields, Project Officer, CDC/NCHSTP/DHAP/CBB, 1600 Clifton Road, Mail Stop E–40, Atlanta, GA 30333. Telephone: 404–639–4957. Fax: 404–639–0915. E-mail: *MPhields@cdc.gov.*

For financial, grants management, or budget assistance, contact: Angie Tuttle, Grants Management Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341. Telephone: 404–498–1913. E-mail: *ATuttle@cdc.gov.*

VIII. Other Information

This announcement and other CDC funding opportunity announcements can be found on the CDC Web site, Internet address: *http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.''

Dated: July 8, 2005.

William P. Nichols,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 05–13848 Filed 7–13–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Decision to Evaluate a Petition To Designate a Class of Employees at the National Bureau of Standards, Van Ness Street, Washington, DC, To Be Included in the Special Exposure Cohort

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice as required by 42 CFR 83.12(e) of a decision to evaluate a petition to designate a class of employees at the

National Bureau of Standards, Van Ness Street, in Washington, DC, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000. The initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: National Bureau of Standards, Van Ness Street.

Location: Washington, DC.

Job Titles and/or Job Duties: All physicists that worked in the Radioactivity Lab—East Building—Building #2.

Period of Employment: From 1943 through 1952.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV*.

Dated: June 30, 2005.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 05–13841 Filed 7–13–05; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1288–CN]

Medicare Program; Meeting of the Advisory Panel on Ambulatory Payment Classification (APC) Groups—August 17, 18, and 19, 2005; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice; correction.

SUMMARY: This document corrects technical errors that appeared in the notice published in the **Federal Register** on July 8, 2005 entitled ''Medicare Program; Meeting of the Advisory Panel on Ambulatory Payment Classification (APC) Groups—August 17, 18, and 19, 2005.''

FOR FURTHER INFORMATION CONTACT: Shirl Ackerman-Ross, (410) 786–4474.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 05–13562 of July 8, 2005 (70 FR 39514), there were a number of technical errors concerning the deadline dates that are identified and corrected in the Correction of Errors section below.

II. Correction of Errors

In FR Doc. 05–13562 of July 8, 2005 (70 FR 39514), make the following corrections:

1. On page 39515, in the third column; in Section III., the deadline for hardcopy written comments and suggested agenda topics is Monday, August 1, 2005.

2. On page 39515, in the third column; in Section IV., the deadline for oral presentations is Monday, August 1, 2005.

3. On page 39515, in the third column; in Section V., the deadline for submission of presenter and presentation criteria is Monday, August 1, 2005.

4. On page 39516, in the first column; in Section VII., the deadline for registering to attend the meeting is Monday, August 8, 2005.

5. On page 39516, in the second column; in Section IX., the deadline for requesting special accommodations for the meeting is Monday, August 8, 2005.

Authority: Section 1833(t) of the Act (42 U.S.C. 1395l(t)). The Panel is governed by the provisions of Pub. L. 92–463, as amended (5 U.S.C. Appendix 2).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare-Hospital Insurance; and Program No. 93.774, Medicare-Supplementary Medical Insurance Program).

Dated: July 11, 2005.

Jacquelyn Y. White,

Director, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 05–13965 Filed 7–13–05; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Grants for Battered Women's Shelters.

OMB No.: 0970–0274.

Description: This information collection is authorized under Title III of the Child Abuse Amendments of 1984, Pub. L. 98–457, as amended. In response to the program announcements, the respondents must submit information about their service programs and their eligibility. Information that is collected is used to award grants under the Grants for Battered Women's Shelters program.

Respondents: State agencies, Native American Tribes and Alaskan Native Villages, and non-profit State Domestic Violence Coalitions administering the Family Violence Prevention and Services program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State FBPSA Agencies	53	1	6	318
Tribes and Alaskan Native Villages	180	1	6	1,080
Domestic Violence Coalitions	53	1	6	318
Estimated Total Annual Burden Hours:				1,716.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the

information collection. E-mail address: *grjohnson@acf.hhs.gov*.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Attn: Desk Officer for ACF, E-mail address: *Katherine_T._Astrich@omb.eop.gov*.

Dated: July 8, 2005.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 05–13845 Filed 7–13–05; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of Community Services; CSBG T&TA Promoting Healthy Marriages

Announcement Type: Initial.

Funding Opportunity Number: HHS–2005–ACF–OCS–ET–0043.

CFDA Number: 93.570.

Due Date for Applications: Application is due August 15, 2005.

Executive Summary: The Office of Community Services (OCS) within the Administration for Children and Families (ACF) announces that competing applications will be accepted for a new grant pursuant to the Secretary's authority under section 678(A) of the Community Services Block Grant (CSBG) Act, as amended, by the Community Opportunities, Accountability, and Training and Educational Services (COATES) Human Services Reauthorization Act of 1998 (Pub. L. 105–285).

These activities must fund training and technical assistance resources for the Community Services Network to ensure that the needs of eligible entities and programs relating to improving program quality (including quality of financial management practices) are addressed to the maximum extent feasible; and incorporate mechanisms to ensure responsiveness to local needs.

The proposed grants will fund training and technical assistance resources for the Community Services Network focusing on improving the quality of programs carried out under the CSBG act and the delivery of healthy marriage strategies among low income people served by local community action agencies.

Specifically, OCS will offer one-year grants to fund a one year project period for the creation and dissemination of ''best practice'' technical assistance materials from local community organizations, including those that are faith-based, that have demonstrated success in promoting or sustaining healthy marriages among clients as part of an overall strategy to help low-income people achieve family and child development, and/or self-sufficiency goals. Special emphasis is being placed on the development and dissemination of ''best practice'' materials that focus on a wide range of low-income populations, including racial and ethnic minorities.

I. Funding Opportunity Description

The Office of Community Services (OCS) within the Administration for Children and Families (ACF) announces the availability of competitive grants for training and technical assistance activities that will provide Community Services Network organizations with healthy marriage education models and disseminating findings from these models. These grants are for innovative projects, planned and designed specifically to assist in the development and delivery of successful marriage education programs for low-income couples. Projects should be designed to implement activities over a one-year project and budget period. Project implementation should include two phases: (I) Consumer-based data gathering, planning, and model development; (II) Program design and service delivery.

Technical assistance to organizations in the community services network will focus entirely on the lesson's learned and best practices based on grantee's experiences and early findings and will be disseminated throughout the entire project period. Eligible applicants are state-wide or local organizations with demonstrated expertise in providing training to individuals and organizations on methods of effectively addressing the needs of low-income families and communities within the Community Services Network client base. Awarded projects will be administered through a cooperative agreement. This agreement will require a close working relationship between OCS and the successful applicant.

Background

The Administration for Children and Families (ACF) has encouraged the formation and maintenance of healthy marriages and families as part of its overall strategy to help low-income people achieve family and child development goals, and greater economic self-sufficiency. Over the past four years, many community organizations, including designated community action agencies, faith-based groups, and public human service agencies, have undertaken special initiatives designed to promote healthy marriages, often with financial support from ACF program offices. Although some progress has been made, more needs to be done to expand the current knowledge base about the kinds of marriage support programs that are most effective and culturally appropriate to meet the needs of diverse, low-income families to improve their marital health and stability. The CSBG Supporting Healthy Marriage T&TA grants will give community organizations a valuable opportunity to develop solid strategies to support healthy marriages and provide the Community Services Network with another effective support service for low-income families. These grants will also help to answer questions about what works and what does not work in supporting healthy marriages in low-income settings and provide the network with a training and technical assistance resource as other organizations attempt to offer similar programs.

Healthy marriages are good for children, families, and society as a whole. Research tells us that on average, men and women in healthy marriages are more likely to build wealth, have better health, experience emotional well-being and live longer. More importantly, children who grow up in healthy, married families do better on a host of outcomes than those who grow up in other family forms. For example, studies have shown that children in healthy married families are at less risk for substance abuse, emotional distress and mental illness, suicide, criminal behavior, educational decline, poverty, child abuse and neglect. Further, children raised in healthy, married families are more likely to develop better relationships with their parents, develop stable marriages and families themselves, experience greater economic security, perform better academically and later in occupational settings, and have better physical health. In addition, communities with high proportions of healthy, married families are safer and experience fewer social problems than those with lower proportions of healthy, married families.

Research also tells us that what separates stable and healthy marriages from unstable and unhealthy ones is not

the frequency of conflict, but how couples manage conflict. Couples that are able to listen to each other with respect and resolve conflict in healthy ways, report higher levels of marital satisfaction and are less likely to divorce than those who are not able to do so. Through marriage education we can teach these skills and increase the odds that couples will form and sustain healthy marriages—to the benefit of their children, themselves and society.

Research has shown that individuals and couples across the economic spectrum are similar in their desire to have stable, healthy marriages and family relationships for themselves and their children. However, those dealing with economic difficulties often face additional challenges to achieving these goals relative to couples who are more economically secure. Research shows that lower-income is associated with higher rates of divorce. We have limited information about the factors that contribute to these differences across economic and racial/ethnic groups. We also have limited information about the factors that contribute to marital quality and stability and child well-being within lower-income groups.

More information on how to effectively implement these programs is needed to fully gage how to successfully achieve greater family and child development and how to inform other eligible organizations of implementation and design strategies that show promise in reducing highly stressed families faced with limited resources. The CSBG Supporting Healthy Marriage T&TA grants are one of OCS' efforts to help community organizations share their experiences developing effective models with the broader network of CSBG entities attempting to provide healthy marriage initiatives in diverse settings.

Program Purpose

The purpose of this program is to enhance the Community Service Network's ability to support projects that will develop and deliver healthy marriage services to low-income couples via training and technical assistance to organizations eligible to receive CSBG assistance, with a desire to improve family and child development through similar interventions. OCS seeks to fund projects that have thorough, well designed proposals that include implementation activities for the following: (I) Data Gathering, Planning, and Model Development; (II) Program Intervention and Service Delivery; that lead to training and technical assistance activities for organizations eligible to receive CSBG assistance with the Community Services Network.

I. Data Gathering, Planning and Model Development

OCS envisions funding projects that employ a methodical approach to developing healthy marriage models and services for organizations within the Community Services Network that will ultimately help low-income couples so that findings can be easily shared and lesson's learned easily transferable. Because there is limited research and experience with delivering marriage education services to low income consumers, OCS contends that projects should carefully consider the planning and model development stage. Projects may use focus groups, community surveys or other methods to gather information and data to assist them in the development stage. This data gathering process would give the agency a valuable opportunity to obtain information about assets, issues, and barriers that should be considered when developing a program for low-income couples. Potential barriers or issues might be logistical, cultural, etc. The key here is to gather information and use it effectively to design an intervention that meets the needs of the project's target population. For example, during the data gathering process the agency might discover that delivering marriage education classes during the week would not be feasible because most of the potential consumers have small school-aged children. Other factors like weekend offerings, on-site activities for youth, may be identified as preferences, providing valuable insight for model development.

This phase of the project should be programmed to occur in the first two quarters after the award.

II. Program Intervention and Service Delivery

OCS seeks to fund well-designed program interventions that will aid organizations within the Community Services Network in helping low-income couples build and sustain healthy marriages through the acquisition and application of skill building techniques known to improve marital stability so that these development and implementation lessons can be shared with other organizations. Applicants shall provide a thorough description of how the intervention/service will be implemented including reasonable plans for project marketing and outreach, participant recruitment and retention, the type of marriage education services to be offered, guidelines on the frequency and duration of classes or services, staffing, training plans and projections of the number of couples to be served. Well-designed approaches will also be tailored to meet the needs of the target population. Proposals should demonstrate how the intervention would be designed to provide the necessary support services often required to meet needs of low-income or diverse populations. For example, transportation to and from healthy marriage activities, childcare, translation services, etc.

OCS intends to fund the creation of healthy marriage intervention models that can be used for training and technical assistance activities for use within the Community Services Network that focus on:

- Successful strategies and service models for helping couples interested in learning skills and approaches that will help them create and sustain a healthy marriage and therefore provide a nurturing family environment for their children;
- Successful strategies and service models for helping married couples sustain and enrich their marriage and family, including on-going opportunities for marriage education and other marital skill-building activities; and
- Ways to measure and report the effectiveness, or results, of the healthy marriage and/or enrichment activities described above.

Based on the experiences and successes of currently funded healthy marriage projects, OCS is interested in supporting program interventions and service models that employ the following concepts:

- Deliver marriage education classes or services that are skill based and reflective of industry standards.
- Voluntary participation in healthy marriage activities. Projects should always stress to consumers that participation is voluntary. Providing services to those consumers that have chosen to learn these skills for themselves.
- Culturally relevant program interventions. Projects should use culturally relevant approaches that respectfully account for racial and ethnic perspectives.
- Responsiveness to domestic violence issues and concerns.
- Use of logic models to document and track the linkages between program resources, activities, outputs, and outcomes.

III. Technical Assistance Activities

This area is intended to support healthy marriage technical assistance and training activities that will enhance

the Community Services Network's ability to improve the quality and delivery of healthy marriage education interventions for low-income people. Successful applicants must be able to take the developed model/service and use their experience with that process to provide technical assistance to other community agencies that will implement healthy marriage interventions.

Applicants should present a detailed, comprehensive plan for sharing their experiences and lessons learned with other agencies within the Community Services Network. Plans should describe how the applicant will provide technical assistance activities. These activities can include, but are not limited to: making presentations at community services conferences for those interested in implementing healthy marriage programs; creating and disseminating technical assistance documents that give tips for the development and implementation of healthy marriage programs; the production of quarterly findings and written annual reports for distribution to other community organizations; and hosting site visits; roundtables or other forums to present healthy marriage lessons learned.

Projects funded under this announcement will be expected to provide for the project director and the evaluator to attend an early kickoff meeting for the grantees funded under this priority area to be held within the first three months of the project (first year only) in Washington DC.

OCS strongly encourages applicants to consult their local domestic violence coalition to learn more about the information and services they provide to the community.

II. Award Information

Funding Instrument Type: Cooperative agreement.

Federal Substantial Involvement with Cooperative Agreement: A cooperative agreement is a specific method of awarding Federal assistance in which substantial Federal involvement is anticipated. A cooperative agreement clearly defines the respective responsibilities of the Office of Community Services (OCS) and the grantee prior to the award. OCS anticipates that agency involvement will produce programmatic benefits to the recipient otherwise unavailable to them for carrying out the project. The involvement and collaboration includes OCS review and approval of planning stages of the activities before implementation phases may begin; OCS involvement in the establishment of policies and procedures that maximize open competition, and rigorous and impartial development, review and funding of grant or sub-grant activities, if applicable; and OCS and recipient joint collaboration in the performance of key programmatic activities (*i.e.*, strategic planning, implementation, information technology enhancements, training and technical assistance, publications or products, and evaluation). It also includes close monitoring by OCS of the requirements stated in this announcement that limit the grantee's discretion with respect to scope of services offered, organizational structure and management processes, coupled with close OCS monitoring during performance, which may, in order to ensure compliance with the intent of this funding, exceed those Federal stewardship responsibilities customary for grant activities.

Anticipated Total Priority Area Funding: $400,000.

Anticipated Number of Awards: 4–6.

Ceiling on Amount of Individual Awards: $100,000.

Floor on Amount of Individual Awards: $50,000.

Average Projected Award Amount: $50,000.

Length of Project Periods: 12 month project period with 12 month budget period. The FY 2006 President's Budget does not include or propose funding for the Community Services Block Grant (CSBG) Program.

III. Eligibility Information

1. Eligible Applicants

State Governments
County Governments
City or Township Governments
Special District Governments
Independent School Districts
State Controlled institutions of higher education
Public Housing authorities/Indian housing authorities
Native American tribal governments (Federally recognized)
Native American tribal organizations (other than Federally recognized tribal governments)
Nonprofits having a 501(c)(3) status with the IRS other than institutions of higher education
Non-profits that do not have a 501(c)(3) status with the IRS other than institutions of higher education
Private institutions of higher education
For-profit organizations other than small businesses
Small businesses

Additional Information on Eligibility

As prescribed by the Community Services Block Grant, as amended (Pub. L. 105–285, Section 678A(c)(2)) eligible applicants are eligible entities, or statewide or local organizations, or associations with demonstrated expertise in providing training to individuals and organizations on methods of effectively addressing the needs of low-income families and communities. Eligible applicants must meet this criterion to be eligible for CSBG T&TA funding.

Faith-based organizations are eligible to apply.

Community Services Block Grant eligible entities and State Community Action Agencies are eligible to apply.

2. Cost Sharing/Matching

None.

3. Other

All Applicants must have a Dun & Bradstreet Number. On June 27, 2003 the Office of Management and Budget published in the **Federal Register** a new Federal policy applicable to all Federal grant applicants. The policy requires Federal grant applicants to provide a Dun & Bradstreet Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements on or after October 1, 2003. The DUNS number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal (*www.Grants.gov*). A DUNS number will be required for every application for a new award or renewal/continuation of an award, including applications or plans under formula entitlement and block grant programs submitted on or after October 1, 2003.

Please ensure that your organization has a DUNS number. You may acquire a DUNS number at no cost by calling the dedicated toll-free DUNS number request line on 1–866–705–5711 or you may request a number on-line at *http://www.dnb.com*.

Non-profit organizations applying for funding are required to submit proof of their non-profit status.

Proof of non-profit status is any one of the following:

- A reference to the applicant organization's listing in the Internal Revenue Service (IRS) most recent list of tax-exempt organizations described in the IRS Code.
- A copy of a currently valid IRS tax exemption certificate.
- A statement from a State taxing body, State attorney general, or other appropriate State official certifying that the applicant organization has a non-profit status and that none of the net earning accrue to any private shareholders or individuals.

• A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status.

• Any of the items in the subparagraphs immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms,'' ''Survey for Private, Non-Profit Grant Applicants,'' titled ''Survey on Ensuring Equal Opportunity for Applicants,'' at: *www.acf.hhs.gov/programs/ofs/forms.htm*.

Disqualification Factors

Applications that exceed the ceiling amount will be considered non-responsive and will not be considered for funding under this announcement.

Any application received after 4:30 p.m. eastern time on the deadline date will not be considered for competition.

IV. Application and Submission Information

1. Address To Request Application Package

Dr. Margaret Washnitzer, Office of Community Services Operations Center, 1515 Wilson Blvd., Suite 100, Arlington, VA 22209. Phone: 800–281–9519. E-mail: *OCSGRANTS@acf.hhs.gov*.

2. Content and Form of Application Submission

Originals, Copies, and Signatures

If submitting your application in paper format, an original and two copies of the complete application are required. The original and each of the two copies must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative, have original signatures, and be submitted unbound.

Each application must contain the following items in the order listed:

Application for Federal Assistance (Standard Form 424). Follow the instructions below and those that accompany the form.

In Item 5 of Form 424, put DUNS number in ''Organizational DUNS:'' box.

In Item 5 of Form 424, include name, phone number, and, if available, email and fax numbers of the contact person.

In Item 8 of Form 424, check ''New.''

In Item 10 of Form 424, clearly identify the Catalog of Federal Domestic Assistance (CFDA) program title and number for the program for which funds are being requested as stated in this funding opportunity announcement.

In Item 11 of Form 424, identify the single funding opportunity the application addresses.

In Item 12 of Form 424, identify the specific geographic area to be served.

In Item 14 of Form 424, identify Congressional districts of both the applicant and project.

Budget Information Non-Construction Programs (Form 424A) and Budget Justification.

Follow the instructions provided here and those in Section V. Application Review Information.

If applicable, applicants must include a completed SPOC certification (Single Point of Contact) with the date of the SPOC contact entered in line 16, page 1 of the Form 424.

Proof of non-profit status (if applicable). Please see Section III.3 Other Eligibility for ways to demonstrate non-profit status.

Indirect cost rate agreement. If claiming indirect costs, provide documentation that applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant Federal agency.

Letters of agreement and memoranda of understanding. If applicable, include a letter of commitment or Memorandum of Understanding from each partner and/or sub-contractor describing their role, detailing specific tasks to be performed, and expressing commitment to participate if the proposed project is funded.

General Content and Form Information

The application limit is 75 pages total including all forms and attachments. Pages over this page limit will be removed from the application and will not be reviewed.

To be considered for funding, each application must be submitted with the Standard Federal Forms (provided at the end of this announcement or through the electronic links provided) and following the guidance provided. The application must be signed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award.

The application must be typed, double spaced, printed on only one side, with at least ½ inch margins on each side and 1 inch at the top and bottom, using standard 12 Point fonts (such as Times New Roman or Courier). Pages must be numbered.

All copies of an application must be submitted in a single package, and a separate package must be submitted for each funding opportunity. The package must be clearly labeled for the specific funding opportunity it is addressing.

Because each application will be duplicated, do not use or include separate covers, binders, clips, tabs, plastic inserts, maps, brochures, or any other items that cannot be processed easily on a photocopy machine with an automatic feed. Do not bind, clip, staple, or fasten in any way separate subsections of the application, including supporting documentation; however, each complete copy must be stapled securely in the upper left corner. Applicants are advised that the copies of the application submitted, not the original, will be reproduced by the Federal government for review.

Tips for Preparing a Competitive Application. It is essential that applicants read the entire announcement package carefully before preparing an application and include all of the required application forms and attachments. The application must reflect a thorough understanding of the purpose and objectives of the applicable legislation. Reviewers expect applicants to understand the goals of the legislation and OCS's interest in each topic. A ''responsive application'' is one that addresses all of the evaluation criteria in ways that demonstrate this understanding. Applications that are considered to be ''unresponsive'' generally receive very low scores and are rarely funded.

The Office of Community Services Web site *http://www.acf.hhs.gov/programs/ocs/* provides a wide range of information and links to other relevant web sites. Before you begin preparing an application, we suggest that you learn more about the mission and programs of the Office of Community Services by exploring the website.

Logic Model. A logic model is a tool that presents the conceptual framework for a proposed project and explains the linkages among program elements. While there are many versions of the logic model, they generally summarize the logical connections among the needs that are the focus of the project, project goals and objectives, the target population, project inputs (resources), the proposed activities/processes/outputs directed toward the target population, the expected short- and long-term outcomes the initiative is designed to achieve, and the evaluation plan for measuring the extent to which proposed processes and outcomes actually occur. Information on the development of logic models is

available on the Internet at *http://www.uwex.edu/ces/pdande/* or *http://www.extension.iastate.edu/cyfar/capbuilding/outcome/outcome_logicmdir.html.*

You may submit your application to us in either electronic or paper format. To submit an application electronically, please use the *http://www.Grants.gov/Apply* site. If you use Grants.gov, you will be able to download a copy of the application package, complete it off-line, and then upload and submit the application via the Grants.gov site. ACF will not accept grant applications via e-mail or facsimile transmission.

Please note the following if you plan to submit your application electronically via Grants.gov:

- Electronic submission is voluntary, but strongly encouraged.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation. We strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.
- We recommend you visit Grants.gov at least 30 days prior to filing your application to fully understand the process and requirements. We encourage applicants who submit electronically to submit well before the closing date and time so that if difficulties are encountered an applicant can still send in a hard copy overnight. If you encounter difficulties, please contact the Grants.gov Help Desk at 1–800–518–4276 to report the problem and obtain assistance with the system.
- To use Grants.gov, you, as the applicant, must have a DUNS Number and register in the Central Contractor Registry (CCR). You should allow a minimum of five days to complete the CCR registration.
- You will not receive additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.
- You may submit all documents electronically, including all information typically included on the SF 424 and all necessary assurances and certifications.
- Your application must comply with any page limitation requirements described in this program announcement.
- After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Administration for Children and Families will retrieve your application from Grants.gov.
- We may request that you provide original signatures on forms at a later date.
- You may access the electronic application for this program on www.Grants.gov .
- You must search for the downloadable application package by the CFDA number.

All applications, whether received via mail, hand delivery or electronically, will receive a written confirmation of receipt from the OCS operations center.

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms,'' ''Survey for Private, Non-Profit Grant Applicants,'' titled, ''Survey on Ensuring Equal Opportunity for Applicants,'' at: *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

Standard Forms and Certifications

The project description should include all the information requirements described in the specific evaluation criteria outlined in the program announcement under Section V Application Review Information. In addition to the project description, the applicant needs to complete all the standard forms required for making applications for awards under this announcement.

Applicants seeking financial assistance under this announcement must file the Standard Form (SF) 424, Application for Federal Assistance; SF–424A, Budget Information—Non-Construction Programs; SF–424B, Assurances—Non-Construction Programs. The forms may be reproduced for use in submitting applications. Applicants must sign and return the standard forms with their application.

Applicants must furnish prior to award an executed copy of the Standard Form LLL, Certification Regarding Lobbying, when applying for an award in excess of $100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form, if applicable, with their applications (approved by the Office of Management and Budget under control number 0348–0046). Applicants must sign and return the certification with their application.

Applicants must also understand they will be held accountable for the smoking prohibition included within Public Law 103–227, Title XII Environmental Tobacco Smoke (also known as the PRO–KIDS Act of 1994). A copy of the **Federal Register** notice which implements the smoking prohibition is included with forms. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

Applicants must make the appropriate certification of their compliance with all Federal statutes relating to nondiscrimination. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification form. Complete the standard forms and the associated certifications and assurances based on the instructions on the forms. The forms and certifications may be found at: *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

Those organizations required to provide proof of non-profit status, please refer to Section III.3.

Please see Section V.1, for instructions on preparing the full project description.

3. Submission Dates and Times

Explanation of Due Dates

The closing time and date for receipt of applications is referenced above. Applications received after 4:30 p.m. eastern time on the closing date will be classified as late.

Deadline: Applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date referenced in Section IV.6. Applicants are responsible for ensuring applications are mailed or submitted electronically well in advance of the application due date.

Applications hand carried by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., eastern time, at the address referenced in Section IV.6., between Monday and Friday (excluding Federal holidays).

ACF cannot accommodate transmission of applications by facsimile. Therefore, applications transmitted to ACF by fax will not be accepted regardless of date or time of submission and time of receipt.

Late Applications: Applications that do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Any application received after 4:30 p.m. eastern time on the deadline date will not be considered for competition.

Applicants using express/overnight mail services should allow two working

days prior to the deadline date for receipt of applications. Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

Extension of deadlines: ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, etc.) occur, or when there are widespread disruptions of mail service, or in other rare cases. A determination to extend or waive deadline requirements rests with the Chief Grants Management Officer.

Checklist

You may use the checklist below as a guide when preparing your application package.

What to submit	Required content	Required form or format	When to submit
Project Abstract	See Sections IV.2 and V	Found in Sections IV.2 and V	By application due date.
Project Description	See Sections IV.2 and V	Found in Sections IV.2 and V	By application due date.
Budget Narrative/Justification	See Sections IV.2 and V	Found in Sections IV.2 and V	By application due date.
SF424	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.
SF–LLL Certification Regarding Lobbying.	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By date of award.
Certification Regarding Environmental Tobacco Smoke.	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By date of award.
Assurances	See Section IV.2	Found in Section IV.2	By date of award.
SF424A	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.
SF424B	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.
Proof of Non-Profit Status if applicable.	See Section III.3	Found in Section III.3.	By date of award.
Indirect Cost rate Agreement, if applicable.	See Section IV	Format described in Section IV	By application due date.
Letters of commitment from partner organizations, if applicable.	See Section IV	Format described in Section IV	By time of award.

Additional Forms

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms,'' ''Survey for Private, Non-Profit Grant Applicants,'' titled, ''Survey on Ensuring Equal Opportunity for Applicants,'' at: *www.acf.hhs.gov/programs/ofs/forms.htm.*

What to submit	Required content	Location	When to submit
Survey for Private, Non-Profit Grant Applicants.	See form	May be found on *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.

4. Intergovernmental Review

State Single Point of Contact (SPOC)

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

As of October 1, 2004, the following jurisdictions have elected to participate in the Executive Order process: Arkansas, California, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Hampshire, New Mexico, New York, North Dakota, Rhode Island, South Carolina, Texas, Utah, West Virginia, Wisconsin, American Samoa, Guam, North Mariana Islands, Puerto Rico, and Virgin Islands. As these jurisdictions have elected to participate in the Executive Order process, they have established SPOCs. Applicants from participating jurisdictions should contact their SPOC, as soon as possible, to alert them of prospective applications and receive instructions. Applicants must submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a. Under 45 CFR 100.8(a)(2).

A SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants, 370 L'Enfant Promenade SW., 4th floor, Washington, DC 20447.

Although the remaining jurisdictions have chosen not to participate in the process, entities that meet the eligibility requirements of the program are still eligible to apply for a grant even if a State, Territory, Commonwealth, etc. does not have a SPOC. Therefore, applicants from these jurisdictions, or for projects administered by federally-recognized Indian Tribes, need take no action in regard to E.O. 12372.

The official list, including addresses, of the jurisdictions elected to participate in E.O. 12372 can be found on the following URL: *http://www.whitehouse.gov/omb/grants/spoc.html.*

A list of Single Points of Contact for each State and Territory is included with the application materials for this announcement.

5. Funding Restrictions

Sub-Contracting or Delegating Projects

OCS will not fund any project where the role of the applicant is primarily to serve as a conduit for funds to organizations other than the applicant. The applicant must have a substantive role in the implementation of the project for which funding is requested. This prohibition does not bar the making of sub-grants or sub-contracting for specific services or activities needed to conduct the project.

6. Other Submission Requirements

Submission by Mail: An applicant must provide an original application with all attachments, signed by an authorized representative and two copies. The application must be received at the address below by 4:30 p.m. eastern time on or before the closing date. Applications should be mailed to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services' Operations Center, 1515 Wilson Blvd., Suite 100, Arlington, VA 22209, Attention: Barbara Ziegler Johnson.

Hand Delivery: An applicant must provide an original application with all attachments signed by an authorized representative and two copies. The application must be received at the address below by 4:30 p.m. eastern time on or before the closing date. Applications that are hand delivered will be accepted between the hours of 8 a.m. to 4:30 p.m. eastern time, Monday through Friday. Applications should be delivered to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services' Operation Center, 1515 Wilson Blvd., Suite 100, Arlington, VA 22209, Attention: Barbara Ziegler Johnson.

Electronic Submission: www.Grants.gov Please see section IV. 2 Content and Form of Application Submission, for guidelines and requirements when submitting applications electronically.

V. Application Review Information

The Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Public reporting burden for this collection of information is estimated to average 25 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection information.

The project description is approved under OMB control number 0970–0139 which expires 4/30/2007.

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 OMB control number.

1. Criteria

Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. In preparing your project description, information responsive to each of the requested evaluation criteria must be provided. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application in a manner that is clear and complete.

Introduction

Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions while being aware of the specified evaluation criteria. The text options give a broad overview of what your project description should include while the evaluation criteria identifies the measures that will be used to evaluate applications.

Project Summary/Abstract

Provide a summary of the project description (a page or less) with reference to the funding request.

Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Results or Benefits Expected

Identify the results and benefits to be derived. For example, describe the population to be served by the program and the number of new jobs that will be targeted to the target population. Explain how the project will reach the targeted population, how it will benefit participants including how it will support individuals to become more economically self-sufficient.

Approach

Outline a plan of action that describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors that might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished.

When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Evaluation

Provide a narrative addressing how the conduct of the project and the results of the project will be evaluated. In addressing the evaluation of results, state how you will determine the extent to which the project has achieved its stated objectives and the extent to

which the accomplishment of objectives can be attributed to the project. Discuss the criteria to be used to evaluate results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of the project, define the procedures to be employed to determine whether the project is being conducted in a manner consistent with the work plan presented and discuss the impact of the project's various activities on the project's effectiveness.

Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners, such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. If the applicant is a non-profit organization, submit proof of non-profit status in its application.

The non-profit agency can accomplish this by providing: (a) A reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in the IRS Code; (b) a copy of a currently valid IRS tax exemption certificate; (c) a statement from a State taxing body, State attorney general, or other appropriate State official certifying that the applicant organization has a non-profit status and that none of the net earnings accrue to any private shareholders or individuals; (d) a certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status; (e) any of the items immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

Budget and Budget Justification

Provide a budget with line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. Also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

Evaluation Criteria

The following evaluation criteria appear in weighted descending order. The corresponding score values indicate the relative importance that ACF places on each evaluation criterion; however, applicants need not develop their applications precisely according to the order presented. Application components may be organized such that a reviewer will be able to follow a seamless and logical flow of information (*e.g.* from a broad overview of the project to more detailed information about how it will be conducted).

In considering how applicants will carry out the responsibilities addressed under this announcement, competing applications for financial assistance will be reviewed and evaluated against the following criteria:

Approach 35 Points

(1) The extent to which the work program is results-oriented, furthers the purposes of 678(A) of the CSBG Act, and specifically related to the priority area under which funds are being requested. The extent to which the applicant addresses the following: specific outcomes to be achieved; performance targets that the project is committed to achieving, including a discussion of and how the project will verify the achievement of these targets; critical milestones which must be achieved if results are to be gained; organizational support, the level of support from the applicant organization; past performance in similar work; and specific resources contributed to the project that are critical to success.

(2) The extent to which the applicant defines the comprehensive nature of the project and methods that will be used to ensure that the results can be used to address a statewide or nationwide project as defined by the description of the particular priority area.

(3) The extent to which the applicant can effectively demonstrate that they have adequate knowledge of the information and services provided by domestic violence coalitions within their community.

Organizational Profiles 25 Points

(1) The extent to which the applicant demonstrates that it has experience and a successful record of accomplishment relevant to the specific activities it proposes to accomplish.

(2) If extent to which the applicant proposes to provide training and technical assistance, it details its abilities to provide those services on a nationwide basis. If applicable, the extent to which information provided by the applicant also addresses related achievements and competence of each cooperating or sponsoring organization.

(3) The extent to which the applicant fully describes, for example in a resume, the experience and skills of the proposed project director and primary staff showing specific qualifications and professional experiences relevant to the successful implementation of the proposed project.

(4) The extent to which the applicant describes how it will involve partners in the Community Services Network in its activities. Where appropriate, the extent to which the applicant describes how it will interface with other related organizations.

(5) If subcontracts are proposed, the extent to which the applicant documents the willingness and capacity of the subcontracting organization(s) to participate as described.

Objectives and Need for Assistance 20 Points

(1) The extent to which the applicant documents that the proposed project addresses the vital needs related to the CSBG program purposes and provides statistics and other data and information in support of its contention.

(2) The extent to which the application provides current supporting documentation or other testimonies regarding needs from State CSBG Directors, CAAs and local service providers and/or State and Regional organizations of CAAs and other local service providers.

Results or Benefits Expected 15 Points

(1) The extent to which the applicant describes how the project will assure long-term program and management improvements for State CSBG offices, CAA State and/or regional associations, CAAs and/or other local providers of CSBG services and activities.

(2) The extent to which the applicant indicates the types and amounts of public and/or private resources it will mobilize, how those resources will directly benefit the project, and how the project will ultimately benefit low-income individuals and families.

(3) If the applicant proposes a project with a training and technical assistance focus, the extent to which the applicant indicates the number of organizations

and/or staff that will benefit from those services.

(4) If the applicant proposes a project with data collection focus, the extent to which the applicant describes the mechanism it will use to collect data, how it can assure collections from a significant number of States, and the number of States willing to submit data to the applicant.

(5) If the applicant proposes to develop a symposium series or other policy-related project(s), the extent to which the applicant identifies the number and types of beneficiaries.

(6) The extent to which the applicant describes methods of securing participant feedback and evaluations of activities.

Budget and Budget Justification
5 Points

(1) The extent to which the resources requested are reasonable and adequate to accomplish the project.

(2) The extent to which total costs are reasonable and consistent with anticipated results.

2. Review and Selection Process

Initial OCS Screening

Each application submitted to OCS will be screened to determine whether it was received by the closing date and time and whether the proposed budget does not exceed the ceiling amount specified in Section II. Award Information.

OCS Evaluation of Applications

Applications that pass the initial OCS screening will be reviewed and rated by a panel based on the program elements and review criteria presented in relevant sections of this program announcement. The review criteria are designed to enable the review panel to assess the quality of a proposed project and determine the likelihood of its success. The criteria are closely related to each other and are considered as a whole in judging the overall quality of an application. The review panel awards points only to applications that are responsive to the program elements and relevant review criteria within the context of this program announcement.

The OCS Director and program staff will use the reviewer scores when considering competing applications. Reviewer scores will weigh heavily in funding decisions, but will not be the only factors considered.

Applications generally will be considered in order of the average scores assigned by the review panel. Because other important factors are taken into consideration, highly ranked applications are not guaranteed funding. These other considerations include, for example: The timely and proper completion by the applicant of projects funded with OCS funds granted in the last five (5) years; comments of reviewers and government officials; staff evaluation and input; amount and duration of the grant requested and the proposed project's consistency and harmony with OCS goals and policy; geographic distribution of applications; previous program performance of applicants; compliance with grant terms under previous HHS grants, including the actual dedication to program of mobilized resources as set forth in project applications; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowance on previous OCS or other Federal agency grants.

Approved But Unfunded Applications

Applications that are approved but unfunded may be held over for funding in the next funding cycle, pending the availability of funds, for a period not to exceed one year.

3. Anticipated Announcement and Award Dates

Applications will be reviewed in the summer of 2005. Grant awards will have a start date no later than September 30, 2005.

VI. Award Administration Information

1. Award Notices

The successful applicants will be notified through the issuance of a Financial Assistance Award document which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which initial support will be given, the non-Federal share to be provided, and the total project period for which support is contemplated. The Financial Assistance Award will be signed by the Grants Officer and transmitted via postal mail.

Organizations whose applications will not be funded will be notified in writing.

2. Administrative and National Policy Requirements

Direct Federal grants, sub-award funds, or contracts under this program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this Program. Regulations pertaining to the Equal Treatment For Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, can be found at either 45 CFR 87.1 or the HHS Web site at *http://www.os.dhhs.gov/fbci/waisgate21.pdf.*

45 CFR part 74; 45 CFR part 92. Grantees are subject to the requirements in 45 CFR part 74 (non-governmental) or 45 CFR part 92 (governmental) as well as 45 CFR part 87.

3. Reporting Requirements

All grantees are required to submit semi-annual (quarterly or annual) program reports; grantees are also required to submit semi-annual expenditure reports using the required financial standard form (SF–269) which can be found at the following URL: *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

Final reports are due 90 days after the end of the grant period.

Programmatic Reports: Semi-Annually.

Financial Reports: Semi-Annually.

Grantees will be required to submit program progress reports and financial reports (SF269) throughout the project period. Program progress and financial reports are due 30 days after the reporting period. In addition, final programmatic and financial reports are due 90 days after the close of the project period.

VII. Agency Contacts

Program Office Contact: Dr. Margaret Washnitzer, Department of Health and Human Services, Administration for Children and Families, Office of Community Services' Operations Center, 1515 Wilson Blvd., Suite 100, Arlington, VA 22209, Phone: 800–281–9519, E-mail: *OCSGRANTS@acf.hhs.gov*.

Grants Management Office Contact: Barbara Ziegler Johnson, Team Leader, Office of Grants Management, Division of Discretionary Grants, Administration for Children and Families, Office of Community Services' Operations Center, 1515 Wilson Blvd., Suite 100, Arlington, VA 22209, Phone: 800–281–9519, E-mail: *OCSGRANTS@acf.hhs.gov*.

VIII. Other Information

Notice: Beginning with FY 2006, the Administration for Children and Families (ACF) will no longer publish grant announcements in the **Federal Register**. Beginning October 1, 2005 applicants will be able to find a synopsis of all ACF grant opportunities and apply electronically for opportunities via: *www.Grants.gov*. Applicants will also be able to find the complete text of all ACF grant

announcements on the ACF Web site located at: *http://www.acf.hhs.gov/grants/index.html*.

Additional information about this program and its purpose can be located on the following Web sites: *http://www.acf.hhs.gov/programs/cb/*.

For general questions regarding this announcement please contact: Dr. Margaret Washnitzer, Department of Health and Human Services, Administration for Children and Families, Office of Community Services' Operations Center, 1515 Wilson Blvd., Suite 100, Arlington, VA 22209, Phone: 800–281–9519, E-mail: *OCSGRANTS@acf.hhs.gov*.

Applicants will not be sent acknowledgements of received applications.

Dated: July 8, 2005.

Josephine Robinson,

Director, Office of Community Services.

[FR Doc. 05–13893 Filed 7–13–05; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005N–0262]

Submission of Chemistry, Manufacturing, and Controls Information in a New Drug Application Under the New Pharmaceutical Quality Assessment System; Notice of Pilot Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is seeking pharmaceutical companies to volunteer to participate in a pilot program involving the submission of chemistry, manufacturing, and controls (CMC) information consistent with the new pharmaceutical quality assessment system. The purpose of the pilot program is twofold. First, the pilot program will provide participating pharmaceutical companies with an opportunity to submit critical CMC information that demonstrates their understanding of quality by design, product knowledge, and process understanding of the drug substance and drug product in a new drug application (NDA). Second, the pilot program will enable the public and regulated industry to provide feedback that will assist FDA in developing a guidance for industry on the new quality assessment system.

DATES: Submit written and electronic requests to participate in the pilot program by October 31, 2005. Submit written and electronic comments on this pilot program by December 31, 2006.

ADDRESSES: Submit written requests to participate in the pilot program and written comments on the program to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic requests to participate and electronic comments to *http://www.fda.gov/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Michael Folkendt, Center for Drug Evaluation and Research (HFD–800), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, e-mail: *folkendtm@cder.fda.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of New Drug Chemistry (ONDC) in the Office of Pharmaceutical Science, Center for Drug Evaluation and Research, is establishing a modern, risk-based pharmaceutical quality assessment system, as described in a September 2004 White Paper entitled ''ONDC's New Risk-Based Pharmaceutical Quality Assessment System'' (*http://www.fda.gov/cder/gmp/gmp2004/ondc_reorg.htm*). This White Paper was published as part of the FDA final report on ''Pharmaceutical cGMPs for the 21st Century—A Risk-Based Approach'' (*http://www.fda.gov/cder/gmp/gmp2004/GMP_finalreport2004.htm*).

The new quality assessment system will focus on critical pharmaceutical quality attributes (related to chemistry, formulation, manufacturing process design, and product performance) and their relevance to safety and effectiveness. The principles underlying this new quality assessment system can be found in the February 2005 International Conference on Harmonization (ICH) draft guidance entitled ''Q8 Pharmaceutical Development'' (*http://www.fda.gov/cder/guidance/6672dft.pdf*) and the September 2004 FDA guidance for industry entitled ''PAT—A Framework for Innovative Pharmaceutical Development, Manufacturing, and Quality Assurance'' (*http://www.fda.gov/cder/guidance/6419fnl.htm*). These principles include the following: (1) Ensuring product quality and performance through the design of effective and efficient manufacturing processes; (2) establishing product and process specifications based on a mechanistic understanding of how formulation and process factors affect product performance; and (3) where applicable, continuous ''real time'' quality assurance.

The new quality assessment system is intended to facilitate innovation and improvement throughout the product lifecycle and to provide regulatory flexibility for specification setting and postapproval changes based on scientific knowledge and understanding of product and process by applying quality-by-design principles. To take full advantage of the new quality assessment system, including appropriate regulatory flexibility, applicants should provide information in the CMC section of an NDA that demonstrates their product knowledge and process understanding at the time of submission. A CMC submission under the new system should contain a more comprehensive Quality Overall Summary (Module 2.3 of the ICH Common Technical Document (CTD) ''M4Q: The CTD—Quality'') and a more expansive Pharmaceutical Development section (Module 3.2.P.2, of the CTD). It should also include more relevant information on critical quality attributes and how they relate to clinical safety and effectiveness. The information provided should do the following: (1) Provide an appropriate level of confidence that quality has been built into the product by demonstrating the extent of product knowledge and process understanding at the time of submission, including information explaining critical steps and in-process controls to facilitate setting scientifically sound specifications and acceptance criteria, and (2) identify possible sources of variability in manufacturing by explaining how associated risks can be mitigated. At the same time, there would be less need for information that could be handled through inspectional oversight of current good manufacturing practices (cGMP) requirements (e.g., executed batch record, redundant chromatographic data, standard operating procedures). The pilot is also intended to provide enhanced clarity by distinguishing between information submitted and used in the pharmaceutical assessment process and information that is a condition of approval (e.g., that cannot be modified without further application/supplement review).

II. Description of Pilot Program

The pilot program will provide additional information for ONDC to use in implementing the new quality assessment system. FDA will work with each participant on an individual basis,

with review of the application being the primary goal. The process will include appropriate coordination between agency review and inspection staff. Based on experience gained during the pilot program and internal knowledge of manufacturing science, FDA will develop procedures and guidance for implementing the new quality assessment system.

A. Scope

This program will be limited to 12 original NDAs to be submitted by December 31, 2006, in the CTD format, paper or electronic. If an applicant believes that a particular CMC supplement would be a good candidate for this pilot program, the applicant is encouraged to first contact ONDC to discuss its acceptability. Acceptance into this program will depend on the soundness of the drug development plan and the potential of the proposed application to affect the development of the new quality assessment system. Every effort will be made to ensure that all pharmaceutical companies have the opportunity to participate and that many different drug product types are included in this pilot program.

This pilot program only affects the CMC section of the NDA. Existing regulations and requirements for the submission of an NDA will not be waived, suspended, or modified for purposes of this pilot program. Participants must submit the NDA, paper or electronic, in accordance with 21 CFR part 314 and other relevant regulations.

B. Process

Interested parties should submit to the Division of Dockets Management (see **ADDRESSES**) a written request to participate in the pilot program (identified with the docket number found in brackets in the heading of this document). The request should include the following items: (1) The contact person's name, company name, company address, and telephone number; (2) the name of the drug product and a brief description (e.g., dosage form, indication); (3) a summary of the drug development plan; (4) a statement of the potential of the proposed application to affect the development of the new quality assessment system; and (5) a timeline for end-of-phase-2 and pre-NDA meetings and NDA submission. All pharmaceutical companies requesting participation in the pilot program will be notified of their acceptance in writing by ONDC within 60 days of receipt of the request.

Potential participants are encouraged to discuss their plans to participate in this pilot program with ONDC (e.g., as part of an end-of-phase-2 or pre-NDA meeting). Meeting requests for participating applicants should be submitted in accordance with the CDER guidance for industry on ''Formal Meetings With Sponsors and Applicants for PDUFA Products'' (*http://www.fda.gov/cder/guidance/2125fnl.htm*). Once agreement is reached on participation in this program, the applicant can meet with ONDC as frequently as needed before the submission and during the review process by submitting requests directly to ONDC.

The quality assessment under this pilot program will be conducted under the direct oversight of the ONDC Office Director by a team of experienced scientists who have a good understanding of the new quality assessment system and a strong scientific background in pharmaceutical development and manufacturing.

A pharmaceutical company may withdraw from participation in the pilot program at any time before the NDA is submitted by notifying ONDC in writing that it wishes to withdraw from the program.

III. Comments

Interested persons may submit written comments on this pilot program to the Division of Dockets Management (see **ADDRESSES**). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. FDA will consider these comments when developing a guidance on the new pharmaceutical quality assessment system. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday. While detailed information on participating NDAs will not be publicly available, names of participating applicants will be made public.

Dated: July 7, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–13829 Filed 7–13–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005D–0133]

''Guidance for Industry: Assessing Donor Suitability and Blood and Blood Product Safety in Cases of Known or Suspected West Nile Virus Infection;'' Availability; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of June 30, 2005 (70 FR 37863). The document announced the availability of a guidance document entitled ''Guidance for Industry: Assessing Donor Suitability and Blood and Blood Product Safety in Cases of Known or Suspected West Nile Virus Infection.'' The document published with inadvertent errors. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Joyce Strong, Office of Policy and Planning (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7010.

SUPPLEMENTARY INFORMATION: In FR Doc. 05–12960, appearing on page 37863 in the **Federal Register** of Thursday, June 30, 2005, the following correction is made:

1. On page 37864, in the second column, under the section heading ''**II. Paperwork Reduction Act of 1995**'', the second sentence is corrected to read: ''The collection of information in this guidance for 21 CFR 601.12 was approved under OMB control number 0910–0338; § 606.170(b) (21 CFR 606.170(b)) has been approved under OMB control number 0910–0116; and § 606.171 has been approved under OMB control number 0910–0458.''

Dated: July 8, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–13830 Filed 7–13–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4971–N–35]

Notice of Submission of Proposed Information Collection to OMB; Voucher Homeownership Program Implementation Survey

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This is a request for approval of a one-time survey to obtain a broad, statistically accurate picture of the Voucher Homeownership Program and how it operates nationwide, based on a sample of 230 PHAs that have implemented the program.

DATES: *Comments Due Date:* August 15, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* or Lillian Deitzer at *Lillian_L_Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins or Ms. Deitzer or from HUD's Web site at *http://hlannwp031.hud.gov/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) 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; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (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 collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Voucher Homeownership Program Implementation Survey.

OMB Approval Number: 2528—to be assigned.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: This request is for the clearance of a survey instrument that would provide a broad, statistically accurate picture of the Voucher Homeownership Program and how it operates nationwide, based on a sample of 230 PHAs that have implemented the program. The purpose of the survey is to: (1) Provide an accurate, but general, picture of the program's implementation nationwide and (2) help the Department identify the operational characteristics that contribute to the success of a voucher homeownership program and use the resulting detailed analysis of those operational characteristics to further improve the program.

Respondents: Public Housing Authorities operating voucher homeownership programs.

Frequency of Submission: One time.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting burden	230	230		0.75		172.5

Total Estimated Burden Hours: 173.

Status: New collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: July 7, 2005.

Wayne Eddins,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E5–3715 Filed 7–13–05; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–920–05–1320–EL, UTU–82202]

Notice of Invitation To Participate in Coal Exploration License, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of invitation to participate in Coal Exploration License.

SUMMARY: Pursuant to section 2(b) of the Mineral Leasing Act of 1920, as amended by section 4 of the Federal Coal Leasing Amendments Act of 1976, 90 Stat. 1083, 30 U.S.C. 201(b), and to the regulations adopted as 43 CFR 3410, all interested qualified parties, as provided in 43 CFR 3472.1, are hereby invited to participate with Ark Land Company on a *pro rata* cost sharing basis in its program for the exploration of coal deposits owned by the United States of America in the Muddy Canyon Area in the following-described lands of Sanpete and Sevier Counties, Utah:

T. 20 S., R. 5 E., SLM, Utah
Sec. 30, S½SE¼, SE¼SW¼;
Sec. 31, E½, E½W½;
Sec. 32, NW, N½SW¼;
Containing 840.00 acres.

All of the coal in the above-described land consists of unleased Federal coal within the Uinta-Southwestern Utah Known Coal Production Area. The purpose of the exploration program is to obtain coal quality data to supplement data from previous adjacent coal exploration programs. The proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management (BLM).

ADDRESSES: Copies of the exploration plan are available for review during normal business hours (serialized under the number of UTU 82202) in the public room of the BLM State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah. The written notice to participate in the exploration program should be sent to both the BLM, Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145, and to Mark Bunnell, Mine Geologist, Canyon Fuel Company, LLC, Skyline Mine, HC 35 Box 380, Helper, Utah 84526.

FOR FURTHER INFORMATION CONTACT: Bill Buge, Salt Lake City, Bureau of Land Management, (801) 539–4086.

SUPPLEMENTARY INFORMATION: This notice of invitation to participate has been published in the Mt. Pleasant Pyramid and the Richfield Reaper, once each week for two consecutive weeks

beginning the week of March 10, 2005, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the BLM and Ark Land Company, as provided in the **ADDRESSES** section above, no later than thirty days after publication of this invitation in the **Federal Register**.

The foregoing is published in the **Federal Register** pursuant to 43 CFR 3410.2–1(c)(1).

Dated: May 18, 2005.

Kent Hoffman,

Deputy State Director, Lands and Minerals.

[FR Doc. 05–13874 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–DK–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UTU–82243]

Notice of Invitation To Participate in Coal Exploration Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice is an invitation to participate in Coal Exploration program. Ark Land Company has filed the application for the Granger Ridge Tract. All qualified parties are invited to participate with Ark Land Company on a pro rata cost sharing basis in its program for the exploration of certain Federal coal deposits in the following described lands in Carbon County, Utah:

T. 12 S., R. 6 E., SLM, Utah
Sec. 13, Lot 4, S½SW¼, SW¼SE¼;
Sec. 14, S½S½;
Sec. 22, E½, E½W½, E½W½W½;
Sec. 23, All;
Sec. 24, Lots 1–7, N½NE¼, NW¼NW¼, W½SW¼, W½SE¼;
Sec. 25, Lots 1–4, W½E½, SW¼;
Sec. 26, Lots 1–4, N½N½, N½SW¼, SW¼SW¼ , N½SE¼;
Sec. 27, E½, E½W½, E½W½W½;
Sec. 34, N½NE¼, NE¼NW¼, E½NW¼NW¼.

Containing 3,803.86 acres.

FOR FURTHER INFORMATION CONTACT: Bill Buge, Salt Lake City, Bureau of Land Management, (801) 539–4086.

SUPPLEMENTARY INFORMATION: Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145, and to Mark Bunnell, Mine Geologist, Canyon Fuel Company, LLC, Skyline Mine, HC 35 Box 380, Helper, Utah 84526. BLM must receive your written notice by August 15, 2005.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. An exploration plan submitted by Ark Land Company, detailing the scope and timing of this exploration program is available for public review during normal business hours in the public room of the BLM State Office, 440 W. 200 S., Suite 500, Salt Lake City, Utah, under serial number UTU–82243.

Dated: May 6, 2005.

Kent Hoffman,

Deputy State Director, Lands and Minerals.

[FR Doc. 05–13883 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–DK–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–09–1320–EL, WYW163613]

Coal Lease Exploration License, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Invitation for Coal Exploration License.

SUMMARY: Pursuant to section 2(b) of the Mineral Leasing Act of 1920, as amended by section 4 of the Federal Coal Leasing Amendments Act of 1976, 90 Stat. 1083, 30 U.S.C. 201 (b), and to the regulations adopted as 43 CFR 3410, all interested parties are hereby invited to participate with Bridger Coal Company on a pro rata cost sharing basis in its program for the exploration of coal deposits owned by the United States of America in the following-described lands in Sweetwater County, WY:

T. 22 N., R. 101 W., 6th P.M., Wyoming
Sec. 22: Lots 1–16;
Sec. 24: Lots 1–15, NW¼NE¼.

Containing 1,278.74 acres, more or less.

All of the coal in the above-described land consists of unleased Federal coal within the Rock Springs Known Recoverable Coal Resources Area. The purpose of the exploration program is to obtain coal quality data and to further quantify this particular reserve base inclusive of adjacent private and state lands. The proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management.

ADDRESSES: Copies of the exploration plan are available for review during normal business hours in the following offices (serialized under number WYW163613): Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, WY 82003; and Bureau of Land Management, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, WY 82901. The written notice to participate in the exploration program should be sent to both of the following addresses: Bridger Coal Company, c/o Interwest Mining Company, Attn: Scott M. Child, One Utah Center, Suite 2100, 201 South Main Street, Salt Lake City, UT 84111, and the Bureau of Land Management, Wyoming State Office, Branch of Solid Minerals, Attn: Julie Weaver, P.O. Box 1828, Cheyenne, WY 82003.

SUPPLEMENTARY INFORMATION: This notice of invitation will be published in the ''Rocket-Miner'' of Rock Springs, WY, once each week for two consecutive weeks beginning the week of July 11, 2005, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Bridger Coal Company, as provided in the **ADDRESSES** section above, no later than 30 days after publication of this invitation in the **Federal Register**. The foregoing is published in the **Federal Register** pursuant to 43 CFR 3410.2–1(c)(1).

Dated: May 25, 2005.

Alan Rabinoff,

Deputy State Director, Minerals and Lands.

[FR Doc. 05–13884 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–420–2824–DD–FM04]

Notice of Intent: To Prepare an Environmental Impact Statement (EIS) for the Eastside Township Fuels and Vegetation Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM), Cottonwood Field Office, will be directing the preparation of an EIS for the Eastside Township Fuels and Vegetation Project and initiate the formal public scoping process. The scoping comment period will commence with the publication of this notice and will end 30 days after its publication. Comments on the scope of

the EIS, including concerns, issues, or proposed alternatives that should be considered should be submitted in writing to the address below, and will be accepted throughout the scoping period. All scoping meetings will be announced 15 days in advance through the local news media, and newsletters.

DATES: The Draft EIS is expected to be distributed for public review and comment in the summer of 2005, and it's anticipated that the Final EIS should be completed four to six months later.

ADDRESSES: Written comments should be sent to the BLM, Cottonwood Field Office, Route 3, Box 181, Cottonwood, Idaho 83522, (fax (208) 962–3275), or e-mail *robbin_boyce@blm.gov.* Comments submitted, including names and street addresses of respondents, will be available for public review at the Cottonwood Field Office during regular business hours from 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name and address from public review or disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: For further information or to have your name added to the mailing list, contact Robbin Boyce at the Cottonwood Field Office (see address above), telephone (208) 962–3594 or e-mail: *robbin_boyce@blm.gov.*

SUPPLEMENTARY INFORMATION: Initial scoping for this project began February 6, 2004, when a scoping letter that included a description of the proposed action and purpose and need for the project, was mailed to interested parties. Based upon the comments from the public, agencies, coalitions and Native Americans, and further field review, it was determined that further analysis and an EIS was warranted.

The proposed action implements key components of the National Fire Plan as addressed in the 10-year Comprehensive Strategy by reducing hazardous fuels conditions, reducing the risk of high intensity wildland fire to life, property and natural resources in the Elk City wildland—urban interface, and maintaining low intensity fire conditions where they exist. The proposed project implements recommendations from the Idaho County Wildland Fire and Mitigation Plan (2003) prepared by the Clearwater Resource Conservation and Development Council. The proposed action would support an upward trend in watershed/aquatic conditions as required by the Chief Joseph Management Framework Plan, and would entail changing the forest density and species composition to maintain and increase forest stand resilience to high intensity fire, insects, and disease. This would be achieved by applying various silvicultural prescriptions including salvage, patch clearcutting, seedtree/shelterwood, pre-commercial and commercial thinning, biomass utilization, grapple piling of slash, and prescribed burns. Timber harvest and prescribed burning prescriptions would be conducted on an estimated 1,300 acres. Road closure, decommissioning, and conversion of roads to trails, riparian treatments (plantings and stabilization), and in-stream habitat modification would be used to improve fish habitat and aquatic conditions.

Issues previously identified during public scoping for this project as well as comments received as a result of this Notice, will be used to prepare the EIS. Issues previously identified during public scoping for this project include the following:

- Declining forest health due to mortality from insects and disease;
- High potential for stand replacing fire; including the risk to public safety and potential property loss due to the location of residences within the forested areas;
- Desired future conditions for the seral stages of forest stands and the need and ability to control weeds;
- Access issues including the need to cross Forest Service and private lands;
- Road construction, erosion, and water quality;
- Fisheries (resident, anadromous, and listed species) habitat;
- Wildlife habitat; including big game hiding, security, thermal cover and travel corridors/connectivity;
- Cultural, heritage and visual resources; and
- Impacts of past and likely future activities in the Elk City area.

More detailed information about this project, including maps, is available at the Cottonwood Field Office, Route 3, Box 181, Cottonwood, Idaho 83522. If you previously submitted comments, they will be considered and you will be retained on the mailing list.

Dated: May 26, 2005.

K. Lynn Bennett,

State Director, Idaho.

[FR Doc. 05–13880 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–66–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–030–05–1320–EL, WVES–50556, WVES–50560]

Notice of Intent To Prepare a Land Use Analysis/Environmental Impact Statement; Coal Lease Applications WVES–50556 and WVES–50560, Wayne County, WV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management (BLM) has received two applications to lease a total of 13,089.55 acres of Federal coal at the East Lynn Lake project in Wayne County, West Virginia. The lease applications for mining the federal coal on these were applied under the provisions of 43 Code of Federal Regulations (CFR) 3425.1. The BLM will prepare a LUA/EIS prior to holding a competitive Federal coal lease sale. Both applicants are proposing to mine the coal by underground mining methods from existing mines they operate on adjacent private land. The lands being considered for lease border East Lynn Lake on portions of both its north and south shores, but no mining would occur directly beneath the lake itself. This notice, in accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA), announces the beginning of the review process and invites the public, other Federal Agencies, State and local governments to submit information on coal resource development potential and on resources which may be affected by coal development for lands within the analysis area. The BLM also asks that you suggest issues that should be considered in developing the LUA and include statements explaining why the land should or should not be considered for leasing.

DATES: The BLM will accept comments on or before August 15, 2005.

ADDRESSES: You may send written comments to Bureau of Land Management, Attn: John Romito, 901 Pine Street, Suite 201, Rolla, MO 65401. You may also submit electronic comments and other data to *EastLynnLakeComments@blm.gov.* See **SUPPLEMENTARY INFORMATION** for information regarding a public meeting

during the comment period and a public hearing after the draft LUA/EIS is prepared. Members of the public may examine documents pertinent to this proposal by visiting the Rolla Office during its business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday except holidays.

FOR FURTHER INFORMATION CONTACT: John Romito, Bureau of Land Management, 573–364–0204.

SUPPLEMENTARY INFORMATION: Argus Energy LLC (Argus) has submitted a coal LBA (WVES50556) to BLM for 7,624.60 acres bordering a portion of the southern shore of the East Lynn Lake Project in Wayne County, West Virginia. Rockspring Development (Rockspring) also submitted a coal LBA for 5,449.92 acres (WVES50560) that borders a portion of the north shore of the lake. East Lynn Lake is located approximately 25 miles south of Huntington, West Virginia and is managed by the U.S. Army Corps of Engineers (USACE) for flood control, recreation and wildlife.

The State of West Virginia does not use the Public Land Rectangular Survey system to legally describe land tracts within the state, but instead utilizes Metes and Bounds property description. Consequently, to avoid numerous pages of lengthy legal descriptions, the federal coal reserves encompassed by the LBAs are described below by referencing the USACE mineral-tract number the reserves fall within. It should be pointed out that referencing a mineral-tract number in the listing below, does not necessarily mean the entire mineral tract is under application. More detailed property descriptions are available in the case files located in the BLM office in Rolla, Mo.

Argus Energy, LBA WVES–50556

Mineral Tract Numbers—Tract Nos: 77M–14; 177M–12; 177M–11; 177M–1; 745M; 746M; 808; 840M; 843M; 846M; 1140M; 1140; 1301; 1313M; 1717M; 1718M; 1810M; 1811M; 1813M; 1813M; 2020M; 2321M; 2430M; 2431M; 2737 and 2737.

Approximately 7,639.63 in Wayne County, West Virginia

Rockspring Development, LBA WVES–50560

Mineral Tract Numbers—Tract Nos. 174M; 177M–2p; 177M–1; 184M; 376ME–2; 375M; 376ME–1; 377M; 378M; 380M; 381M; 382M; 384M; 386M; 390ME–1; 395M; 427M; 430M; 517A; 517B; 545M; 547M; 548M; 550M; 553M; 554M; 556M; 745M; 847M; 1450M; 1451M; 1452M; 1453M; 1717M and 1718M.

Approximately 5,449.92 in Wayne County, West Virginia

Argus proposes to mine the Federal coal in the lease application area by underground methods extending from two of their existing underground mines located on private land to the south of the application area. Rockspring would similarly access their application area from their existing underground mine located on private lands north of their application area. Argus is currently conducting exploratory drilling on their application area under exploration license WVES 50816. It is reasonable to expect that Rockspring may also wish to conduct exploratory drilling on their area of interest. It is also reasonable to expect that both companies may need to drill additional holes for mine planning purposes if leases were to be issued and mine plans approved.

BLM is provided the authority to lease Federal coal under the Mineral Leasing Act as defined under 43 CFR 3480.0–5(a)(25) and the 1999 Water Resource and Development Act for Federally owned coal at East Lynn Lake. The Office of Surface Mining (OSM) in cooperation with the State of West Virginia, issues Mine Permits under the Surface Mining Control and Reclamation Act (SMCRA). Additionally, as provided by 40 CFR 1501.6, the U.S. Army Corps of Engineers (USACE) and the Office of Surface Mining have been invited to participate as Cooperating Agencies in the proposed coal-leasing action.

This notice is issued pursuant to 40 CFR 1501.7, 43 CFR 1610.2(c) and 43 CFR 3420. BLM's planning effort will follow the procedures set forth in 43 CFR 1610. As provided by 43 CFR 3420.1–2, industry, State and local governments and the general public are requested to submit information regarding coal and other resources which may be affected by coal development within the leasing area.

Preliminary issues, subject to change as a result of public input, are (1) potential impacts of coal mining and development drilling on the surface and subsurface resources; and (2) consideration of restrictions on lease rights to protect surface resources.

Preliminary planning criteria developed to guide the preparation of the LUA/EIS include:

1. Land use planning and environmental analysis will be conducted in accordance with all applicable laws, regulations, executive orders and manuals.

2. Planning will be conducted for the Federal coal mineral estate only.

3. A mine plan scenario will be prepared for the Federal resources.

4. Resource data needed to assess the effects of coal mining and coal development drilling will be collected.

5. The planning team will work cooperatively with Federal, State and local governments and agencies, as well as groups, organizations and individuals.

6. In accordance with the Water Resource and Development Act of 1999, consent will not be required from the surface management agency should coal leasing be approved.

7. The LUA/EIS will identify mitigation measures designed to reduce or avoid potential impacts of coal leasing.

8. Other criteria as identified through the planning process.

The interdisciplinary team will consider the specific resources and uses identified in the 20 Unsuitability Criteria listed at 43 CFR part 3461 to the extent that they apply to underground mining. Screening of the Federal coal lands in the application areas through the Unsuitability Criteria will result in a determination as to which lands are (1) acceptable for further leasing consideration with standard stipulations or (2) acceptable for further leasing consideration with special stipulations or (3) are unacceptable for further consideration for leasing.

Lands acceptable for further leasing consideration after screening through the Unsuitability Criteria will be further screened for other resource values and uses that could be affected by lease issuance.

Public Participation: This notice initiates the National Environmental Policy Act (NEPA) public scoping process. The BLM will work collaboratively with interested parties to identify management decisions that are best to address national, regional and local needs and concerns. The public, businesses, and public entities are invited to participate in this LUA process by: (1) Commenting on the preliminary issues and planning criteria; (2) identifying other issues and planning criteria; and/or (3) submitting coal, other resource or land use information. For other resource information, participants are asked to identify the particular resource value, to provide the reason that the resource would conflict with coal development and provide a map (minimal scale 1:24,000) showing the location of the resource.

Comments or information may be submitted by mail or electronically to the addresses provided above.

Confidentiality: Individual respondents may request confidentiality. If you wish to withhold

your name or street address from public review or disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comments. Such requests will be honored to the extent allowed by the law. All submissions from businesses, organizations and individuals identifying themselves as representatives or officials of organizations or businesses will be available for public inspection in their entirety.

In addition to accepting written comments, BLM will also schedule a public meeting in Wayne, West Virginia before the end of the comment period. This meeting will provide another opportunity for you to identify issues or concerns about the proposal. The BLM will publish advance notice of the exact time and place of this meeting in local newspapers at least 15 days prior to the meeting. The BLM will also conduct a public hearing in accordance with 43 CFR 3420 and 3422.1 when the draft LUA/EIS is completed. This hearing will be announced through the **Federal Register** and a local newspaper at least 15 days prior to the hearing.

Michael D. Nedd,

State Director, Eastern States.

[FR Doc. 05–13767 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–PN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–100–05–1310–DB]

Notice of Meeting of the Pinedale Anticline Working Group

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (1976) and the Federal Advisory Committee Act (1972), the U.S. Department of the Interior, Bureau of Land Management (BLM) Pinedale Anticline Working Group (PAWG) will meet in Pinedale, Wyoming, for a business meeting. Group meetings are open to the public.

DATES: The PAWG will meet August 9, 2005, from 9 a.m. until 5 p.m.

ADDRESSES: The meeting of the PAWG will be held in the Lovatt room of the Pinedale Library, 155 S. Tyler Ave., Pinedale, WY.

FOR FURTHER INFORMATION CONTACT: Carol Kruse, BLM/PAWG Liaison, Bureau of Land Management, Pinedale Field Office, 432 E. Mills St., P.O. Box 738, Pinedale, WY, 82941; 307–367–5352.

SUPPLEMENTARY INFORMATION: The Pinedale Anticline Working Group (PAWG) was authorized and established with release of the Record of Decision (ROD) for the Pinedale Anticline Oil and Gas Exploration and Development Project on July 27, 2000. The PAWG advises the BLM on the development and implementation of monitoring plans and adaptive management decisions as development of the Pinedale Anticline Natural Gas Field proceeds for the life of the field.

The agenda for this meeting is to review any Task Group monitoring recommendations and the monitoring funding matrix. At a minimum, public comments will be heard prior to lunch and adjournment of the meeting.

Dated: July 5, 2005.

Priscilla E. Mecham,

Field Manager.

[FR Doc. 05–13852 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–920–1310–05; TXNM 107338]

Proposed Reinstatement of Terminated Oil and Gas Lease TXNM 107338

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of Public Law 97–451, Philip Rice timely filed a petition for reinstatement of oil and gas lease TXNM 107338 for lands in Wise County, Texas, and it was accompanied by all required rentals and royalties accruing from December 1, 2004, the date of termination.

FOR FURTHER INFORMATION CONTACT: Lourdes B. Ortiz, BLM, New Mexico State Office, (505) 438–7586.

SUPPLEMENTARY INFORMATION: No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice. The Lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective December 1, 2004, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: June 9, 2005.

Lourdes B. Ortiz,

Land Law Examiner.

[FR Doc. 05–13875 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–920–1310–05; TXNM 107329]

Proposed Reinstatement of Terminated Oil and Gas Lease TXNM 107329

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of Public Law 97–451, Philip Rice timely filed a petition for reinstatement of oil and gas lease TXNM 107329 for lands in Wise County, Texas, and it was accompanied by all required rentals and royalties accruing from December 1, 2004, the date of termination.

FOR FURTHER INFORMATION CONTACT: Lourdes B. Ortiz, BLM, New Mexico State Office, (505) 438–7586.

SUPPLEMENTARY INFORMATION: No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice. The Lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective December 1, 2004, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: June 9, 2005.

Lourdes B. Ortiz,

Land Law Examiner.

[FR Doc. 05–13876 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW152214]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from Freeman Investments of oil and gas lease WYW152214 for lands in Sweetwater County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $166 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW152214 effective March 1, 2004, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Pamela J. Lewis,

Chief, Fluid Minerals Adjudication.

[FR Doc. 05–13885 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–924–1430–ET; MTM 89170]

Notice of Proposed Extension of Public Land Order No. 7464; Opportunity for Public Meeting; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to extend the duration of Public Land Order (PLO) No. 7464 for an additional 5-year period. PLO 7464 withdrew 3,530.62 acres of public land in Phillips County, Montana from settlement, sale, location and entry under the general land laws, including the United States mining laws, to facilitate reclamation of a mine site.

DATES: Comments and requests for a public meeting must be received by October 12, 2005.

ADDRESSES: Comments and meeting requests should be sent to the Montana State Director, BLM, PO Box 36800, Billings, Montana 59107–6800.

FOR FURTHER INFORMATION CONTACT: Tami Lorenz, BLM, Montana State Office, 406–896–5053, or Sandy Ward, BLM, Montana State Office, 406–896–5052.

SUPPLEMENTARY INFORMATION: The withdrawal created by PLO No. 7464 (65 FR 59463) will expire on October 4, 2005, unless extended. The Bureau of Land Management (BLM) has filed an application to extend PLO No. 7464 for an additional 5-year period. The withdrawal was made to protect the reclamation of the Zortman-Landusky mining area described as follows:

Principal Meridian, Montana

T. 25 N., R. 24 E.,
- Sec. 1, lot 13;
- Sec. 10, lots 7 to 11, inclusive, and NE¼SE¼;
- Sec. 11, lots 8 and 9;
- Sec. 12, lots 8, 11, 12, 13, 17, 18, 19, 20 and 22, and SE¼SW¼;
- Sec. 13, NE¼NE¼ and W½NW¼;
- Sec. 14, lots 1 to 11, inclusive, E½NE¼, SW¼NE¼, and N½SE¼;
- Sec. 15, lots 4 to 18, inclusive;
- Sec. 21, E½NE¼, NE¼SE¼, and W½SE¼SE¼;
- Sec. 22, lot 1, lots 3 to 7, inclusive, SE¼NE¼, W½NW¼, N½SW¼, E½SW¼SW¼, SE¼SW¼, N½SE¼, E½SE¼SE¼, NW¼SE¼SE¼, E½SW¼SE¼SE¼, and NW¼SW¼SE¼SE¼;
- Sec. 23, N½.

T. 25 N., R. 25 E.,
- Sec. 6, lots 13 to 17, inclusive, NE¼SW¼, and SE¼;
- Sec. 7, lots 5 to 9, inclusive, lots 14, 17, 18, 22, 23, and 24, lots 26 to 31, inclusive, and NW¼NE¼;
- Sec. 8, SW¼SW¼;
- Sec. 16, lot 2, N½NW¼SW¼, N½SE¼NW¼SW¼, S½S½SW¼SW¼, NE¼SE¼SW¼, S½SE¼SW¼, and SW¼SE¼;
- Sec. 17, lots 3 and 4, NE¼, E½NW¼, N½N½NE¼SE¼, N½NE¼NW¼SE¼, SW¼NE¼NW¼SE¼, W½NW¼SE¼, W½SE¼NW¼SE¼, W½NE¼SW¼SE¼, W½SW¼SE¼, SE¼SW¼SE¼, and S½SE¼SE¼;
- Sec. 18, lots 1 to 5, inclusive, lots 8, 9, and 10, and SW¼NE¼.

The area described contains 3,530.62 acres in Phillips County.

The proposed withdrawal extension would allow reclamation of the Zortman and Landusky mining area to be continued without the interference of further locations under the United States mining laws.

As extended, the withdrawal would not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

The use of a right-of-way, or interagency, or cooperative agreement are not considered to be desirable or acceptable alternatives.

There are no suitable alternative sites available where the withdrawal would facilitate mine reclamation since the location of the Zortman and Landusky mines and the necessary reclamation materials are fixed.

No water rights will be needed to fulfill the purpose of the requested withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal extension may present their views in writing to the Montana State Director of the Bureau of Land Management at the address noted above.

Comments, including names and street addresses of respondents, will be available for public review at the BLM Malta Field Office, 501 South 2nd Street East, HC 65, Box 5000, Malta, Montana 59538–0047, during regular business hours 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal extension. All interested persons who desire a public

meeting for the purpose of being heard on the proposed withdrawal extension must submit a written request to the Montana State Director, BLM within 90 days from the date of publication of this notice. If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

This withdrawal extension proposal will be processed in accordance with the applicable regulations set forth in 43 CFR 2310.4.

(Authority: 43 CFR 2310.3–1)

Dated: February 9, 2005.

Howard A. Lemm,

Deputy State Director, Division of Resources.

[FR Doc. 05–13887 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–650–1430–HN; CA–46267]

Direct Sale of Public Land; San Bernardino County, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: A 39.99 acre parcel of public land in San Bernardino County, California is being considered for direct sale to Searles Valley Minerals, Inc. to resolve an unauthorized use of public land. This land is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal agency.

DATES: Interested parties may submit comments to the Ridgecrest Field Manager, at the below address. Comments must be received by not later than August 29, 2005. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

ADDRESSES: Bureau of Land Management, Ridgecrest Field Office c/o California Desert District at 22835 Calle San Juan De Los Lagos, Moreno Valley, California 92553.

FOR FURTHER INFORMATION CONTACT: Janet Eubanks, Realty Specialist, at the above address or at (951) 697–5376.

SUPPLEMENTARY INFORMATION: The following described land has been examined and found suitable for sale to Searles Valley Minerals, Inc. utilizing direct sale procedures, at not less than the appraised fair market value of $6,000. The land sale is contingent upon the approval of the West Mojave Plan, an amendment to the California Desert Conservation Area Plan of 1980 and will not be offered for sale until at least September 12, 2005.

Mount Diablo Meridian, San Bernardino County, California.

T. 25 S., R. 43 E.,
Sec. 21, lot 4.

Containing approximately 39.99 acres.

Authority for the sale is Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1713). The mineral interests will be retained by the United States of America. The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. A mineral lease granted to Kerr-McGee Chemical Corp. its successors or assigns, under lease CALA 087312.

3. (a) The United States reserves to itself all minerals in the lands subject to this conveyance, including, without limitation, substances subject to disposition under the general mining laws, the general mineral leasing laws, the Materials Act and the Geothermal Steam Act.

(b) The United States reserves to itself its permittees, licensees, lessee and mining claimants, the right to prospect for, mine and remove the mineral owned by the United States under applicable law and such regulations as the Secretary of the Interior may prescribe. This reservation includes all necessary and incidental activities conducted in accordance with the provisions of the mining, geothermal and mineral leasing, and material disposal laws in effect at the time such activities are undertaken, including, without limitation, necessary access and exit rights, all drilling, underground, open pit or surface mining operations, storage and transportation facilities deemed necessary and authorized under law and implementing regulations.

(c) Mining claimants, permittees, licensees and lessees of the United States, shall only be liable for and shall only compensate owners of the surface estate for damages caused by their actions or inactions and not related to conditions on the real property relating to or arising from the boiler ash or any hazardous substances or solid waste released, disposed of, or stored on the real property.

(d) All causes of action brought to enforce the rights of the surface owner under the regulations above referred to shall be instituted against mining claimants, permittees, licensees and lessees of the United States; and the United States shall not be liable for the acts or omissions of its mining claimants, permittees, licensees, or lessees.

The proposed sale is also subject to those rights for monitoring wells granted to Kerr-McGee Chemical Corp. by right-of-way serial number CACA–034604, pursuant to Title V of the Act of October 21, 1976 (43 U.S.C. 1761).

The above described land has been used as a disposal site for boiler ash generated by Kerr-McGee Chemical Corp. from operations at Searles Lake, Trona, California. Permanent records regarding the disposal of boiler ash on this land are maintained by Kerr-McGee Chemical LLC at the Kerr-McGee Center, Oklahoma City, Oklahoma, and available for public inspection. Although there is no indication these materials pose any significant risk to human health or the environment, the foregoing reservations of rights in favor of the United States and its permittees, licensees, lessees and mining claimants shall be exercised in a manner and on terms and conditions consistent with, and patentee and its successors and assigns shall limit future land uses on or affecting the disposal site to those consistent with, the closure and post-closure plans for the site approved by the California Regional Water Quality Control Board Lahontan Region, any applicable State and Federal laws and regulations.

Patentee, its successors and assignor agrees to indemnify, defend, and hold the United States harmless from any costs, damages, claims, liabilities, and judgements for the real property including the boiler ash site arising from acts or omissions of the patentee, its employees, agents, contractors, lessees or any third parties arising out of or in connection with, patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee, its employees, agents, contractors, lessees, or any third parties arising out of or in connection with the use and/or occupancy of the patented real property, including the boiler ash site, that has resulted in or does hereafter result in any of the following: (1) Violations of Federal, state, and local laws and regulations; (2) judgements, claims or demands assessed against the United States; (3) costs, expenses, or damages incurred by the United States; (4) releases or threatened releases, including but not limited to the boiler

ash on or into land, property and other interests of the United States; (5) other activities by which hazardous substances, boiler ash, or solid waste was generated, released, stored, used or otherwise disposed on the patented real property; or (6) any clean-up response, natural resource damage or other actions related in any manner to said boiler ash. This covenant shall be construed as running with the patented real property, and may be enforced by the United States in a court of competent jurisdiction.

The proposed sale is also subject to those rights for monitoring wells granted to Kerr-McGee Chemical Corp. by right-of-way serial number (CACA 34604), pursuant to Title V of the Act of October 21, 1976 (43 U.S.C. 1761).

This parcel of land located in Searles Valley, California, is being offered for sale through direct sale procedures authorized under 43 CFR 2711.3–3. This land has been used in trespass by Kerr-McGee Chemical Corp. to dispose of boiler ash and is no longer required for Federal purposes. The land is currently classified as intensive use under the CDCA plan, which does not allow for sale; however, the same land is being unclassified under the West Mojave Plan to allow for disposal of land through a direct sale. No action will be taken on these lands until the decision record for the West Mojave Plan is approved. The proposed action is consistent with the objectives, goals, and decisions of the West Mojave Plan.

An Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) has been prepared for this proposed sale. The EA and FONSI are available for public review and comment in the Ridgecrest Field Office. A copy may be requested from Janet Eubanks, Ridgecrest Realty Specialist at (951) 697–5376.

Publication of this Notice in the **Federal Register** segregates the subject land from all appropriations under the public land laws, including the general mining laws, except sale under the Federal Land Policy and Management Act of 1976. The segregation will terminate upon issuance of the patent upon publication in the **Federal Register** of a termination of the segregation, or 270 days from date of publication, whichever occurs first.

Interested parties may submit written comments to the Ridgecrest Field Manager at the above address. Comments must be received by not later than August 29, 2005.

Any adverse comments will be reviewed by the State Director, who may sustain, vacate, or modify this realty action and issue a final determination. In the absence of timely filed objections this realty action will become the final determination of the Department of the Interior. The land will not be offered for sale until at least September 12, 2005.

Linda D. Hansen,

District Manager, California Desert District (CA–610).

[FR Doc. 05–13881 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–020–05–1430–EU; FLES 052520]

Direct Sale of Public Land in Walton County, FL

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes a direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), of approximately 0.58 acres in Walton County, Florida, at no less than fair market value.

DATES: Interested persons may submit written comments to the BLM at the address stated below. Comments must be received by not later than August 29, 2005.

ADDRESSES: Bureau of Land Management, Jackson Field Office, 411 Briarwood Dr., Suite 404, Jackson, Mississippi 39206.

FOR FURTHER INFORMATION CONTACT: Mary Weaver, Realty Specialist, at the above address or at (601) 977–5435.

SUPPLEMENTARY INFORMATION: The following described public land has been examined and found suitable for sale pursuant to Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1713):

Tallahassee Meridian, Florida

T. 3 S., R. 20 W.
Sec. 3, Lot 37

The area described contains 0.58 acres, more or less.

The proposed sale conforms to the Florida Resource Management Plan Amendment approved October 8, 2004. The land is proposed to be sold, using 43 CFR 2711.3–3 direct sale procedures, to the Palms of Dune Allen Owners Association, Inc., which is a corporation formed by an association of the owners of a condominium development know as the Palms of Dune Allen. A direct sale is appropriate to protect the equities arising from a right-of-way grant issued previously by the Bureau of Land Management. This right-of-way authorized two boardwalks, which provide beach access from the Palms of Dune Allen land to the beach of the Gulf of Mexico. Because of the small size and configuration of the land, its historic use for access and location relative to adjoining private land, it is impractical for another party to own or for BLM to retain the land under its management.

The land will not be offered for sale until at least 60 days after August 29, 2005. The appraised fair market value of the land is $10,000. The prospective purchaser will be allowed 30 days from receipt of a written offer to submit a deposit of at least 20 percent of the appraised market value of the land, and 180 days thereafter to submit the balance.

The following reservations, covenants and conditions will be included in the patent conveying the land:

1. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable laws and such regulations as the Secretary of the Interior may prescribe.

2. Patentee, its successors and assigns, agree that the above described land is subject to the following, which shall constitute a covenant running with the land:

In order to protect the habitat of the Choctawhatchee Mouse, minimize interference with nesting areas used by sea turtles and shorebirds, and otherwise preserve natural dune habitat, the patentee, its successors and assigns, covenant and agree not to engage in, allow or suffer, with respect to the above described land:

Clearing, cutting or mowing;

Earthmoving, sand removal, grading, cultivation, burning or filling;

Dumping of refuse, wastes, sewage, other debris or any hazardous substances;

Draining, ditching, diking, dredging, channelizing, pumping, impounding or excavating;

Diverting or affecting the natural flow of surface or underground waters within or out of the land;

Burning, systematically removing or cutting or otherwise destroying any vegetation, except for removal of diseased or unsafe trees;

Spraying with biocides;

Introducing exotic species or otherwise altering the natural state;

Grazing of domesticated animals;

Display of billboards, signs or advertisements on or over the land,

except for the posting of no trespassing signs, signs identifying the conservation values or their protection and/or identifying the owner;

Constructing, placing or raising of any structure, whether temporary or permanent.

Notwithstanding these prohibitions, the existing boardwalks that currently traverse the land may be repaired, maintained and reconstructed in their current location, and, with respect to the western-most boardwalk, electricity service may be maintained for lighting and gate access and water supply for hose and shower, provided that lighting must be ''turtle friendly'', so as to not be deleterious to sea turtle nesting. In the event the sand dunes are damaged or severely eroded by the waters of the Gulf, by wind, storms, rain, hurricanes or by any natural event, the sand dunes may be rebuilt and restored, dune grasses may be planted and sand fences may be installed to encourage the natural restoration.

Detailed information concerning the proposed sale, including but not limited to documentation relating to compliance with applicable environmental and cultural resource laws, is available for review in the BLM, Jackson Field Office at the address stated above.

The above described land is segregated from appropriation under the public land laws, including the general mining laws, except for leasing under the mineral leasing laws. The segregation effect will end upon issuance of the patent or April 10, 2006, whichever occurs first.

Comments must be received by the BLM Field Manager, Jackson Field Office, at the address stated above, on or before the date stated above for that purpose. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this proposed realty action will become final.

(Authority: 43 CFR 2711.1–2 (a) and (c)).

Dated: June 17, 2005.

Duane Winters,

Acting Field Manager.

[FR Doc. 05–13877 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–5853–ES; N–79027]

Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes (R&PP) Act Classification of Public Lands in Clark County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The BLM examined and found suitable for classification for lease or conveyance under the provisions of the Recreation and Public Purposes Act (R&PP), as amended (43 U.S.C. 869 *et seq.*) approximately 5 acres of public land in Clark County, Nevada. The Church of Jesus Christ of Latter Day Saints (LDS Church) proposes to use the land for a church and related facilities.

FOR FURTHER INFORMATION CONTACT: Sharon DiPinto, Bureau of Land Management, Las Vegas Field Office, at (702) 515–5062.

SUPPLEMENTARY INFORMATION: On September 2, 2004 the LDS Church filed an R&PP application for 5 acres of public land to be developed as a church with related facilities. These related facilities include a multipurpose building (a worship center, offices, classrooms, nursery, kitchen, restrooms, utility/storage rooms and a lobby) with sidewalks, landscaped areas, paved parking areas, and off site improvements. The LDS Church is a qualified nonprofit entity. Additional detailed information pertaining to this application, plan of development, and site plans is on file in case file N–79027 located in the BLM Las Vegas Field Office. The LDS Church proposes to use the following described public land for a church and related facilities:

Mount Diablo Meridian, Nevada

T. 23 S., R. 61 E.,
Sec. 4: S½SE4NE4NW4.
Containing 5 acres, more or less.

Churches are a common applicant under the ''public purposes'' provision of the R&PP Act. The LDS Church is an IRS registered non-profit organization and is therefore, a qualified applicant under the R&PP Act.

The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

1. An easement in favor of Clark County for roads, public utilities and flood control purposes.

2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

ADDRESSES: Send written comments to the Field Manager, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada, 89130. Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada, 89130–2301.

On July 14, 2005, the land described below will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws. Interested parties may submit comments regarding the proposed lease/conveyance or classification of the lands until August 29, 2005.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a church meeting house. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for R&PP use.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this notice will become effective on September 12, 2005. The lands will not be offered for lease/conveyance until

after the classification becomes effective.

Authority: 43 CFR 2741.

Sharon DiPinto,

Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. 05–13882 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Colorado: Filing of Plats of Survey

July 1, 2005.

Summary: The plats of survey of the following described land will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10 a.m., July 1, 2005. All inquiries should be sent to the Colorado State Office (CO–956), Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215–7093.

The plat, representing the dependent resurveys and surveys, in Township 21 South, Range 69 West, Sixth Principal Meridian, Group 1335, Colorado, was accepted June 15, 2005.

The plat, in two sheets, representing the metes-and-bounds survey of a portion of the boundary of the American Flats Wilderness Addition to the Uncompahgre Wilderness as described in Pub. L. 103–77, the ''Colorado Wilderness Act of 1993'', in Suspended Townships 43 North, Ranges 6 and 7 West, New Mexico Principal Meridian, Group 1369, Colorado, was accepted June 10, 2005.

The supplemental plat creating lost 14, 15, 16 and 17 as a result of M.S. 18249, Grand Aspen, Black Cat and Protection lodes, being cancelled on March 4, 2005, in Township 48 North, Range 2 East, Sec. 29, New Mexico Principal Meridian, Colorado, was accepted April 19, 2005.

These plats and resurvey notes were requested by the Bureau of Land Management for administrative and management purposes.

The plat of survey requested by the U.S. Forest Service, Durango, Colorado, for the purpose of identifying the boundaries of National Forest lands, in Molas Park, in suspended Township 40 North, Range 7 West, New Mexico Principal Meridian, Group 1422, Colorado, was accepted May 19, 2005.

The plat, representing the dependent resurvey, and corrective dependent resurvey, in Township 32 North, Range 7 West, New Mexico Principal Meridian, Group 1418, Colorado, was accepted April 18, 2005. This survey was requested by the Southern Ute Indian Tribe, through the State Director, Colorado, in order to identify Southern Ute tribal trust lands.

The plat, representing the dependent resurvey and surveys in Township 48 North, Range 4 West, New Mexico Principal Meridian, Group 1396, Colorado, was accepted June 30, 2005. This survey was requested by the Bureau of Indian Affairs, with the approval of the State Director, Colorado, in order to identify the boundary of Ute Mountain Ute lands for management purposes.

Randall M. Zanon,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 05–13868 Filed 7–13–05; 8:45 am]

BILLING CODE 4310–JB–M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–524]

In the Matter of Certain Point of Sale Terminals and Components Thereof; Notice of Commission Decision Not To Review an Order and an Initial Determination Terminating the Investigation Based on Withdrawal of the Complaint; Schedule for Filing an Appeal of a Sanctions Order; Stay of Enforcement of the Sanctions Order Pending Appeal to the Commission

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') order (ALJ Order No. 40) denying the respondents' joint motion for sanctions and an initial determination (''ID'') (ALJ Order No. 49) terminating the above-captioned investigation. Notice is also hereby given that the Commission is setting a schedule for filing an appeal of the sanctions levied in ALJ Order No. 48.

FOR FURTHER INFORMATION CONTACT: Rodney Maze, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: This patent-based section 337 investigation was instituted by the Commission based on a complaint filed by Verve, LLC (''Verve''), of Austin, Texas. 69 FR 53945 (September 3, 2004). The complainant alleged violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain point of sale terminals and components thereof by reason of infringement of claims 1 and 2 of U.S. Patent No. 5,012,077. The complaint named Thales e-Transactions, Inc. of Atlanta, Georgia, Thales Group of Plaisir Cedex, France, CyberNet USA, Inc. of San Jose, California, CyberNet, Inc. of Seoul, Korea, Lipman USA, Inc. of Syosset, New York, Lipman Electronic Engineering, Ltd. of Rosh Haayin, Israel, Ingenico Corp. USA of Atlanta, Georgia, Ingenico of Puteaux Cedex, France, Trintech, Inc. of Addison, Texas, Trintech Group, PLC of Dublin, Ireland, Hypercom Corp. of Phoenix, Arizona and VeriFone, Inc. of Alpharetta, Georgia as respondents. Eight respondents remain in this investigation, as two respondents were terminated on summary determination of no violation and two respondents were terminated on the basis of a settlement agreement.

On February 7, 2005, the ALJ issued Order No. 31 finding that Verve lacked sufficient standing by itself to maintain this investigation without joining Omron Tateisi Electronics Company (''Omron''). On February 11, 2005, Verve filed a motion for withdrawal of the complaint and termination of the investigation. On February 18, 2005, the remaining respondents filed a joint motion for sanctions for improper filing of the complaint, abuse of discovery and failure to make discovery, and attorneys' fees for the sanctionable conduct found to exist. Six of the remaining respondents also filed individual motions for sanctions. On March 10, 2005, Verve filed a joint response in opposition to all of the remaining respondents' motions for sanctions. On March 18, 2005, the Commission investigative attorney (''IA'') filed separate responses opposing the respondents'' motions for sanctions

while supporting sanctions by the ALJ *sua sponte*. On April 1, 2005, Verve filed a reply to the IA's response.

On April 11, 2005, the ALJ issued Order No. 40 denying all of the respondents' motions for sanctions and ordering Verve to show cause why sanctions should not be imposed by the ALJ. On May 5, 2005, Verve filed a response to the show cause order. On May 16, 2005, the respondents filed a joint reply to Verve's response.

On June 7, 2005, the ALJ issued Order No. 48 imposing, *sua sponte*, monetary sanctions on Verve, its principals, and its counsel. On June 13, 2005, Verve filed a motion to stay the enforcement of Order No. 48, pending its appeal of the order to the Commission.

Meanwhile, on June 8, 2005, the ALJ issued an ID (Order No. 49) granting Verve's motion for withdrawal of the complaint and termination of the investigation. On June 14, 2005, the respondents filed a joint petition for review of Order No. 40 and the ID. On June 21, 2005, the IA and Verve filed separate responses opposing the respondents' petition for review.

Having examined Order No. 40, the ID, and the parties' submissions, the Commission determined not to review the order and the ID. The Commission also granted Verve's motion to stay enforcement of Order No. 48, pending appeal to the Commission. Finally, the Commission determined to treat Order No. 48 and the ID as having been issued concurrently. Pursuant to Commission Rule 210.25(d), the Commission has set forth a briefing schedule for appeal of Order No. 48. Petitions for review of Order No. 48 must be filed no later than July 29, 2005. Responses to the petitions must be filed no later than August 12, 2005.

The authority for the Commission's determinations are contained in section 337 of the Tariff Act of 1930, as amended 19 U.S.C. 1337, and in sections 210.42, 210.43, and 210.25(d) of the Commission's Rules of Practice and Procedure (19 CFR 210.42, 210.43, and 210.25(d)).

By order of the Commission.

Issued: July 8, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–13839 Filed 7–13–05; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–510]

In the Matter of Certain Systems for Detecting and Removing Viruses or Worms, Components Thereof, and Products Containing Same; Notice of Commission Decision Not To Review a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions on the Issues of Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review a final initial determination (''ID'') issued by the presiding administrative law judge (''ALJ'') in the above-captioned investigation on May 9, 2005, finding a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337. Notice is also hereby given that the Commission is requesting briefing on the issues of remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Jean H. Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3104. Copies of the public version of the ID and all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 3, 2004, based on a complaint filed by Trend Micro Inc. of Cupertino, California (''Trend Micro''). 69 FR 32044–45 (2004). The complaint alleged violations of section 337 in the importation into the United States, the sale for importation into the United States, or the sale within the United States after importation of certain systems for detecting and removing viruses or worms, components thereof, and products containing same by reason of infringement of claims 1–22 of U.S. Patent No. 5,623,600 (''the '600 patent''). The notice of investigation named Fortinet, Inc. (''Fortinet'') as the sole respondent.

On October 12, 2004, the ALJ issued Order No. 6 terminating the investigation as to claims 2, 5–6, 9–10, and 16–22 of the '600 patent based upon Trend Micro's unopposed motion to withdraw these claims. The Commission did not review Order No. 6, hence the claims of the '600 patent in issue are claims 1, 3, 4, 7, 8, and 11–15.

On December 14, 2004, the ALJ issued Order No. 13 granting complainant Trend Micro's motion for a summary determination that it satisfies the economic prong of the domestic industry requirement. Order No. 13 was not reviewed by the Commission.

An evidentiary hearing was held from January 24, 2005, to January 28, 2005. On March 29, 2005, a second evidentiary hearing was conducted and additional exhibits received into evidence.

On May 9, 2005, the ALJ issued his final ID and recommended determinations on remedy and bonding. He found a violation of section 337 based on his determinations that claims 4, 7, 8, 11, 12, 13, 14 and 15 of the '600 patent are not invalid or unenforceable, and that they are infringed by respondent's products. The ALJ also found that an industry exists that is related to the '600 patent, and that the respondent has imported infringing product. The ALJ further found that claims 1 and 3 of the '600 patent are anticipated by prior art.

On May 20, 2005, respondent Fortinet filed a petition for review of the final ID and complainant Trend Micro filed a contingent petition for review. The IA did not file a petition. On May 27, 2005, Fortinet filed a response to Trend Micro's contingent petition for review, and Trend Micro filed a response to Fortinet's petition for review. On June 2, 2005, the IA filed a response to Trend Micro's and Fortinet's petitions for review.

Having examined the record in this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined not to review the ID, thereby finding a violation of section 337.

In connection with the final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the

subject articles from entry into the United states, and/or (2) a cease and desist order that could result in the respondent being required to cease and desist from engaging in unfair action in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry are either adversely affecting it or likely to do so. For background, *see* In the Matter of Certain Devices for Connecting Computers via Telephone Lines, Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

When the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

Written Submissions: The parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the ALJ's recommended determination on remedy and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the expiration date of the '600 patent and the HTSUS numbers under which the infringing products are imported. The main written submissions and proposed remedial orders must be filed no later than July 18, 2005. Response submissions must be filed no later than July 25, 2005. No further submissions will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or portions thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.5. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All non-confidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and sections 210.42, 210.43, and 210.50 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.42, 210.43, and 210.50).

By order of the Commission.

Issued: July 8, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–13838 Filed 7–13–05; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–05–027]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: August 11, 2005, at 11 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436. Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: None.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–1094 (Preliminary) (Metal Calendar Slides from Japan)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on or before August 15, 2005; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on or before August 22, 2005.)
5. Inv. Nos. 104–TAA–7 and AA1921–198–200 (Second Review) (Sugar from the European Union; Sugar from Belgium, France, and Germany)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before August 29, 2005.)
6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: July 12, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–13939 Filed 7–12–05; 10:36 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearings of the Judicial Conference Advisory Committee on Rules of Civil Procedure

AGENCY: Judicial Conference of the United States; Advisory Committee on Rules of Civil Procedure.

ACTION: Notice of Proposed Amendments and Open Hearings.

SUMMARY: The Judicial Conference Advisory Committee on Rules of Civil Procedure has proposed amendments to the following rules:

Proposed Style Amendments to the Federal Rules of Civil Procedure

The Judicial Conference Advisory Committee on Federal Rules of Civil Procedure has completed its style revision of the Civil Rules in accordance with uniform drafting guidelines. The restyling of the Civil Rules is the third in a series of comprehensive revisions to simplify, clarify, and make more uniform all of the federal procedural rules.

Proposed Amendments Separate From Style Revision Project

The proposed changes are intended to be primarily stylistic only. However, the Advisory Committee's extensive style review revealed ambiguities and

inconsistencies in the rules that required correction. The Advisory Committee proposed a small number of minor ''style/substance'' amendments that make very modest, noncontroversial changes to the rules. For convenience, the ''style/substance'' amendments are published together with the proposed style rules, but are separate from the style project. The style/substance amendments to the Civil Rules are: 4, 8, 9, 11, 14, 16, 26, 30, 31, 36, 40, 71A, and 78.

The text of the proposed rules amendments and the accompanying Committee Notes can be found at the United States Federal Courts' Home Page at *http://www.uscourts.gov/rules.*

The Judicial Conference Committee on Rules of Practice and Procedure submits these proposed rules amendments for public comment. All comments and suggestions with respect to them must be placed in the hands of the Secretary as soon as convenient and, in any event, not later than December 15, 2005. All written comments on the proposed rule amendments can be sent by one of the following three ways: by overnight mail to Peter G. McCabe, Secretary, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Thurgood Marshall Federal Judiciary Building, Washington, DC 20544; by electronic mail at *http://www.uscourts.gov/rules*; or by facsimile to Peter G. McCabe at (202) 502–1766. In accordance with established procedures all comments submitted on the proposed amendments are available to public inspection.

Public hearings are scheduled to be held on the proposed style and ''style/substantive'' amendments on the following dates:

- October 26, 2005, in San Francisco, California;
- November 18, 2005, in Chicago, Illinois; and
- December 2, 2005, in Washington, DC.

Those wishing to testify should contact the Secretary at the address above in writing at least 30 days before the hearing.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: July 11, 2005.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 05–13879 Filed 7–13–05; 8:45 am]

BILLING CODE 2210–55–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

Pursuant to section 122(d) of CERCLA, 24 U.S.C. 9622(d), and 28 CFR 50.7 notice is hereby given that on June 24, 2005, a proposed partial Consent Decree (the Decree) in *United States* v. *Beckman Coulter, Inc., et al.,* Civ. No. 98–CV–4812 (WHW) (consolidated), was lodged with the United States District Court for the District of New Jersey (Newark Vicinage).

In this consolidated action the United States, on behalf of the United States Environmental Protection Agency (EPA), and the New Jersey Department of Environmental Protection (NJDEP) seek cost recovery with respect to the Combe Fill South Landfill Superfund Site (the Site), located in Chester and Washington Townships, New Jersey, pursuant to CERCLA and other authorities against former operators of the Site, as well as generators and transporters of hazardous substances to the Site. The proposed Decree settles claims brought against four parties, Carbco, Inc., f/k/a J. Filiberto Sanitation, Inc., Chester Hills, Inc., John Filiberto, and Joseph Filiberto (the Settling Parties), by the United States and New Jersey. Under the terms of the proposed settlement, within thirty days of entry, the Settling Parties will pay $12.5 million, plus interest, to reimburse the United States and State of New Jersey for a portion of their costs incurred at the Site. After the time period for an appeal of the entry of the Consent Decree has passed, or any potential appeal has been resolved, the Settling Parties will also pay any monies remaining in their litigation escrow account to the United States and State of New Jersey. This settlement is based upon the Settling Parties' limited ability to pay, and the amounts being paid under the Consent Decree are entirely funded from settlements the Settling Parties have entered into with their insurance carriers, with no part of the Settling Parties' settlement with their insurance carriers inuring to their personal benefit.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the proposed Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, United States Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Beckman Coulter, Inc., et al.,* DOJ Ref. No. 90–11–12–1134/1.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of New Jersey, Office of the United States Attorney, Peter Rodini Federal Building, 970 Broad Street, Suite 700, Newark, NJ 07102, and at the United States Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007–1866. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, Post Office Box 7611, Washington, D.C. 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood at *tonia.fleetwood@usdoj.gov* or fax No. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy of the Decree from the Consent Decree Library, please enclose a check in the amount of $8.75 (25 cents per page reproduction costs) payable to the United States Treasury.

Ronald G. Gluck,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 05–13835 Filed 7–13–05; 8:45 am]

BILLING CODE 441–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Pursuant to 28 CFR 50.7, notice is hereby given that on June 30, 2005, a proposed Consent Decree in *United States* v. *Estate of Samuel M. Jones, Branch Banking & Trust Co. of Virginia in its Representative Capacity as Executor of the Estate of Samuel M. Jones, and Sam's Junk, Recycle, Scrap & Materials Services, Inc.,* Case No. 1:05cv770 (LMB), was lodged with the United States District Court for the Eastern District of Virginia.

In this civil action under the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), the United States seeks recovery of response costs from the Estate of Samuel M. Jones, Branch Banking & Trust Co. Of Virginia in its Representative Capacity as Executor of the Estate of Samuel M. Jones, and Sam's Junk, Recycle, Scrap & Materials Services (''Sam's Junk''), in connection

with the Sam Jones Junkyard Site in Gainesville, Prince William County, Virginia (''the Site''). The Consent Decree requires the Estate of Samuel M. Jones and Sam's Junk to pay a total of $856,000 in reimbursement of past response costs relating to the Site. The Consent Decree also requires the Department of the Army and the General Services Administration to pay a total of $67,000 in reimbursement of past response costs.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and refer to *United States* v. *Estate of Samuel M. Jones, Branch Banking & Trust Co. of Virginia in its Representative Capacity as Executor of the Estate of Samuel M. Jones, and Sam's Junk, Recycle, Scrap & Materials Services, Inc.* D.J. Ref. 90–11–2–08261.

The Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Virginia, 600 East Main Street, Suite 1800, Richmond, VA 23219, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood *(tonia.fleetwood@usdoj.gov)*, fax No. (202) 514–0097, phone confirmation number (202) 514–1547. When requesting a copy from the Consent Decree Library, please enclose a check in the amount of $7.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert Brook,

Assistant Chief, Environment Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 05–13834 Filed 7–13–05; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree in re Kaiser Aluminum Corporation Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Notice is hereby given that on June 30, 2005, a proposed Consent Decree was lodged with the United States Bankruptcy Court for the District of Delaware in *In re Kaiser Aluminum Corp., et al.,* No. 02–10429. The Consent Decree among the United States on behalf of the Environmental Protection Agency, the State of Washington, and Debtor Kaiser Aluminum Corporation and certain of its Debtor affiliates, including Kaiser Aluminum & Chemical Corporation, resolves CERCLA claims relating to the Mica Landfill site in Spokane County, Washington. Under the Consent Decree, the United States' claim in relation to the Site would be allowed in the amount of $68,292 in the bankruptcy.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *In re Kaiser Aluminum Corporation, et al.,* DJ Ref. No. 90–11–3–07769/1. Commenters may request an opportunity for a public meeting in the affected area, in accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The Consent Decree may be examined at the Office of the United States Attorney for the District of Delaware, 1007 Orange Street, Suite 700, PO Box 2046, Wilmington, DE 19899–2046, and at the Regional 10 Office of the United States Environmental Protection Agency, 1200 Sixth Ave., Seattle, WA 98101. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax No. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $26.00 (25 cents per page production cost) payable to the U.S. Treasury for the entire Consent Decree and attachments or the amount of $9.75 for the Consent Decree without attachments.

W. Benjamin Fisherow,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 05–13836 Filed 7–13–05; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on June 15, 2005, a proposed Consent Decree in *United States* v. *Volkswagen of America, Inc.*, Civil Action No. 1:05–cv–01193–GK, was lodged with the United States District Court for the District of Columbia.

The proposed Consent Decree settles claims that defendant Volkswagen of America, Inc. (''VWoA'') violated section 203(a)(2)(A) of the Clean Air Act (the ''Act''), 42 U.S.C. 7522(a)(2)(A), by failing to timely file a defect investigation report with the United States Environmental Protection Agency disclosing an emission-related defect in 1999–2001 model year Golf, Jetta, and New Beetle light-duty vehicles sold in the United States. Such a report is required by 40 CFR 85.1903, which implements section 208(a) of the Act, 42 U.S.C. 7542(a). Pursuant to the terms of the proposed Consent Decree VWoA will pay a civil penalty in the amount of $1.1 million, and improve its emission defect investigation and reporting system. VWoA already completed a voluntary recall to correct the defect.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of Columbia, Judiciary Center Building, 555 Fourth Street, NW., Washington, DC 20530. During the public comment period the proposed Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open/html.* A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax No. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of

$7.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Karen S. Dworkin,

Assistant Chief, Environment & Natural Resources Division, Environmental Enforcement Section.

[FR Doc. 05–13833 Filed 7–13–05; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day notice of information collection under review: Supplemental Victimization Survey (SVS).

The Department of Justice (DOJ),Office of Justice Programs (OJP) 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. This proposed information collection was previously published in the **Federal Register** Volume 70, Number 88, page 24454 on May 9, 2005, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until August 15, 2005. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806. 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:* New collection.

(2) *Title of the Form/Collection:* Supplemental Victimization Survey (SVS).

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* SVS–1. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. Persons 18 years or older in 658 Primary Sampling Units (PSUs) in the United States. The Supplemental Victimization Survey (SVS) to the National Crime Victimization Survey collects, analyzes, publishes, and disseminates statistics on the nature and consequences of a series of harassing or unwanted contacts or behaviors directed toward respondents that made them feel fearful, concerned, angry, or annoyed, commonly known as ''stalking''.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* Approximately 86,850 persons 18 years of age or older will complete an SVS interview. The majority of respondents, approximately 85,982, will be administered only the screening portion of the SVS which are designed to filter out those people who have not been victims of repetitive harassing or unwanted contacts and therefore are not eligible to continue with the remainder of the supplement questions. We estimate the average length of the SVS interview for these individuals will be three minutes. The complement of this group of respondents is those who had such contacts. Due to the rarity of this type of crime, we expect only about 1 percent or 868 of the respondents to report being a victim of this type of behavior within the 12 months preceding the interview. We estimate each of these interviews will take 0.167 hours (10 minutes) to complete.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total respondent burden is approximately 4,444 hours.

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.

Dated: July 9, 2005.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–13863 Filed 7–13–05; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

Pursuant to the Government in the Sunshine Act (Pub. L. 94–409) [5 U.S.C. Section 552b].

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

DATE AND TIME: 3:30 p.m., Monday, July 18, 2005.

PLACE: U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815.

STATUS: Closed—Meeting.

MATTERS CONSIDERED: The following matter will be considered during the closed portion of the Commission's Business Meeting:

Procedure to be followed for review of one case upon request of the Attorney General as provided in 18 U.S.C. Sec. 4215(c).

AGENCY CONTACT: Thomas W. Hutchison, Chief of Staff, United States Parole Commission, (301) 492–5990.

Dated: July 11, 2005.

Rockne Chickinell,

General Counsel.

[FR Doc. 05–13936 Filed 7–12–05; 10:07 am]

BILLING CODE 4410–31–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

July 5, 2005.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget

(OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202–693–4129 (this is not a toll-free number) or e-mail: *king.darrin@dol.gov*.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Mine Safety and Health Administration (MSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

Agency: Mine Safety and Health Administration.

Type of Review: Extension of currently approved collection.

Title: Permissible Equipment Testing.

OMB Number: 1219–0066.

Forms: MSHA 2000–38.

Frequency: On occasion.

Type of Response: Recordkeeping, Reporting, and Third party disclosure.

Affected Public: Business or other for-profit.

Number of Respondents: 190.

Average Response Time: Varies by activity.

Cite/Reference (30 CFR)	Estimated number of annual responses	Estimated annual burden hours
Part 6	3	2
Part 7	120	1,391
Part 15	2	10.00
Part 18	383	996
Part 19	5	22
Part 20	6	49
Part 22	17	60
Part 23	6	23
Part 27	4	21
Part 28	3	20
Part 33	3	20
Part 35	6	144
Part 36	5	30
Grand Total	563	2,788

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $1,164,160.

Description: MSHA is responsible for the inspection, testing, approval and certification, and quality control of mining equipment and components, materials, instruments, and explosives used in both underground and surface coal, metal, and nonmetal mines. Title 30 CFR parts 6 through 36 require that an investigation leading to approval or certification will be undertaken by MSHA only pursuant to a written application accompanied by prescribed drawings and specifications identifying the piece of equipment. This information is used by engineers and scientists to evaluate the design in conjunction with tests to assure conformance to standards prior to approval for use in mines.

Agency: Mine Safety and Health Administration.

Type of Review: Extension of currently approved collection.

Title: Hazard Communication—30 CFR part 47.

OMB Number: 1219–0133.

Forms: None.

Frequency: On occasion.

Type of Response: Recordkeeping and Third party disclosure.

Affected Public: Business or other for-profit.

Number of Respondents: 21,031.

Number of Annual Responses: 845,370.

Average Response Time: Varies by mine size and type.

Total Annual Burden Hours: 203,438.

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $496,166.

Description: 30 CFR part 47 (the ''HazCom'' Standard) requires mine operators and/or contractors to assess the hazards of chemicals they produce or use and provide information to their miners concerning the chemicals' hazards. The mine operators and/or contractors must develop a written hazard communication program that describes how they will inform miners of chemical hazards and safe handling procedures through miner training, labeling containers of hazardous chemicals, and providing miners access to material safety data sheets (MSDSs). The purpose of the information sharing is to provide miners with the right to know the hazards and identities of the chemicals they are exposed to while working, as well as the measures they can take to protect themselves from these hazards. Through HazCom mine operators and/or contractors also have the necessary information regarding the hazards of chemicals present at their mines, so that work methods are improved or instituted to minimize exposure to these chemicals. HazCom provides miners with access to this information, so that they can take action to protect themselves.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. 05–13850 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,586]

Lawson-Hemphill Sales, Inc., Spartanburg, SC; Notice of Negative Determination on Reconsideration

On April 6, 2005, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject facility. The notice of determination was published on April 25, 2005 in the **Federal Register** (70 FR 21250). Workers at the subject facility sell textile testing instruments.

On January 24, 2005, a company official filed the petition as a secondarily-affected company (affected by loss of business as a supplier, assembler, or finisher of products or components produced for a TAA certified firm). The Department denied Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) to workers and former workers of Lawson-Hemphill Sales, Inc., Spartanburg, South Carolina because the worker separation eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met. The investigation revealed that the subject facility neither separated nor

threatened to separate a significant number or proportion of workers at the subject facility during the relevant period (January–December 2004).

In the request for reconsideration, the petitioner alleged that the subject facility supported an affiliated production facility, Lawson-Hemphill, Inc., Central Falls, Rhode Island.

A careful review of previously-submitted documents revealed that a significant number of the workers at the South Carolina facility were separated or threatened with separation during the relevant period and that the primary function of the South Carolina facility is to sell textile testing instruments produced at the Rhode Island facility.

Even if the subject worker group supported production at the Rhode Island facility, they could not be certified for TAA under this petition because the Rhode Island facility was not affected by loss of business as a supplier, assembler, or finisher of products or components produced for the TAA-certified firms identified in the petition: Globe Manufacturing, Fall River, Massachusetts (TA–W–38,840); Cavalier Specialty Yarn, Gastonia, North Carolina (TA–W–53,226); Cone Mills Corporation, Cliffside, North Carolina (TA–W–53,291A); Pillowtex Corporation, Kannapolis, North Carolina (TA–W–39,416); Burlington Industries, Greensboro, North Carolina (TA–W–40,205); and Spartan Mills, Spartanburg, South Carolina (TA–W–37,126).

Lawson-Hemphill, Inc. cannot be considered a secondarily-affected company because textile testing instruments is not a component of textiles and the company neither assembles nor finishes an article produced by the above-identified companies.

Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

Conclusion

After careful reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Lawson-Hemphill Sales, Inc., Spartanburg, South Carolina.

Signed at Washington, DC, this 30th day of June, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3738 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[[TA–W–56,782]

FC Meyer Packaging, LLC/Millen Industries, Inc.; Lawrence, MA; Notice of Negative Determination Regarding Application for Reconsideration

By application of May 20, 2005, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on May 6, 2005, and published in the **Federal Register** on May 25, 2005 (70 FR 30145).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of FC Meyer Packaging, LLC/Millen Industries, Inc., Lawrence, Massachusetts engaged in production of shoe boxes was denied because the ''contributed importantly'' group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met, nor was there a shift in production from that firm to a foreign country. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. The survey revealed that imports of shoe boxes were minimal during the relevant period and imports did not contribute importantly to separations at the subject firm. The subject firm did not import shoe boxes nor did it shift production to a foreign country during the relevant period.

The petitioner alleges that the subject firm lost its business due to the customers shifting their production of shoes abroad and buying shoe boxes overseas.

The petitioner concludes that, because the production of shoes occurs abroad, the subject firm workers producing shoe boxes are import impacted.

In order to establish import impact, the Department must consider imports that are like or directly competitive with those produced at the subject firm. The Department conducted a survey of the subject firm's major declining customer regarding their purchases of shoe boxes. The survey revealed that the declining customers did not import shoe boxes during the relevant period.

The petitioner further cites a list of customers which shifted their production overseas and imported shoe boxes back to the United States.

Some of these customers were already surveyed by the Department during the original investigation. A review of the survey responses confirms import purchases of show boxes were minimal and did not contribute importantly to the layoffs at the subject plant during the relevant period.

A company official was contacted to verify the allegations regarding the customers which were not surveyed during the initial investigation. The official stated that all of these companies were customers of the subject firm in the years prior to 2001, which is outside of the relevant time period.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC day 22nd of June, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3739 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,750]

Federated Merchandising Group, a Part of the Federated Department Stores, New York, NY; Notice of Negative Determination on Remand

By Order dated February 7, 2005, the United States Court of International Trade (USCIT) directed the Department of Labor (Department) to further investigate *Former Employees of Federated Merchandising Group, a Part of Federated Department Stores* v. *United States* (Court No. 03–00689).

The Department's denial of eligibility to apply for worker adjustment

assistance for the subject worker group was issued on June 10, 2003 and the Notice of determination was published in the **Federal Register** on June 19, 2003 (68 FR 36846). Workers produced paper patterns and sample garments at the subject facility. The investigation revealed that worker separations at the subject facility are not attributable to either increased in imports or a shift of production abroad of paper patterns and sample garments, but are attributable to a change in the company's production technology which resulted in substitution of the manual labor by computer design programs.

By application of July 2, 2003, the workers requested administrative reconsideration of the negative determination. In the request for reconsideration, the workers assert that the subject company could not have replaced the manual labor with a computer program (due to the complexity of decision making required in pattern making and the physical demands required to construct sample garments) and that the subject company must have outsourced production (possibly to a foreign source).

The Department contacted a company official and was informed that the computer program had reduced the need for manpower and that the work performed by the petitioners had not been outsourced, domestically or abroad.

The Notice of Negative Determination Regarding Application for Reconsideration was issued on August 19, 2003 and published in the **Federal Register** on September 30, 2003 (68 FR 56327). The workers' request was denied because there was no error or misunderstanding of the law or facts in the investigation.

By letter dated September 24, 2003, the petitioners appealed to the USCIT for judicial review. In the appeal, the petitioners alleged that a computer pattern making program cannot replace human pattern makers, but was merely a tool to be used by the subject workers, and stated that it is their belief that their jobs were being outsourced abroad since the subject firm has not reduced the number of styles produced.

On February 7, 2005, the USCIT directed the Department to investigate into the petitioner's allegation that the new computer program cannot replace the human pattern makers, to determine the reason(s) for the subject firm's reduced need for garment samples and patterns in the period prior to the subject workers' separations, and to determine the subject workers' eligibility to apply for trade adjustment assistance as provided by the Trade Act of 1974.

In response to the petitioners' claim that the new computer program could not have replaced the manual pattern makers, the Department contacted a company official for clarification about the pattern making process. The company official described the process and explained how the need for manual pattern making was reduced by new pattern making technology. The company official also clarified that the sample makers made samples from manually created patterns and not the computer-generated patterns.

Prior to the new technology, technical pattern design teams created new patterns with the pattern makers drawing each new pattern by hand based on the designers' advice. The new pattern making technology enabled the technical designers to access a library of electronically-stored patterns and utilize those patterns in creating new patterns, thereby reducing the need for hand-drawn patterns. As the technology became more efficient, the need for manual pattern makers decreased.

Prior to the workers' separations in January 2003, the subject company had conducted a productivity analysis and concluded that there was not enough work to justify the then-current staffing levels of manual pattern makers and sample makers. There was a reduced need for the manual pattern makers due to increased productivity in other areas of production and decreased need for new patterns as existing patterns stored in the computer could be recalled and utilized. The company determined that one manual pattern maker could manage the workload of four manual pattern makers, and reduced the staff accordingly. Since the manual sample makers created samples from the patterns drawn by the manual pattern makers, the need for manual sample makers decreased as the number of hand-drawn patterns decreased. Thus, the level of manual staffing was reduced to match the level of manual pattern makers.

While sample imports increased after the implementation of new technology in March 2003, the company's submissions clearly show that the separations were not due to the subject company shifting production abroad or increasing imports of patterns or samples during the relevant period, but due to the subject company's institution of production improvement measures which resulted in the reduced need for manual labor in general. As such, the Department has determined that the workers have not met the criteria set forth in Section 222 of the Trade Act of 1974, as amended, and are not eligible to apply for worker adjustment assistance.

Conclusion

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Federated Merchandising Group, a Part of Federated Department Stores, New York, New York.

Signed at Washington, DC, this 6th day of July, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3735 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,232]

Ingram Micro, Santa Ana, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 23, 2005 in response to a worker petition filed by a company official on behalf of workers at Ingram Micro, Santa Ana, California.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 17th day of June, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3744 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,121]

J.E. Morgan Knitting Mills (Sara Lee) Tamaqua, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 5, 2005 in response to a petition filed by a company official on behalf of workers at J.E. Morgan Knitting Mills (Sara Lee), Tamaqua, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 17th day of June, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3741 Filed 7–13–05; 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 June 25, 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 June 25, 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 28th day of June, 2005.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted between 06/06/2005 and 06/10/2005]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
57,315	Magruder Color (State)	Elizabeth, NJ	06/06/2005	06/06/2005
57,316	Flow Robotic Systems, Inc. (Wkrs)	Wixom, MI	06/06/2005	06/06/2005
57,317	Power-One (Wkrs)	Andover, MA	06/06/2005	06/06/2005
57,318	Seneca Foods Corp. (Wkrs)	Dayton, WA	06/06/2005	06/03/2005
57,319	L.R. Nelson Corporation (State)	Peoria, IL	06/06/2005	06/02/2005
57,320	Sabre Inc. (NPS)	Southlake, TX	06/06/2005	06/03/2005
57,321	Reum Corporation (State)	Waukegan, IL	06/07/2005	06/06/2005
57,322	Danaher Tool Group (State)	West Hartford, CT	06/07/2005	06/07/2005
57,323	American Safety Razor Company (Comp)	Knoxville, TN	06/07/2005	06/01/2005
57,324	Plymouth Rubber Co., Inc. (Comp)	Canton, MA	06/07/2005	06/06/2005
57,325	Danly IEM (AFLCIO)	Beaver Dam, WI	06/07/2005	06/02/2005
57,326	Intel Corporation (Wkrs)	Hillsboro, OR	06/08/2005	06/03/2005
57,327	WestPoint Stevens (Comp)	Lanett, AL	06/08/2005	06/06/2005
57,328	REHAU, Inc. (Comp)	Sturgis, MI	06/08/2005	06/01/2005
57,329	Kimberly-Clark (Comp)	Fort Worth, TX	06/08/2005	04/01/2005
57,330	Davy Manufacturing (Wkrs)	Collingdale, PA	06/08/2005	06/01/0005
57,331	Ready Fixtures (MCIW)	Shell Lake, WI	06/08/2005	05/31/2005
57,332	Fabry Industries (Wkrs)	Green Bay, WI	06/08/2005	06/07/2005
57,333	Ready Metal Manufacturing, Co. (Comp)	Chicago, IL	06/08/2005	06/07/2005
57,334	Century Furniture Ind. (Comp)	Longview, NC	06/08/2005	06/07/2005
57,335	Teledyne Instruments (State)	City of Industry, CA	06/08/2005	06/07/2005
57,336	United Machine Works, Inc. (Comp)	Bethel, NC	06/08/2005	06/03/2005
57,337	Bernhardt (Wkrs)	Lenoir, NC	06/08/2005	05/25/2005
57,338	Cardinal Home Products (Comp)	Linesville, PA	06/08/2005	06/08/2005
57,339	Frazer and Jones Co. (Comp)	Soway, NY	06/08/2005	05/23/2005
57,340	Top Ride Fashion (Comp)	S. El Monte, CA	06/08/2005	05/16/2005
57,341	Haggar Clothing Co. (Wkrs)	Weslaco, TX	06/08/2005	05/26/2005
57,342	Bemis Company, Inc. (Comp)	Dallas, TX	06/09/2005	06/07/2005
57,343	IBM OS Systems Support (NPS)	Royston, GA	06/09/2005	06/06/2005
57,344	Kulicke and Soffa Industries (Comp)	San Jose, CA	06/09/2005	06/08/2005
57,345	Merrimac Paper Co., Inc. (Comp)	Lawrence, MA	06/09/2005	06/02/2005
57,346	Linn, Inc. (Comp)	Parsons, TN	06/09/2005	06/03/2005
57,347	Hart Furniture Mfg. Company (State)	Corning, AR	06/09/2005	06/08/2005
57,348	Magnus Group (The) (Comp)	Emigsville, PA	06/09/2005	06/09/2005
57,349	PMC—Sierra (Comp)	Santa Clara, CA	06/09/2005	06/06/2005
57,350	Motor Appliance Corporation (IBT)	Washington, MO	06/09/2005	06/09/2005
57,351	Medicare Assoc. of United Gov't Srvs, LLC (Wkrs).	Ashland, WI	06/09/2005	06/04/2005
57,352	Specialty Filaments, Inc. (Wkrs)	Burlington, VT	06/09/2005	05/23/2005
57,353	WestPoint Stevens (Comp)	Wagram, NC	06/10/2005	06/10/2005
57,354	Visteon Systems, LLC (IUE)	Connersville, IN	06/10/2005	06/10/2005
57,355	FEMDS, Inc. (Comp)	Gaithersburg, MD	06/10/2005	06/10/2005
57,356	KeyTronicEMS (Comp)	Las Cruces, NM	06/10/2005	06/08/2005

APPENDIX—Continued

[Petitions instituted between 06/06/2005 and 06/10/2005]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
57,357	Hewlett Packard Company (Wkrs)	Cincinnati, OH	06/10/2005	05/31/2005
57,358	Northwest Staffing Resources (State)	Beaverton, OR	06/10/2005	06/09/2005
57,359A	Mid-West Metal Products Co., Inc. (Comp)	Muncie, IN	06/10/2005	05/11/2005
57,359B	Mid-West Metal Products Co., Inc. (Comp)	Muncie, IN	06/10/2005	05/11/2005
57,359C	Mid-West Metal Products Co., Inc. (Comp)	Muncie, IN	06/10/2005	05/11/2005
57,359D	Mid-West Metal Products Co., Inc. (Comp)	Muncie, IN	06/10/2005	05/11/2005
57,359	Mid-West Metal Products Co., Inc. (Comp)	Muncie, IN	06/10/2005	05/11/2005
57,360	Lucent Technologies (Wkrs)	Columbus, OH	06/10/2005	05/27/2005
57,361	ACS—Affiliated Computer Services (Wkrs)	Kennett, MO	06/10/2005	06/01/2005
57,362	Sony Electronics (Wkrs)	San Jose, CA	06/10/2005	06/01/2005
57,363	Rhoda Lee (UNITE)	New York, NY	06/10/2005	05/20/2005
57,364	Akro-Mils (Comp)	Akron, OH	06/10/2005	05/26/2005
57,365	Best Manufacturing (Comp)	Cordele, GA	06/10/2005	06/05/2005
57,366	Office Depot (NPS)	Torrance, CA	06/10/2005	06/02/2005

[FR Doc. E5–3749 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,867]

Manual Transmissions of Muncie, LLC, Muncie, IN; Notice of Revised Determination on Reconsideration of Alternative Trade Adjustment Assistance

By letter dated June 15, 2005, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, Region 3 and Local 499 requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA) applicable to workers of the subject firm. The negative determination was signed on May 13, 2005, and was published in the **Federal Register** on June 13, 2005 (70 FR 34155).

The workers of Manual Transmissions of Muncie, LLC, Muncie, Indiana were certified eligible to apply for Trade Adjustment Assistance (TAA) on May 13, 2005.

The initial ATAA investigation determined that the skills of the subject worker group are easily transferable to other positions in the local area.

In the request for reconsideration, the union representative provided new information confirming that the skills of the workers at the subject firm are not easily transferable in the local commuting area.

Additional investigation has determined that the workers possess skills that are not easily transferable. A significant number or proportion of the worker group are age fifty years or over. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

''All workers of Manual Transmissions of Muncie, LLC, Muncie, Indiana, who became totally or partially separated from employment on or after March 21, 2004 through May 13, 2007, are eligible to apply for trade 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 1st day of July, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3737 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the periods of June 2005.

In order for an affirmative determination to be made and a certification of eligibility to apply for directly-impacted (primary) worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign county of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the

articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance as an adversely affected secondary group to be issued, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B) (No shift in production to a foreign country) have not been met.

TA–W–57,077; Radicispandex Corp., Fall River, MA

TA–W–57,141; Stanbury Uniforms, Inc., Waxahachie, TX

TA–W–57,253; Intermark Fabric Corp., including leased workers of Placement Pros and Staffing Consultants, Plainfield, CT

TA–W–57,253; Vision Knits, Inc., Albemarle, NC

TA—W–57,025; AGC Automotive, TN, Inc., Mt. Pleasant, TN

The investigation revealed that criteria (a)(2)(A)(I.B.)(Sales or production, or both, did not decline) and (a) (2) (B) (II.B) (No shift in production to a foreign country) have not been met.

TA–W–57,108; Parker Hannifin Corp., Minneapolis, MN

TA–W–57,174; Microsemi Corp., Colorado Div., Broomfield, CO

TA–W–57,189; Elliott Company, Jeannette, PA

TA–W–57,287A; Stora Enso North America, Biron Mill, Wisconsin Rapids, WI

The investigation revealed that criterion (a)(2)(A)(I.A) and (a)(2)(B)(II.A) (no employment decline) has not been met.

TA–W–57,138; New Hope Weavers Ltd, Lansdale, PA

TA–W–57,237; Tingstol Company, on-site workers employed at Honeywell, Inc., Golden Valley, MN

TA–W–57,196; K & T Jewelry and Accessories, Inc., Providence, RI

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–57,320; Sabre, Inc., Travel Network North America Div., Southlake, TX

TA–W–57,165; Panasonic Mobile Communication Development, a div. of Panasonic Mobile Communications, Suwanee, GA

TA–W–57,149; MCI, Service Deliver Div., a subsidiary of MCI, Inc., Weldon Springs, MO

TA–W–57,157; Ted Thorsen, LLC, Wilkes-Barre, PA

TA–W–57,128; Northwest Airlines, Inc., Technical Operations—MSP, Bloomington, MN

TA–W–57,118; Lucerne Textiles, Inc., New York, NY

TA–W–57,130; Barrow Industries, Inc., including on-site workers employed at Canton Samples, Inc., Norwood, MA

TA–W–57,245; Delta Air Lines, Technical Operations, Atlanta, GA

TA–W–57,300; Aegis Communications Group, Irving, TX

The investigation revealed that criterion (a)(2)(A) (I.C) (Increased imports and (a)(2)(B) (II.C) (has shifted production to a foreign country) have not been met.

*TA–W–56,898; **Eastman Chemical Company, Arkansas Operations Div., Batesville, AR*

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of (a) (2) (A) (increased imports) of Section 222 have been met.

TA–W–57,124; Jeanerette Shipping Co., Inc., a div. of Jeanerette Sugar Company, Inc., Jeanerette, LA: May 5, 2004.

TA–W–57,249; Lamplight Farms, Inc., including on-site leased workers of PA Staffing, Inc., QPS Staffing Services, Inc., Menomonee Falls, WI: May 24, 2004.

TA–W–57,195; True Manufacturing Co., a div. of The True Value Co., Paint Brush Manufacturing Div., Cary, IL: May 9, 2004.

TA–W–57,167; DB Roberts Company, Workers at Sanmina-SCI, Westbrook, ME: May 13, 2004.

TA–W–57,126; Tekmax, Inc., a subsidiary of Mitek Industries, Inc., Tangent, OR: April 28, 2004.

TA–W–57,116; Rockville Fabrics Corp., Active Quilting Div., Plains, PA: May 2, 2004.

TA–57,087; Strandflex, div. of Maryland Specialty Wire, Oriskany, NY: April 22, 2004.

TA–W–57,274; Laidlaw Corp., Monticello, WI: May 27, 2004.

TA–W–57,159; Electro-Mel Industries, Inc., Hazelhurst, WI: May 4, 2004.

TA–W–57,127; J.T. Shannon Lumber Company, including on-site leased workers of All Seasons Temporaries, Pennsylvania Div., Tidioute, PA: April 22, 2004.

TA–W–57,112; Broyhill Furniture Industries, Inc., Broyhill Corp. Office, Lenoir, NC: April 18, 2004.

TA–W–57,096; GE Infrastructure, Sensing Div., Edison, NJ: May 2, 2004.

TA–W–57,049; Acuity Lighting Group, a subsidiary of Acuity Brands, Inc., Conyers, GA: April 21, 2004.

TA–W–57,041; Louisiana-Pacific Corp., Hayden Lake, ID: April 19, 2004

TA–W–57,008; Caldwell VSR, Inc., Weslaco, TX: April 19, 2004.

TA–W–56,630; Sherwood Harsco Gasserv, a subsidiary of– Harsco Corp., Washington, PA: February 22, 2004.

TA–W–57,177; Broyhill Furniture Industries, Inc., Occasional #1 Plant, Lenoir, NC, A; Broyhill Harper Furniture, Lenoir, NC, B; Lenoir Chair #1 Plant, Lenoir, NC,

C; Broyhill Marion Plant, Marion, NC, D; Broyhill Particleboard Plant, Lenoir, NC, E; Central Lumber Yard, Lenoir, NC, F; Broyhill Central Warehouse, Lenoir, NC and G; Broyhill Security, Lenoir, NC: April 10, 2005.

TA–W–57,155; Thomson, Inc., Thomson Marion Div., Marion, IN: April 10, 2005.

TA–W–57,287; Stora Enso North America, Wisconsin Rapids Mill, Wisconsin Rapids, WI: June 17, 2005

The following certifications have been issued. The requirements of (a) (2) (B) (shift in production) of Section 222 have been met.

TA–W–57,281; Continental JC., Inc., New York, NY: June 1, 2004.

TA–W–57,219; Riverside Paper Corp., Kerwin Paper Mill, Appleton, WI: May 16, 2004.

TA–W–57,332; FI-Fabry Industries, Green Bay, WI: November 13, 2004.

TA–W–57,301; Contec, LLC, a subsidiary of Contec Holdings, LLC, including leased workers of Available Personnel and Kelly Services, Seattle, WA: June 1, 2004.

TA–W–57,246; TRW Automotive U.S. LLC, Engine Components North American Technical Center, Engine Lab Department, Warrensville, Heights, OH: May 24, 2004.

TA–W–57,226; Danly IEM, Ionia, MI: May 2, 2004.

TA–W–57,134; Zomax, Inc., including on-site leased workers of West Valley, Staffing Group, Fremont, CA: April 27, 2004.

TA–W–57,122; Tower Automotive, Inc., Croydon, IN: May 4, 2004.

TA–W–57,280; Elringklinger Sealing Systems (USA), Inc., a subsidiary of Elringklinger AG, including on-site leased workers from Personnel Unlimited, Livonia, MI: May 27, 2004.

TA–W–57,235; 3M Company, Automotive Div., Stillwater, MN: May 20, 2004.

TA–W–57,188; Neat Feet Hosiery, Inc., Stoneville, NC: May 12, 2004.

TA–W–57,233; Culp, Inc., Corporate Headquarters, High Point, NC: May 19, 2004.

TA–W–57,229; Renaissance Mark, Bowling Green, KY: May 16, 2004.

TA–W–57,178; C-Tech Industries, d/b/a The Hotsy Corporation, Humboldt, IA: May 13, 2004.

TA–W–57,374; United Plastics Group, Inc., El Paso Division, including on-site leased workers of Integrated Human Capital, El Paso, TX: June 14, 2004.

TA–W–57,142; Culp, Inc., including the following Divisions, Culp Upholstery Prints, Culp Central Distribution Center and Culp Sample Department, Burlington, NC: May 5, 2004.

TA–W–57,140; Culp, Inc., Culp Design Center, Burlington, NC: May 9, 2004.

The following certifications have been issued. The requirement of upstream supplier to a trade certified primary firm has been met.

None

Negative Determinations for Alternative Trade Adjustment Assistance

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

In the following cases, it has been determined that the requirements of Section 246(a)3)ii) have not been met for the reasons specified.

The Department as determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

TA–W–57,219; Riverside Paper Corporation, Kerwin Paper Mill, Appleton, WI

TA–W–57,281; Continental JC., Inc., New York, NY

TA–W–52,419; Nestaway, a div. of Axia, Inc., Cleveland, OH

TA–W–53,395; Du-Co Ceramics Co., Saxonburg, PA

The Department as determined that criterion (1) of Section 246 has not been met. Workers at the firm are 50 years of age or older.

TA–W–57,124; Jeanerette Shipping Company, Inc., a div. of Jeanerette Sugar Company, Inc., Jeanerette, LA

Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

TA–W–57,077; Radicispandex Corp., Fall River, MA

TA–W–57,141; Stanbury Uniforms, Inc., Waxahachie, TX

TA–W–57,253; Intermark Fabric Corp., including leased workers of Placement Pros and Staffing Consultants, Plainfield, CT

TA–W–57,253; Vision Knits, Inc., Albemarle, NC

TA–W–57,025; AGC Automotive, TN, Inc., Mt. Pleasant, TN

TA–W–57,108; Parker Hannifin Corp., Minneapolis, MN

TA–W–57,174; Microsemi Corp., Colorado Div., Broomfield, CO

TA–W–57,189; Elliott Company, Jeannette, PA

TA–W–57,138; New Hope Weavers, Ltd, Lansdale, PA

TA–W–57,237; Tingstol Company, on-site workers employed at Honeywell, Inc., Golden Valley, MN

TA–W–57,196; K & T Jewelry and Accessories, Inc., Providence, RI

TA–W–57,149; MCI, Service Deliver Div., a subsidiary of MCI, Inc., Weldon Springs, MO

TA–W–57,157; Ted Thorsen, LLC, Wilkes-Barre, PA

TA–W–57,128; Northwest Airlines, Inc., Technical Operations—MSP, Bloomington, MN

TA–W–57,118; Lucerne Textiles, Inc., New York, NY

TA–W–57,130; Barrow Industries, Inc., including on-site workers employed at Canton Samples, Inc., Norwood, MA

TA–W–57,245; Delta Air Lines, Technical Operations, Atlanta, GA

TA–W–57,300; Aegis Communications Group, Irving, TX

TA–W–57,287A; Stora Enso North America, Biron Mill, Wisconsin Rapids, WI

Affirmative Determinations for Alternative Trade Adjustment Assistance

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determinations.

In the following cases, it has been determined that the requirements of Section 246(a)(3)(ii) have been met.

I. Whether a significant number of workers in the workers' firm are 50 years of age or older.

II. Whether the workers in the workers' firm possess skills that are not easily transferable.

III. The competitive conditions within the workers' industry (*i.e.,* conditions within the industry are adverse).

TA–W–54,712; Gemeinhardt Company, Elkhart, IN: April 12, 2003 through May 25, 2006.

TA–W–52,243; Nestle Purina Pet Food, St. Joseph, MO: July 1, 2002 through August 22, 2005.

TA–W–52,239; Titan Tire Corp., Des Moines, IA: June 24, 2002 through October 2, 2005.

TA–W–53,026; Metaldyne Driveline/ Hydraulics Group, Bedford Heights,

OH: September 17, 2002 through November 14, 2005.

TA–W–57,140; Culp, Inc., Culp Design Center, Burlington, NC: May 9, 2004.

TA–W–57,155; Thomson, Inc., Thomson Marion Div., Marion, IN: April 10, 2005.

TA–W–57,177; Broyhill Furniture Industries, Inc., Occasional #1 Plant, Lenoir, NC, A; Broyhill Harper Furniture, Lenoir, NC, B; Lenoir Chair #1 Plant, Lenoir, NC, C; Broyhill Marion Plant, Marion, NC, D; Broyhill Particleboard Plant, Lenoir, NC, E; Central Lumber Yard, Lenoir, NC, F; Broyhill Central Warehouse, Lenoir, NC, G; Broyhill Security, Lenoir, NC: April 29, 2004.

TA–W–57,178; C-Tech Industries, d/b/a The Hotsy Corp., Humboldt, IA: May 13, 2004.

TA–W–57,229; Renaissance Mark, Bowling Green, KY: May 16, 2004.

TA–W–57,233; Culp, Inc., Corporate Headquarters, High Point, NC: May 19, 2004.

TA–W–56,630; Sherwood Harsco Gasserv, a subsidiary of Harsco Corp., Washington, PA: February 22, 2004.

TA–W–56,839; Exide Technologies, Shreveport, LA: March 23, 2004.

TA–W–57,008; Caldwell VSR, Inc., Weslaco, TX: April 19, 2004.

TA–W–57,041; Louisiana-Pacific Corp., Hayden Lake, ID: April 19, 2004.

TA–W–57,049; Acuity Lighting Group, a subsidiary of Acuity Brands, Inc., Conyers, GA: April 21, 2004.

TA–W–57,096; GE Infrastructure, Sensing Division, Edison, NJ: May 2, 2004.

TA–W–57,112; Broyhill Furniture Industries, Inc., Broyhill Corporate Office, Lenoir, NC: April 18, 2004.

TA–W–57,127; J.T. Shannon Lumber Company, including on-site leased workers of All Seasons Temporaries, Pennsylvania Div., Tidioute, PA: April 22, 2004.

TA–W–57,159; Electro-Mel Industries, Inc., Hazelhurst, WI: May 4, 2004.

TA–W–57,188; Neat Feet Hosiery, Inc., Stoneville, NC: May 12, 2004.

TA–W–57,235; 3M Company, Automotive Div., Stillwater, MN: May 20, 2004.

TA–W–57,274; Laidlaw Corporation, Monticello, WI: May 27, 2004.

TA–W–57,280; Elringklinger Sealing Systems (USA), Inc., a subsidiary of Elringklinger AG, including on-site leased workers from Personnel Unlimited, Livonia, MI: May 27, 2004.

TA–W–57,087; Strandflex, Div. of Maryland Specialty Wire, Oriskany, NY: April 22, 2004.

TA–W–57,116; Rockville Fabrics Corporation, Active Quilting Div., Plains, PA: May 2, 2004.

TA–W–57,122; Tower Automotive, Inc., Croydon, IN: May 4, 2004

TA–W–57,126; Tekmax, Inc., a subsidiary of Mitek Industries, Inc., Tangent, OR: April 28, 2004.

TA–W–57,134; Zomax, Inc., including on-site leased workers of West Valley, Staffing Group, Fremont, CA: April 27, 2004.

TA–W–57,167; DB Roberts Company, Workers at Sanmina-SCI, Westbrook, ME: May 13, 2004.

TA–W–57,195; True Manufacturing Company, a div. of The True Value Company, Paint Brush Manufacturing Div., Cary, IL: May 9, 2004.

TA–W–57,226; Danly IEM, Ionia, MI: May 2, 2004.

TA–W–57,246; TRW Automotive U.S. LLC, Engine Components North American Technical Center, Engine Lab Department, Warrensville Heights, OH: May 24, 2004.

TA–W–57,249; Lamplight Farms, Inc., including on-site leased workers of PA Staffing, Inc., QPS Staffing Services, Inc., Menomonee Falls, WI: May 24, 2004.

TA–W–57,287; Stora Enso North America, Wisconsin Rapids Mill, Wisconsin Rapids, WI: June 17, 2005.

TA–W–57,301; Contec, LLC, a subsidiary of Contec Holdings, LLC, including leased workers of Available Personnel and Kelly Services, Seattle, WA: June 1, 2004.

TA–W–57,332; FI-Fabry Industries, Green Bay, WI: November 13, 2004.

TA–W–55,319; Danaher Linear Motion Systems, a div. of The Danaher Motion Group, formerly known as Thomson Bay Co., Bay City, MI: July 19, 2003 through October 8, 2006.

TA–W–53,587; Sensient Imaging Technologies, Inc., (formerly Formulabs), Industrial Ink Div., Piqua, OH: October 28, 2002 through December 18, 2005.

TA–W–54,804; Southern Glove Manufacturing Co., Inc., Cumberland Glove Div., Duffield, VA: April 19, 2003 through May 28, 2006.

TA–W–54,257; MCS Industries, Inc., including leased workers of Adecco Personnel, Allied Personnel Services, and Job Connection, Easton, PA: February 10, 2003 through March 2, 2006.

TA–W–54,195; Tyco Valves & Controls N.A., Foundry, Prophetstown, IL: February 4, 2003 through February 19, 2006.

TA–W–52,173; Carr Lowrey Glass Co., Baltimore, MD: June 27, 2002 through August 13, 2005.

TA–W–53,087; Manchester Tool Co., Akron, OH: September 18, 2002 through November 12, 2005.

TA–W–53,481; Springs Industries, Inc., including leased workers of Phillips Staffing, including contract workers of Johnson Controls, Inc., Springfield Plant, Laurel Hill, NC: October 31, 2002 through November 24, 2005.

TA–W–53,677; Smead Manufacturing Co., Logan, OH: November 18, 2002 through December 22, 2005.

I hereby certify that the aforementioned determinations were issued during the months of June 2005. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: June 29, 2005.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E5–3748 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,114]

Selkirk, LLC; Logan, OH; Notice of Revised Determination on Reconsideration of Alternative Trade Adjustment Assistance

By letter dated June 8, 2005, a company official requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA) applicable to workers of the subject firm. The negative determination was signed on May 17, 2005, and was published in the **Federal Register** on June 13, 2005 (70 FR 34155).

The workers of Selkirk, LLC, Logan, Ohio were certified eligible to apply for Trade Adjustment Assistance (TAA) on May 17, 2005.

The initial ATAA investigation determined that the skills of the subject worker group are easily transferable to other positions in the local area.

In the request for reconsideration, the company official provided new information confirming that the skills of the workers at the subject firm are not easily transferable in the local commuting area.

Additional investigation has determined that the workers possess skills that are not easily transferable. A significant number or proportion of the worker group are age fifty years or over. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

''All workers of Selkirk, LLC, Logan, Ohio, who became totally or partially separated from employment on or after May 28, 2005 through May 17, 2007, are eligible to apply for trade adjustment assistance under Section 223 of the Trade Act of 1974.''

''I further determine that all workers of Selkirk, LLC, Logan, Ohio, who became totally or partially separated from employment on or after April 26, 2004 through May 17, 2007 are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed in Washington, DC, this 23rd day of June 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3740 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–55,448]

Sheaffer Manufacturing Company, LLC, Fort Madison, IA; Revised Determination on Reopening Alternative Trade Adjustment Assistance

On June 21, 2005, the Department on its own motion reopened the investigation regarding Alternative Trade Adjustment Assistance (ATAA) applicable to workers of the subject firm. The negative determination was signed on September 23, 2004, and was published in the **Federal Register** on October 26, 2004 (69 FR 62461).

The workers of Sheaffer Manufacturing Company, LLC, Fort Madison, Iowa were certified eligible to apply for Trade Adjustment Assistance (TAA) on September 23, 2004.

The initial ATAA investigation determined that the skills of the subject worker group are easily transferable to other positions in the local area.

New information provided by the company contains new facts of a substantive nature bearing on the determination.

Upon further contact with a company official, it was confirmed that the information provided by the company was incorrectly reported during the initial investigation. During the initial investigation it was reported that the skills of the workers at the subject firm are easily transferable. It has been determined by new information provided by the company that the skills of the workers at the subject firm are not easily transferable in the local commuting area.

Upon further investigation it has been determined that a significant number or proportion of the worker group are age fifty years or over. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

''All workers of Sheaffer Manufacturing Company, LLC, Fort Madison, Iowa, who became totally or partially separated from employment on or after August 9, 2003 through September 23, 2006, 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 22nd day of June, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3736 Filed 7–13–05; 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: Agreement and Undertaking (OWCP–1). 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 September 12, 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:* Coal Mine operators and Longshore companies desiring to be self-insurers are required by law (30 U.S.C. 933 BL and 33 U.S.C. 932 LS) to produce security in terms of an indemnity bond, security deposit, or for Black Lung only, a letter of credit or 501(c)(21) trust. Once a company's application to become self-insured is reviewed by the Division of Coal Mine Workers; Compensation (DCMWC) or by the Division of Longshore and Harbor Workers' Compensation (DLHWC) and it is determined the company is potentially eligible, an amount of security is determined to guarantee the payment of benefits required by the Act. The OWCP–1 form is executed by the self-insurer who agrees to abide by the Department's rules and authorizes the Secretary, in the event of default, to file suit to secure payment from a bond underwriter or in the case of a Federal Reserve account, to sell the securities for the same purpose. A company cannot be authorized to self-insure until this requirement is met. Regulations establishing this requirement are at 20 CFR 726.110 for Coal Mine/Black Lung and 20 CFR 703.304 for Longshore. This information collection is currently approved for use through December 31, 2005.

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 determine if a coal mine or Longshore company is potentially eligible to become self-insured. The information is reviewed to insure that the correct amounts of negotiable securities are deposited or indemnity bond is purchased or for Black Lung only, a letter of credit or 501(c)(21) trust that in case of default OWCP has the authority to utilize the securities or bond. If this Agreement and Undertaking were not required, OWCP would not be empowered to utilize the company's security deposit to meet its financial responsibilities for the coal mine and Longshore benefits in case of default.

Type of Review: Extension.

Agency: Employment Standards Administration.

Titles: Agreement of Undertaking.

OMB Number: 1215–0034.

Agency Numbers: OWCP–1.

Affected Public: Business or other for-profit.

Total Respondents: 300.

Total Annual Responses: 300.

Estimated Total Burden Hours: 75.

Estimated Time Per Response: 15 minutes.

Frequency: On Occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $120.00.

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: July 8, 2005.

Bruce Bohanon,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 05–13851 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–CK–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act; Meeting

July 7, 2005.

TIME AND DATE: 10: a.m., Thursday, July 14, 2005.

PLACE: The Richard V. Backley Hearing Room, 9th Floor, 601 New Jersey Avenue, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *National Cement Co. of California, Inc.*, Docket No. WEST 2004–182–RM. (Issues include whether the judge properly granted summary decision in favor of the Secretary finding that the road that accesses the operator's cement plant falls within the definition of ''coal or other mine'' as this term is used in section 3(h)(1) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 802(h)(1)).

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs, subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 434–9950/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 05–13966 Filed 7–12–05; 12:16 pm]

BILLING CODE 6735–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Information pertaining to the requirement to be submitted:

1. *The Title of the Information Collection:* 10 CFR part 74, ''Material Control and Accounting of Special Nuclear Material (SNM);'' NUREG–1065, Rev. 2, ''Acceptable Standard Format and Content for the Fundamental Nuclear Material Control (FNMC) Plan Required for Low Enriched Uranium Facilities;'' NUREG/CR–5734, ''Recommendations to the NRC on Acceptable Standard Format and Content for the Fundamental Nuclear Material Control Plan Required for Low-Enriched Uranium Enrichment Facilities;'' and NUREG–1280, Rev. 1, ''Standard Format and Content Acceptance Criteria for the Material Control and Accounting (MC&A) Reform Amendment.''

2. *Current OMB Approval Number:* 3150–0123.

3. *How Often the Collection is Required:* Submission of the FNMC plan is a one-time requirement which has been completed by all current licensees. However, licensees may submit amendments or revisions to the plans as necessary. In addition, specified inventory and material status reports are required annually or semi-annually. Other reports are submitted as events occur.

4. *Who is Required or Asked to Report:* Persons licensed under 10 CFR part 70 who possess and use certain forms and quantities of SNM.

5. *The Number of Annual Respondents:* 22.

6. *The Number of Hours Needed Annually to Complete the Requirement or Request:* 9,064 (1,269 hours for reporting and 7,795 hours for recordkeeping (an average of 53 hours per response and 71 hours annually for each of 110 recordkeepers).

7. *Abstract:* 10 CFR part 74 establishes requirements for material control and accounting of SNM, and specific performance-based regulations for licensees authorized to possess, use, and produce strategic special nuclear material, and special nuclear material of moderate strategic significance and low strategic significance. The information is used by NRC to make licensing and regulatory determinations concerning material control and accounting of special nuclear material and to satisfy obligations of the United States to the International Atomic Energy Agency (IAEA). Submission or retention of the

information is mandatory for persons subject to the requirements.

Submit, by September 12, 2005, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail to *INFOCOLLECTS@NRC.GOV*.

Dated at Rockville, Maryland, this 7th day of July 2005.

For the Nuclear Regulatory Commission.

Beth C. St. Mary,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. E5–3734 Filed 7–13–05; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Proposed Revisions to OMB Statistical Policy Directive No. 1, Standards for Statistical Surveys, and OMB Statistical Policy Directive No. 2, Publication of Statistics

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice and request for comments.

SUMMARY: As part of an ongoing effort to improve the quality, objectivity, utility, and integrity of information collected and disseminated by the Federal Government, the Office of Management and Budget (OMB) requests comments on the recommendations that it has received from the Federal Committee on Statistical Methodology (FCSM) Subcommittee on Standards for Statistical Surveys to update and revise OMB Statistical Policy Directive No. 1, Standards for Statistical Surveys, and OMB Statistical Policy Directive No. 2, Publication of Statistics. The guidance, which applies to all Federal agencies subject to the Paperwork Reduction Act of 1995, is intended to ensure that the results of statistical surveys sponsored by the Federal Government are as reliable and useful as possible. The FCSM Subcommittee's recommendations, which are available in their entirety on the OMB Web site at *http://www.whitehouse.gov/omb/inforeg/statpolicy.html,* are the result of a two-year comprehensive review of the current standards.

Authority: 44 U.S.C. 3504(e)(3).

DATES: To ensure consideration during the final decision-making process, written comments must be provided to OMB no later than September 12, 2005.

ADDRESSES: Due to potential delays in OMB's receipt and processing of mail, respondents are strongly encouraged to submit comments electronically to ensure timely receipt. We cannot guarantee that comments mailed will be received before the comment closing date. Electronic comments may be submitted to: Brian A. Harris-Kojetin at *bharrisk@omb.eop.gov*. Please put the full body of your comments in the text of the electronic message and as an attachment. Please include your name, title, organization, postal address, telephone number, and e-mail address in the text of the message. Comments may also be submitted via facsimile to (202) 395–7245. Comments may be mailed to Brian Harris-Kojetin, PhD, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., New Executive Office Building, Room 10201, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Brian Harris-Kojetin, PhD, Statistical and Science Policy Office, Office of Information and Regulatory Affairs, Office of Management and Budget, NEOB, Room 10201, 725 17th Street, NW., Washington, DC 20503. Telephone: 202–395–3093.

SUPPLEMENTARY INFORMATION:

Background

Statistics collected and published by the Federal Government constitute a significant portion of the available information about the United States' economy, population, natural resources, environment, and public and private institutions. These data are used by the Federal Government and others as a basis for actions that affect people's lives and well-being. It is essential that they be collected, processed, and published in a manner that guarantees and inspires confidence in their reliability. The statistical programs of the Federal Government are decentralized among more than 70 agencies or organizational units. It is therefore also essential that, to the extent permitted by law, there be sufficient government-wide uniformity in statistical methods and practices to ensure the maximum usefulness of the statistics produced.

The Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3504) gives the Director of OMB broad responsibility for improving the usefulness of information collected, maintained, and disseminated by the Federal Government and for reducing the reporting burden on the public. Among the Director's functions under the PRA are statistical policy and coordination, which includes the development and implementation of ''Government-wide polices, principles, standards, and guidelines concerning (a) statistical collection procedures and methods; (b) statistical data classification; (c) statistical information presentation and dissemination; (d) timely release of statistical data; and (e) such statistical data sources as may be required for the administration of Federal programs'' (44 U.S.C. 3504(e)(3)). The Administrator for the Office of Information and Regulatory Affairs in OMB has the responsibility to ''develop programs and prescribe regulations to improve the compilation, analysis, publication, and dissemination of statistical information by executive agencies'' (31 U.S.C. 1104(d)).

The proposal from the Federal Committee on Statistical Methodology's (FCSM) Subcommittee on Standards for Statistical Surveys provides revised guidance for designing, conducting, and disseminating statistical surveys and studies sponsored by Federal agencies. The standards and guidelines are intended to ensure that such surveys and studies are designed to produce reliable data as efficiently as possible and that methods are documented and results presented in a manner that makes the data as accessible and useful as possible.

These revised standards and guidelines would replace OMB Statistical Policy Directives Nos. 1 and 2, on Standards for Statistical Surveys, and Standards for Publishing Statistics, respectively. These standards and guidelines were last revised in 1974

when they were issued as OMB Circular No. A–46, Exhibits A and B. The standards were reissued in 1977 as Statistical Policy Directives 1 and 2 when the Statistical Policy Office was temporarily relocated to the Department of Commence, and their designation as Statistical Policy Directives remained when the statistical policy function was returned to OMB in 1981 under the Paperwork Reduction Act of 1980.

Development and Review

As part of ongoing efforts to improve the quality of information collected by the Federal Government and to update statistical standards and guidance, OMB requested in 2003 that agencies who were members of the Interagency Council on Statistical Policy (ICSP) nominate representatives to a new subcommittee formed under the aegis of the Federal Committee on Statistical Methodology. This subcommittee was asked to review Statistical Policy Directives Nos. 1 and 2 and to make recommendations for updating or revising these standards to reflect current best practices in Federal statistical agencies.

The subcommittee reviewed the OMB directives, standards currently used by Federal statistical agencies, and standards and guidelines produced and disseminated by national statistical institutes in a number of other countries. The subcommittee also drew on interagency efforts by statistical agencies to develop a common framework for their activities in response to OMB's issuance of its Information Quality Guidelines (IQG) and the requirement that agencies issue their own IQGs (67 FR 8452–8460).

The revised and updated standards and guidelines proposed by the subcommittee reflect the organizational framework that the statistical agencies used for their Information Quality Guidelines. They are the product of a careful and deliberate process to create a set of standards and guidelines that will address all key aspects of planning, conducting, processing, and disseminating Federal statistical surveys. Because OMB standards and guidelines must cover a broad range of applications, agencies are encouraged to develop their own more specific standards for the statistical surveys and studies they conduct or sponsor. The subcommittee provided initial draft standards and guidelines for review by the FCSM and then by the ICSP in 2004. The subcommittee addressed the comments it received at each stage and provided its recommendations to OMB in 2005.

Issues for Comment: With this Notice, OMB requests comments on the recommendations it has received from the interagency FCSM Subcommittee on Standards for Statistical Surveys. The proposed standards and guidelines as well as the original Statistical Policy Directives Nos. 1 and 2 are available at *http://www.whitehouse.gov/omb/inforeg/statpolicy.html.*

OMB seeks comments from all interested parties on all aspects of these proposed standards and guidelines. In particular, OMB seeks comment on the merit of the proposed standards and guidelines both in technical terms and as statistical policy. These standards and guidelines should reflect best practices for Federal agencies and their contractors in conducting statistical surveys as well as sound policy for the Federal statistical system. OMB seeks comment on whether some provisions of this proposal should be modified or deleted to meet these goals. Finally, OMB seeks comment from affected agencies on the expected benefits and burdens of the proposed standards and guidelines.

John D. Graham,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 05–13837 Filed 7–13–05; 8:45 am]

BILLING CODE 3110–01–P

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1994; Computer Matching Programs; Office of Personnel Management/Social Security Administration

AGENCY: Office of Personnel Management (OPM).

ACTION: Publication of notice of computer matching to comply with Public Law 100–503, the Computer Matching and Privacy Act of 1988.

SUMMARY: OPM is re-publishing notice of its computer matching program with the Social Security Administration (SSA) to meet the reporting requirements of Pub. L. 100–503. The purpose of this match is to establish the conditions for disclosure of Social Security benefit information to OPM via direct computer link for the administration of programs by the Retirement Services Programs. OPM is legally required to offset specific benefits by a percentage of benefits payable under Title II of the Social Security Act. The matching will enable OPM to compute benefits at the correct rate and determine eligibility for benefits. This is a re-publication of the June 1, 2005, **Federal Register** notice announcing this matching program, providing several technical corrections to the notice previously published on the above date.

DATES: The matching program will begin 30 days after the **Federal Register** notice has been published or 40 days after the date of OPM's submissions of the letters to Congress and OMB, whichever is later. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months thereafter. The data exchange will begin at a date mutually agreed upon between OPM and SSA after July 2005, unless comments on the match are received that result in cancellation of the program. Subsequent matches will run as frequently as on a daily basis until one of the parties advises the other in writing of its intention to reevaluate, modify and/or terminate the agreement.

ADDRESSES: Send comments to Marc Flaster, Chief, RIS Support Services Group, Office of Personnel Management, Room 1312, 1900 E. Street, NW., Washington, DC 20415.

SUPPLEMENTARY INFORMATION: OPM and SSA intend to conduct a computer matching program. The purpose of this agreement is to establish the conditions under which SSA agrees to the disclosure of benefit information to OPM. The SSA records will be used in a matching program with OPM's records on surviving spouses who may be eligible to receive a Supplementary Annuity, disability retirees, and child survivor annuitants, under the Federal Employees' Retirement System (FERS). The benefits payable to these recipients are offset if paid while also in receipt of SSA benefits.

The SSA components responsible for the disclosure are the Office of Income Security Programs. OPM, as the agency actually using the results of this matching activity in its programs, will publish the notice required by Title 5 United States Code (U.S.C.) 552a(e)(12) in the **Federal Register**.

Office of Personnel Management.

Linda M. Springer,

Director.

Report of Computer Matching Program Between the Office of Personnel Management and Social Security Administration

A. Participating Agencies

OPM and SSA.

B. Purpose of the Matching Program

Chapter 84 of title 5, United States Code (U.S.C.) requires OPM to offset specific benefits by a percentage of benefits payable under Title II of the Social Security Act. The matching will enable OPM to compute benefits at the correct rate and determine eligibility for benefits.

C. Authority for Conducting the Matching Program

Chapter 84, title 5, United States Code.

D. Categories of Records and Individuals Covered by the Match

The two SSA records systems involved in the match are (1) Master Files of Social Security Number (SSN) Holders and SSN Applications, 60–0058 (SSA/OEEAS) and (2) the Master Beneficiary Record, 60–0090 (SSA–ORSIS), The OPM records consist of annuity data from its system of records entitled OPM/Central 1—Civil Service Retirement and Insurance Records, last published on October 8, 1999, at 64 FR 54930, and as amended at 65 FR 25775, May 3, 2000.

E. Description of the Match and Records

OPM will provide SSA an extract from the Annuity Master File and from pending claims snapshot records via the File Transfer Management System (FTMS). The extracted file will contain identifying information concerning the disability annuitant, child survivor, or surviving spouse who may be eligible for an annuity under FERS. Each record will be matched to SSA's records and requested information transmitted back to OPM.

F. Privacy Safeguards and Security

Both SSA and OPM will safeguard information provided by the reciprocal agency as follows: Access to the records matched and to any records created by the match will be restricted to only those authorized employees and officials who need the records to perform their official duties in connection with the uses of the information authorized in the agreement. Records matched or created by this exchange will be stored in an area that is physically safe. Records used during this exchange will be processed under the immediate supervision and control of authorized personnel in a manner which will protect confidentiality of the records. Either OPM or SSA may make onsite inspection or make other provisions to ensure that adequate safeguards are being maintained by the other agency.

G. Disposal of Records

Records causing closeout or suspend actions will be annotated and returned to OPM for record keeping purposes. All records returned to OPM are considered ''response'' records and any not used in the update process must be purged by SSA immediately after all processing is completed.

[FR Doc. 05–13827 Filed 7–13–05; 8:45 am]
BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51998; File No. S7–06–05]

Notice of an Application of the New York Stock Exchange, Inc. for an Exemption Pursuant to Section 36 of the Securities Exchange Act of 1934 and Request for Comment

July 8, 2005.

On May 26, 2005, the Securities and Exchange Commission received an application from the New York Stock Exchange, Inc. (''NYSE'') for an exemption pursuant to Section 36 [1] of the Securities Exchange Act of 1934,[2] in accordance with the procedures set forth in Exchange Act Rule 0–12.[3] The NYSE requests exemptive relief from Section 12(a) [4] of the Exchange Act to permit its members, brokers and dealers to trade certain unregistered debt securities on the NYSE's Automated Bond System.[5] We are publishing this notice and a proposed exemptive order to provide interested persons with an opportunity to comment.[6]

I. Background

Section 12(a) of the Exchange Act provides in relevant part that it ''shall be unlawful for any member, broker or dealer to effect any transaction in any security (other than an exempted security) on a national securities exchange unless a registration is effective as to such security for such exchange.'' Section 12(b) [7] of the Exchange Act dictates how the registration referred to in Section 12(a) must be accomplished. Accordingly, all equity and debt securities that are not ''exempted securities'' [8] or are not otherwise exempt from Exchange Act registration must be registered by the issuer under the Exchange Act before a member, broker or dealer may trade that class of securities on a national securities exchange.

Contrarily, brokers or dealers who trade debt securities otherwise than on a national securities exchange may trade debt securities regardless of whether the issuer registered that class of debt under the Exchange Act. This is so because Exchange Act registration for securities traded other than on a national securities exchange is required only for certain equity securities. In particular, Section 12(g) [9] of the Exchange Act, the only Exchange Act provision other than Section 12(a) to impose an affirmative Exchange Act registration requirement, requires the registration of equity securities only.[10]

As the Commission has stated in the past, we believe that this disparate regulatory treatment may have negatively and unnecessarily affected the structure and development of the debt markets.[11] In 1994, to reduce existing regulatory distinctions between exchange-traded debt securities and debt securities that trade in the ''over-the-counter'' (''OTC'') market, we adopted Exchange Act Rule 3a12–11.[12] Rule 3a12–11 provides for the automatic effectiveness of Form 8–A [13] registration statements for exchange-traded debt securities, exempts exchange-traded debt from the borrowing restrictions under Section 8(a) [14] of the Exchange Act, and exempts exchange-traded debt

[1] 15 U.S.C. 78mm. Section 36 of the Exchange Act gives the Commission the authority to exempt any person, security or transaction from any Exchange Act provision by rule, regulation or order, to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors.

[2] 15 U.S.C. 78a *et seq.*

[3] 17 CFR 240.0–12. Exchange Act Rule 0–12 sets forth the procedures for filing applications for orders for exemptive relief pursuant to Section 36.

[4] 15 U.S.C. 78*l*(a).

[5] The NYSE's application for exemptive relief is included as Appendix A.

[6] The Commission's proposed exemptive order is included as Appendix B.

[7] 15 U.S.C. 78*l*(b).

[8] An exempted security may be traded on a national securities exchange absent Exchange Act registration. Section 3(a)(12) of the Exchange Act [15 U.S.C. 78c(a)(12)] defines exempted security to include securities such as government securities, municipal securities, various trust fund interests, pooled income fund interests and church plan interests.

[9] 15 U.S.C. 78*l*(g).

[10] Section 12(g)(1) of the Exchange Act and Rule 12g–1 [17 CFR 240.12g–1] promulgated thereunder require an issuer to register a class of equity securities if the issuer of the securities, at the end of its fiscal year, has more than $10,000,000 in total assets and a class of equity securities held by 500 or more recordholders. When Congress amended the Exchange Act in 1964 to add Section 12(g), it extended the registration requirement to specified equity securities that are not exchange-traded. No comparable provision was provided for debt securities that are not exchange-traded.

[11] *See* Release Nos. 34–34922 (November 1, 1994) [59 FR 55342], and 34–34139 (June 1, 1994) [59 FR 29398].

[12] 17 CFR 240.3a12–11. Release No. 34–34922 (November 1, 1994) [59 FR 55342].

[13] 17 CFR 249.208a.

[14] 15 U.S.C. 78h(a).

from most of the proxy and information statement requirements under Sections 14(a), (b) and (c) of the Exchange Act.[15] Despite these efforts, the vast majority of secondary trading of debt securities continues to occur in the OTC market, which suggests that there still may be regulatory impediments that need to be addressed.[16]

In addition, we have sought to increase the level of transparency in the public debt markets. We have long believed that price transparency in the U.S. capital markets is fundamental to promoting the fairness and efficiency of our markets.[17] In 1998, the Commission's staff conducted a review of the public debt markets and found that in the area of corporate debt securities, price transparency was deficient.[18] Following the staff's 1998 review, the Commission requested the National Association of Securities Dealers, Inc. (''NASD'') to adopt rules requiring dealers to report transactions in corporate debt securities and preferred stock to the NASD and to develop a real-time price quotation system.[19]

II. Summary of the Application

The NYSE requests us to permit its members, brokers and dealers to trade certain classes of debt securities not registered under Section 12(b) of the Exchange Act on the NYSE's Automated Bond System.[20] The NYSE asserts that the statutory distinctions referred to above put the NYSE at a competitive disadvantage vis-à-vis the OTC market with respect to the trading of debt.[21] Further, the NYSE asserts that investors are adversely impacted by this distinction. The NYSE believes that the adverse impact on investors is twofold.[22] First, the NYSE asserts that investors are deprived of the advantage of competing markets. Second, the NYSE asserts that the Automated Bond System is generally more transparent than the OTC market.[23] The NYSE states that, in contrast to OTC bond trading, the Automated Bond System reports bid and ask quotations and last sale prices, exclusive of any mark-ups, mark-downs or other charges. In addition, the NYSE states that all Automated Bond System trades are reported instantaneously. The NYSE further asserts that it is not aware of any comparable level of transparency that exists currently.

Notwithstanding any competitive disadvantage to the NYSE that may have resulted from existing statutory distinctions or the potential benefits to investors of increased competition and enhanced transparency,[24] we believe that we must still balance these benefits against any loss of Exchange Act protections that could result if we determine to grant the requested exemptive relief. Further, as explained below, we believe that any proposed relief only should be granted in a way that mitigates any lost Exchange Act protections.

We view the potential loss of the comprehensive public information that an issuer must provide under Section 13(a) of the Exchange Act as perhaps the most significant factor weighing against relief.[25] To address this concern, the NYSE proposes that any exemption be conditioned on two important protections designed to prevent the loss of Exchange Act disclosure. First, relief would be limited to a class of debt securities whose offer and sale was registered under the Securities Act of 1933.[26] This limitation is designed to ensure that investors would have access to the detailed disclosure in the Securities Act registration statement for the debt securities, including a trust indenture qualified under the Trust Indenture Act of 1939.[27]

Second, relief would be limited to issuers of debt securities with at least one class of equity securities registered under Section 12(b) and listed on the NYSE.[28] This condition is designed to guarantee that substantially all of the public information that would be available if the debt securities were registered under Section 12(b) would remain available with respect to the issuer of the debt securities covered by the exemption. The only significant Exchange Act disclosure for debt registered under Section 12 that would not continue to be provided under the proposed exemptive relief would be:

- The extremely limited information contained in the Form 8–A required for Exchange Act registration;[29]

[15] 15 U.S.C. 78n(a), (b) and (c). Rule 3a12–11 states that Rules 14a–1, 14a–2(a), 14a–9, 14a–13, 14b–1, 14b–2, 14c–1, 14c–6 and 14c–7 continue to apply to the exchange-traded debt securities for which Rule 3a12–11 provides exemptive relief [17 CFR 240.14a–1, 14a–2(a), 14a–9, 14a–13, 14b–1, 14b–2, 14c–1, 14c–6 and 14c–7].

[16] The NYSE estimates that there are over 22,000 publicly offered corporate bond issues having a par value in excess of $3 trillion but only 8% of the $3 trillion par value is registered under the Exchange Act and so may be traded on the NYSE's Automated Bond System. See the NYSE's application for exemptive relief.

[17] *See* Testimony of Chairman Arthur Levitt Before the House Subcommittee on Finance and Hazardous Materials, Committee on Commerce, Concerning Transparency in the United States Debt Market and Mutual Fund Fees and Expenses (September 29, 1998).

[18] *Id.*

[19] *Id.* The NASD was asked to undertake this initiative for two reasons. First, the vast majority of debt securities are traded on the OTC market. Second, the Commission believed that the NASD possessed the required infrastructure to undertake the initiative and this would obviate the need to ''reinvent the wheel.'' See Testimony of Chairman Arthur Levitt Before the House Subcommittee on Finance and Hazardous Materials, Committee on Commerce, Concerning Hedge Fund Activities in the U.S. Financial Markets (March 18, 1999).

[20] For purposes of the requested exemption, the term ''debt security'' would be defined as any security that, if the class of securities were listed on the NYSE, would be listed under Sections 102.03 or 103.05 of the NYSE's Listed Company Manual. A debt security would not include any security that, if the class of securities were listed on the NYSE, would be listed under Sections 703.19 or 703.21 of the NYSE's Listed Company Manual. Provided, however, under no circumstances would a debt security include any security that is defined as an ''equity security'' under Section 3(a)(11) of the Exchange Act [15 U.S.C. 78c(a)(11)].

[21] See the NYSE's application for exemptive relief.

[22] See the NYSE's application for exemptive relief.

[23] The Automated Bond System is an automated trading and information system that allows member firms to enter directly into the system and execute debt security orders through remote terminals that match them on a price and time priority basis.

[24] A May 2004 study entitled ''Transparency of Corporate Bond Markets'' by the Technical Committee of the International Organization of Securities Commissions found that transparency supports market efficiency, fosters investor confidence and strengthens investor protection. A similar study of U.S. corporate debt markets found that greater transparency reduces transaction costs of corporate bond trading. See ''Corporate Bond Market Transparency and Transaction Costs'' by Amy K. Edwards, Lawrence E. Harris and Michael S. Piwowar (March 2005). See *http://papers.ssrn.com/sol3/papers.cfm?abstract_id=593823.*

[25] 15 U.S.C. 78m(a). Section 13(a) provides the Exchange Act's comprehensive disclosure standards that require an issuer of securities registered under the Exchange Act to file annual, quarterly and current reports with the Commission.

[26] 15 U.S.C. 77a *et seq.*

[27] 15 U.S.C. 77aaa–77bbbb.

[28] The debt securities of a wholly-owned subsidiary of a company with at least one class of equity securities registered under Section 12(b) of the Exchange Act and listed on the NYSE also would be covered by the proposed relief. In addition to the Exchange Act disclosure obligations mentioned below that would no longer apply to a parent debt issuer whose debt could be traded under the exemption, all other Exchange Act disclosure obligations also would not apply to a wholly-owned subsidiary of that company, assuming that the wholly-owned subsidiary had no other class of securities registered or reporting under the Exchange Act. The NYSE asserts that the Exchange Act disclosures and other public information available with respect to the wholly-owned debt issuer's parent, the consolidation of a wholly-owned subsidiary's financial information into its parent's financial statements, as well as the information regarding the wholly-owned subsidiary's debt securities available under the trust indenture and otherwise, are designed to ensure that all interested parties receive necessary information regarding the debt securities.

[29] Form 8–A is the short-form registration statement used by companies to register a class of securities under the Exchange Act. The form requires a description of the registrant's securities pursuant to Item 202 of Regulation S–K or S–B, and in certain circumstances, the filing of all constituent instruments, including any contracts or other documents, that define, limit or qualify the rights

Continued

• The listing of the class of debt on the annual report's cover page;

• The disclosure of material modifications to instruments defining the rights of debt holders and material limitations or qualifications to the rights of debt holders required by Item 3.03 of Form 8–K; and

• Certain exhibits to an issuer's annual and quarterly reports defining the rights of debt holders as provided in Item 601(b)(4) of Regulation S–K, although most of the exhibits required by Item 601 are filed as exhibits to the Securities Act registration statement for the debt securities.

We preliminarily believe that the loss of this information is outweighed by the proposed relief's benefits to all interested parties, but will consider any public comment to the contrary. We also further note that this information is not required to be disclosed for debt traded in the OTC market. Further, the condition of the proposed exemptive order requiring the issuer of the debt security to have at least one class of common or preferred equity securities registered under Section 12(b) of the Exchange Act and listed on the NYSE is designed to assure that the issuer of debt securities has a significant and continuous listing (and oversight) relationship with the NYSE.[30] This relationship will allow the NYSE to better monitor issuers whose debt is traded on the Automated Bond System and will ensure that the issuers of traded debt satisfy the NYSE's comprehensive listing standards for equity securities.

In addition to the Exchange Act disclosure obligations that would no longer apply, holders of debt securities traded in reliance on the proposed relief would not be protected by the antifraud proscriptions of Exchange Act Rules 14a–9 and 14c–6 or the shareholder communications provisions in Exchange Act Rules 14a–13, 14b–1, 14b–2 and 14c–7, which govern the transmission of proxy and information statements to beneficial owners of securities. Although solicitations of debt holders are infrequent,[31] in its 1994 rulemaking, the Commission determined that the exemptive relief afforded by Exchange Act Rule 3a12–11 should not encompass these antifraud and shareholder communications provisions.[32] We believe that other requirements, the contractual terms of the trust indenture, and economic motivations for intermediaries to serve the needs of their customers would help to mitigate the loss of these protections. Specifically, the antifraud protection afforded by Exchange Act Rule 10b–5 [33] would continue to apply to soliciting materials sent to holders of debt traded in reliance on the proposed exemption. In addition, NYSE Rule 451 [34] requires NYSE member firms to transmit copies of all proxy and consent solicitation materials to beneficial owners.[35] Furthermore, we note that none of these provisions applies to debt securities traded in the OTC market.

We also acknowledge that, if we grant the requested relief, the NYSE's listing standards generally would no longer apply to any debt traded, but not listed, on the Automated Bond System. This would include all debt currently listed on the system that qualifies for trading under the requested exemption because the NYSE intends to formally delist all debt securities that qualify for the exemption, if we approve its application.[36] Without a listing requirement, issuers of debt securities would no longer be required to notify the NYSE about various corporate actions related to the issuer's debt. However, the following actions by the NYSE should alleviate concerns in this regard:

• The NYSE would engage a third party data vendor to provide the NYSE and its members with a customized on-line reference for corporate actions relevant to debt securities trading on the Automated Bond System.[37] This information is similar to, although less comprehensive than, the information that the NYSE currently receives pursuant to its rules for the continued listing of debt securities.[38] Unlike some of the information that the NYSE currently receives pursuant to its rules for the continued listing of debt, the information provided by the third party data vendor would be available only to the NYSE and its members. While the NYSE has undertaken to hire a third party data vendor, the vendor's engagement and availability of the contemplated information would not be a formal condition to the proposed relief; and

• The NYSE has filed proposed rule changes (SR–NYSE–2004–69) on Exchange Act Form 19b–4 that would specify the exchange's initial and continued requirements for trading unregistered debt securities on the Automated Bond System. In particular, the amended rules would state that trading on the NYSE's Automated Bond System could only commence for debt securities with an outstanding market value or principal amount of at least $10 million and trading would be suspended if the outstanding market value or principal amount fell below $1 million. In addition, the proposed rule would allow the NYSE to suspend trading in a debt security if, among other things, the issuer's assets were substantially reduced, the issuer declared bankruptcy, or the NYSE determined that the issuer engaged in operations that are contrary to the public interest. The Commission is publishing for comment the NYSE's

of the holders of the class of securities. The disclosures required by the form may be furnished by incorporation by reference to other filings with the Commission.

[30] In the case of an issuer that is a wholly-owned subsidiary, the issuer's parent would need to have at least one class of common or preferred equity securities registered under Section 12(b) of the Exchange Act and listed on the NYSE.

[31] According to the NYSE, only six solicitations of debt holders of NYSE-listed debt securities occurred during 2004.

[32] In Release No. 34–34922, the Commission noted that the proxy rules relating to the transmission of materials to beneficial owners not only provide protection to investors, but also benefit issuers by facilitating their ability to communicate directly with their debtholders. Exchange Act Rules 14a–13, 14b–1 and 14b–2 establish procedures by which companies can request a list of their non-objecting beneficial owners from banks, brokers and similar intermediaries holding shares on behalf of such owners.

[33] 17 CFR 240.10b–5.

[34] Paragraph 2451 of the NYSE Guide.

[35] Although banks and other intermediaries that are not NYSE member firms would not be subject to NYSE Rule 451, many of these intermediaries owe fiduciary obligations to their beneficial owner customers that would cause them to continue transmitting soliciting materials to their customers even in the absence of an explicit Commission requirement.

[36] As noted, debt that trades on the NYSE that does not qualify for the exemptive relief would continue to be ''listed'' on the NYSE. To distinguish between ''listed'' debt and ''traded'' debt, the NYSE would: provide definitions of, and distinguish between, listed debt securities and traded debt securities on the Automated Bond System log-on screen and on the NYSE's web site; directly provide each NYSE member and each NYSE listed company with notification clarifying the distinction between listed and traded debt, as well as notification that eligible listed debt will be delisted and, instead, traded on the Automated Bond System; and issue a press release explaining the Section 36 relief.

[37] The NYSE intends to engage Xcitek, LLC as its third party data vendor.

[38] According to the NYSE, Xcitek, LLC's tracking service will provide notification of calls (redemptions), notice of defaults in the payment of interest, notice of consent solicitations and other corporate actions related to public debt including tender offers, issuer name changes and CUSIP number changes. The tracking service will not provide notification of changes in transfer agent or trustee, changes in the collateral deposited under a trust indenture, changes or unusual conditions related to the payment of interest, the issuance or authentication of duplicate bonds, all of which must be provided for listed debt securities. The NYSE asserts that the loss of certain information currently provided under the NYSE Listed Company Manual for listed debt securities is outweighed by the proposed relief's benefits to all parties with an interest.

proposed rule changes concurrently with our publication of this notice.[39]

In addition to the previously noted actions that the NYSE intends to take, and conditions to the exemption, the proposed exemptive relief would be available only for debt securities of an issuer whose transfer agent for the debt security is registered under Section 17A of the Exchange Act and for classes of debt securities whose indenture is qualified under the Trust Indenture Act. The first condition is designed to ensure that the transfer agents providing services to issuers of debt securities trading pursuant to the exemption would be subject to Section 17A of the Exchange Act and the rules thereunder and to the Commission's oversight. The second condition is designed to ensure that specific protections afforded to debt holders under the Trust Indenture Act are included in the debt securities' trust indenture.

III. Request for Comment

We request and encourage any interested person to submit comments regarding the NYSE's application as well as the terms of our proposed exemptive order, including whether the request should be granted.[40] In particular, we solicit comment on the following questions:

- Is the scope of the requested exemption appropriate?
- Would the requested exemption increase competition in the public debt markets?
- Would the requested exemption increase the transparency of the public debt markets?
- Would an issuer's Exchange Act reports for its equity securities and all other public information related to the issuer's class of debt adequately inform investors about the debt securities covered by the requested exemption?
- Should the requested exemption relieve issuers of debt securities and other applicable parties from the antifraud proscriptions of Exchange Act Rules 14a–9 and 14c–6 and/or from Exchange Act Rules 14a–13, 14b–1, 14b–2 and 14c–7, which govern the transmission to beneficial owners of proxy and consent materials and information statements, as proposed? Does Exchange Act Rule 10b–5 provide adequate antifraud protection against misstatements or material omissions in proxy or information statements and related materials? Is there any significant concern that banks, brokers and similar intermediaries would refuse or fail to transmit proxy materials to beneficial owners if Rules 14b–1 and 14b–2 no longer expressly applied?
- Should the requested exemption apply to a wholly-owned subsidiary of a company with at least one class of equity securities registered under Section 12(b) and listed on the NYSE, if the wholly-owned subsidiary independently does not satisfy the conditions for relief? Should the wholly-owned subsidiary's parent have to guarantee the subsidiary's debt securities for the requested exemption to apply?
- Are there any other differences between exchange-traded debt and debt traded in the OTC market that warrant a more restrictive regulatory treatment for exchange-traded debt?
- Are there any implications or concerns that may arise because NYSE members would be able to trade a debt security without the NYSE entering into a formal listing arrangement with the issuer of the debt security?
- Should we condition the proposed exemption on any additional NYSE listing standards?
- Are the conditions sufficiently designed so that investors are appropriately protected?
- Are the bases triggering suspension of trading (*e.g.*, bankruptcy, substantial reduction in assets, or NYSE determination that the issuer engaged in operations contrary to the public interest) appropriate? Should any be removed? Are there any others that should be added?
- Is the use of a third party data vendor adequate to provide the NYSE and its members with sufficient information regarding corporate actions relevant to debt securities traded on the Automated Bond System? If not, what additional information or measures would be appropriate? Should any such information or measures be required as an additional condition of the exemption?
- Is the information to be provided by Xcitek, LLC to the NYSE and its members significant enough to justify its inclusion in the proposed exemptive order as a formal condition to relief?

Comments should be received on or before August 15, 2005. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number S7–06–05 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 S7–06–05. 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/other.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549. 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.

For further information, you may contact Sean Harrison, Special Counsel, Office of Rulemaking, at (202) 551–3430, or Robert T. Plesnarski, Deputy Chief Counsel, Office of Chief Counsel, at 202–551–3832 in the Division of Corporation Finance or Timothy Fox, Attorney, or Michael Gaw, Senior Special Counsel, Office of Market Supervision, at (202) 551–5643 and (202) 551–5602, respectively, in the Division of Market Regulation, at the U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

By the Commission.

J. Lynn Taylor,

Assistant Secretary.

Appendices

A The New York Stock Exchange's application for an exemption pursuant to Section 36 of the Exchange Act

B Proposed order granting the New York Stock Exchange's application for an exemption pursuant to Section 36 of the Exchange Act

Appendix A

May 26, 2005.

Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609.

Dear Mr. Katz: The New York Stock Exchange, Inc. (the ''Exchange'') requests that the Securities and Exchange Commission (the ''Commission'') provide relief pursuant to Section 36[41] of the Securities Exchange Act of 1934 (the ''Exchange Act'')[42] to provide an exemption from the provisions of Section

[39] See Release No. 34–51999 (July 8, 2005).

[40] The Commission's proposed exemptive order is included as Appendix B.

[41] 15 U.S.C. 78mm.

[42] 15 U.S.C. 78a.

12(a)[43] of the Exchange Act to permit NYSE members and member organizations to trade certain debt securities that are not registered under Section 12(b)[44] of the Exchange Act.

Conditions Applicable to the Exemptive Relief Requested

The Exchange requests that the Commission provide exemptive relief with respect to Section 12(a), which provides in relevant part that it shall be unlawful for any ''member, broker, or dealer to effect any transaction in any security (other than an exempted security) on a national securities exchange unless a registration is effective as to such security for such exchange.''[45] The Exchange further asks that this exemption be granted to allow NYSE members and member organizations to trade debt securities that satisfy the following conditions:

1. The issuer of the debt securities registered the offer and sale of that class of debt securities under the Securities Act of 1933, as amended (the ''1933 Act''),[46]

2. The issuer of the debt securities or the issuer's parent, if the issuer is a wholly-owned subsidiary, has at least one class of common or preferred equity securities registered under Section 12(b)[47] of the Exchange Act and listed on the New York Stock Exchange, and

3. The transfer agent for the debt securities is registered under Section 17A[48] of the Exchange Act.

In connection with this exemptive request, the NYSE undertakes that it will take or has taken the following steps:

(a) The NYSE will provide definitions of ''listed'' debt securities and ''traded'' debt securities on the Automated Bond System® (the ''ABS®'') log-on screen and on the NYSE's Web site,

(b) The NYSE will distinguish between ''listed'' debt securities and ''traded'' debt securities on the ABS® and on the NYSE Web site's bond issue directory,[49]

(c) The NYSE will directly provide each member organization and each listed company notification via letter and/or email prior to the date that trading of the debt securities commences on the ABS® to clarify the distinction between ''listed'' debt securities and ''traded'' debt securities and to provide notification that eligible listed debt securities will be delisted and, instead, traded on the ABS®,

(d) The NYSE will issue a press release upon launch of this initiative stating that ''listed'' debt securities trade along side ''traded'' debt securities on the ABS®, and

(e) The NYSE has contracted with Xcitek, LLC, (''Xcitek''), a third-party bond issue tracking service, for the provision of information prior to the date that this exemption is granted by the SEC.

Xcitek's tracking service provides the NYSE a customized on-line reference for corporate actions relevant to bonds. The tracking system provides information and data electronically to the NYSE, and provides:

- Notification of calls (redemptions) of traded bonds,
- Notification of tender offers for traded bonds,
- Notice of defaults in payment of interest on traded bonds,
- Notice of consent solicitations for traded bonds, and
- Notice of corporate actions for traded bonds (includes tender offers, issuer name changes, cusip number changes).

The tracking system does not provide notification of changes in trustees, obligors or transfer agents with respect to traded debt securities. The NYSE has entered into a one-year contract with Xcitek to provide this information electronically on a daily basis. Xcitek independently obtains, researches and organizes the information. The NYSE does not itself verify the information provided by Xcitek. To the extent that in the future, Xcitek is no longer willing or able to provide this information, the NYSE will contract with another third party for the provision of similar information.

The NYSE has separately filed SR–NYSE–2004–69 (December 3, 2004) and Amendment No. 1 to 2004–69 (March 15, 2005) on Exchange Act Form 19b–4 to propose NYSE Rules 1400 and 1401 that set forth the requirements for trading unlisted debt securities on the ABS®. Proposed Rule 1400 provides that, for purposes of this exemption:

''The term Debt Securities includes only securities that, if they were to be listed on the New York Stock Exchange, would be listed under Sections 102.03 or 103.05 of the New York Stock Exchange's Listed Company Manual; provided, however, that such securities shall not include any security that is defined as an ''equity security'' under Section 3(a)(11) of the Exchange Act.

For the avoidance of doubt, note that the term ''Debt Securities'' does not include a security that, if listed on the New York Stock Exchange, would have been listed under Sections 703.19 or 703.21 of the New York Stock Exchange's Listed Company Manual. The references to Sections 102.03, 103.05, 703.19, and 703.21 of the NYSE's Listed Company Manual are to those sections as in effect on January 31, 2005.''

Proposed Rule 1401 specifies that only Debt Securities with an outstanding market value or principal amount of at least $10 million will be permitted to be traded by NYSE members and member organizations on the ABS®. Proposed Rule 1401 also specifies that trading in Debt Securities will be suspended if:

- The outstanding aggregate market value or principal amount of the Debt Securities has fallen to less than $1,000,000, or
- The Debt Securities may no longer be traded by NYSE members or member organizations on an unregistered basis pursuant to this exemptive request.

In order to ensure that debt securities have at least $10,000,000 in aggregate market value or principal amount at the time trading commences, the NYSE will review two existing corporate bond issue data bases that provide issue size information for the preponderance of corporate bonds.

To monitor the $1,000,000 suspension threshold, the NYSE will generally utilize the third party tracking system to monitor partial redemptions and tender offers. The most prevalent reason for outstanding principal amounts to fall below $1 million is when the price of the bond declines because of a default or potential bankruptcy. Prices of bonds in these situations will be monitored. We will also monitor the media for warnings of possible difficulties, in addition to ratings downgrades.

With respect to debt securities that are currently listed on the NYSE, the Exchange intends to apply to delist debt securities that satisfy the NYSE's requirements for traded debt and, instead, to trade those debt securities on the ABS® on an unlisted basis. As described above, the NYSE will be contacting listed companies to provide notification that eligible listed debt securities will be delisted and, instead, traded on the ABS®.

The NYSE will also inform listed companies of the NYSE's intention to identify currently outstanding or newly issued unlisted debt securities that are eligible to be traded by NYSE members and member organizations on the ABS®. The NYSE's Fixed Income Markets Division will review a variety of sources, including SEC Securities Act filings and bond offerings posted daily in financial publications in order to identify additional unlisted debt securities that have been issued by a NYSE equity-listed company or wholly-owned subsidiary and that satisfy the requirements of proposed Rules 1400 and 1401. The NYSE intends to provide an opportunity for NYSE members and member organizations to trade all eligible debt securities. Once unlisted debt securities are identified and verified as satisfying the requirements of proposed Rule 1400 and 1401, the NYSE will notify NYSE members and member organizations that such unlisted debt securities are eligible to be traded on the ABS® through ticker notices and postings on the ABS® website.

Debt securities that do not satisfy the proposed requirements of Exchange Rules 1400 and 1401 may continue to be listed on the NYSE. Debt securities that would not satisfy the proposed requirements for trading include convertible debt securities, debt securities that were listed under Sections 703.19 and 21 of the NYSE's Listed Company

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[43] 15 U.S.C. 78*l*(a).

[44] 15 U.S.C. 78*l*(b).

[45] If the Commission grants exemptive relief from Section 12(a), members, brokers and dealers would be able to trade on the NYSE eligible debt securities that had not been registered under Section 12(b), which prescribes the procedures for an issuer's registration of a security and the information required to be submitted. Similarly, the Exchange would no longer need to comply with the provisions of Section 12(d) regarding the certification of listing and registration of debt securities.

[46] 15 U.S.C. 77a.

[47] 15 U.S.C. 78*l*(b).

[48] 15 U.S.C. 78q–1.

[49] The NYSE will distinguish debt securities ''listed'' on the ABS® from those ''traded'' on the ABS® on the three different screens used to view the market and through which orders may be entered: (1) The book showing all the orders in a particular security; (2) the summary book showing aggregate interest at each price in a particular security; and (3) the display of the best bid/offer, price range, and calculated accrued interest in a particular security. As will be clearly noted on the ABS® log-on screen, ''listed'' debt securities will be identified by a letter or symbol, ''traded'' debt securities will be identifiable due to the absence of such letter or symbol. The location of the indicator will be the same on all three screens.

Manual, debt issued by listed company subsidiaries that are not wholly owned, foreign government debt and debt issued by an issuer that does not have equity securities listed on the NYSE.

Background

In 1992, the Exchange wrote to the Commission requesting that it grant a similar exemption pursuant to Section 3(a)(12) of the Exchange Act.[50] The Exchange pointed out that, while debt securities traded on a national securities exchange must be registered under Section 12(b) of the Exchange Act,[51] debt securities traded ''over-the-counter'' (''OTC'') were not subject to the same requirement. In fact, debt securities traded OTC need not even be issued by reporting companies. The Exchange argued that these statutory distinctions put it at a competitive disadvantage with respect to the OTC market. In an effort to be responsive, in November 1994, the Commission amended certain Exchange Act rules to ''reduce regulatory distinctions between exchange-traded debt securities required to be registered under Section 12 of the Exchange Act and bonds traded over-the-counter for which such registration is not required.'' [52] In doing so, the Commission acknowledged that ''regulatory distinctions may have unnecessarily and unintentionally affected the structure and development of the debt markets.'' [53]

The Exchange Act Bond Registration Requirement

In the Exchange's view, the Exchange Act registration requirement for corporate bonds to be traded on exchanges continues to have an anti-competitive impact on exchange bond markets. Under Section 12(g) of the Exchange Act,[54] only equity securities are required to be registered to be traded in the OTC market. In contrast, corporate bond issues may trade on a national securities exchange only if those bonds are registered under the Exchange Act.

The Exchange estimates that, in 1992, 90% of the par value of outstanding corporate debt (excluding private placements) was issued by reporting companies, but only 35% of that debt was registered under the Exchange Act. Currently, the Exchange estimates that 95% of the par value of outstanding corporate debt (excluding private placements) is issued by reporting companies, but only 8% of that debt is registered under the Exchange Act.[55] As a result, the Exchange's bond market remains small and has declined over the last decade. In 1991, approximately 1,800 corporate bond issues having a par value of $287 billion were traded on the Exchange, representing 675 issuers. At the end of 2004, the Exchange had some 500 corporate bond issues trading (having a par value of $230 billion), representing 220 issuers. In comparison, the Exchange estimates that there are over 22,000 publicly offered corporate bond issues, with a combined par value in excess of $2.8 trillion, trading in the OTC secondary markets in the United States without being registered under Section 12(b) of the Exchange Act. Thus, while there are over 22,000 corporate bond issues that can be traded on the OTC market, only about 500 of these issues may be traded on exchanges. Clearly, despite the reforms undertaken by the Commission in 1994, the Exchange believes that fewer companies are deciding to register their debt securities under the Exchange Act, and the number of debt securities eligible for trading on national securities exchanges continues to diminish.

The consequences of the continued disparity in regulatory treatment of exchange and OTC debt securities are not limited to the competitive constraints on the Exchange. The Exchange believes that investors in corporate bonds are adversely impacted. In contrast to OTC bond trading, the Exchange's bond market has long disseminated both last sale prices as they occur on the Exchange exclusive of any mark-ups, mark-downs, or other charges, and bid and ask quotations. Continuous last sale price disclosure has existed since 1867, when the stock and bond ticker first went into operation. In 1919, the stock and bond tickers commenced separate operations, and in 1977, the bond high-speed quote line began the dissemination of last sale prices and quotations to market data providers, such as Bloomberg, Reuters, ILX and others. Today, this market data is available through some 400,000 market data displays providing subscribers—primarily securities firms and financial institutions—with direct instantaneous access to this information, throughout each trading day. Instantaneous means within one to two seconds of the actual trade. The Exchange is not aware of any comparable level of transparency—trade prices, quotations, and speed of availability for corporate bond prices—that exists currently elsewhere or will exist in the foreseeable future. The Exchange believes that all of this transparency is lost when a bond delists from, or is not traded on, the Exchange.[56]

Exchange bond trading is conducted through the ABS®, which began operations in 1977. The ABS® is a web-based trading system for fixed income securities to which Exchange member firms subscribe and through which they enter and match customer bond orders on a strict price and time priority basis. The system provides member subscribers with access to screens that display the order ''book'' in each bond in best price order and in the time sequence received. Completed, locked-in trades are submitted to the clearing corporation (*i.e.*, Depository Trust Clearing Corporation) with calculated accrued interest. ABS® centralizes bond trading and facilitates the high-speed dissemination of last sale prices and quotations to market data providers via the Exchange's dedicated bond quote line. ABS® primarily serves the ''small-lot'' corporate bond market. Small-lot bond buyers and sellers are primarily individuals, bank trust accounts, and small institutions. In addition, bond dealers will use ABS® to offset so-called ''tail-end'' bond positions acquired in the course of large-lot trading. As noted above, ABS® is the only system, known to us, providing the public with real-time disclosure of quotations and trade prices, exclusive of mark-ups/mark-downs, commissions, or other charges.

Bond Issue Information

Because information that is disclosed in connection with the registration of bonds under the Exchange Act is generally also available through other Commission filings and other means, the Exchange believes that permitting a broker or dealer to effect a transaction in a debt security without requiring Exchange Act registration of eligible debt securities will not result in any significant loss of bond or issuer information to investors. First, the Exchange is only requesting exemptive relief with respect to the trading by NYSE members and member organizations of debt securities issued by eligible listed companies and their wholly owned subsidiaries. In order for debt securities to be traded by NYSE members and member organizations, the listed company must have equity securities listed on the NYSE and, thus, already be subject to the requirements of Section 13 of the Exchange Act. Information about the listed company will remain available to investors even in the absence of an Exchange Act registration requirement for bonds of these issuers or their wholly owned subsidiaries.

Second, only debt securities that are registered under the 1933 Act would be eligible to be traded by NYSE members and

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[50] 15 U.S.C. 78c(a)(12). *See* Letter from Donald J. Solodar, Executive Vice President, New York Stock Exchange, to William H. Heyman, Director, Division of Market Regulation, Securities and Exchange Commission, and Linda C. Quinn, Director, Division of Corporation Finance, Securities and Exchange Commission, dated April 7, 1992.

[51] See footnote 4 *supra*.

[52] See Securities Exchange Act Release No. 34–34922 (November 1, 1994), 59 FR 55342 (Nov. 7, 1994). The Commission, among other things, exempted debt securities listed on a national securities exchange from Sections 14(a), 14(b) and 14(c) of the Exchange Act.

[53] See footnote 9 *supra*.

[54] 15 U.S.C. 78*l*(g).

[55] While there are no definitive numbers as to the size of the corporate bond market, based upon issues rated by the Nationally Recognized Securities Rating Organizations (''NRSRO''), the Exchange estimates that there are over 22,000 publicly offered corporate bond issues, having a par value in excess of $3 trillion. These numbers do not include asset-backed securities, medium-term note offerings, or commercial paper. Telephone conversation between Fred Siesel, Consultant to the New York Stock Exchange and Dan Wyzocki, President, First Data Services (November 8, 2004).

[56] One instance in which this transparency may be lost is when a company with both listed equity and debt is merged or reorganizes with another company. The successor may list its stock on the Exchange but leave its debt in a now wholly owned subsidiary, which may seek to delist its debt to avoid separate Section 13 reporting requirements. Once delisted from the Exchange, the debt is traded only OTC, and the Exchange believes that investors lose the benefit of the transparency provided by the real time reporting of quotations and trades on the Exchange.

Examples of such delisting, include Southwestern Bell debt (Securities Exchange Act Release No. 34–42141 (Nov. 16, 1999), 64 FR 63833 (Nov. 22, 1999)) and Pacific Bell debt (Securities Exchange Act Release No. 34–42142 (Nov. 16, 1999) 64 FR 63833 (Nov. 22, 1999)). Other examples have involved the debt of Mobil Corporation, Outdoor Systems, ITT Corporation, Chrysler Auburn Hills, Texaco, Ralston-Purina, Time-Warner Entertainment, New England Telephone and New York Telephone.

member organizations on the ABS®. Additionally, under Section 15(d) of the Exchange Act, issuers not required to register their debt securities under Section 12 of the Exchange Act are subject to Section 13 reporting requirements for the fiscal year following the effective date of a registration statement filed under the 1933 Act.[57] Issuers must continue to file such reports so long as they have a class of securities with at least 300 ''holders of record'' as defined under Exchange Act Rule 12g5–1.[58] Therefore, with respect to eligible debt securities that have been issued by the wholly owned subsidiary of a listed company, that wholly owned subsidiary may or may not itself be currently subject to the requirements of Section 15(d) or Section 13 of the Exchange Act.

The 1933 Act registration statements themselves supply much of the relevant information needed by the bond markets and investors. Indeed, for the most part, the Exchange Act registration Form 8–A simply incorporates by reference the information found in the 1933 Act registration statement. The 1933 Act registration statement also contains a much more detailed and relevant description of the debt issue than is required by Rule 12b–3 of the Exchange Act.[59] The description contained in the term sheet of the registration statement provides the information necessary to trade that issue—whether on an exchange or OTC. The issue description contained in the Form 8–A registration statement does not provide the information needed to trade bonds.

Most of the other disclosure items required in connection with debt securities arise with respect to Forms 8–K, 10–Q and 10–K. These forms would continue to be filed by eligible listed companies and, where required by Sections 15(d) or 13 under the Exchange Act, by eligible wholly owned subsidiaries, regardless of whether the debt securities are registered under the Exchange Act. Item 2.04 of Form 8–K requires disclosure of any triggering event, such as a default, that accelerates or increases a direct financial obligation. Item 3.03 of Form 8–K requires disclosure of any material modification to the rights of security holders. Item 601(b)(4) of Regulation S–K (required to be included in 10–Ks and 10–Qs) discusses the definition of the rights of debt holders. Part II—Item 3(a) of Form 10–Q requires that, to the extent that the registrant has not previously disclosed such information on Form 8–K, the registrant must provide information regarding defaults in the payment of principal, interest, sinking fund, etc., ''with respect to any indebtedness of the registrant or any of its significant subsidiaries exceeding 5 percent of the total assets of the registrant and its consolidated subsidiaries * * *'' (emphasis added). Thus, the Form 10–Q requires disclosure of defaults in the payment of principal, interest, sinking fund, etc. for any bonds of the registrant, irrespective of whether such bonds are exchange-listed or not.

If, as described above, a wholly owned subsidiary ceases to provide Exchange Act reports itself, much of the information that had been provided by the wholly owned subsidiary will be provided instead by the wholly owned subsidiary's listed parent company in its own Exchange Act reports. The listed parent company, however, will not be required to list and describe the debt securities issued by the wholly owned subsidiary on the cover page of its own annual report on Form 10–K or to include as an exhibit to its own Forms 10–K or 10–Q the exhibits that would have been required to be filed by the wholly owned subsidiary pursuant to Item 601(b)(4) of Regulation S–K (relating to creation of a new class of securities or indebtedness or the modification of existing rights of security holders).

There are also a variety of databases providing bond information, including information regarding the listing and/or trading location of a bond. A few examples of these database services include: Standard & Poor's Bond Guide, the Mergent Bond Record, First Data Services' BORAS, Bloomberg and the Commission's EDGAR internet service, among other services. In addition, the Exchange's own bond issue directory is available on the Exchange's web site and carries the description of each listed bond issue, including bonds currently exempt from Exchange Act registration requirements, such as Tennessee Valley Authority and the International Bank for Reconstruction and Development (World Bank) bonds.

Most notably, of course, OTC bond trading functions without the information obtained as a result of Exchange Act registration. OTC bond trading relies on the information disclosed in the 1933 Act registration statement and the indentures filed under the Trust Indenture Act, including amendments to the indenture affecting the rights of bondholders.

Debt securities traded by NYSE members and member organizations on the ABS(will not be subject to the provisions of the NYSE's Listed Company Manual that relate to debt securities that are listed on the NYSE. While both traded and listed debt securities are subject to the same quantitative thresholds for initial trading/listing and continued trading/listing, listed debt securities are also subject to other requirements, including:

- Issuers of listed debt securities are required to provide immediate notice to the NYSE and the public of defaults or other unusual circumstances relating to the payment of interest;
- Issuers of listed debt securities are required to provide immediate notice to the NYSE and the public of any corporate action it (or third parties) may take towards the redemption, retirement or cancellation of the security;
- Issuers of listed debt securities are subject to requirements for transfer agents; and
- Issuers of listed debt securities are required to submit a listing application in order to list the securities.

As noted above, in the case of traded debt securities, the NYSE will obtain notice regarding defaults and redemptions through the third-party tracking system.

No Justification for Disparate Treatment

In summary, the disparate regulation between exchanges and the OTC markets has occurred without deliberate design. In 1934, Congress determined to regulate all listed issuers, and did not distinguish between listed equity and listed debt. Of course, at the time, the only place a company could be ''listed'' was on an exchange. In 1964, Congress properly determined to extend Exchange Act registration requirements to issuers having a substantial number of public shareholders and to require them to file periodic reports with the Commission, even if they were not listed on an exchange. The focus, however, was on those companies with public stockholders, so Section 12(g) of the Exchange Act was made applicable only to issuers of equity held by the requisite number of holders. As a result, publicly held debt that is not listed does not trigger the registration requirement.[60]

We believe that this exemptive relief is consistent with the Commission's interest in greater bond market transparency. We also believe that removing unnecessary anti-competitive barriers to exchange trading of debt of reporting companies and their consolidated subsidiaries will go a long way towards providing bond investors with the transparency that we all agree is so important. We urge the Commission to use its exemptive power to remove the requirement that bonds of NYSE-listed equity issuers and their consolidated subsidiaries must be registered under the Exchange Act in order to be traded on an exchange. This dichotomy between exchange and OTC bond markets has existed too long and should be ended.

Sincerely yours,

/s/ Mary Yeager

cc: Alan L. Beller, Annette L. Nazareth, David Shillman, Paula Dubberly, Robert Plesnarski, Sean Harrison, Michael Gaw, Timothy C. Fox.

Appendix B—Proposed Order Granting the New York Stock Exchange's Application for an Exemption Pursuant to Section 36 of the Securities Exchange Act of 1934

This is a proposed order regarding the exemptive application of the New York Stock Exchange, Inc. (''NYSE''). Before issuing any final order, the Commission will consider

[57] 15 U.S.C. 78o(d).

[58] 17 CFR 240.12g5–1.

[59] 17 CFR 240.12b–3. Rule 12b–3 requires that wherever the title of securities is required to be stated one shall also indicate ''the type and general character of the securities * * *.'' For funded debt, issuers are required to state the following: the rate of interest, the maturity date (or dates for serial issues), an indication if the payment of principal or interest is contingent, a brief indication of the priority of the issue, and, if the issue is convertible, a statement to that effect.

[60] Also at that time, Section 15(d) was amended to replace the asset-size standard with a holder-of-record standard. *See* Securities Exchange Act Release No. 34–7492 (January 5, 1965), 30 FR 483 (1965). Because of the widespread use of street name holding, however, the vast majority of bonds issued by bond-only companies fall outside the reporting requirement of Section 15(d). Thus Section 15(d), though it applies to both equity and debt, does not fill the gap left by Section 12(g), and does not achieve Exchange Act ongoing reporting for the bonds of most bond-only companies.

public comments received on the NYSE's exemptive application and proposed order.

I. Introduction

On May 26, 2005, the Commission received an application from the NYSE for an exemption pursuant to Section 36[61] of the Securities Exchange Act of 1934 (the ''Exchange Act''),[62] in accordance with the procedures set forth in Exchange Act Rule 0–12.[63] The NYSE has requested exemptive relief from Section 12(a)[64] of the Exchange Act to permit its members and brokers or dealers to trade certain unregistered debt securities on the NYSE's Automated Bond System. This order grants the NYSE's application for an exemption.

II. Proposed Order Granting the New York Stock Exchange's Application for an Exemption Pursuant to Section 36 of the Securities Exchange Act of 1934

Section 12(a) of the Exchange Act provides in relevant part that it shall be unlawful for any ''member, broker or dealer to effect any transaction in any security (other than an exempted security) on a national securities exchange unless a registration is effective as to such security for such exchange.'' Section 12(b)[65] of the Exchange Act dictates how the registration referred to in Section 12(a) must be accomplished. Accordingly, all equity and debt securities that are not ''exempted securities'' or are not otherwise exempt from Exchange Act registration must be registered by the issuer under the Exchange Act before a member, broker or dealer may trade that class of securities on a national securities exchange.

Contrarily, brokers or dealers who trade debt securities otherwise than on a national securities exchange may trade debt securities regardless of whether the issuer registered that class of debt under the Exchange Act. This is so because Exchange Act registration for securities traded other than on a national securities exchange is required only for certain equity securities. In particular, Section 12(g)[66] of the Exchange Act, the only Exchange Act provision other than Section 12(a) to impose an affirmative Exchange Act registration requirement, requires the registration of equity securities only.[67]

As the Commission has stated in the past, we believe that this disparate regulatory treatment may have negatively and unnecessarily affected the structure and development of the debt markets.[68] In 1994, to reduce existing regulatory distinctions between exchange-traded debt securities and debt securities that trade in the ''over-the-counter'' (''OTC'') market, we adopted Exchange Act Rule 3a12–11.[69] Rule 3a12–11 provides for the automatic effectiveness of Form 8–A registration statements for exchange-traded debt securities, exempts exchange-traded debt from the borrowing restrictions under Section 8(a)[70] of the Exchange Act, and exempts exchange-traded debt from certain proxy and information statement requirements under Sections 14(a), (b) and (c) of the Exchange Act.[71] Despite these efforts, the vast majority of secondary trading of debt securities continues to occur in the OTC market, which suggests that there still may be regulatory impediments that need to be addressed.[72]

In addition, we have sought to increase the level of transparency in the public debt markets. We have long believed that price transparency in the U.S. capital markets is fundamental to promoting the fairness and efficiency of our markets.[73] In 1998, the Commission's staff conducted a review of the public debt markets and found that in the area of corporate debt securities, price transparency was deficient.[74] Following the staff's 1998 review, the Commission requested the National Association of Securities Dealers, Inc. (''NASD'') to adopt rules requiring dealers to report transactions in corporate debt securities and preferred stock to the NASD and to develop a real-time price quotation system.[75]

We view the exemptive relief requested by the NYSE as another step to improve the public debt markets. The Commission believes that granting the NYSE's application will serve the public interest by minimizing unnecessary regulatory disparity and promoting competition. Currently, unlike on a national securities exchange, broker dealers may trade debt securities in the OTC market regardless of whether the issuer registered that class of debt under the Exchange Act. The exemption is designed to minimize that disparate regulatory treatment and promote competition between the debt security markets. Moreover, the exemption may provide greater transparency than exists on the current OTC market.

At the same time, the conditions of the exemption serve to protect investors by alleviating any reduction in information available as a result of the exemption. Further, the conditions are designed to ensure that investors continue to have access to comprehensive public information about an issuer, including the issuer's detailed disclosure in a registration statement filed under the Securities Act of 1933 registration statement and accompanying trust indenture qualified under the Trust Indenture Act of 1939, and substantially all of the public information that would be available if the securities were registered under Section 12 of the Exchange Act.

In granting this relief, we expect that the NYSE will design and implement all rules related to the relief in a manner that protects investors and the public interest and does not unfairly discriminate between customers, issuers, brokers or dealers.

Accordingly, *it is ordered* pursuant to Section 36 of the Exchange Act that, under the terms and conditions set forth below, a NYSE member, broker or dealer may effect a transaction on the NYSE's Automated Bond System in a debt security that has not been registered under Section 12(b) of the Exchange Act without violating Section 12(a) of the Exchange Act.

For purposes of this order, a ''debt security'' is:

Any security that, if the class of securities were listed on the NYSE, would be listed under Sections 102.03 or 103.05 of the NYSE's Listed Company Manual. A debt security does not include any security that, if the class of securities were listed on the NYSE, would be listed under Sections 703.19 or 703.21 of the NYSE's Listed Company Manual. Provided, however, under no circumstances does a debt security include any security that is defined as an ''equity security'' under Section 3(a)(11) of the Exchange Act.

References to Sections 102.03, 103.05, 703.19, and 703.21 of the NYSE's Listed Company Manual are to those sections as in effect on January 31, 2005.

For purposes of this order, the following conditions must be satisfied:

(1) The issuer of the debt security has registered the offer and sale of such securities under the Securities Act of 1933;[76]

(2) The issuer of the debt security, or the issuer's parent company if the issuer is a wholly-owned subsidiary,[77] has at least one class of common or preferred equity

[61] 15 U.S.C. 78mm. Section 36 of the Exchange Act gives the Commission the authority to exempt any person, security or transaction from any Exchange Act provision by rule, regulation or order, to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors.

[62] 15 U.S.C. 78a *et seq.*

[63] CFR 240.0–12. Exchange Act Rule 0–12 sets forth procedures for filing applications for orders for exemptive relief pursuant to Section 36.

[64] 15 U.S.C. 78*l*(a).

[65] 15 U.S.C. 78*l*(b).

[66] 15 U.S.C. 78*l*(g).

[67] Section 12(g)(1) of the Exchange Act and Rule 12g–1 [17 CFR 240.12g–1] promulgated thereunder require an issuer to register a class of equity securities if the issuer of the securities, at the end of its fiscal year, has more than $10,000,000 in total assets and a class of equity securities held by 500 or more recordholders.

[68] *See* Release Nos. 34–34922 (November 1, 1994) [59 FR 55342], and 34–34139 (June 1, 1994) [59 FR 29398].

[69] 17 CFR 240.3a12–11.

[70] 15 U.S.C. 78h(a).

[71] 15 U.S.C. 78n(a), (b) and (c).

[72] The NYSE estimates that there are over 22,000 publicly offered corporate bond issues having a par value in excess of $3 trillion but only 8% of the $3 trillion par value is registered under the Exchange Act and so may be traded on the NYSE's Automated Bond System. See the NYSE's application for exemptive relief.

[73] *See* Testimony of Chairman Arthur Levitt Before the House Subcommittee on Finance and Hazardous Materials, Committee on Commerce, Concerning Transparency in the United States Debt Market and Mutual Fund Fees and Expenses (September 29, 1998).

[74] *Id.*

[75] *Id.* The NASD was asked to undertake this initiative for two reasons. First, the NASD is the self-regulatory agency for the OTC market, the market on which the vast majority of debt securities are traded. Second, the Commission believed that the NASD possessed the required infrastructure to undertake the initiative and this would obviate the need to ''reinvent the wheel.'' *See* Testimony of Chairman Arthur Levitt Before the House Subcommittee on Finance and Hazardous Materials, Committee on Commerce, Concerning Hedge Fund Activities in the U.S. Financial Markets (March 18, 1999).

[76] 15 U.S.C. 77a *et seq.*

[77] The terms ''parent'' and ''wholly-owned'' have the same meanings as defined in Rule 1–02 of Regulation S–X [17 CFR 210.1–02].

securities registered under Section 12(b) of the Exchange Act and listed on the NYSE;

(3) The transfer agent of the debt security is registered under Section 17A [78] of the Exchange Act;

(4) The trust indenture for the debt security is qualified under the Trust Indenture Act of 1939; [79] and

(5) The NYSE has complied with the undertakings to distinguish between debt securities registered under Section 12(b) of the Exchange Act and listed on the NYSE and debt securities trading under this order, as set forth in the NYSE's exemptive application.

By the Commission.

[NAME]
[TITLE]

[FR Doc. E5–3742 Filed 7–13–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52001; File No. 4–208]

Intermarket Trading System; Order Granting Approval of the Twenty First Amendment to the ITS Plan Relating to the Recognition of the Automatic Generation of Outgoing ITS Commitments

July 8, 2005.

On April 27, 2005, the Intermarket Trading System Operating Committee (''ITSOC'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 11Aa3–thereunder,[2] a proposed amendment (''Twenty First Amendment'') to the restated ITS Plan.[3] The proposed amendment recognized the automatic generation of outgoing ITS commitments in circumstances where members in the Participants' markets send such commitments contemporaneously with trading at inferior prices, disseminating a locking bid/offer in their own market, or a block trade. Notice of the proposed amendment appeared in the **Federal Register** on June 6, 2005.[4] The Commission received no comments on the proposed amendment. This order approves the proposed amendment.

The Commission finds that the proposed amendment is consistent with the Act, in particular, with Sections 11A(a)(1)(C)(ii) and (D),[5] which provide for fair competition among the Participants and their members, and the linking of all markets for qualified securities through communications and data processing facilities which foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to best execution of such orders. Further, the Commission finds that the amendment is consistent with Rule 11A3–2(c)(2) under the Act,[6] which requires among other things, that a plan amendment must be necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, and shall remove impediments to, and perfect the mechanisms of, a national market system. Specifically, the Commission believes that the proposed amendment, which permits the members in the Participants' markets to send computer generated commitments contemporaneously with trading at inferior prices, disseminating a locking bid/offer, or a block trade, should enable Participants to effect transactions that otherwise would appear to violate the trade-through rule while simultaneously fulfilling their obligations under the ITS Plan.

It is therefore ordered, pursuant to Section 11A(a)(3)(B) of the Act [7] that the proposed Twenty First Amendment be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E5–3730 Filed 7–13–05; 8:45 am]

BILLING CODE 8010–01–P

[78] 15 U.S.C. 78q–1.

[79] 15 U.S.C. 77aaa–77bbbb.

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 240.11Aa3–2.

[3] The ITS Plan is a National Market System (''NMS'') plan, which was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. *See* Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938 (February 3, 1983).

The ITS Participants include the American Stock Exchange LLC (Amex''), the Boston Stock Exchange, Inc. (''BSE''); the Chicago Board Options Exchange, Inc. (''CBOE''); the Chicago Stock Exchange (''CHX''), Inc., the Cincinnati Stock Exchange, Inc. (''CSE''), the National Association of Securities Dealers, Inc. (''NASD''), the New York Stock Exchange, Inc. (''NYSE''), the Pacific Exchange, Inc. (''PCX''), and the Philadelphia Stock Exchange, Inc. (''Phlx'') (''Participants'').

[4] *See* Securities Exchange Act Release No. 51755 (May 27, 2005), 70 FR 32853.

[5] 15 U.S.C. 78k–1(a)(1)(C)(ii) and (D).

[6] 17 CFR 240.11A3–2(c)(2).

[7] 15 U.S.C. 78k1(a)(3)(B).

[8] 17 CFR 200.30–3(a)(29).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27997]

Filing Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

July 7, 2005.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by August 2, 2005, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) 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 facts 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 the matter. After August 2, 2005, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Western Massachusetts Electric Company (70–10308)

Western Massachusetts Electric Company (''WMECO''), a public utility subsidiary of Northeast Utilities, a registered public utility holding company, has filed with the Commission an application/declaration (''Application'') under sections 6(a) and 7 of the Act seeking authorization to maintain its common equity-to-total capitalization ratio below the Commission's threshold of 30% (the ''30% Threshold'') when certain Rate Reduction Bonds (non-recourse securitization bonds) are included in the calculation of the ratio, through December 31, 2006 (the ''Authorization Period''). The term ''total 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 (including Rate Reduction Bonds), short-term debt and current maturities.

On March 7, 2000, the Commission issued an order in file 70–9541 (HCAR 35–27147, the ''Prior Order'') granting WMECO's and its affiliates'' previously-submitted application/declaration (''Original Application'') in which the Commission recognized the fact that WMECO (and other affiliated utilities) would fall below the 30% Threshold when the impact of Rate Reduction Bonds were included in its capitalization calculation and authorized this through December 31, 2004. The Commission noted that restructuring legislation in Massachusetts where WMECO operates allowed for the issuance of Rate Reduction Bonds to finance a portion of the utility's cost incurred in the sale of its regulatory assets and/or renegotiation of its obligations under purchase power contracts. Rate Reduction Bonds are securities issued in accordance with state law by a special purpose subsidiary of the utility to finance a portion of a utility's cost incurred in the sale of its regulatory assets and/or renegotiation of its obligations under purchase power contracts, and are non-recourse to WMECO or the NU system. As stated in the Original Application, because of the state-mandated divestiture of generating assets and issuance of Rate Reduction Bonds, NU's utilities, including WMECO, experienced a significant decrease in the amount of tangible assets that each owned and received a significant influx of cash causing each of NU's electric utilities to fall below the 30% Threshold when the impact of Rate Reduction Bonds and the effects of capital restructuring associated with the asset divestitures were considered. On May 17, 2001, WMECO Funding LLC, a subsidiary of WMECO, issued $155 million of Rate Reduction Bonds causing WMECO to fall below the 30% Threshold at that time.[1]

The Original Application also stated that the ratings of the respective senior debt securities of WMECO would be unaffected or would be improved by the issuance of the Rate Reduction Bonds, as such bonds are not considered obligations of the utilities by the ratings agencies. The Original Application stated that the senior debt ratings of WMECO issued by Standard & Poor's (''S&P) were ''BBB-'' while the senior debt ratings of WMECO issued by Moody's Investor Service, Inc. (''Moody's'') were ''Baa3''. Since that time, WMECO's credit ratings have improved. As of the date of this filing, WMECO's senior unsecured debt ratings from S&P and Moody's were BBB+ and Baa2, respectively.

By order issued December 28, 2004 the Commission authorized an extension for WMECO's utility affiliates, Connecticut Light and Power Company (''CL&P'') and Public Service of New Hampshire (''PSNH''), to remain below the 30% Threshold when the impact of the Rate Reduction Bonds is considered. The Commission reserved jurisdiction on the request by CL&P and PSNH to remain below the 30% Threshold through December 31, 2007 but granted authority beyond December 31, 2006. WMECO was not an applicant for that extension of authority and did not receive the extension granted to its utility affiliates. During the fourth quarter of 2004, WMECO was forecasted to be at 30.6% common equity ratio at year's end and to improve thereafter. WMECO's actual common equity ratio at December 31, 2004 was 30.7%, but at March 31, 2005 its actual common equity ratio was at 30.8%, slightly lower than had been forecast.

In preparing the budget and financing plans for WMECO for 2005, management noted that there is a risk that WMECO could fall below the 30% Threshold, when the impact of the Rate Reduction Bonds is considered, at some point during the Authorization Period and is forecast to remain only slightly above 30% through December 31, 2005. Management's forecast does anticipate that WMECO's common equity ratio will end the year at 31.7%. WMECO states, however, that there is inherent uncertainty in forecasts, and therefore is WMECO now seeking authorization through the Authorization Period for its common equity ratio to remain below the 30% Threshold when the impact of Rate Reduction Bonds is considered while remaining above 30% when the impact of Rate Reduction Bonds is excluded.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E5–3721 Filed 7–13–05; 8:45 am]

BILLING CODE 8010–01–P

[1] In a financing order issued July 2, 2004, HCAR No. 27868A, the Commission noted that WMECO's Debt/Equity Ratio had improved to a level of 66.6% / 33.4%.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51991; File No. SR–BSE–2005–23]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto To Add New Account Identification Codes

July 7, 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 23, 2005, the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the BSE. On July 7, 2005, the BSE filed Amendment No. 1 to the proposed rule change.[3] The BSE filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[4] and Rule 19b–4(f)(6) thereunder,[5] which renders the proposal effective upon filing with the Commission.[6] 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 BSE proposes to amend its rules regarding Account Identification Codes.[7] The text of the proposed rule change is available on the BSE's Internet Web site (*http://www.bostonstock.com*), at the BSE's Office of the Secretary, and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange made non-substantive changes to re-format certain account identification code headings and clarify references made to rules of the New York Stock Exchange, Inc. (''NYSE'') and the American Stock Exchange LLC (''AMEX''). The effective date of the original proposed rule change is June 23, 2005, and the effective date of Amendment No. 1 is July 7, 2005. For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers such period to commence on July 7, 2005, the date on which the Exchange filed Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

[6] The BSE has asked the Commission to waive the five-day pre-filing notice requirement and the 30-day operative delay. *See* Rule 19b–4(f)(6)(iii), 17 CFR 240.19b–4(f)(6)(iii). *See also* discussion *infra* Section III.

[7] *See infra* Section II.A.1 for a complete description of the terms and purpose of the proposed rule change.

at the Commission's Public Reference Room.

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 BSE 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 BSE 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

The Exchange is seeking to add several Account Identification Codes to its existing rules regarding recordkeeping requirements. In Chapter II, ''Dealings on the Exchange'', Section 15, ''Record of Orders from Offices to Floor'', the BSE requires that each order be marked with one of several Account Identification Codes. The codes that are currently available are as follows:

	Program trade index arbitrage	Program trade non-index arbitrage	All other orders
Member/member organization:			
—Proprietary	D	C	P
—As agent for other member	M	N	W
Customer:			
—Individual (80A)	J	K	I
—Other agency	U	Y	A

Accompanying the existing Account Identification Codes are definitions, as follows:

Definitions

Member/member organization, proprietary: A member/member organization trading for its own account.

Member/member organization, as agent for other member: A member/member organization trading as agent for the account of another member/member organization.

Program Trade, Index Arbitrage: The purchase or sale of ''baskets'' or groups of stocks in conjunction with the intended purchase or sale of one or more cash-settled options or futures contracts in an attempt to profit by the price difference, as defined in NYSE Rule 80A.

Program Trade, Non-Index Arbitrage: A trading strategy involving the related purchase or sale of a group of 15 or more stocks having a total market value of $1 million or more, as defined in NYSE Rule 80A.

Individual (80A): An account for an individual as defined by NYSE Rule 80A.

Other Agency: Any other non-member or non-member organization.

The BSE proposes to add new Account Identification Codes and definitions to its rules in order to provide its members and customers with the ability to more accurately reflect their specific type of trading in the records of their orders. Similar identification codes and accompanying definitions are presently utilized by other exchanges, such as the NYSE, as required by NYSE Rule 123 ''Record of Orders,'' and the AMEX, as set forth in AMEX Rule 719, ''Comparison of Exchange Transactions.'' The account types and definitions that the BSE seeks to add to its existing rules are similar to those set forth by the NYSE and AMEX. The BSE proposes to add the following information to its account indicator requirements:

	Competing market maker	Short exempt	Competing market, maker, short exempt
Member/member organization:			
—Proprietary	O	E	L
—As agent for other member	T	F	X
Customer:			
—Individual (80A)	—	H	—
—Other agency	R	B	Z

Additional definitions would also be added to reflect the new codes:

Competing Market Maker: Any person acting as a market maker, as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, in an exchange-listed security. A person acting solely in the capacity of a block positioner would not be considered a competing market maker.

Proprietary, Competing Market Maker: A member or member organization trading for its own competing market maker account.

As Agent for Other Member, Competing Market Maker: A member or member organization trading as agent for another member's competing market maker account.

Other Agency, Competing Market Maker: A member or member organization trading as agent for the proprietary account for a non-member competing market maker.

Short Exempt: Short sale transactions that are exempt from the provisions of SEC Rule 10a–1.

In proposing the above changes, the BSE seeks to be consistent with the similar requirements of other exchanges regarding account identification codes. Moreover, the addition of the various codes will provide Exchange members the ability to more appropriately identify the types of trading activity in which they engage, and therefore, to

maintain more accurate and detailed records of their trading activity.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] in particular, in that it is designed to promote just and equitable principles of trade and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and is not designed to permit unfair discrimination between customers, brokers, or dealers, or to regulate by virtue of any authority matters not related to the administration of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The BSE 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

The BSE has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed 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) by its terms does not become operative for 30 days after the date of this filing, 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 and Rule 19b–4(f)(6) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

The BSE has asked the Commission to waive the five-day pre-filing notice requirement and the 30-day operative delay to allow the Exchange to immediately apply the new Account Identification Codes. The Commission waives the five-day pre-filing notice requirement. In addition, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change will provide the Exchange's members and customers with the ability to more appropriately identify the types of trading activity in which they engage and more accurately reflect their specific type of trading in the records of their orders.[10]

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.[11]

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 No. SR–BSE–2005–23 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 No. SR–BSE–2005–23. 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 will also be available for inspection and copying at the principal office of the BSE. 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 No. SR–BSE–2005–23 and should be submitted on or before August 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E5–3729 Filed 7–13–05; 8:45 am]

BILLING CODE 8010–01–P

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] *See supra* note 3.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51992; File No. SR–CBOE–2005–24]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving Proposed Rule Change Relating to the Assignment of RAES Orders to Logged-In Market-Makers Participating on RAES

July 7, 2005.

I. Introduction

On March 15, 2005, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4

[1] 15 U.S.C. 78s(b)(1).

thereunder,[2] to add an alternative to the current procedures that apply to the assignment of orders on the Exchange's Retail Automatic Execution System (''RAES'') to CBOE market-makers logged on to participate in RAES. The proposed rule change was published for comment in the **Federal Register** on May 18, 2005.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

CBOE Rule 6.8 governs the execution of orders on RAES. CBOE Rule 6.8.06 sets forth alternatives available to the appropriate Floor Procedure Committee to implement the procedures for the assignment of RAES-eligible orders to CBOE market-makers logged onto RAES for execution. One alternative set forth in current Rule 6.8.06(c), the ''100 Spoke RAES Wheel,'' assigns RAES orders to logged-in market-makers based on the percentage of their in-person agency contracts traded in that class (excluding RAES contracts traded) compared to all of the market-maker in-person agency contracts traded (excluding RAES contracts) during the review period. The proposed rule change sets forth a new alternative, available only in index option classes, that offers a wheel with 1000 spokes and assignment procedures that are similar to the assignment procedures applicable to the 100 Spoke RAES Wheel.

Under the proposed 1000 Spoke RAES Wheel, the appropriate Floor Procedure Committee will determine on a class-by-class basis whether the assignment of RAES orders to logged-in market-makers is based on the percentage of a market-maker's contracts traded in that index option class (excluding RAES contracts traded) compared to all market-maker contracts traded (excluding RAES contracts) during the review period, or the percentage of the market-maker's in-person agency contracts traded in that class (excluding RAES contracts traded) compared to all market-maker in-person agency contracts traded (excluding RAES contracts) during the review period. As is the case with the 100 Spoke RAES Wheel, the procedure for the 1000 Spoke RAES Wheel would provide that on each revolution of the wheel, each participating market-maker who is logged in RAES at the time will be assigned a number of contracts that approximates the percentage of contracts on RAES that the market-maker traded in-person in that index option class during the review period, subject to the restrictions set forth in current Rule 6.8.06(c).

The effect of utilizing the 1000 Spoke RAES Wheel instead of the 100 Spoke RAES Wheel is that the number of contracts allocated to a market-maker will increase by a factor of 10 for every revolution of the RAES wheel. This procedure is designed to reduce the rounding effects that result under the 100 Spoke RAES Wheel (the RAES system configuration rounds contracts to the nearest whole number).

III. Discussion

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b) of the Exchange Act[4] and the rules and regulations thereunder applicable to a national securities exchange.[5] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,[6] which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

The Commission believes that the proposal to add the alternative of the 1000 Spoke RAES Wheel would provide the Exchange with a greater degree of flexibility in allocating index option contracts that are executed automatically through RAES. The Exchange initially developed the 100 Spoke RAES Wheel as a means to allocate contracts executed through RAES according to the liquidity each market-maker provided on the floor. The Exchange asserted in its proposal, however, that the Floor Procedure Committees for index options have not employed the 100 Spoke RAES Wheel alternative because of the effects of rounding of that allocation method in larger trading crowds. The Commission believes that, with the 1000 Spoke RAES Wheel alternative, market-makers in index options would have a greater incentive to compete effectively for orders, and this, in turn, should benefit investors and promote the public interest.

The Commission notes that implementation of the 1000 Spoke RAES Wheel, as with the 100 Spoke RAES Wheel, will have no effect on the prices offered to customers. Under CBOE Rule 6.8(d)(i), RAES automatically provides to each retail customer order an execution price, generally determined by the prevailing market quote at the time of the order's entry into the system. The 1000 Spoke RAES Wheel simply provides for another method of contract allocation in the case of index option contracts automatically executed through RAES.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[7] that the proposed rule change (SR–CBOE–2005–24) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E5–3745 Filed 7–13–05; 8:45 am]

BILLING CODE 8010–01–P

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 51684 (May 11, 2005), 70 FR 28588.

[4] 15 U.S.C. 78f(b).

[5] In approving the proposed rule change, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51997; File No. SR–CHX–2004–17]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto To Amend Article XX, Rule 37(a)(3) of Its Rules To Eliminate Its Requirement That Specialists Guarantee Execution of Limit Orders When Certain Conditions Occur in Another Market

July 8, 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 21, 2004, the Chicago Stock Exchange, Inc. (''CHX'' 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 CHX. On July 5, 2005, the Exchange filed an amendment to the proposed rule change.[3] The Commission is publishing this notice to solicit

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Amendment No. 1 dated July 5, 2005, replacing the original filing in its entirety. In Amendment No. 1, the Exchange modified the text of the proposed rule change and the discussion in response to comments by the Commission staff.

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 proposes to amend CHX Article XX, Rule 37(a)(3), which provides for execution of resting CHX limit orders based on activity in other markets, to permit, but not require, CHX specialists to guarantee execution of such limit orders when certain conditions occur in another market. The text of the proposed rule change, as amended, is available on CHX's Web site (*http://www.chx.com/marketreg/proposed rules.htm*), at CHX's principal office, and at the Commission's Public Reference Room.

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 CHX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The CHX 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 Changes

1. Purpose

The Exchange proposes to amend Article XX, Rule 37(a) of the CHX Rules, which provides for execution of resting CHX limit orders based on activity in other markets. The proposed rule change would permit, but not require, CHX specialists to guarantee execution of such limit orders when certain conditions occur in another market.

Background

CHX Article XX, Rule 37(a)(3) sets out specific execution guarantees for eligible limit orders. For listed issues, the rule generally obligates a CHX specialist to guarantee execution of limit orders resting in the specialist's book, when the issue is being traded in the primary market at a price equal to or better than the limit price. For NASDAQ/NM securities, the rule permits, but does not require, a CHX specialist to guarantee execution of limit orders resting in the specialist's book, when another market center's quotation locks or crosses the limit price.

The guarantees set forth in CHX Article XX, Rule 37(a)(3), commonly referred to as ''limit order protection'' or ''primary market protection,'' were adopted voluntarily by the CHX over 15 years ago, as a means of attracting order flow. As noted by the Commission, the Exchange's initiatives relating to primary market protection were intended to ensure ''* * * fair competition among exchange markets, which benefits public investors.'' [4]

Industry Changes Since Adoption of the Execution Guarantees

As our industry has evolved, the Exchange's principal competitors for order flow, namely ''third market'' execution venues and alternative trading systems, do not provide such limit order protection guarantees. Accordingly, the Exchange believes that the guarantees no longer serve a clear competitive purpose. This is particularly the case in recent years, since CHX order-sending firms now have free access to comprehensive monthly order execution quality statistics, rendering ''front-end'' execution guarantees unnecessary as a means of attracting order flow. Firms are able to closely monitor execution quality and, thereby, ensure that they are meeting their best execution obligations, without relying on rule-based guarantees.[5]

Compounding the lack of competitive value, the guarantees currently subject CHX specialists to exposure that was never intended when the rule-based guarantees were enacted. Since the securities industry conversion to decimal trading, the availability of liquidity at a best bid or offer (''BBO'') price point has declined, in many cases significantly. The CHX specialist, if he chooses to offset his positions in another market, often encounters great difficulty in accessing liquidity at the price that he is obligated to provide. This is particularly true in the case of manually-executed orders, given the associated time latency and the frequency with which quotes in other markets are changing.

Many CHX specialists, thus, believe that it is no longer appropriate to mandate that specialists guarantee execution of resting limit orders for listed issues, based on activity in other market centers. Indeed, they believe that in today's trading environment, the limit order execution guarantee exposes them to unwarranted liability, which they often have limited ability to mitigate.[6]

In short, the CHX believes that the environment has changed significantly since it voluntarily enacted its rule-based execution guarantees, warranting the amendments proposed by the CHX. The CHX believes that the guarantees no longer foster significant competition between markets. Absent this benefit to investors, the Exchange believes that there is no legal basis for continuing to mandate such guarantees, which, as discussed above, are not required under the Act or other requirements promulgated by Congress or the Commission. Accordingly, the Exchange believes that it is appropriate to render such guarantees voluntary, on the terms outlined below.

Proposed Rule Change

Under the proposed revision to CHX Article XX, Rule 37(a)(3), the mandate that CHX specialists guarantee execution of resting limit orders for listed issues, based on triggering activity in other markets, would be deleted. Instead, the amended rule would permit CHX specialists to continue to provide such guarantees solely on an issue-by-issue basis, on non-discriminatory terms approved by the Exchange. The Exchange's existing functionality providing for automated execution of resting limit orders would remain available for CHX specialists who elect to continue to guarantee limit order protection.[7]

[4] *See* Securities Exchange Act Release No. 32124 (April 13, 1993), 58 FR 21325 (April 20, 1993). The Exchange believes that other regional exchanges have enacted similar rule-based guarantees. *See, e.g.*, BSE Chapter II, Section 33, Interpretation and Policy .01, NSX Rule 11.9, and Phlx Rule 229. The Exchange believes that the rule-based guarantees were enacted on a strictly voluntary basis and were not required by the Act or by any requirement promulgated by Congress or the Commission in accordance with the Act, including the Order Handling Rules issued by the Commission in 1996. *See* Securities Exchange Act Release No. 37619A (September 6, 1996), 61 FR 48290 (September 12, 1996). The standards for execution of limit orders set forth in the Order Handling Rules do not require that best execution be measured on an order-by-order basis. Rather, they contemplate evaluation using aggregate standards.

[5] The Exchange notes the dramatic increase in market share that has been achieved by several of the Exchange's third market competitors as evidence that order-sending firms no longer consider rule-based execution guarantees essential to their order-routing decisions, or presumably to satisfaction of their best execution obligations.

[6] In fact, the exposure of a CHX specialist exceeds that of a specialist on the primary market, whose best execution obligation effectively requires only that he guarantee a limit order execution, if another market executes an order at a price *better* than the limit price. Under the current CHX rule, the CHX specialist is required to execute a limit order, if the primary market executes an order *at* the limit price.

[7] The Exchange anticipates that for the foreseeable future, CHX specialists would continue to provide limit order protection voluntarily, using the criteria for voluntary limit order protection currently set forth in CHX Article XX, Rule 37(a)(3).

Continued

Significantly, deletion of the rule-based mandate regarding limit order protection would not remove a CHX specialist's obligation to provide a timely best execution for each order, nor would it modify any other specialist obligations set forth in CHX Article XXX of the CHX Rules. The CHX Department of Market Regulation would continue its surveillance of order executions to ensure that CHX specialists meet all of their obligations to each order. Accordingly, many CHX specialists would continue to execute resting limit orders for listed issues voluntarily, when quotes or executions at the limit price occur in other markets, as a means of satisfying their best execution obligations and maintaining superior execution quality statistics.

2. Statutory Basis

The Exchange believes that the proposal, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[8] Specifically, the CHX believes that the proposal, as amended, is consistent with Section 6(b)(5) of the Act,[9] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments Regarding the Proposed Rule Changes Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such other 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 the 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–CHX–2004–17 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 No. SR–CHX–2004–17. 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 will also be available for inspection and copying at the principal office of the CHX. 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 No. SR–CHX–2004–17 and should be submitted on or before August 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E5–3743 Filed 7–13–05; 8:45 am]

BILLING CODE 8010–01–P

To the extent that the Exchange approved some variation in the limit order protection criteria, the Exchange would notify all CHX participants of this change.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52000; File No. SR–ISE–2005–21]

Self-Regulatory Organizations; International Securities Exchange, Inc.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendments No. 1 and 2 Thereto To Amend Its Summary Fine Schedule for Position Limit Violations

July 8, 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 15, 2005, the International Securities Exchange, Inc. (''Exchange'' or ''ISE'') 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 ISE. On June 23, 2005, the Exchange filed Amendment No. 1 to the proposed rule change.[3] On July 7, 2005, the Exchange filed Amendment No. 2 to the proposed rule change.[4] The Commission is publishing this notice and order to solicit comments on the proposed rule change, as amended, from interested persons and to approve the proposal on an accelerated basis.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange amended the proposed rule change such that under proposed ISE Rule 1614(d)(1)(B): (1) fines for member accounts would be based on the number of violations in any 12-month rolling period and not within one calendar year; and (2) the $5,000 fine proposed by the Exchange would be for the fourth and each subsequent offense and not just for the fourth offense.

[4] In Amendment No. 2, the Exchange added a footnote to ISE Rules 1614(d)(1)(A) and (B) providing that (i) a one-trade date overage, (ii) a consecutive string of trade date overage violations where the position does not change or where a steady reduction in the overage occurs, or (iii) a consecutive string of trade violations resulting from other mitigating circumstances, may be deemed to constitute one offense, provided that the violations are inadvertent.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE proposes to amend its summary fine schedule for position limits. The text of the rule change is available on ISE's Web site (*http://www.iseoptions.com*), at ISE's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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. ISE 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

The Exchange's disciplinary rules authorize the imposition of fines for minor rule violations, which are set forth in ISE Rule 1614. With respect to option position limit violations, current ISE Rule 1614(d)(1) sets forth a graduated fine schedule that increases the dollar amount of the fine as the number of cumulative violations increase. The dollar amount of the fines ranges from $1.00 to $5.00 per contract for every contract exceeding the applicable position limit. Pursuant to ISE Rule 1614(a), a violation where the fine amount exceeds $5,000 is subject to disciplinary procedures under ISE Rules 1601 *et seq.*[5]

Based on its experience with processing position limit violations, the Exchange has found that most position limit violations are technical in nature. Accordingly, the Exchange believes that position limit violations should be processed under a summary fine schedule. For example, the Exchange often encounters situations that involve inadvertent calculation errors or computer systems problems which result in sizable position limit overages and a consecutive string of single trade date violations. Because the ISE member is unaware of the problem that caused the violation, the violation can be sizeable and occur over a string of days. In these situations, once the Exchange has identified the overage and notified the ISE member, the ISE member takes appropriate action to bring the position into compliance and, if the overage was based on a computer systems problem, implements appropriate procedures to prevent a recurrence.

Notwithstanding the unintentional nature of the violations, the Exchange's current rules provide for the imposition of fines for position limit violations in accordance with the fine schedule set forth in ISE Rule 1614(d)(1). For violations occurring in customer and member accounts, ISE Rule 1614(d)(1) deems one violation to equal a single date overage. Therefore, a single position limit overage that continues over a string of consecutive days would significantly increase the probability that the fine would exceed the $5,000 threshold set forth in ISE Rule 1614 as a result of reaching the next level in the graduated fine schedule. In these situations, the Exchange rules require the Exchange to remove the violation from the summary fine process of ISE Rule 1614(d) and place it under the disciplinary process set forth in ISE Rules 1601 *et seq.*

The Exchange believes that removal of these types of violations from the summary fine process is incongruous with what it believes is the unintentional nature of the majority of the position limit violations that the Exchange comes across. To realign ISE Rule 1614(d) with the current landscape, the Exchange proposes to establish a fixed dollar fine amount per each offense, with the fine amount equaling $2,500 for violations occurring in the accounts of non-member customers and $5,000 for violations occurring in all other accounts. ISE believes that the cap on the fine amount would permit the Exchange to process the majority of position limit violations under the summary fine process without having to subject the violation to the disciplinary procedures provided in ISE Rules 1601 *et seq.* In addition to restructuring the fine amounts, the proposal would add a footnote to ISE Rules 1614(d)(1)(A) and (B) that the following may be deemed to constitute one offense, provided that the violations are inadvertent: (i) A one-trade-date overage, (ii) a consecutive string of trade-date overage violations where the position does not change or where a steady reduction in the overage occurs, or (iii) a consecutive string of trade violations where there are other mitigating circumstances. Contemporaneous with the imposition of a fine, the Exchange's regulatory staff would work with the subject ISE member to correct the problem that caused the position limit violation.

Pursuant to ISE Rule 1614, the Exchange has the authority to remove the position limit violation from the summary fine process of ISE Rule 1614(d)(1). Under ISE Rule 1614, ''the Exchange is not required to impose a fine pursuant to this Rule with respect to the violation of any Rule included herein, and the Exchange may, whenever it determines that any violation is not minor in nature, proceed under Exchange Rules 1603 or 1604, rather than under this Rule.'' Therefore, the Exchange may remove the violation from the summary fine process whenever it determines that the violation is not minor in nature.

2. Statutory Basis

The Exchange believes the proposed rule change, as amended, would enable the Exchange to deal more efficiently with the majority of position limit violations and to provide the Exchange with a more equitable method of dealing with inadvertent position limit violations. Therefore, ISE believes the proposed rule change, as amended, is consistent with Section 6(b) of the Act,[6] in general, and Section 6(b)(5),[7] in particular, in that it is designed to promote just and equitable principles of trade and to remove impediments to and perfect the mechanism for a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change, as amended, would 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 unsolicited written comments from its members or other interested parties.

[5] ISE Rule 1614(a) provides in relevant part: ''In lieu of commencing a disciplinary proceeding, the Exchange may, subject to the requirements set forth herein, impose a fine, not to exceed $5,000, on any Member, or person associated or employed by a Member, with respect to any Rule violation listed in section (d) of this Rule.''

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

III. 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–2005–21 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–ISE–2005–21. 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 will also be available for inspection and copying at the principal office of 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–2005–21 and should be submitted on or before August 4, 2005.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[8] In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act,[9] which requires that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments and 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 Commission also believes that the proposal is consistent with Sections 6(b)(1) and 6(b)(6) of the Act[10] which require that the rules of an exchange enforce compliance with, and provide appropriate discipline for, violations of Commission and Exchange rules. In addition, because the existing ISE Rule 1614(c) offers procedural rights to a person fined under the ISE Rule 1614, the Commission believes ISE Rule 1614, as amended by this proposal, provides a fair procedure for the disciplining of members and persons associated with members, consistent with Sections 6(b)(7) and 6(d)(1) of the Act.[11]

Finally, the Commission finds that the proposal, as amended, is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act, as required by Rule 19d–1(c)(2) under the Act[12] which governs minor rule violation plans. The Commission believes that the change to ISE Rule 1614 would strengthen its ability to carry out its oversight and enforcement responsibilities as a self-regulatory organization in cases where full disciplinary proceedings are unsuitable in view of the minor nature of the particular violation. The Commission also notes that ISE's proposal is similar to a proposal by the Chicago Board Options Exchange (''CBOE'') that was previously approved by the Commission.[13]

In approving this proposed rule change, the Commission in no way minimizes the importance of compliance with Exchange rules and all other rules subject to the imposition of fines under ISE Rule 1614. The Commission believes that the violation of any self-regulatory organization's rules, as well as Commission rules, is a serious matter. However, ISE Rule 1614 provides a reasonable means of addressing rule violations that do not rise to the level of requiring formal disciplinary proceedings, while providing greater flexibility in handling certain violations. The Commission expects that ISE will continue to conduct surveillance with due diligence and make a determination based on its findings, on a case-by-case basis, whether a fine of more or less than the recommended amount is appropriate under ISE Rule 1614 or whether a violation requires formal disciplinary action.

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[14] for approving the proposed rule change, as amended, prior to the thirtieth day after the date of publication of the notice of the filing thereof in the **Federal Register**. Because the Commission recently approved a substantively similar proposal by CBOE after a full notice-and-comment period and this proposal does not raise any new regulatory issues, the Commission believes that accelerated approval is appropriate.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[15] and Rule 19d–1(c)(2) thereunder,[16] that the proposed rule change, as amended, (SR–ISE–2005–21) be, and hereby is, approved and declared effective.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

J. Lynn Taylor,

Assistant Secretary.

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[8] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(1) and 78f(b)(6).

[11] 15 U.S.C. 78f(b)(7) and 78f(d)(1).

[12] 17 CFR 240.19d–1(c)(2).

[13] *See* Securities Exchange Act Release No. 47959 (May 30, 2003), 68 FR 34441 (June 9, 2003) (SR–CBOE–2002–05).

[14] 15 U.S.C. 78s(b)(2).

[15] 15 U.S.C. 78s(b)(2).

[16] 17 CFR 240.19d–1(c)(2).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51994; File No. SR–NASD–2004–025]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing of Proposed Rule Change and Amendments No. 1 and 2 Thereto To Amend NASD's Minor Rule Violation Plan

July 7, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

notice is hereby given that on February 10, 2004, the National Association of Securities Dealers, Inc. (''NASD'') 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 NASD. On March 17, 2005, NASD filed Amendment No. 1 to the proposed rule change.[3] On June 27, 2005, NASD filed Amendment No. 2 to the 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

NASD is proposing to amend NASD Interpretative Material 9216 (''IM–9216'') (''Violations Appropriate for Disposition Under the Plan Pursuant to SEC Rule 19d–1(c)(2)'') to expand the list of violations eligible for disposition under NASD's Minor Rule Violation Plan (''MRVP''). The text of the rule change is available on NASD's Web site (*http://www.nasd.com*), at NASD's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD included statements concerning the purpose of, and basis for, the proposed rule change, as amended, and discussed any comments it received on the proposal. The text of these statements may be examined at the places specified in Item IV below. NASD 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

Background

In 1984, the Commission adopted amendments to Rule 19d–1(c) under the Act[5] that allow self-regulatory organizations to adopt, with Commission approval, plans for the disposition of minor violations of rules.[6] In 1993, pursuant to Rule 19d–1(c), NASD established its MRVP.[7] In 2001, the Commission approved significant amendments to NASD's MRVP.[8] In addition, in 2004, the Commission approved an amendment to NASD's MRVP to include failure to timely submit amendments to the Form U5 (''Uniform Termination Notice for Securities Industry Registration'').[9]

NASD Rule 9216(b) authorizes NASD to impose a fine of $2,500 or less on any member or associated person of a member for a violation of any of the rules specified in NASD IM–9216. NASD staff reviews the number and seriousness of the violations, as well as the previous disciplinary history of the respondent, to determine if a matter is appropriate for disposition under the MRVP and to determine the amount of the fine. Once NASD has brought an MRVP action against an individual or member firm, NASD may, at its discretion, issue progressively higher fines for all subsequent minor rule violations within the next 24-month period or initiate more formal disciplinary proceedings.

NASD states that the purpose of the MRVP is to provide a meaningful sanction for the minor or technical violation of a rule when the initiation of a disciplinary proceeding through the formal complaint process would be more costly and time-consuming than would be warranted. NASD further states that the inclusion of a rule in NASD's MRVP does not mean that it is unimportant; rather, a minor or technical violation of the rule may be appropriate for disposition under the MRVP. Moreover, NASD states that it retains the discretion to bring full disciplinary proceedings if violations of such rule occur.

Discussion

NASD proposes to amend its MRVP to make the following changes:

• Transaction Reporting and Audit Trail Requirements in Equity and Debt Securities.

NASD proposes to combine in one entry all of the rule violations eligible for disposition under the MRVP that relate to transaction reporting and audit trail requirements in equity and debt securities. As proposed, this entry would include violations of transaction reporting and audit trail requirements related to (1) the Nasdaq Market Center; (2) NASD's Trade Reporting and Comparison Service (''TRACS'');[10] and (3) Trade Reporting and Compliance Engine (''TRACE'').

To effectuate this, NASD proposes to eliminate the separate minor rule violation pertaining to NASD Rules 6130 and NASD 6170 (transaction reporting to the Automated Confirmation Transaction Service) and add those rules to this consolidated entry. NASD further proposes to add to the MRVP, and this consolidated entry, violations of NASD Rules 4632A, 5430, 6130A, and 6170A, which relate to TRACS requirements.[11] Currently, NASD's MRVP includes transaction reporting for various systems, including the Nasdaq Market Center. NASD believes that including violations of ADF transaction reporting requirements in the MRVP is consistent with the current provisions for minor rule violations of transaction reporting requirements in equity securities.

NASD also proposes to eliminate the reference in the MRVP to a violation of the Fixed Income Pricing System (''FIPS''), NASD Rule 6240, and replace it with a violation of NASD Rule 6230, the TRACE transaction reporting rule.[12] In adopting the TRACE rules in 2001, NASD eliminated FIPS, which required members to report trades for 50 high-yield debt securities. Because the TRACE system replaced and expanded upon FIPS, NASD proposes to amend its MRVP to replace the FIPS violation with a violation of the TRACE system transaction reporting requirement and also combine it into this single entry.

Communications with the Public. NASD proposes to include in its MRVP violations of the standards applicable to member communications with the public. NASD's advertising rules (NASD Rules 2210, 2211, and 2220, and related Interpretive Materials) contain general and specific standards applicable to all member communications with the public. These standards prohibit incomplete, unbalanced, or unfair

[3] Amendment No. 1 replaced the original filing in its entirety.

[4] Amendment No. 2 replaced Amendment No. 1 in its entirety.

[5] 17 CFR 240.19d–1(c).

[6] *See* Securities Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23828 (June 8, 1984).

[7] *See* Securities Exchange Act Release No. 32383 (May 28, 1993), 58 FR 31768 (June 4, 1993) (SR–NASD–93–6). *See also* NASD Rule 9216(b) and Notice to Members 93–42 (July 1993).

[8] *See* Securities Exchange Act Release No. 44512 (July 3, 2001), 66 FR 36812 (July 13, 2001) (SR–NASD–00–39).

[9] *See* Securities Exchange Act Release No. 50466 (September 24, 2004), 69 FR 58568 (September 30, 2004) (SR–NASD–2004–121).

[10] TRACS is the trade reporting system for NASD's Alternative Display Facility (''ADF''). ADF is a quotation collection, trade comparison, and trade reporting facility developed by NASD in accordance with the Commission's SuperMontage Approval Order.

[11] NASD notes that NASD Rule 5430 governs both TRACS and the Nasdaq Market Center transaction reporting requirements.

[12] Prior to July 1, 2002, the NASD Rule 6200 Series pertained to FIPS, and NASD Rule 6240 governed transaction reporting in high-yield fixed income securities.

communications as well as exaggerated, unwarranted, or misleading statements or claims. The rules also enumerate specific standards for certain type of communications, including recommendations, hedge clauses, and projections. In addition, the rules set forth standards for the use and disclosure of the member's name.

Under the current MRVP, NASD may issue minor rule violations only for procedural violations of the advertising rules, such as a failure to have advertisements and sales literature approved by a principal prior to use or a failure to meet specified time limits for filing advertisements. It is NASD's experience, however, that, based on the facts and circumstances, certain content-related violations of these rules can warrant more than a Letter of Caution, yet not rise to a level requiring or meriting full disciplinary action. Accordingly, the proposed rule change would allow NASD to address these minor or technical violations of content-related advertising rules, which might include, for example only, a technical violation of the provisions on the use and disclosure of members' names. NASD, therefore, proposes to include in its MRVP violations of the standards applicable to member communications with the public.

Contact Information. NASD proposes to expand the MRVP to include, as a general category, a member's failure to identify to NASD and keep current information regarding any contact person that a member must provide to NASD under any current or future NASD rule. For example, a member's failure to provide or update emergency contact information under NASD Rule 3520 or failure to provide or update its executive representative designation and contact information as required by NASD Rule 1150 would be eligible for disposition as a minor rule violation under this category.[13]

Other Changes. In addition, NASD proposes to change ''the Association'' to ''NASD'' in the minor rule violation provision relating to NASD Rule 3110[14] and change ''ECN's'' to ''ECNs'' in the minor rule violation provision relating to Rule 11Ac1–1(c)(5) under the Act.[15]

NASD would announce the effective date of the proposed rule change in a *Notice to Members* to be published no later than 60 days following Commission approval, if the Commission approves this proposal. The effective date would be 30 days following publication of that *Notice to Members*.

2. Statutory Basis

NASD believes that the proposed rule change, as amended, is consistent with the provisions of Section 15A(b)(6) of the Act,[16] which requires, among other things, that NASD rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD believes that the proposed rule change, as amended, is consistent with Section 15A(b)(7) of the Act[17] in that it works to safeguard adequately the interests of investors while establishing fair and reasonable rules for members and persons associated with members. NASD also believes that the proposed rule change also is consistent with Section 15A(b)(8) of the Act[18] in that it furthers the statutory goals of providing a fair procedure for disciplining members and associated persons. NASD believes that the addition of these violations to the MRVP will provide NASD with the ability to impose a meaningful sanction for violations of the rules discussed herein that warrant more than a Letter of Caution but do not necessarily rise to a level meriting a full disciplinary proceeding.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD does not believe that the proposed rule change, as amended, would result in 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

NASD neither solicited nor received any comments.

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–NASD–2004–025 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 No. SR–NASD–2004–025. 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 NASD.

[13] *See also* NASD Rule 1120(a)(7) (requirement to provide continuing education regulatory element contact person). NASD notes that it generally has sought to achieve consistency regarding the frequency with which members must review and update contact information (namely, within 17 business days after the end of each calendar quarter).

[14] NASD no longer refers to itself or its subsidiary, NASD Regulation, Inc., using its full corporate name, ''the Association,'' ''the NASD,'' or ''NASD Regulation, Inc.'' Instead, NASD uses ''NASD'' unless otherwise appropriate for corporate or regulatory reasons.

[15] 17 CFR 240.11Ac1–1(c)(5).

[16] 15 U.S.C. 78o–3(b)(6).

[17] 15 U.S.C. 78o–3(b)(7).

[18] 15 U.S.C. 78o–3(b)(8).

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 the File Number SR–NASD–2004–025 and should be submitted on or before August 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E5–3746 Filed 7–13–05; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51980; File No. SR–NYSE–2005–19]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change To Require Members That Use Appendix E To Calculate Net Capital To File Supplemental and Alternative Reports

July 6, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 under the Act,[2] notice is given that on March 8, 2005, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below. These Items have been substantially prepared by the Exchange. 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 amend NYSE Rule 418 to require member organizations approved by the Commission to use the alternative method of computing net capital contained in Appendix E to Rule 15c3–1 under the Act (''Appendix E'')[3] to file supplemental and alternative reports with the Exchange.

The text of the proposed rule change is available on the Exchange's Internet Web site (*http://www.nyse.com*), at the principal office of the NYSE, and at the Commission's Public Reference Room.

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 Exchange 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

The purpose of this proposal is to provide the Exchange with the authority to require member organizations approved by the Commission to use the alternative method of computing net capital contained in Appendix E (''CSE broker-dealers'') to file certain supplemental and alternative reports with the Exchange.

Rule 17a–5 under the Act[4] contains broker-dealer reporting requirements. Broker-dealers file the monthly and quarterly reports required by Rule 17a–5 on Form X–17A–5 (the ''FOCUS Report'').[5] Pursuant to Rule 17a–5(a)(5),[6] CSE broker-dealers are required to file certain additional monthly and quarterly reports. The Exchange has created a modified FOCUS Report form for CSE broker-dealers. The form contains new line items to capture the additional required reports. The proposed rule amendment is designed to require CSE broker-dealers to provide the additional reports to the Exchange.

Under NYSE Rule 418, the Exchange may at any time require any member or member organization to be audited in accordance with the requirements of Rule 17a–5. The proposed amendment adds NYSE Rule 418.25, which would require member organizations that are CSE broker-dealers to file such supplemental and alternative reports as may be prescribed by the Exchange. A copy of the modified FOCUS report that CSE broker-dealers would have to file with the Exchange under proposed Rule 418.25 is available on the Exchange's Internet Web site (*http://www.nyse.com*).

2. Statutory Basis

The Exchange believes that the proposed amendment to NYSE Rule 418 is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(5) of the Act[8] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments and perfect the mechanism of a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any inappropriate 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 neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(2) of the Act,[9] 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, 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 proposed rule change, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.15c3–1e. The Commission amended Rule 15c3–1 to establish this voluntary, alternative method of computing net capital, which is applicable to firms that qualify for consolidated supervised entity (''CSE'') treatment. Exchange Act Release No. 49830 (June 8, 2004), 69 FR 34428 (June 21, 2004).

[4] 17 CFR 240.17a–5.

[5] 17 CFR 249.617.

[6] 17 CFR 240.17a–5(a)(5).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(2).

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2005–19 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–2005–19. 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, Washington, DC 20549. Copies of the filings will also be available for inspection and copying at the principal office of the NYSE and will be available on the Exchange's Internet 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–2005–19 and should be submitted on or before August 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E5–3720 Filed 7–13–05; 8:45 am]

BILLING CODE 8010–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51985; File No. SR–NYSE–2005–21]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto Relating to the Temporary Reallocation of Securities Among Specialists

July 7, 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 March 11, 2005, the New York Stock Exchange, Inc. (''NYSE'' 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 June 16, 2005, the Exchange 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 Exchange is proposing to amend NYSE Rule 103.11 regarding the temporary reallocation of securities traded on the Exchange from one specialist organization to another specialist organization. The text of the proposed rule change is set forth below. *Italics* indicate additions; [brackets] indicate deletions.

* * * * *

Rule 103. Registration of Specialists

No member shall act as a specialist on the Floor in any security unless such member is registered as a specialist in such security with the Exchange and unless the Exchange has approved of his so acting as a specialist and has not withdrawn such approval.

As a condition of a member's registration as a specialist in one or more securities the Board of Directors may at any time require such member to register with the Exchange and act as an odd-lot dealer in such securities under Rule 101.

Supplementary Material:

.10 Registration of specialists.—Four classes of specialists have been established, namely (1) regular specialists, (2) relief specialists, (3) associate specialists, and (4) temporary specialists. No member is permitted to act as regular specialist, relief specialist or associated specialist unless he is registered with the Exchange. No registration is required for temporary specialists, but no member is permitted to act as such unless authorized by a Floor Official.

Registration applies only to individual members, and not to member organizations. Consequently each Floor member of a specialist organization who expects to act as regular specialist, relief specialist or associate specialist at any time must register individually.

All members of the Exchange registered as regular specialists, or odd-lot dealers or odd-lot brokers will be required to pay a monthly registration fee of $37.50 and all members registered as relief or associate specialists will be required to pay a monthly registration fee of $1.67.

Notice of all new applications for registration as regular or relief specialist will be posted on the bulletin board. Approval will not be given on any such application until one week from the date of receipt thereof, except that, if circumstances require immediate action, temporary approval may be given. Members wishing to make representations with respect to any application should file their comments with the Market Surveillance and Evaluation Department during the period when notice is posted.

Notice of applications for registration as associate specialists will not be posted.

Before registration as a specialist, a member is required to pass a Specialist's Examination prescribed by the Exchange. Applications for this examination should be submitted to the Market Surveillance Department.

.11 Temporary Reallocation of [Stocks] *Securities.*—The Chief [Executive] *Regulatory* Officer *or his or her designee* and two [most senior] *non-specialist* BoE Floor Representatives or [in the absence from the Floor of either of them, the next senior] *if only one or no non-specialist* BoE Floor Representative*s is* present on the Floor*, the most senior non-specialist Floor Governor or Governors based on length of consecutive service as a Floor Governor at the time of any action covered by this rule,* acting by a majority shall have the power to reallocate temporarily any [stock] *security* on an

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the NYSE added a paragraph to the purpose section concerning the designee of the Chief Regulatory Officer and corrected technical errors in the rule text.

emergency basis to another location on the Floor whenever in their opinion such reallocation would be in the public interest.

The member to whom a [stock] *security* has been temporarily reallocated under the provisions of this Rule will be registered as the regular specialist therein until the [Board of Directors] *Chief Regulatory Officer or his or her designee and two non-specialist BoE Floor Representatives* determine[s] *that the security may be returned to the original specialist organization or has been reallocated pursuant to Exchange rules* [the ultimate location of the security].

* * * * *

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 Exchange 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

NYSE Rule 103.11 provides a procedure to temporarily reallocate securities listed on the NYSE from one specialist organization to another specialist organization on an expedited basis. Current NYSE Rule 103.11 requires the Chief Executive Officer and two Board of Executive (''BoE'') Floor Representatives to make the decision on such reallocation by majority agreement. The participation of the BoE Floor Representatives is on a seniority basis.

The Exchange represents that recent changes to short sale regulations promulgated by the Commission in Regulation SHO[4] may result in the need to temporarily reallocate securities from one specialist organization to another specialist organization on an expedited basis. These regulations, which are intended to address aged fails to deliver resulting from short sale transactions, may preclude the specialist organization responsible for making a market in a particular security from effecting short sales in such security. As a result, Exchange specialist organizations would be subject to the prohibitions of Regulation SHO and could be prohibited from effecting sell-short transactions in a specialty security if it became a threshold security without first borrowing or arranging to borrow the security, which would be difficult to do in a manner consistent with the fulfillment of the specialist's Exchange-mandated market making obligations. In these circumstances, the Exchange would look to transfer the effected security to another specialist organization until such time as the first specialist organization is no longer precluded from selling short without first borrowing or arranging to borrow the security by Regulation SHO.

The Exchange believes that the temporary reallocation of a security is most likely to be required for regulatory reasons and thus is more properly the responsibility of the Chief Regulatory Officer or his or her designee. Therefore, the Exchange proposes to amend NYSE Rule 103.11 in this regard.

Under the proposed rule, the Chief Regulatory Officer may designate someone to meet his or her responsibility. The Exchange expects that the designee will be an officer in the Exchange's Regulatory Group, with the Executive Vice President of the Market Surveillance Division being the primary designee.[5]

The NYSE's BoE advises the Chief Executive Officer in his or her management of the operations of the Exchange. The BoE consists of representatives of listed companies, investors, members and member organizations. Included on the BoE are specialist and Floor broker members.[6] These Floor member BoE representatives are also Floor Officials under NYSE Rule 46 and have certain powers and responsibilities under NYSE rules. Among these responsibilities is the power, along with the Chief Executive Officer, to temporarily reallocate securities on the Floor.

The Exchange believes that, for potential conflict of interest reasons, only non-specialist BoE Floor Representatives should be involved in a decision to reallocate a security from one specialist organization to another specialist organization. In addition, the Exchange proposes to remove as unnecessary the provision in NYSE Rule 103.11 that BoE Floor Representatives be chosen to act on a temporary reallocation in order of seniority.

Finally, the Exchange proposes to provide as an alternative that, if there are not two non-specialist BoE Floor Representatives available to participate in the reallocation decision, the most senior non-specialist Floor Governor or Governors, based on his or her current length of service as a Floor Governor, would be authorized to act in place of the non-specialist BoE Floor Representative. The Exchange believes that seniority of the Floor Governors is relevant, because the experience of the ten non-specialist Floor Governors may vary widely, and the more senior non-specialist Floor Governors would have experience similar to that of a BoE Floor Representative.

2. Statutory Basis

The basis under the Act for the proposed rule change is the requirement under Section 6(b)(5) of the Act[7] that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

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

The Exchange 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 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 the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

[4] *See* Securities Exchange Act Release No. 50103 (July 28, 2004), 69 FR 48008 (August 6, 2004).

[5] *See* Amendment No. 1.

[6] There are currently five BoE Floor Representatives—two specialist and three non-specialist Floor brokers.

[7] 15 U.S.C. 78f(b)(5).

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–NYSE–2005–21 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–2005–21. 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 office of the Exchange. 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–2005–21 and should be submitted on or before August 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E5–3722 Filed 7–13–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51990; File No. SR–PCX–2005–16]

Self-Regulatory Organizations; Pacific Exchange, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto To Amend Its Market Data Rebate Program To Allow Equity Trading Permit Holders To Receive Rebates on an Estimated Basis

July 7, 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 February 1, 2005, the Pacific Exchange, Inc. (''PCX'' or ''Exchange''), through its wholly owned subsidiary PCX Equities, Inc. (''PCXE''), 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 July 5, 2005, the PCX amended the proposed rule change.[3] The Commission is publishing this notice, as amended, to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend its rules governing the Archipelago Exchange (''ArcaEx''), the equities trading facility of PCXE. With this filing, the Exchange proposes to amend its current market data rebate program by allowing Equity Trading Permit Holders (''ETP Holders'') to receive market data rebates on an estimated basis when certain conditions are met. The text of the proposed rule change is available on the PCX's Web site (*http://www.pacificex.com/*), at the PCX's principal office, and at the Commission's Public Reference Room.

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

The PCX proposes to modify the current ArcaEx market data revenue sharing program applicable to limit orders posted in ArcaEx in Tape B securities[4] that execute against inbound marketable orders. The Exchange proposes to add language to the ArcaEx fee schedule describing a new estimated payment option available to qualifying ETP Holders who have earned certain Liquidity Provider Credits (the ''Estimated Rebate Program''). Under the proposal, ETP Holders would be able to receive Liquidity Provider Credit payments on an estimated, monthly basis for limit orders posted by such ETP Holder in Tape B securities that execute against inbound marketable orders, if certain qualifying conditions are met.

Currently, ETP Holders who earn Liquidity Provider Credits for such transactions receive payments from the Exchange on a quarterly basis, after the Exchange has received its share of market data revenue for Tape B from the Consolidated Tape Association (''CTA'') Plan. Under the proposed Estimated Rebate Program, eligible ETP Holders would be able to receive their share of Liquidity Provider Credits, based on an estimate, on a monthly basis before the quarterly revenues from the CTA Plan are paid to the Exchange. The amounts to be paid on an estimated basis to ETP Holders are calculated by using the tape credit percentages specified in the current rebate policy in effect for ArcaEx at the time[5] and applying such

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the PCX amended the purpose section of this filing to include examples of how estimated market data rebates would be calculated and how estimated market data rebates would be distributed.

[4] Tape B securities include securities that are listed for trading on the American Stock Exchange and certain other securities that are deemed to be eligible for such listing.

[5] The current Liquidity Provider Credit applied to limit orders in Tape B securities residing in the ArcaEx Book that execute against inbound marketable orders is 50% of tape revenue generated for such trade.

percentages to the ETP Holder's trading activity for the month in question.

The process for determining and maintaining eligibility in the program is described below.

Initial Qualification in the Estimated Rebate Program. An ETP Holder will qualify for participation in the Estimated Rebate Program if, in the three-month period preceding the then-current month, the ETP Holder executed at least 250 million Tape B shares through ArcaEx.[6] This threshold is the ''Initial Qualification'' for the Estimated Rebate Program. An ETP Holder who has satisfied the Initial Qualification will be entitled to enroll in the Estimated Rebate Program and receive payments for Liquidity Provider Credits earned in the next month.

Maintenance Level Requirement. After an ETP Holder meets its Initial Qualification, it will be required to also meet a certain ''Maintenance Level'' to continue to qualify for the Estimated Rebate Program. The Maintenance Level will be satisfied if an ETP Holder executes at least 500 million Tape B Shares during each successive, continuous three-month period thereafter. If an ETP Holder who has met the Initial Qualification standard fails to sustain its Maintenance Level, the ETP Holder would not be eligible to receive estimated rebates for the next three months. Instead, the ETP Holder would be required to receive rebates as specified under the current rebate policy. This three-month period will be referred to as an ''Ineligibility Period.'' When the Ineligibility Period ends, the ETP Holder can attempt to re-qualify for the Estimated Rebate Program by meeting the Initial Qualification standard. Trading activity during the Ineligibility Period may count toward re-establishing the ETP Holder's eligibility in the Estimated Rebate Program.

Any estimated Liquidity Provider Credits paid to an ETP Holder under the Estimated Rebate Program will be reconciled to the ETP Holder's actual Liquidity Provider Credit payment due when the Exchange receives the actual figures from the CTA Plan at quarter-end. Any necessary adjustments will be made with the next payment due to the ETP Holder (*i.e.*, the next Estimated Rebate Program payment or current rebate policy payment, as applicable).

Example. An example using hypothetical figures is included below. Assume a firm executes one million qualifying trades, totaling 300 million shares, each month for a period of nine consecutive months. After the first three months, the firm is entitled to receive the following amounts:

Month	Number of trades	Number of shares	Payment amounts
January	1 million	300 million	0
February	1 million	300 million	0
March	1 million	300 million	0

At the end of the quarter, assume that payments received by the Exchange from the CTA plan for the quarter January through March amount to $1.00 per print. At this time, the firm would be due $1.5 million (*i.e.*, 1 million trades multiplied by $.50, or half of the $1.00 print, multiplied by three months). In addition, the firm's level of activity would satisfy the Initial Qualification standard, qualifying the firm to participate in the Estimated Rebate Program for the next quarter. The next three months of firm payments are:

Month	Number of trades	Number of shares	Payment amounts
April	1 million	300 million	[7] $500,000
May	1 million	300 million	500,000
June	1 million	300 million	500,000

[7] The $500,000 figure would be based on the trading totals and print amounts for the most recent quarter, *i.e.*, 1 million average trades multiplied by .50, or one-half of one $1.00 print.

Assume that at the end of the quarter in June the payments received from the plan amount to $0.95 per print. At this point, it becomes clear that based on its activity levels, the firm should have received $475,000 per month (*i.e.*, 1 million trades multiplied by $.475, or one-half of one print of $.95) for each month in the quarter. Because the firm received $500,000 per month in connection with the Estimated Rebate Program, its payments for the next quarter will have to be adjusted downward $75,000 (*i.e.*, $25,000 for each month). In addition, the firm's trading levels for the quarter satisfy the Maintenance Level in the Estimated Rebate Program. The firm's adjusted payments for the next three months would be:

Month	Number of trades	Number of shares	Payment amounts
July	1 million	300 million	$400,000
August	1 million	300 million	475,000
September	1 million	300 million	475,000

The $400,000 payment in July is based on a $475,000 estimated payment (*i.e.*, 1 million trades multiplied by $.475, or one-half of a print of $.95), minus the extra $75,000 received by the firm in the April through June time period.

[6] This figure will exclude QQQ from any trade activity before December 1, 2004.

The rationale for the proposed changes in this filing is to make the pricing for executions on the ArcaEx more competitive. The Exchange evaluated the economics of modifying its current market data rebate structure and determined that it was feasible and appropriate, given the costs involved and competitive concerns.

2. Statutory Basis

The PCX believes that the proposed rule change is consistent with the provisions of Section 6(b) of the Act,[8] in general, and with Section 6(b)(5) of the Act,[9] in particular, in that it is 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 facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PCX does not believe that the proposed rule change would 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.

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 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–2005–16 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–PCX–2005–16. 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 Room. 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–NYSE–2005–16 and should be submitted on or before August 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E5–3724 Filed 7–13–05; 8:45 am]

BILLING CODE 8010–01–P

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51996; File No. SR–Phlx–2005–02]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change and Amendment Nos. 1 and 2 Thereto Relating to Volume Weighted Average Price Crosses

July 8, 2005.

On January 25, 2005, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Security Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to permit certain customer-to-customer crosses to be executed at a volume weighted average price (''VWAP'') during the Exchange's Post Primary Session.[3] On May 4, 2005, the Phlx submitted Amendment No. 1 to the proposed rule change,[4] and on May 18, 2005, the Phlx submitted Amendment No. 2 to the proposed rule change.[5] The proposed rule change, as amended, was published for comment in the **Federal Register** on June 3, 2005.[6] The Commission received no comments on the proposal. The order approves the proposed rule change, as amended.

The Phlx proposed to amend Phlx Rule 126, ''Crossing'' Orders, by adding new subsection (i) to permit certain customer-to-customer[7] crosses to be executed at a VWAP[8] during the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] According to Phlx Rule 101, the Post Primary Session (''PPS'') operated from 4 to 4:15 p.m.

[4] In Amendment No. 1, the Phlx: (1) Eliminated the concept of linking a VWAP cross to a ''primary market'' and instead proposed to link a VWAP cross to correspond to any single market, and (2) requested relief from the provisions of Rule 11Ac1–1 under the Act (the ''Quote Rule'') with respect to VWAP crosses.

[5] In Amendment No. 2, the Phlx: (1) Eliminated the proposed rule text addressing the treatment of VWAP crosses in the case of trading halts, (2) corrected a citing reference to Phlx auction market rules, and (3) clarified the description of the ''b'' modifier.

[6] *See* Securities Exchange Act Release No. 51731 (May 24, 2005), 70 FR 32692 (June 3, 2005) (''Notice'').

[7] Pursuant to Phlx Rule 126(b) a ''customer'' order would include any order which a broker represents in an agency capacity, including any order of a market marker or other broker-dealer not affiliated with the broker, and it would not include any order of a broker-dealer affiliated with the executing broker, or any associated person of such broker-dealer.

[8] The Commission has observed that the VWAP for a security is generally determined by: (1) Calculating raw values for regular session trades reported by the Consolidated Tape during the

Exchange's PPS.[9] The new crossing transactions would be permitted to be executed at prices which are equal to any single market or consolidated market volume weighted average prices calculated for the entire trading day from 9:30 am. to 4 p.m., or for any portion of the trading day, as may be agreed to by the two parties to the trade.[10] Pursuant to the proposed rule change, the VWAP trade would be reported to the tape with the identifier ''b'' to the nearest decimal eligible for reporting by the Exchange. The ''b'' would distinguish VWAP trades from other transactions that may possibly be reported after the close.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of Section 6 of the Act[11] and the rules and regulations thereunder applicable to a national securities exchange.[12] In particular, the Commission finds that the proposed rule change, as amended, is consistent with Section 6(b)(5) of the Act,[13] which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, 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 Commission believes that the proposed rule change, as amended, will present market participants on Phlx with a new means of executing transactions at a VWAP, thereby enhancing investors' choices. Specifically, the proposed rule change would permit certain customer-to-customer crosses to be executed at a VWAP during the Exchange's PPS.

The Phlx also has requested an exemption from Rule 11Ac1–1 of the Act (''Quote Rule'') with respect to these VWAP crosses.[14] The Quote Rule requires a national securities exchange to collect bids, offers, quotation sizes, and aggregate quotation sizes from ''responsible brokers or dealers'' for each reported security listed or admitted to unlisted trading privileges and to make them available to quotation vendors throughout the trading day with respect to reported securities traded on such exchange floor.[15] In addition, responsible brokers and dealers must promptly communicate their best bids, offers, and quotation sizes for any subject security to the exchange and be firm for their published bids and offers in any amount up to their published quotation sizes.[16] A bid or offer is defined in the Quote Rule as ''the bid price and the offer price communicated by an exchange member or OTC market maker to any broker or dealer, or to any customer, at which it is willing to buy or sell one or more round lots of a covered security, as either principal or agent, but shall not include indications of interest.'' [17] To constitute a bid or offer, the underlying trading interest must have been communicated to at least one other potential counterparty. Bids and offers are intended to attract other parties to deal with the person publishing the bid or offer at the quoted price.

On the other hand, the Phlx is requesting relief from the Quote Rule because, with respect to the proposed Phlx Rule 126(i) VWAP crosses, the Phlx represents that bids and offers will not be made continuously and trades entered pursuant to Phlx Rule 126(i) would be entered for execution at a VWAP rather than at a specified bid or offer. In addition, the price of a VWAP cross would not be determined until such time as the VWAP is calculated. Furthermore, on account of the absence of a specified bid or offer, the Phlx represents that a VWAP cross is not a mechanism by which Phlx members would broadcast prices to other members and trade with one another at those prices. Thus, the Phlx represents that VWAP crosses do not implicate the reporting of bids and offers for the national market system concerns that Section 11A addresses.

Therefore, under proposed Phlx Rule 126(i), it would not be possible for the Phlx to collect firm bids and offers at specific prices with respect to VWAP crosses and transmit each information on a continuous basis to quotation vendors. Only after the VWAP cross is effected after the close of trading is the Phlx able to transmit pricing information to vendors. Accordingly, the Commission believes it is appropriate to grant the Phlx's request for exemption from the requirement of the Quote Rule for VWAP crosses executed pursuant to proposed Phlx Rule 126(i).

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(5) of the Act.[18]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[19] that the proposed rule change (SR–Phlx–2005–02), as amended, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

J. Lynn Taylor,

Assistant Secretary.

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regular trading day by multiplying each such price by the total number of shares traded at that price; (2) compiling an aggregate sum by adding each calculated raw value from step one above; and (3) dividing the aggregate sum by the total number of reported shares for that day in the security. *See* Securities Exchange Act Release No. 48709 (October 28, 2003), 68 FR 62972, 62982, at n. 88 (November 6, 2003) (the Regulation SHO Proposing Release). Pursuant to the Exchange's proposed rule change, however, members would be able to elect to calculate a VWAP using only a single market's prices rather than all trades reported by the Consolidated Tape, and could elect to base that calculation on trades reported during a particular time slice during the day rather than including all trades reported during the regular trade day. Members would be required to document the particular trades they have agreed to be used in the calculation.

[9] According to Phlx Rule 101, the PPS operates from 4 to 4:15 p.m.

[10] These trades would therefore not be subject to the Phlx Rules 118, 119, and 120, which collectively establish auction market rules of priority, parity and precedence of order on the equity floor.

[11] 15 U.S.C. 78f.

[12] In approving this proposed rule change, as amended, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b)(5).

[14] 17 CFR 240.11Ac1–1. *See also* Draft letter from Carla Behnfeldt, Director, Legal Department New Product Development Group, Phlx, to Larry E. Bergmann, Senior Associate Director, Division of Market Regulation, Commission, dated February 3, 2005.

In addition, the Phlx has requested an exemption from the tick test provisions of Rule 10a–1 of the Act (''Short Sale Rule'') for crosses with a short sale component executed pursuant to proposed Phlx Rule 126(i). 17 CFR 240.10a–1. *See also* Notice, *supra* note 6, at 32693. The Commission is currently reviewing the Phlx's request for exemption from the Short Sale Rule.

[15] Subsection (a)(21)(i) of the Quote Rule defines the term ''responsible broker or dealer'' to mean: ''[w]hen used with respect to bids or offers communicated on an exchange, any member of such exchange who communicates to another member on such exchange, at the location (or locations) designated by such exchange for trading in a covered security, a bid or offer for such covered security, as either principal or agent. * * *'' 17 CFR 240.11Ac1–1(a)(21)(i).

[16] *See* 17 CFR 240.11Ac1–1(c).

[17] 17 CFR 240.11Ac1–1(a)(4).

[18] 15 U.S.C. 78f(b)(5).

[19] 15 U.S.C. 78s(b)(2).

[20] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5135]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: FY2006 International Educators Program

Announcement Type: Cooperative Agreement.

Funding Opportunity Number: ECA/A/S/X–06–03.

Catalog of Federal Domestic Assistance Number: 00.000.

Key Dates:

Application Deadline: September 9, 2005.

Executive Summary: The U.S. Department of State's Bureau of Educational and Cultural Affairs (ECA) and the Office of Global Educational Programs announce an open competition to administer a new semester-long International Educators Program for outstanding secondary-level teachers from Southeast Asia, the Near East, South Asia (except Afghanistan) and Russia. The total grant award for program and administrative purposes is anticipated to be $1,650,000. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to cooperate with the Bureau in the administration and implementation of the FY2006 International Educators Program.

I. Funding Opportunity Description:

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Purpose

Overview: The new International Educators Program will bring outstanding secondary teachers from Southeast Asia, the Near East, South Asia (except Afghanistan) and Russia to the United States to further develop expertise in their subject areas, to enhance their teaching skills and to increase their knowledge about the United States. The goals of the program are: (1) To contribute to the improvement of teaching in the participating countries; (2) to provide opportunities for under-served populations, especially women, to have an important professional opportunity in the U.S. to enhance their ability to contribute to national development; (3) to create among key professionals and social influencers a deeper understanding of the U.S. who can share their experiences of living in a diverse democratic society with students and teachers in their home communities; and (4) to develop productive and lasting relationships and mutual understanding between American and international teachers and their students; and (5) to provide opportunities for under-served populations, especially women, to have a first-hand experience in the U.S. Participants will be younger teaching professionals with five or more years of classroom experience and a TOEFL score of 450 or higher on the written test (or the equivalent on the CBT). Teachers will be selected from many disciplines including English as a Foreign Language, social studies, civics, mathematics and science. Public Affairs Sections of U.S. Embassies or Fulbright Commissions, in collaboration with the Fulbright Teacher Exchange Branch (ECA/A/S/X), will coordinate the recruitment and nomination of candidates. Nominations will be submitted to the grantee organization, which will arrange for external professional selection panels to recommend candidates for the approval of the Bureau. ECA/A/S/X will approve the final list of grantees and will notify candidates of their status through the participating Fulbright Commissions and U.S. Embassies.

Proposals should include two distinct components: (1) The semester-long program from January to May/June 2007 and (2) the follow-on grants to program alumni. Please refer to the Project Objectives, Goals and Implementation (POGI) document for specific activities to be conducted beginning in late fall of 2006.

Semester Program: Serious attention needs to be paid to the program orientation and to the needs of teachers who may not have the advantages of teaching in large metropolitan areas with solid opportunities to develop high-level English skills. The semester-long program should take place from mid-January to May/June 2007. Teachers should be placed in four different clusters of approximately 12 to 14 individuals each at different U.S. universities that best meet their training needs. Teachers will be placed into different groups based on criteria to be determined after applications have been submitted. The semester program should encompass the following elements:

(1) Orientation upon arrival;

(2) Instruction in English language as needed;

(3) Training in the use of computers for Internet and word processing and as tools for teaching EFL or other coursework. Proposals should budget for a laptop computer for each participant;

(4) Intensive training in relevant subjects and teaching methodologies through a variety of courses within the host university's school of education or other departments (participants will select courses based on their individual goals and interests);

(5) Enrollment in a specially designed group seminar on teaching strategies for their home environments and educational leadership;

(6) Individual and group work periods for research and curriculum writing on EFL, civics, and other topics;

(7) Interaction with Americans at civic and volunteer organizations, school board meetings, parent-teacher conferences, or other community activities and through short home stays;

(8) Participation in a substantial six to eight week internship to engage participants actively with the American classroom environment.

a. Host universities should recruit school districts to host groups for internships based on brief proposals outlining the interest of the school districts, their understanding of the program goals, examples of their best practices, and a commitment to mentoring.

b. School districts should be within easy driving distance of the host university, and should be capable of introducing participants to more than one approach to teaching (for example, inquiry, active classroom, group projects, etc.).

c. Schools should designate an experienced mentor to oversee the day-to-day activities of each participant. Internship activities should include: observing a variety of teaching methods as well as computer-based lessons; working individually with a mentor teacher on curriculum development; and team teaching. Public, private, magnet or charter schools that have

developed best practices may all be included.

(9) Cultural activities to encourage mutual understanding between participants and Americans, the mission of the Bureau of Educational and Cultural Affairs;

(10) Travel to Washington, DC during the second half of the program for a three- to four-day workshop including visits to the Department of State, cultural sites, and relevant educational organizations.

The Bureau of Educational and Cultural Affairs encourages partnership and collaboration with local school districts. Applicants should outline how host school districts will be selected and how teachers will collaborate with schools and local communities.

Follow-on Programming: American host secondary schools will be eligible to apply for follow-on grants after the program ends. Proposals for these grants should be submitted to the grantee organization by the U.S. host schools in collaboration with the participant's home school overseas. All proposals should be developed within the context of global and U.S. Embassy priorities. The proposals should encourage further cooperation between project participants and their U.S. schools to build on the semester-long stays in the U.S. For example, host teachers or administrators might travel to their foreign partner's home school for a short reciprocal exchange and/or take part in teacher-training programs for other foreign teachers/topics. U.S. host schools might propose Internet linkages between their school and their partner's school. No student exchanges will be funded. The proposal should outline a process for promoting the opportunity to U.S. host schools and for reviewing and selecting recipients of follow-on grants. Proposals should budget approximately $100,000 for this purpose. The process should include coordination with the Fulbright Teacher Exchange Branch and the U.S. Embassy or Fulbright Commission for review and approval. The Bureau will determine the final selection of grantees.

Program Planning and Implementation

Applicant organizations should submit a narrative outlining a comprehensive strategy for the administration and program implementation of the International Educators Program. The narrative should include a design for the semester-long program, a process for selecting host U.S. universities through sub-grants, a plan for monitoring the teachers' academic and professional programs, and an approach to alumni programming through follow-on grants.

The comprehensive program strategy should reflect a vision for the initiative as a whole, interpreting the goals of the International Educators Program with creativity, as well as providing innovative ideas for the program. The strategy should include a description of how the various components of the program will be integrated to build upon and reinforce one another.

In a cooperative agreement, the Fulbright Teacher Exchange Office (ECA/A/S/X) will be substantially involved in program activities in addition to routine grant monitoring. ECA/A/S/X activities and responsibilities for this program are as follows:

- Formulation of program policy;
- Reviewing of draft texts for publicity and program guidelines prior to publication;
- Cooperation in the development of plans for specific university-based programs and enhancement activities for the teachers such as the Washington, DC workshop;
- Applicant country eligibility and nomination guidelines.

II. Award Information

Type of Award: Cooperative Agreement. ECA's level of involvement in this program is listed under number I above.

Fiscal Year Funds: 2006.

Approximate Total Funding: $1,650,000.

Approximate Number of Awards: 1.

Approximate Average Award: Pending availability of funds, $1,650,000 million.

Anticipated Award Date: Pending availability of funds, December 1, 2005.

Anticipated Project Completion Date: September 30, 2008.

Additional Information: Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this grant for two additional fiscal years, before openly competing it again.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds

There is no minimum or maximum percentage required for this competition.

However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, applicants must maintain written records to support all costs, which are claimed as their contribution, as well as costs to be paid by the Federal Government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates issuing one award, in an amount up to $1,650,000 to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

IV. Application and Submission Information

Note: Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Contact Information To Request an Application Package

Please contact Patricia Mosley of the Fulbright Teacher Exchange Branch, ECA/A/S/X, Room 349, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, telephone: (202) 619–4556, fax (202) 401–1433, e-mail: *MosleyPJ@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/A/S/X–06–03 when making your request.

The Solicitation Package contains the Proposal Submission Instruction (PSI)

document which consists of required application forms, and standard guidelines for proposal preparation.

It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

IV.2. To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/education/rfgps/menu.htm*. Please read all information before downloading.

IV.3 Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The original and seven copies of the application should be sent per the instructions under IV.3e. ''Submission Dates and Times section'' below.

IV.3a.

You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b.

All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) document for additional formatting and technical requirements.

IV.3c.

You must have nonprofit status with the IRS at the time of application. If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d.

Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1. Adherence to all Regulations Governing the J Visa: The Bureau of Educational and Cultural Affairs is placing renewed emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantees and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of the Exchange Visitor Programs as set forth in 22 CFR 62, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, recordkeeping, reporting and other requirements. The Grantee will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA–44, Room 734, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 401–9810; FAX: (202) 401–9809.

Please refer to Solicitation Package for further information.

IV.3.d.2. Diversity, Freedom and Democracy Guidelines: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3.d.3. Program Monitoring and Evaluation: Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the grantee will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, how and when you intend to measure these outcomes (performance indicators), and how these outcomes relate to the above goals. The more that outcomes are ''smart'' (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes*, in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as

they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. *Participant satisfaction* with the program and exchange experience.

2. *Participant learning,* such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

3. *Participant behavior,* concrete actions of teachers to apply knowledge in home schools and community; interpretation and explanation of experiences and new knowledge gained to school administrators and other colleagues; continued contacts between participants and others.

4. *Institutional changes influencing policy improvement,* such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.*, surveys, interviews, or focus groups). (**Please note** that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

ECA/A/S/X and the Bureau's Office of Policy and Evaluation will work with the recipient of this cooperative agreement to develop appropriate evaluation goals and performance indicators.

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3.d.4. Describe your Plans for Staffing: Please provide a staffing plan, which outlines the responsibilities of each staff person and explains which staff member will be accountable for each program responsibility. Wherever possible please streamline administrative processes.

IV.3e

Please take the following information into consideration when preparing your budget:

IV.3.e.1. Applicants must submit a comprehensive budget for the program. The budget should not exceed $1,650,000 for program and administrative costs. It should indicate the number of participants that can be accommodated at this funding level, based on detailed calculations of program and administrative costs. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets for host campus and foreign teacher involvement in the program. Applicants should provide separate sub-budgets for the semester program and the follow-on grant component.

The summary and detailed administrative and program budgets should be accompanied by a narrative which provides a brief rationale for each line item including a methodology for estimating an appropriate average maintenance allowance level and tuition costs for the participants. The total administrative costs funded by the Bureau must be reasonable and appropriate. Pending the availability of funds, the grant should begin on December 1, 2005 and should expire on September 30, 2008.

IV.3.e.2. Allowable costs for the program and additional budget guidance are outlined in detail in the POGI document.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Submission Dates and Times

Application Deadline Date: September 9, 2005.

Explanation of Deadlines: Due to heightened security measures, proposal submissions must be sent via a nationally recognized overnight delivery service (i.e., DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.) and be shipped no later than the above deadline. The delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. ECA will *not* notify you upon receipt of application. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Applicants must follow all instructions in the Solicitation Package.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to ''ECA/EX/PM''.

The original and seven copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/S/X–06–03, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document. In addition, an electronic copy of the narrative and budget should be sent to Rozina Damanwala (*DamanwalaRR@state.gov*).

IV.3g. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (cooperative agreements) resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Program Development and Management:* The proposed narrative should exhibit originality, substance, precision, and relevance to the Bureau's mission as well as the objectives of the International Educators Program. It should include an effective program plan and demonstrate how the distribution of administrative resources will ensure adequate attention to program administration, including host institution selection.

2. *Multiplier Effect/Impact:* The proposed administrative strategy should maximize the program's potential to encourage participants to build on the their exchange experience after returning to their home countries.

3. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (resource materials and follow-up activities).

4. *Institutional Capacity and Record:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grants Staff. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's goals.

5. *Follow-on and Alumni Activities:* Proposals should provide a plan for continued follow-on activity (both with and without Bureau support) ensuring that the International Educators Program is not an isolated event. Activities should include administration of the follow-on grants component, tracking and maintaining updated lists of all alumni and facilitating additional follow-up activities for alumni.

6. *Project Evaluation:* Proposals should include a plan and methodology to evaluate the International Educators Program's degree of success in meeting program objectives, both as the activities unfold and at their conclusion. Draft survey questionnaires or other techniques plus description of methodologies to use to link outcomes to original project objectives are recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded, or quarterly, whichever is less frequent.

7. *Cost-effectiveness and Cost Sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

VI. Award Administration Information

VI.1. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive an Assistance Award Document (AAD) from the Bureau's Grants Office. The AAD and the original grant proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The AAD will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2. Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, ''Cost Principles for Nonprofit Organizations.''

Office of Management and Budget Circular A–21, ''Cost Principles for Educational Institutions.''

OMB Circular A–87, ''Cost Principles for State, Local and Indian Governments''.

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information: *http://www.whitehouse.gov/omb/grants*; *http://exchanges.state.gov/education/grantsdiv/terms.htm#articleI.*

VI.3. Reporting Requirements

You must provide ECA with a hard copy original plus one copy of the following reports:

Quarterly financial reports; semi-annual program reports; and final program and financial report no more than 90 days after the expiration of the award.

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VII. Agency Contacts

For questions about this announcement, contact: Rozina Damanwala, Office of Global Educational Programs, ECA/A/S/X, Room 349, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, telephone: 202–619–6589, fax 202–401–1433, *DamanwalaRR@state.gov*.

All correspondence with the Bureau concerning this RFGP should reference the title and number ECA/A/S/X–06–03. Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

Notice: The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: July 5, 2005.

C. Miller Crouch,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 05–13878 Filed 7–13–05; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Update on Potential Withdrawal of Tariff Concessions and Increase in Duties in Response to European Union (EU) Enlargement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice for the public on potential withdrawal of tariff concessions and increase in duties.

Background: In **Federal Register** Notice 04–20543, dated September 10, 2004, and **Federal Register** Notice 04–21762, dated September 28, 2004, the Office of the U.S. Trade Representative sought comments concerning a list of goods for which tariff concessions maybe withdrawn and duties maybe increased in the event the United States cannot reach agreement with the European Union (EU) for adequate compensation owed under World Trade Organization (WTO) rules as a result of EU enlargement. The Trade Policy Subcommittee continue store view the public comments that it has received as a result of these **FederalRegister** notices. Pursuant to several extensions in the WTO, the U.S. Government would have had to notify the WTO by July 2, 2005 of its rights to withdrawal substantially equivalent concessions under GATT 1994 Article XXVIII:3 inrelation to the issue of EU enlargement. The European Communities has subsequently agreed to the extension of the rights of the United States' and other interested WTO Members' to withdraw substantially equivalent concessions for an additional six months, until February 1, 2006. The United States Government continues to seek an immediate negotiated resolution of the enlargement issue, and retains the right, in this period, to withdraw substantially equivalent concessions. The United States would notify the World Trade Organization at least 30 days before it with drew concessions on substantially equivalent concessions. It would also provide notification to the public of the list of goods affected at such time. The public is encouraged to call Laurie Molnar, Director for European and Mediterranean Trade Issues, Office of Europe and the Mediterranean, Office of the U.S. Trade Representative at (202) 395–3320, for periodic updates on the status of these issues.

Carmen Suro-Bredie,

Chair, Trade Policy Staff Committee.

[FR Doc. 05–13843 Filed 7–13–05; 8:45 am]

BILLING CODE 3190–W5–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–21603]

Commercial Driver's License Standards; Exemption Applications; School Bus Endorsement

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA proposes to grant a 2-year exemption from the knowledge and skills tests required to obtain a school bus endorsement to a commercial driver's license (CDL) under 49 CFR 383.123. The exemption would be limited to school bus drivers from 11 States who passed equivalent tests before September 30, 2002.

DATES: Submit comments on or before August 15, 2005.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FMCSA (insert docket number) by any of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket 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 for this notice. 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* and/or 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 may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's complete Privacy Act Statement in the **Federal Register** (65 FR 19477, Apr. 11, 2000). This statement is also available at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Michael Lamm, Chief, State Programs Division (MC–ESS), (202) 366–6830, FMCSA, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 1999, the President signed the Motor Carrier Safety Improvement Act (MCSIA) (Pub. L. 106–159, Stat. 1748). The legislation included 15 new provisions aimed at improving the overall effectiveness of the Commercial Driver's License (CDL) program.

Section 214 of MCSIA directed the agency to establish a special CDL endorsement for drivers of school buses. The endorsement must, at a minimum include:

1. A driving skills test in a school bus; and

2. A knowledge test that addresses proper safety procedures for

(A) loading and unloading children

(B) using emergency exits

(C) traversing highway rail grade crossings.

The final rule implementing all 15 CDL provisions was published on July 31, 2002 [67 FR 49742] and became effective on September 30, 2002. Sec. 214 was addressed in 49 CFR 383.123.

Under 49 CFR 384.301(b), States are allowed up to 3 years after the effective date to implement the new CDL requirements. By September 30, 2005, each State must pass enabling legislation and actively enforce the new provisions, including the school bus (''S'') endorsement. States that fail to meet the deadline will be out of substantial compliance with 49 U.S.C. 31311(a) and thus subject to the penalties specified in 49 CFR part 384, subpart D.

In 2002, eleven States already had requirements for a CDL school bus endorsement (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 the new FMCSA regulation:

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.

FMCSA determined that these programs met or exceeded the Federal requirement. Drivers who passed the school bus endorsement tests required by any of these States on or after September 30, 2002, the effective date of the Federal rule could be issued an ''S'' endorsement.

These States, however, may have assumed that drivers who passed the State knowledge and skills tests for the school bus endorsement before September 30, 2002, would in fact have the knowledge test requirement waived as well. That cannot be done under the Federal rule. The Federal rule looks forward in time, not backward. Every driver renewing a CDL with a school bus endorsement on or after September 30, 2002, must pass the tests required by 49 CFR 383.123 or a compatible State regulation. Because the Federal rule is not retroactive, the agency's recognition that certain State regulations are equivalent does not retroactively validate the results of earlier tests conducted under those regulations. Therefore, drivers who passed compatible State tests before September 30, 2002 must pass the tests required by 49 CFR 383.123.

Once these States understood the requirements of the FMCSA rule, it became clear that thousands of school bus drivers who had passed the State tests before September 30, 2002, but had not been tested when they renewed their CDL's with a school bus endorsement after that date, would have to be re-tested before September 30, 2005, if the States were to remain in substantial compliance under 49 CFR Part 384.

Application for an Exemption

On behalf of the affected school bus drivers, the States identified in this notice have requested a 2-year exemption from § 383.123 due to the large number of drivers who would have to be re-tested before September 30, 2005. The estimated number of drivers that would have to be re-tested are as follows:

Alabama—16,000
Delaware—3,500
Illinois—19,821
Minnesota—15,000
Ohio—47,000
Pennsylvania—8,200
South Carolina—10,159
South Dakota—5,000
Tennessee—14,700
Virginia—12,977
Wisconsin—18,000

Since the tests in use in these States have been determined to meet or exceed the requirements of 49 CFR 383.123 as of the effective date of the rule (September 30, 2002), FMCSA believes the terms and conditions of the exemption would achieve a level of safety equivalent to that provided by complying with the current Federal requirement on September 30, 2005. The State petitions for the exemption are in the public docket.

Proposed Terms and Conditions for the Exemption

This exemption would grant temporary relief from the testing requirements under 49 CFR 383.123 until September 30, 2007 to the school bus drivers of Alabama, Delaware, Illinois, Minnesota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin who were issued a school bus endorsement prior to September 30, 2002. All of these school bus drivers must be tested in accordance with the requirements in 49 CFR 383.123 by September 30, 2007.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA is requesting public comment from all interested persons on the agency's intent to grant school bus drivers in the States of Alabama, Delaware, Illinois, Minnesota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin who were issued a school bus endorsement prior to September 30, 2002 an exemption from the testing requirements of 49 CFR 383.123 until September 30, 2007. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the address section of this notice. Comments received after the comment closing date will be filed in the public docket and considered to the extent practicable, but FMCSA may grant or deny the exemption at any time after the close of the comment period. In addition to late comments, FMCSA also will continue to file in the public docket any relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Authority: 49 U.S.C. 31136 and 31315; 49 CFR 1.73.

Issued on: July 7, 2005.

Annette M. Sandberg,

Administrator.

[FR Doc. 05–13869 Filed 7–13–05; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. {PHMSA–05–21314; Notice 1]

Pipeline Safety: Petition for Waiver; BOC Gases

AGENCY: Office of Pipeline Safety (OPS), Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Notice; petition for waiver.

SUMMARY: BOC Gases (BOC) petitioned the PHMSA's Office of Pipeline Safety (OPS) for a waiver from the pipeline safety standards at 49 CFR 195.306(c)(5) to allow the use of inert gas or carbon dioxide as the test medium for pressure testing an existing carbon dioxide pipeline.

DATES: Persons interested in submitting written comments on the waiver request described in this Notice must do so by August 15, 2005. Late filed comments will be considered so far as practicable.

ADDRESSES: You may submit written comments by mailing or delivering an original and two copies to the Dockets Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. The Dockets Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except on Federal holidays when the facility is closed. Alternatively, you may submit written comments to the docket electronically at the following Web address: *http://dms.dot.gov.*

All written comments should identify the docket and notice numbers stated in the heading of this notice. Anyone who wants confirmation of mailed comments must include a self-addressed stamped postcard. To file written comments electronically, after logging on to *http://dms.dot.gov,* click on ''Comment/Submissions.'' You can also read comments and other material in the docket. General information about the Federal pipeline safety program is available at *http://ops.dot.gov.*

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.).

FOR FURTHER INFORMATION CONTACT: James Reynolds by phone at 202–366–2786, by fax at 202–366–4566, by mail at DOT, PHMSA Office of Pipeline Safety, 400 7th Street, SW., Washington, DC 20590, or by e-mail at *james.reynolds@.dot.gov.*

SUPPLEMENTARY INFORMATION: The gas pipeline safety regulation at 49 CFR 195.306(c)(5) allows an operator of a carbon dioxide pipeline to use inert gas or carbon dioxide as the test medium if the pipe involved is new pipe having a longitudinal joint factor of 1.00.

BOC Gases (BOC) is requesting the waiver to use carbon dioxide as the test medium in its carbon dioxide pipeline system. The BOC Carbon Dioxide Pipeline System is approximately 14 miles northwest of Green River, Wyoming and located in Sweetwater County; this is a remote, uninhabited area that does not lie within any city or other populated limits. The pipeline is 7 miles in length, constructed of 3.5-inch diameter, API 5L, Grade B Seamless pipe, and has a wall thickness of 0.300-inches.

BOC calculated the pipe's internal design pressure to be 4,320 pounds per square inch gauge (psig) using the formula in § 195.106 and pressure tested the pipe after construction; the minimum pressure was 3,575 psig and the pipe was tested for 2 hours. The pipeline is effectively coated and has had a sacrificial anode cathodic protection system since its construction.

In justification for this waiver request, BOC is proposing the following testing procedure:

- BOC would use liquid carbon dioxide to pressure test the entire 7 mile pipeline;
- The pipeline test pressure would be maintained at a minimum pressure of 3,575 psig or 60% of the pipeline's specified minimum yield strength (SMYS) for at least 4 hours;
- The pipeline would be tested for an additional 4 hours at a minimum pressure of 3,146 psig or 48% of SMYS;
- Throughout the duration of the test, BOC personnel would be stationed along the pipeline to observe any conditions that might indicate leakage;
- BOC personnel would be in constant communication with its personnel who will supervise and conduct the pressure test; and
- During the pressure test, whenever the test pressure exceeds 50% SMYS, BOC's building facilities would be unoccupied and its personnel will be stationed along the pipeline where it parallels the state highway.

BOC believes that granting a waiver for this pipeline does not pose a risk to the public or the environment because this pipeline is in a remote location, in excellent condition, and will be tested and operated at a low percentage of SMYS.

OPS will consider any comments received in response to this Notice, and make a final determination to grant or deny the waiver as proposed, or with modifications. If the waiver is granted, and OPS subsequently determines that the effect of the waiver is no longer consistent with pipeline safety, OPS may revoke the waiver at its sole discretion.

This Notice is OPS's only request for public comment before making its final decision in this matter.

Authority: 49 U.S.C. 60118(c) and 49 CFR 1.53.

Issued in Washington, DC on July 7, 2005.

Joy Kadnar,

Director of Engineering and Emergency Support.

[FR Doc. 05–13864 Filed 7–13–05; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–05–21747; Notice 1]

Pipeline Safety: Request for Waiver; Southern LNG

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); U.S. Department of Transportation (DOT).

ACTION: Notice of intent to consider waiver request.

SUMMARY: Southern LNG (SLNG), requested a waiver of compliance from the regulatory requirements at 49 CFR 193.2301, which requires each LNG facility constructed after March 31, 2000 to comply with 49 CFR 193 and ANSI/NFPA 59A.

DATES: Persons interested in submitting written comments on the waiver request described in this Notice must do so by August 15, 2005. Late filed comments will be considered as far as practicable.

ADDRESSES: You may submit written comments by mailing or delivering an original and two copies to the Dockets Facility, U.S. Department of Transportation (DOT), Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. The Dockets Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except on Federal holidays when the facility is closed. Alternatively, you may submit written comments to the docket electronically at the following Web address: *http://dms.dot.gov.* All written comments should identify the docket and notice numbers stated in the heading of this notice. Anyone who wants confirmation of mailed comments must include a self-addressed stamped postcard. To file written comments electronically, after logging on to *http://dms.dot.gov,* click on ''Comment/Submissions.'' You can also read comments and other material in the docket. General information about the Federal pipeline safety program is available at *http://ops.dot.gov.*

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 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: James Reynolds by telephone at 202–366–2786, by fax at 202–366–4566, by mail at DOT, Pipeline and Hazardous Materials Safety Administration (PHMSA) Office of Pipeline Safety (OPS), 400 7th Street, SW., Washington, DC 20590, or by e-mail at *james.reynolds@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Southern LNG (SLNG), an El Paso Company, requests a waiver of compliance from the regulatory requirements at 49 CFR 193.2301. This regulation requires each LNG facility constructed after March 31, 2000 to comply with 49 CFR 193 and ANSI/NFPA 59A.

NFPA 59A requires that welded containers designed for not more than 15 psig comply with the Eighth Edition, 1990, of API 620, Design and Construction of Large, Welded, Low-Pressure Storage Tanks (Appendix Q). The Eighth Edition of API 620 requires inspection according to Appendix Q which calls for the full radiographic examination of all vertical and horizontal butt welds associated with the container.

SLNG is proposing to use the current Tenth Edition, Addendum 1, of API 620. The Tenth Edition, Addendum 1, of API 620, allows ultrasonic examination—in lieu of radiography—as an acceptable alternative non-destructive testing method. SLNG proposes to use ultrasonic examination on its project, which consist of full semi-automated and manual ultrasonic examination using shear wave probes. The examination will also consist of a volumetric ultrasonic examination using a combination of creep wave probes and focused angled longitudinal waive probes.

SLNG stated that the NFPA 59A Technical Committee recently approved and recommended the acceptance of the Tenth Edition, 2002 of API 620. PHMSA has not adopted the Tenth Edition, 2002 of API 620, and has not incorporated it by reference in Appendix A to Part 193; therefore, a waiver is required.

SLNG asserts that ultrasonic examination is more sensitive than radiographic examination to detect the type of flaws most susceptible in the design and construction of large welded low pressure storage tanks. SLNG further asserts that any potentially detrimental weld defect in the container walls will be identifiable using the ultrasonic examination method.

SLNG concludes that the alternative method of inspection allowed by the current Tenth Edition, Addendum 1, of API 620, will not reduce the integrity of the installation, and will in fact enhance the quality of the inspection by using modern inspection technology while improving personnel safety and information sharing.

For the reasons stated, SLNG is requesting a waiver from 49 CFR 193.2301 and is asking that it be allowed to use the ultrasonic examination method according to the Tenth Edition, Addendum 1, of API 620, in lieu of the radiographic examination method as specified by the Eighth Edition of API 620.

System Description

SLNG's Elba Island Expansion Project consists of one tank with a volume of approximately one million barrels. The tank is located at the Southern LNG Receiving Terminal at Elba Island in Savanna, Georgia. The outer wall of the container is constructed of Carbon Steel and the inner wall of 9% Nickel Steel. This project received approval from the Federal Energy Regulatory Commission on April 10, 2003.

OPS will consider SLNG's waiver request and whether SLNG's proposal will yield an equivalent or greater degree of safety than that currently provided by the regulations. This Notice is OPS' only request for public comment before making a decision. After considering any comments received, OPS may grant SLNG's waiver request as proposed or with modifications and conditions or deny SLNG's request. If the waiver is granted and OPS subsequently determines that the effect of the waiver is inconsistent with pipeline safety, OPS may revoke the waiver at its sole discretion.

Issued in Washington, DC on July 7, 2005.

Joy Kadnar,

Director of Engineering and Emergency Support.

[FR Doc. 05–13867 Filed 7–13–05; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–490 (Sub-No. 1X)]

Greenville County Economic Development Corporation—Abandonment and Discontinuance Exemption—in Greenville County, SC

On June 24, 2005, Greenville County Economic Development Corporation (GCEDC) filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon approximately 11.8 miles of line, extending from milepost 0.0 in Greenville, SC, to milepost 11.8 in Travelers Rest, SC (Northern Segment) and to discontinue service over 3.29 miles of line, extending from milepost AJK 585.34 in East Greenville, SC, to milepost AJK 588.63 in Greenville (Southern Segment). No stations are located on either segment. The Northern Segment traverses United States Postal Service Zip Codes 29690, 29609, 29613, 29617, 29611, and 29601. The Southern Segment traverses United States Postal Service Zip Code 29607.

The line does not contain federally granted rights-of-way. Any documentation in GFEC's possession will be made available promptly to those requesting it.

GCEDC proposes to abandon or discontinue service over the Northern and Southern Segments, which constitute its entire operations. When issuing authority for railroad lines that constitute the carrier's entire system, the Board does not impose labor protection, except in specifically enumerated circumstances. *See Northampton and Bath R. Co.—Abandonment*, 354 I.C.C. 784, 785–86 (1978) (*Northampton*). Therefore, if the Board grants the petition for exemption, in the absence of a showing that one or more of the exceptions articulated in *Northampton* are present, no labor protective conditions would be imposed.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by October 12, 2005.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,200 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than August 3, 2005. Each trail use request must be accompanied by a $200 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–490 (Sub-No. 1X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001; and (2) William Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW., #300, Washington, DC 20037.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1539. [Assistance for the hearing impaired is available though the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings

normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at *http://WWW.STB.DOT.GOV.*

Decided: July 6, 2005.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–13656 Filed 7–13–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0024]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501—3521) this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 15, 2005.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0024.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0024'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Insurance Deduction Authorization (For Deduction from Benefit Payments), VA Form 29–888.

OMB Control Number: 2900–0024.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 29–888 is completed by the insured or their representative to authorize VA to deduct payment for premiums, loans and/or liens on his or her insurance contract from their VA compensation check.

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 OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 18, 2005, at page 13236.

Affected Public: Individuals or households.

Estimated Annual Burden: 622 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,732.

Dated: July 1, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E5–3716 Filed 7–13–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0131]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501—3521) this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 15, 2005.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0131.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0131'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Request for Supplemental Information on Medical and Nonmedical Applications, VA Form Letter 29–615.

OMB Control Number: 2900–0131.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 29–615 used by the insured to apply for new issue, reinstatement or change of plan on Government life insurance policies.

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 OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 18, 2005, at pages 13236–13236.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,000 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 9,000.

Dated: July 1, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E5–3717 Filed 7–13–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0029]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the

nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 15, 2005.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0029.''

Send comments and recommendations concerning any aspect of the information collection to VA's Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0029'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Titles:

a. Offer to Purchase and Contract of Sale, VA Form 26–6705.

b. Credit Statement of Prospective Purchaser, VA Form 26–6705b.

c. Addendum to VA Form 26–6705 Offer to Purchase and Contract of Sale, VA Form 26–6705d.

OMB Control Number: 2900–0029.

Type of Review: Extension of a currently approved collection.

Abstract:

a. VA Form 26–6705 is completed by private sector sales broker to submit an offer to purchase VA acquired property on behalf of a prospective buyer. VA Form 26–6705 becomes a contract of sale if VA accepts the offer to purchase. It serves as a receipt for the prospective buyer for his/her earnest money deposit, describes the terms of sale, and eliminates the need for separate transmittal of a purchase offer.

b. VA Form 26–6705b is used as a credit application to determine the prospective buyer creditworthiness in instances when the prospective buyer seeks VA vendee financing. In such sales, the offer to purchase will not be accepted until the buyer's income and credit history have been verified and a loan analysis has been completed.

c. VA Form 26–6705d is an addendum to VA Form 26–6705 for use in the state of Virginia. The forms requires that the buyer be informed of the State's law at or prior to closing the transaction.

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 OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 2, 2005, at page 10171.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. VA Form 26–6705—20,000 hours.
b. VA Form 26–6705b—15,000 hours.
c. VA Form 26–6705d—250 hours.

Estimated Average Burden Per Respondent:

a. VA Form 26–6705—20 minutes.
b. VA Form 26–6705b—20 minutes.
c. VA Form 26–6705d—5 minutes.

Frequency of Response: On occasion.

Estimated Number of Total Respondents:

a. VA Form 26–6705—60,000.
b. VA Form 26–6705b—45,000.
c. VA Form 26–6705d—3,000.

Dated: July 1, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E5–3718 Filed 7–13–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0405]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 15, 2005.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–2900–0405.'' Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0405'' in any correspondence.

Title: REPS Annual Eligibility Report, (Under the Provisions of Section 156, Public Law 97–377), VA Form 21–8941.

OMB Control Number: 2900–0405.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–8941 is completed annually by claimants who have earned income that is at or near the limit of earned income. The REPS program pays benefits to certain surviving spouses and children of veterans who died in service prior to August 13, 1981 or who died as a result of a service-connected disability incurred or aggravated prior to August 13, 1981. VA uses the information collected to determine a claimant's continued entitlement to REPS benefits.

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 OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 4, 2005, at pages 6077–6078.

Affected Public: Individuals or households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 1,200.

Dated: July 1, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E5–3719 Filed 7–13–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0324]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521) this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the

collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 15, 2005.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0324.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0324'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Titles:

a. Supplemental Physical Examination Report, VA Form 29–8146.

b. Attending Physician's Statement, VA Form 29–8158.

c. Supplemental Physical Examination Report (Diabetes—Physician's Report), VA Form 29–8160.

OMB Control Number: 2900–0324.

Type of Review: Extension of a currently approved collection.

Abstract: The forms are used to obtain information regarding the physical and/or mental condition of a veteran who has submitted an application for Government Life Insurance or reinstatement of eligibility for such insurance.

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 OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 28, 2005 at pages 15689–15690.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,080 hours.

a. VA Form 29–8146—750 hours.

b. VA Form 29–8158—165 hours.

c. VA Form 29–8160—165 hours.

Estimated Average Burden Per Respondent:

a. VA Form 29–8146—45 minutes.

b. VA Form 29–8158—45 minutes.

c. VA Form 29–8160—45 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,440.

a. VA Form 29–8146—220.

b. VA Form 29–8158—1,000.

c. VA Form 29–8160—220.

Dated: July 6, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E5–3751 Filed 7–13–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0068]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521) this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 15, 2005.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0068.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0068'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Application for Service-Disabled Veterans Insurance, VA Form 29–4364 and VA Form 29–0151.

OMB Control Number: 2900–0068.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants complete VA Forms 29–4364 and 29–0151 to apply for service-disabled veterans insurance, designate a beneficiary and to select an optional settlement. VA uses the data collected to determine the claimant's eligibility for insurance.

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 OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 18, 2005 at page 13235.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,833 hours.

Estimated Average Burden Per Respondent: 40 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 4,250.

Dated: July 6, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E5–3752 Filed 7–13–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0492]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521) this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 15, 2005.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0492.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human

Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0492'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: VA MATIC Authorization, VA Form 29–0532–1.

OMB Control Number: 2900–0492.

Type of Review: Extension of a currently approved collection.

Abstract: Veteran policyholders complete VA Form 29–0532–1 to authorize deduction of Government Life Insurance premiums from their bank account.

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 OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 15, 2005 at page 7797.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,500 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,000.

Dated: July 6, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E5–3753 Filed 7–13–05; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Thursday,
July 14, 2005

Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Part 484

Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2006; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 484

[CMS–1301–P]

RIN 0938–AN44

Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2006

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would set forth an update to the 60-day national episode rates and the national per-visit amounts under the Medicare prospective payment system for home health agencies. We are also proposing to implement the revised area labor market Metropolitan Statistical Area designations for calendar year 2006.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on September 6, 2005.

ADDRESSES: In commenting, please refer to file code CMS–1301–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of three ways (no duplicates, please):

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to *http://www.cms.hhs.gov/regulations/ecomments.* (Attachments should be in Microsoft Word, WordPerfect, or Excel; however, we prefer Microsoft Word.)

2. *By mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1301–P, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) before the close of the comment period to one of the following addresses. If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Hubert H. Humphrey Building, Room 445–G, 200 Independence Avenue, SW., Washington, DC 20201; or 7500 Security Boulevard, Baltimore, MD 21244–1850.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Randy Throndset, (410) 786–0131. Sharon Ventura, (410) 786–1985.

SUPPLEMENTARY INFORMATION:

Submitting Comments: We welcome comments from the public on all issues set forth in this rule to assist us in fully considering issues and developing policies. You can assist us by referencing the file code CMS–1301–P and the specific ''issue identifier'' that precedes the section on which you choose to comment.

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. CMS posts all electronic comments received before the close of the comment period on its public Web site as soon as possible after they have been received. Hard copy comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

[If you choose to comment on issues in this section, please include the caption ''BACKGROUND'' at the beginning of your comments.]

A. Statutory Background

The Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33), enacted on August 5, 1997, significantly changed the way Medicare pays for Medicare home health services. Until the implementation of a home health prospective payment system (HH PPS) on October 1, 2000, home health agencies (HHAs) received payment under a cost-based reimbursement system. Section 4603 of the BBA governed the development of the HH PPS.

Section 4603(a) of the BBA provides the authority for the development of a PPS for all Medicare-covered home health services provided under a plan of care that were paid on a reasonable cost basis by adding section 1895, entitled ''Prospective Payment For Home Health Services,'' to the Social Security Act (the Act).

Section 1895(b)(1) of the Act requires the Secretary to establish a PPS for all costs of home health services paid under Medicare.

Section 1895(b)(3)(A) of the Act requires that (1) the computation of a standard prospective payment amount include all costs of home health services covered and paid for on a reasonable cost basis and be initially based on the most recent audited cost report data available to the Secretary, and (2) the prospective payment amounts be standardized to eliminate the effects of case-mix and wage levels among HHAs.

Section 1895(b)(3)(B) of the Act addresses the annual update to the standard prospective payment amounts by the home health applicable increase percentage as specified in the statute.

Section 1895(b)(4) of the Act governs the payment computation. Sections 1895(b)(4)(A)(i) and (b)(4)(A)(ii) of the Act require the standard prospective payment amount to be adjusted for case-mix and geographic differences in wage levels. Section 1895(b)(4)(B) of the Act requires the establishment of an appropriate case-mix adjustment factor that explains a significant amount of the variation in cost among different units of services. Similarly, section 1895(b)(4)(C) of the Act requires the establishment of wage adjustment factors that reflect the relative level of wages and wage-related costs applicable to the furnishing of home health services in a geographic area compared to the national average applicable level. These wage-adjustment factors may be the factors used by the Secretary for the different area wage levels for purposes of section 1886(d)(3)(E) of the Act.

Section 1895(b)(5) of the Act gives the Secretary the option to grant additions or adjustments to the payment amount otherwise made in the case of outliers because of unusual variations in the type or amount of medically necessary care. Total outlier payments in a given fiscal year cannot exceed 5 percent of total payments projected or estimated.

On December 8, 2003, the Congress enacted the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 (Pub. L. 108–173). This legislation affected how we make updates to HH payment rates.

Section 701 of the MMA changed the yearly update cycle of the HH PPS rates from that of a fiscal year to a calendar year update cycle for 2004 and any subsequent year. Generally, section 701(a) of the MMA changed the references in the statute to refer to the calendar year for 2004 and any subsequent year. The changes resulted in updates to the HH PPS rates described as ''fiscal year'' updates for 2002 and 2003 and as ''calendar year'' updates for 2004 and any subsequent year (section 1895(b)(3)(B)(i) of the Act. Beginning on January 1, 2005, HH PPS will now be updated on a calendar year update cycle.

In addition to changing the update cycle for HH PPS rates, section 701 of the MMA made adjustments to the home health applicable increase percentage for 2004, 2005, and 2006. Specifically, section 701(a)(2)(D) of the MMA left unchanged the home health market basket update for the last calendar year quarter of 2003 and the first calendar year quarter of 2004 (section 1895(b)(3)(B)(ii)(II) of the Act). Furthermore, section 701(b)(4) of the MMA set the home health applicable percentage increase for the last 3 quarters of 2004 as the home health market basket (3.1 percent) minus 0.8 percentage point (section 1895(b)(3)(B)(ii)(III) of the Act). We implemented this provision through Pub. 100–20, One Time Notification, Transmittal 59, issued February 20, 2004. Section 701(b)(4) of the MMA also provided that updates for CY 2005 and CY 2006 will equal the applicable home health market basket percentage increase minus 0.8 percentage point. Lastly, section 701(b)(3) of the MMA revised the statute to provide that HH PPS rates for CY 2007 and any subsequent year will be updated by that year's home health market basket percentage increase (section 1895(b)(3)(B)(ii)(IV) of the Act).

B. Updates

On July 3, 2000, we published a final rule (65 FR 41128) in the **Federal Register** to implement the HH PPS legislation. That final rule established requirements for the new PPS for HHAs as required by section 4603 of the BBA, and as subsequently amended by section 5101 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (OCESAA) for Fiscal Year 1999 (Pub. L. 105–277), enacted on October 21, 1998; and by sections 302, 305, and 306 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act (BBRA) of 1999 (Pub. L. 106–113), enacted on November 29, 1999. The requirements include the implementation of a PPS for HHAs, consolidated billing requirements, and a number of other related changes. The PPS described in that rule replaced the retrospective reasonable-cost-based system that was used by Medicare for the payment of home health services under Part A and Part B.

On October 22, 2004, we published a final rule (69 FR 62124), which set forth an update to the 60-day national episode rates and the national per-visit amounts under the Medicare prospective payment system for home health agencies. As part of that final rule, we rebased and revised the home health market basket to ensure it continues to adequately reflect the price changes of efficiently providing home health services. In addition, we revised the fixed dollar loss ratio, which is used in the calculation of outlier payments. That final rule was also the first update of the HH PPS rates on a calendar year update cycle. HH PPS was moved to a calendar year update cycle as a result the MMA.

C. System for Payment of Home Health Services

Generally, Medicare makes payment under the HH PPS on the basis of a national standardized 60-day episode payment, adjusted for case mix and wage index. For episodes with four or fewer visits, Medicare pays on the basis of a national per-visit amount by discipline, referred to as a low utilization payment adjustment (LUPA). Medicare also adjusts the 60-day episode payment for certain intervening events that give rise to a partial episode payment adjustment (PEP adjustment) or a significant change in condition adjustment (SCIC). For certain cases that exceed a specific cost threshold, an outlier adjustment may also be available. For a complete and full description of the HH PPS as required by the BBA and as amended by OCESAA and BBRA, see the July 3, 2000 HH PPS final rule (65 FR 41128).

II. Provisions of the Proposed Regulations

[If you choose to comment on issues in this section, please include the caption ''PROVISIONS OF THE PROPOSED REGULATIONS'' at the beginning of your comments.]

A. National Standardized 60-Day Episode Rate

Medicare HH PPS has been effective since October 1, 2000. As set forth in the final rule published July 3, 2000 in the **Federal Register** (65 FR 41128), the unit of payment under Medicare HH PPS is a national standardized 60-day episode rate. As set forth in 42 CFR 484.220, we adjust the national standardized 60-day episode rate by a case mix grouping and a wage index value based on the site of service for the beneficiary. The proposed CY 2006 HH PPS rates use the same case-mix methodology and application of the wage index adjustment to the labor portion of the HH PPS rates as set forth in the July 3, 2000 final rule. In the October 22, 2004 final rule, we rebased and revised the home health market basket, resulting in a labor related share of 76.775 percent and a non-labor portion of 23.225 percent (69 FR 62126). We multiply the national 60-day episode rate by the patient's applicable case-mix weight. We divide the case-mix adjusted amount into a labor and non-labor portion. We multiply the labor portion by the applicable wage index based on the site of service of the beneficiary. As the home health market basket was rebased and revised last year, we are not proposing to rebase it for CY 2006.

As required by section 1895(b)(3)(B) of the Act, we have updated the HH PPS rates annually in a separate **Federal Register** document. Section 484.225 sets forth the specific percentage update for fiscal years 2001 through 2008. As amended by section 701 of the MMA, § 484.225(f) sets the CY 2006 unadjusted national prospective 60-day episode payment rate equal to the rate from the previous calendar year (CY 2005), increased by the applicable home health market basket minus 0.8 percentage point.

For CY 2006, we are proposing to use again the design and case-mix methodology described in section III.G of the HH PPS July 3, 2000 final rule (65 FR 41192 through 41203). For CY 2006, we are proposing to base the wage index adjustment to the labor portion of the PPS rates on the most recent pre-floor and pre-reclassified hospital wage index as discussed in section II.D of this proposed rule (not including any reclassifications under section 1886(d)(8)(B)) of the Act.

As discussed in the July 3, 2000 HH PPS final rule, for episodes with four or fewer visits, Medicare pays the national per-visit amount by discipline, referred to as a LUPA. We update the national per-visit amounts by discipline annually by the applicable home health market

basket percentage. We adjust the national per-visit amount by the appropriate wage index based on the site of service for the beneficiary as set forth in § 484.230. We propose to adjust the labor portion of the updated national per-visit amounts by discipline used to calculate the LUPA by the most recent pre-floor and pre-reclassified hospital wage index, as discussed in section II.D of this proposed rule.

Medicare pays the 60-day case-mix and wage-adjusted episode payment on a split percentage payment approach. The split percentage payment approach includes an initial percentage payment and a final percentage payment as set forth in § 484.205(b)(1) and (b)(2). We may base the initial percentage payment on the submission of a request for anticipated payment and the final percentage payment on the submission of the claim for the episode, as discussed in § 409.43. The claim for the episode that the HHA submits for the final percentage payment determines the total payment amount for the episode and whether we make an applicable adjustment to the 60-day case-mix and wage-adjusted episode payment. The end date of the 60-day episode as reported on the claim determines the rate level at which Medicare will pay the claim for the fiscal period.

We may also adjust the 60-day case-mix and wage-adjusted episode payment based on the information submitted on the claim to reflect the following:

- A low utilization payment provided on a per-visit basis as set forth in § 484.205(c) and § 484.230.
- A partial episode payment adjustment as set forth in § 484.205(d) and § 484.235.
- A significant change in condition adjustment as set forth in § 484.205(e) and § 484.237.
- An outlier payment as set forth in § 484.205(f) and § 484.240.

This proposed rule reflects the proposed updated CY 2006 rates that would be effective January 1, 2006.

B. Proposed CY 2006 Update to the Home Health Market Basket Index

Section 1895(b)(3)(B) of the Act, as amended by section 701 of the MMA, requires for CY 2006 that the standard prospective payment amounts be increased by a factor equal to the applicable home health market basket update minus 0.8 percentage point.

- *Proposed CY 2006 Adjustments*

In calculating the annual update for the CY 2006 60-day episode rates, we are proposing to first look at the CY 2005 rates as a starting point. The CY 2005 national 60-day episode rate, as published in the **Federal Register** (69 FR 62124) is $2,264.28.

In order to calculate the CY 2006 national 60-day episode rate, we are proposing to multiply the CY 2005 national 60-day episode rate ($2,264.28) by the proposed estimated home health market basket update of 3.3 percent for CY 2006 minus 0.8 percentage point.

We would increase the CY 2005 60-day episode payment rate by the proposed estimated home health market basket update (3.3 percent) minus 0.8 percentage point ($2,264.28 × 2.5 percent) to yield the proposed updated CY 2006 national 60-day episode rate ($2,320.89) (see Table 1 below).

TABLE 1.—PROPOSED NATIONAL 60-DAY EPISODE AMOUNTS UPDATED BY THE PROPOSED ESTIMATED HOME HEALTH MARKET BASKET UPDATE FOR CY 2006, MINUS 0.8 PERCENTAGE POINT, BEFORE CASE-MIX ADJUSTMENT, WAGE INDEX ADJUSTMENT BASED ON THE SITE OF SERVICE FOR THE BENEFICIARY OR APPLICABLE PAYMENT ADJUSTMENT

Total prospective payment amount per 60-day episode for CY 2005	Multiply by the proposed estimated home health market basket update (3.3 percent) minus 0.8 percentage point	Proposed CY 2006 updated national 60-day episode rate
$2,264.28	1.025	$2,320.89

National Per-visit Amounts Used to Pay LUPAs and Compute Imputed Costs Used in Outlier Calculations

As discussed previously in this proposed rule, the policies governing the LUPAs and outlier calculations set forth in the July 3, 2000 HH PPS final rule will continue during CY 2006. In calculating the annual update for the CY 2006 national per-visit amounts we use to pay LUPAs and to compute the imputed costs in outlier calculations, we are proposing to look again at the CY 2005 rates as a starting point. We then are proposing to multiply those amounts by the proposed estimated home health market basket update minus 0.8 percentage point for CY 2006 to yield the updated per-visit amounts for each home health discipline for CY 2006 (*see* Table 2 below).

TABLE 2.—PROPOSED NATIONAL PER-VISIT AMOUNTS FOR LUPAS AND OUTLIER CALCULATIONS UPDATED BY THE PROPOSED ESTIMATED HOME HEALTH MARKET BASKET UPDATE FOR CY 2006, MINUS 0.8 PERCENTAGE POINT, BEFORE WAGE INDEX ADJUSTMENT BASED ON THE SITE OF SERVICE FOR THE BENEFICIARY

Home health discipline type	Final per-visit amount per 60-day episode for CY 2005 for LUPAs	Multiply by the proposed estimated home health market basket (3.3 percent) minus 0.8 percentage point	Proposed per-visit payment amount per discipline for CY 2006 for LUPAs
Home Health Aide	$44.76	1.025	$45.88
Medical Social Services	158.45	1.025	162.41
Occupational Therapy	108.81	1.025	111.53
Physical Therapy	108.08	1.025	110.78
Skilled Nursing	98.85	1.025	101.32
Speech-Language Pathology	117.44	1.025	120.38

C. Outliers and the Fixed Dollar Loss Ratio

Outlier payments are payments made in addition to regular 60-day case-mix and wage-adjusted episode payments for episodes that incur unusually large costs due to patient home health care needs. Outlier payments are made for episodes for which the estimated cost exceeds a threshold amount. The episode's estimated cost is the sum of the national wage-adjusted per-visit payment amounts for all visits delivered during the episode. The outlier threshold for each case-mix group, PEP adjustment, or total SCIC adjustment is defined as the 60-day episode payment amount, PEP adjustment, or total SCIC adjustment for that group plus a fixed dollar loss amount. Both components of the outlier threshold are wage-adjusted.

The wage-adjusted fixed dollar loss (FDL) amount represents the amount of loss that an agency must bear before an episode becomes eligible for outlier payments. The FDL is computed by multiplying the wage-adjusted 60-day episode payment amount by the fixed dollar loss ratio, which is a proportion expressed in terms of the national standardized episode payment amount. The outlier payment is defined to be a proportion of the wage-adjusted estimated costs beyond the wage-adjusted threshold. The proportion of additional costs paid as outlier payments is referred to as the loss-sharing ratio.

Section 1895(b)(5) of the Act requires that estimated total outlier payments are no more than 5 percent of total estimated HH PPS payments. In response to the concerns about potential financial losses that might result from unusually expensive cases expressed in comments to the October 28, 1999 proposed rule (64 FR 58133), the July 2000 final rule set the target for estimated outlier payments at the 5 percent level. The fixed dollar loss ratio and the loss-sharing ratio were then selected so that estimated total outlier payments would meet the 5 percent target.

For a given level of outlier payments, there is a trade-off between the values selected for the fixed dollar loss ratio and the loss-sharing ratio. A high fixed dollar loss ratio reduces the number of episodes that can receive outlier payments, but makes it possible to select a higher loss-sharing ratio and, therefore, increase outlier payments for outlier episodes. Alternatively, a lower fixed dollar loss ratio means that more episodes can qualify for outlier payments, but outlier payments per episode must be lower. As a result of public comments on the October 28, 1999 proposed rule, in our July 2000 final rule, we made the decision to attempt to cover a relatively high proportion of the costs of outlier cases for the most expensive episodes that would qualify for outlier payments within the 5 percent constraint.

In the July 2000 final rule, we chose a value of 0.80 for the loss-sharing ratio, which preserves incentives for agencies to attempt to provide care efficiently for outlier cases. A loss-sharing ratio of 0.80 was also consistent with the loss-sharing ratios used in other Medicare PPS outlier policies. Furthermore, we estimated the value of the fixed dollar loss ratio that would yield estimated total outlier payments that were 5 percent of total home health PPS payments. The resulting value for the fixed dollar loss ratio, for the July 2000 final rule, was 1.13.

Our CY 2005 update to the HH PPS rates (69 FR 62124) changed the fixed dollar loss ratio from the original 1.13 to 0.70 to allow more home health episodes to qualify for outlier payments and to better meet the estimated 5 percent target of outlier payments to total HH PPS payments. We stated in that CY 2005 update that we planned to continue to monitor the outlier expenditures on a yearly basis and to make adjustments as necessary (69 FR 62129). To do so, we planned on using the best Medicare data available at the time of publication. For the CY 2005 update, we used CY 2003 home health claims data. At this time, we do not have sufficient data to propose any update to the FDL ratio for the CY 2006 update to the HH PPS rates. However, depending on the availability of more recent data at the time of publication of the HH PPS rate update for CY 2006 final rule, we may, if necessary, implement an update to the FDL ratio for the CY 2006 update to the HH PPS rates. If so, we plan on using the same methodology performed in updating to the current FDL ratio described in the June 2, 2004 proposed rule using any more recent available data.

D. Hospital Wage Index

1. Revised OMB Definition for Geographical Statistical Areas

Sections 1895(b)(4)(A)(ii) and (b)(4)(C) of the Act require the Secretary to establish area wage adjustment factors that reflect the relative level of wages and wage-related costs applicable to the furnishing of home health services and to provide appropriate adjustments to the episode payment amounts under HH PPS to account for area wage differences. We apply the appropriate wage index value to the labor portion (76.775 percent; see (60 FR 62126)) of the HH PPS rates based on the geographic area in which the beneficiary received home health services as discussed in section II. A of this proposed rule. Generally, we determine each HHA's labor market area based on definitions of Metropolitan Statistical Areas (MSAs) issued by the Office of Management and Budget (OMB).

We acknowledged in our October 22, 2004 final rule that, on June 6, 2003, the OMB issued an OMB Bulletin (No. 03–04) announcing revised definitions for Metropolitan Statistical Areas (MSAs), new definitions for Micropolitan Statistical Areas and Combined Statistical Areas, and guidance on using the statistical definitions. A copy of the Bulletin may be obtained at the following Internet address: *http://www.whitehouse.gov/omb/bulletins/b03–04.html.* At that time, we did not propose to apply these new definitions known as Core-Based Statistical Areas (CBSAs). After further analysis, we are proposing to use the OMB-revised definitions to adjust the proposed CY 2006 HH PPS payment rates. The Hospital Inpatient PPS (IPPS) is applying these revised definitions as discussed in the August 11, 2004 IPPS final rule (68 FR 49207).

a. Background. As discussed previously and set forth in the July 3, 2000 final rule, the statute provides that the wage adjustment factors may be the factors used by the Secretary for purposes of section 1886(d)(3)(E) of the Act for hospital wage adjustment factors. Again, as discussed in the July 3, 2000 final rule, we are proposing to use the pre-floor and pre-reclassified hospital wage index data to adjust the labor portion of the HH PPS rates based on the geographic area in which the beneficiary receives the home health services. We believe the use of the pre-floor and pre-reclassified hospital wage index data results in the appropriate adjustment to the labor portion of the costs as required by statute. For this proposed CY 2006 update to the home health payment rates, we propose to continue to use the most recent pre-floor and pre-reclassified hospital wage index available at the time of publication. See Addenda A and B of this proposed rule, respectively, for the proposed rural and urban hospital wage indices using the new MSA designations. For HH PPS rates addressed in this proposed rule, we are using preliminary 2006 pre-floor and pre-reclassified hospital wage index data. We will incorporate updated hospital wage index data for the 2006 pre-floor and pre-reclassified hospital wage index to be used in the final rule

for the CY 2006 HH PPS update (not including any reclassifications under section 1886(d)(8)(B) of the Act).

As implemented under the HH PPS in the July 3, 2000 HH PPS final rule, each HHA's labor market is determined based on definitions of MSAs issued by OMB. In general, an urban area is defined as an MSA or New England County Metropolitan Area (NECMA) as defined by OMB. Under § 412.62(f)(1)(iii), a rural area is defined as any area outside of the urban area. The urban and rural area geographic classifications are defined in § 412.62(f)(1)(ii) and (f)(1)(iii), respectively, and have been used under HH PPS since it was implemented.

Under the HH PPS, the wage index value used is based upon the location of the beneficiary's home. As has been our longstanding practice, any area not included in an MSA (urban area) is considered to be nonurban (§ 412.64(b)(1)(ii)(C)) and receives the statewide rural wage index value (see, for example (65 FR 41173)).

Currently, the MSA definitions are used under other prospective payment systems such as the inpatient rehabilitation facility PPS (IRF PPS), the inpatient psychiatric facility PPS (IPF PPS), the skilled nursing facility PPS (SNF PPS), and Medicare payment for hospice care. In the August 11, 2004 IPPS final rule (69 FR 49206 through 49034), revised labor market area definitions were adopted under § 412.64(b), which were effective October 1, 2004 for acute care hospitals. The new standards, CBSAs, were announced by OMB in late 2000 and are discussed in greater detail below.

As indicated above, we are proposing to implement the designations and definitions published by OMB. Details can be found in the June 6, 2003 OMB Bulletin (No. 03–04). In this proposed rule, we will address the new OMB definitions and their application to the home health wage index used by HH PPS. We are also proposing to revise § 484.202 (Definitions) to reflect those new designations and definitions. As we use the hospital inpatient wage data as the basis for determining the wage index used by HH PPS, we are generally adopting the same approach as taken by the hospital inpatient prospective payment system (IPPS). The changes in the hospital wage index based on the new OMB definitions are discussed in the inpatient prospective payment system (IPPS) proposed rule published in the **Federal Register** on May 18, 2004 (69 FR 28196) as well as in the IPPS final rule published on August 11, 2004 (69 FR 48916).

b. *Current Labor Market Areas Based on MSAs.* As noted above, we currently define labor market areas based on the definitions of Metropolitan Statistical Areas (MSAs), Primary MSAs (PMSAs), and New England County Metropolitan Areas (NECMAs) issued by the OMB. The OMB also designates Consolidated MSAs (CMSAs). A CMSA is a metropolitan area with a population of one million or more, comprising two or more PMSAs (identified by their separate economic and social character). For the purposes of the wage index, we use the PMSAs rather than the CMSAs because they allow a more precise breakdown of labor costs. If a metropolitan area is not designated as part of a PMSA, we use the applicable MSA. These different designations use counties as the building blocks upon which they are based. Hospitals are assigned to either an MSA, PMSA, or NECMA based on whether the county in which the hospital is located is part of that area. All of the counties in a State outside a designated MSA, PMSA, or NECMA are designated rural. For the purposes of calculating the wage index, we combine all of the counties in a State outside a designated MSA, PMSA, or NECMA together to calculate the statewide rural wage index for each state.

c. *Core-Based Statistical Areas.* The OMB reviews its Metropolitan Area (MA) definitions preceding each decennial census. As discussed in the August 11, 2004 IPPS final rule (69 FR 49207), in the Fall of 1998, the OMB chartered the Metropolitan Area Standards Review Committee to examine the MA standards and develop recommendations for possible changes to those standards. Three notices related to the review of the standards, providing an opportunity for public comment on the recommendations of the Committee, were published in the **Federal Register** on the following dates: December 21, 1998 (63 FR 70526); October 20, 1999 (64 FR 56628); and August 22, 2000 (65 FR 51060).

In the December 27, 2000 **Federal Register** (65 FR 82228 through 82238), OMB announced its new standards. In that notice, the OMB defines a Core-Based Statistical Area (CBSA), beginning in 2003, as ''a geographic entity associated with at least one core of 10,000 or more population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties.'' The standards designate and define two categories of CBSAs: Metropolitan Statistical Areas (MSAs) and Micropolitan Statistical Areas (65 FR 82235).

According to the OMB, MSAs are based on urbanized areas of 50,000 or more population, and Micropolitan Statistical Areas (referred to in further discussion as Micropolitan Areas) are based on urban clusters of at least 10,000 population but less than 50,000 population. Counties that do not fall within CBSAs (either MSAs or Micropolitan Areas) are deemed ''Outside CBSAs.'' In the past, the OMB defined MSAs around areas with a minimum core population of 50,000, and smaller areas were ''Outside MSAs.''

On June 6, 2003, OMB announced the new CBSAs, comprised of MSAs and the new Micropolitan Areas based on Census 2000 data. (A copy of the announcement may be obtained at the following Internet address: *http://www.whitehouse.gov/omb/bulletins/fy04/b04–03.html*.) The new CBSA designations recognize 49 new (urban) MSAs and 565 new Micropolitan Areas, and revise the composition of many of the existing (urban) MSAs. There are 1,090 counties in MSAs under these new CBSA designations compared with 848 counties in the previous MSAs. Of these 1,090 counties, 737 are in the same MSA as they were before the changes, 65 are in different MSAs, and 288 were not previously designated to any MSA. There are 674 counties in Micropolitan Areas. Of these, 41 were previously in an MSA, while 633 were not previously designated to an MSA. There are five counties that previously were designated to a MSA but are no longer designated to either an MSA or a new Micropolitan Area: Carter County, KY; St. James Parish, LA; Kane County, UT; Culpepper County, VA; and King George County, VA. For a more detailed discussion of the new CBSAs, refer to the August 11, 2004 IPPS final rule (67 FR 49026 through 49034).

d. *Proposed Revision to the HH PPS Labor Market Areas.* In its June 6, 2003 announcement, OMB cautioned that these new definitions ''should not be used to develop and implement Federal, State, and local nonstatistical programs and policies without full consideration of the effects of using these definitions for such purposes. These areas should not serve as a general-purpose geographic framework for nonstatistical activities, and they may or may not be suitable for use in program funding formulas.''

In the HH PPS update for CY 2005 proposed rule (69 FR 31260, June 2, 2004), we noted that the recently published IPPS proposed rule for FY 2005 had discussed some of the issues associated with using these new definitions, and had invited public

comment on them. Accordingly, we decided to defer proposing any new labor market definitions in the home health context at that time, in order to allow the public sufficient time and opportunity to consider and provide comments on this issue. In that HH PPS proposed rule, we also invited all interested parties to provide input on this issue in the specific context of the HH PPS. We believe that sufficient time has now elapsed for interested parties to consider and react to the new OMB definitions and, accordingly, we are now proposing to make the changes discussed below.

We have continued to use MSAs to define labor market areas for purposes of the wage index. For the HH PPS, the statute states that the Secretary shall establish area wage adjustment factors that reflect the relative level of wages and wage-related costs applicable to the furnishing of home health services in a geographic area compared to the national average applicable level. We believe MSAs are a reasonable and appropriate proxy for developing geographic areas for purposes of adjusting for wage differences in HH PPS and for many of the same reasons stated in the various IPPS rules over the years where this issue has been exhaustively examined. We also note that MSAs have been used to define labor market areas for purposes of the wage index for many of the other Medicare payment systems (for example, IRF PPS, SNF PPS, hospice, and IPF PPS).

First, historically, Medicare prospective payment systems have used MA definitions developed by OMB. For example, in discussing the adoption of the MSA designation for the IPPS area labor adjustment, the IPPS proposed rule for FY 1985 (49 FR 27426, July 3, 1984) stated:

> [i]n administering a national payment system, we must have a national classification system built on clear, objective standards. Otherwise the program becomes increasingly difficult to administer because the distinction between rural and urban hospitals is blurred. We believe that the MSA system is the only one that currently meets the requirements for use as a classification system in a national payment program. The MSA classification system is a statistical standard developed for use by Federal agencies in the production, analysis, and publication of data on metropolitan areas. The standards have been developed with the aim of producing definitions that will be as consistent as possible for all MSAs nationwide.

In addition, in numerous instances, the Congress has recognized that the areas developed by OMB may be used for differentiating among geographic areas for Medicare payment purposes. For example, in the IPPS statutory sections, the Congress defines an ''urban area'' as ''an area within a Metropolitan Statistical Area (as defined by the Office of Management and Budget) or within such similar area as the Secretary has recognized.'' Section 1886(d)(2)(D) of the Act. Similarly, in the sections of the statute governing the guidelines to be used by the Medicare Geographic Classification Review Board for purposes of reclassification, the Congress directed the Secretary to create guidelines for ''determining whether the county in which the hospital is located should be treated as being a part of a particular [MSA].'' Section 1886(d)(10)(A), (D)(i)(II) of the Act. Thus, the Congress has accepted and ratified the use of MSAs as an inherently rational manner of dividing labor-market areas for purposes of Medicare payments.

The process used by OMB to develop the MSAs creates geographic areas upon characteristics that we believe also generally reflect the characteristics of unified labor market areas. For example, the CBSAs reflect a core population plus an adjacent territory that reflects a high degree of social and economic integration. This integration is measured by commuting ties, thus demonstrating that these areas may draw workers from the same general areas. In addition, the most recent CBSAs reflect the most up-to-date information. OMB reviews its MA definitions preceding each decennial census to reflect recent population changes and the CBSAs are based on the Census 2000 data. Finally, in the context of the IPPS, we have reviewed alternative methods for determining geographic areas for purposes of the wage index, and in each case, have decided to retain the OMB designations rather than replace these designations with alternatives.

Because we believe that we have broad authority to create labor market areas, and because we also believe that OMB's latest MA designations accurately reflect the local economies and wage levels of the areas in which hospitals are currently located, we are proposing to adopt the revised labor market area designations based on OMB's CBSA designations.

Furthermore, when we implemented the wage index adjustment at § 484.210 under the HH PPS in the July 3, 2000 HH PPS final rule (65 FR 41213), we stated that an appropriate wage index was to be used to adjust for area wage differences. We also explained that in the adjustment to the national prospective 60-day episode payment rate, we have to account for the geographic differences in wage levels using an appropriate wage index based on the site of service of the beneficiary (65 FR 41213). Because we believe that OMB's CBSA designations based on Census 2000 data reflect the most recent available geographic classifications (MA definitions), as noted above we are proposing to revise the labor market area definitions used under the HH PPS. Specifically, we are proposing to revise the HH PPS labor market definitions based on OMB's new CBSA designations (as discussed in greater detail below), effective for HH PPS services occurring on or after January 1, 2006.

We note that OMB's new CBSA designations are the same labor market area definitions implemented under the IPPS at § 412.64(b), which were effective for those hospitals beginning October 1, 2004, as discussed in the August 11, 2004 IPPS final rule (69 FR 49026 through 49034). The similarity between the IPPS and the HH PPS includes the adoption in the initial implementation of the HH PPS of the same labor market area definitions under the HH PPS that existed under the IPPS at that time, as well as the use of acute care hospitals' wage data in calculating the HH PPS wage index. Therefore, we believe that proposing to revise the HH PPS labor market area definitions based on OMB's CBSA designations is consistent with our historical practice of generally modeling HH PPS wage index policy after IPPS wage index policy.

Below, we discuss the composition of the proposed HH PPS labor market areas based on OMB's new CBSA designations.

(1) *New England County Metropolitan Areas.* NECMAs are currently used to define labor market areas in New England, because they are county-based designations rather than the 1990 MSA definitions for New England, which used minor civil divisions such as cities and towns. Under the new CBSA definition, OMB has now defined the MSAs and Micropolitan Areas in New England on the basis of counties. OMB also established New England City and Town Areas, which are similar to the previous New England MSAs. Therefore, to maintain consistency among all labor market areas and to maintain these areas on the basis of counties, under the HH PPS, we are proposing to use the county-based areas for all MSAs in the nation, including those in New England. Census 2000 has now defined the New England area based on counties, creating a city- and town-based system as an alternative. We believe that adopting county-based labor market areas for the entire country,

except those in New England, would lead to inconsistencies in our designations. Adopting county-based labor market areas for the entire country provides consistency and stability in Medicare program payment because all the labor market areas throughout the country including New England, would be defined using the same system (that is, counties) rather than different systems in different areas of the county, thus minimizing programmatic complexity.

In addition, we have consistently employed a county-based system for New England for precisely that reason: to maintain consistency with the labor market definitions used throughout the country. We note that this is consistent with the implementation of the CBSA designations under the IPPS for New England (see August 11, 2004 (69 FR 49028)). Accordingly, under the HH PPS we are proposing to use the New England MSAs as determined under the proposed new CBSA-based labor market area definitions in defining the proposed revised HH PPS labor market areas.

(2) *Metropolitan Divisions.* Under OMB's new CBSA designations, a Metropolitan Division is a county or group of counties within a CBSA that contains a core population of at least 2.5 million, representing an employment center, plus adjacent counties associated with the main county or counties through commuting lines. A county qualifies as a main county if 65 percent or more of its employed residents work within the county and the ratio of the number of jobs located in the county to the number of employed residents is at least 0.75. A county qualifies as a secondary county if 50 percent or more, but less than 65 percent, of its employed residents work within the county and the ratio of the number of jobs located in the county to the number of employed residents is at least 0.75. After all the main and secondary counties are identified and grouped, each additional county that already has qualified for inclusion in the MSA falls within the Metropolitan Division associated with the main/secondary county or counties with which the county at issue has the highest employment interchange measure. Counties in a Metropolitan Division must be contiguous (65 FR 82236). Metropolitan Divisions have been implemented under IPPS (69 FR 49029).

As noted above, in the past, OMB designated CMSAs as Metropolitan Areas with a population of one million or more and comprised of two or more PMSAs. Under the HH PPS, we currently use the PMSAs rather than CMSAs to define labor market areas because they comprise a smaller geographic area with potentially varying labor costs due to different local economies. We believe that CMSAs may be too large an area to accurately reflect the local labor costs of all of the individual hospitals included in that relatively ''large'' area. Similarly, we believe that Metropolitan Divisions under the CBSA designations may be too large an area to accurately reflect the local labor costs of all of the individual hospitals included in that relatively ''large'' area. Further, Metropolitan Divisions represent the closest approximation to PMSAs and, therefore, would most accurately maintain our current structuring of the HH PPS labor market areas. Therefore, as implemented under the IPPS (69 FR 49029), we are proposing to use the Metropolitan Divisions where applicable (as described below) under the proposed new CBSA-based labor market area definitions.

In addition to being comparable to the organization of the labor market areas under current MSA designations, we believe that proposing to use Metropolitan Divisions where applicable (as described below) under the HH PPS would result in a more accurate adjustment for the variation in local labor market areas. Specifically, if we recognize the relatively ''larger'' CBSA that comprises two or more Metropolitan Divisions as an independent labor market area for purposes of the wage index, it would be too large and would include the data from too many hospitals to compute a wage index that would accurately reflect the various local labor costs of all of the individual hospitals included in that relatively ''large'' CBSA. By proposing to recognize Metropolitan Divisions where applicable (as described below) under the proposed new CBSA-based labor market area definitions under the HH PPS, we believe that the local labor costs would be more accurately reflected, thereby resulting in a wage index adjustment that better reflects the variation in the local labor costs of the local economies served by HHAs in those relatively ''smaller'' areas.

Under CBSA definitions, there are 11 MSAs containing Metropolitan Divisions: Boston; Chicago; Dallas; Detroit; Los Angeles; Miami; New York; Philadelphia; San Francisco; Seattle; and Washington, D.C. Although these MSAs were also CMSAs under the prior definitions, in some cases their areas have been significantly altered.

Under the current HH PPS MSA designations, Boston was a single NECMA. Under the proposed CBSA-based labor market area designations, it would be comprised of 4 Metropolitan Divisions. Los Angeles would go from 4 PMSAs under the current HH PPS MSA designations to 2 Metropolitan Divisions under the proposed CBSA-based labor market area designations. The New York CMSA would go from 15 PMSAs under the current HH PPS MSA designations to only 4 Metropolitan Divisions under the proposed CBSA-based labor market area designations. Five PMSAs in Connecticut under the current HH PPS MSA designations would become separate MSAs under the proposed CBSA-based labor market area designations. The number of PMSAs in New Jersey, under the current HH PPS MSA designations would go from 5 to 2, with the consolidation of 2 New Jersey PMSAs (Bergen-Passaic and Jersey City) into the New York-Wayne-White Plains, NY–NJ Division, under the proposed CBSA-based labor market area designations. In San Francisco, under the proposed CBSA-based labor market area designations, there are only 2 Divisions. Currently, there are 6 PMSAs, some of which are now separate MSAs under the current HH PPS labor market area designations.

Under the current HH PPS labor market area designations, Cincinnati, Cleveland, Denver, Houston, Milwaukee, Portland, Sacramento, and San Juan are all designated as CMSAs, but would no longer be designated as CMSAs under the proposed CBSA-based labor market area designations. As noted previously, the population threshold to be designated a CMSA under the current HH PPS labor market area designations is one million. In most of these cases, counties currently in a PMSA would become a separate, independent MSA under the proposed CBSA-based labor market area designations, leaving only the MSA for the core area under the proposed CBSA-based labor market area designations.

(3) *Micropolitan Areas.* Under OMB's new CBSA designations, Micropolitan Areas are essentially a third area definition comprised primarily of what are currently designated as rural areas, but also include some or all of areas that are currently designated as an urban MSA. As discussed in the August 11, 2004 IPPS final rule (69 FR 49029–49032), how these areas are treated would have significant impact on the calculation and application of the hospital wage index. Specifically, whether or not Micropolitan Areas are included as part of the respective statewide rural wage indices would affect the value of the statewide rural wage index of any State that contains a Micropolitan area. A hospital's

classification as urban or rural affects which hospitals' wage data are included in the statewide rural wage index. As discussed in section II.D.1.b of this proposed rule, all counties in a State outside a designated urban area are combined to calculate the statewide rural wage index for each State.

Micropolitan Areas included as part of the statewide rural labor market area would result in an increase to the statewide rural wage index because hospitals located in those Micropolitan Areas typically have higher labor costs than other rural hospitals in the State. Alternatively, as discussed in greater detail below, if Micropolitan Areas were recognized as independent labor market areas, because there would be so few hospitals in those areas to complete a wage index, the wage indices for those areas would become relatively unstable as they would change considerably from year to year.

Currently, we use MSAs to define urban labor market areas and group all the hospitals in counties within each State that are not assigned to an MSA into a statewide rural labor market area. Therefore, we used the terms ''urban'' and ''rural'' wage indices in the past for ease of reference. However, the introduction of Micropolitan Areas by OMB potentially complicates this terminology because these areas include many hospitals that are currently included in the statewide rural labor market areas. Thus, the term ''rural'' is now used to describe hospitals in counties that are not assigned to either MSA or Micropolitan areas.

We are proposing to treat Micropolitan Areas as rural labor market areas under the HH PPS for the reasons outlined below. That is, counties that are assigned to a Micropolitan area under the CBSA designations would be treated the same as other ''rural'' counties that are not assigned to either an MSA (Metropolitan Area) or a Micropolitan Area. Therefore, in determining the applicable HH PPS wage index (based on IPPS hospital wage index data, as discussed in greater detail below in section II.D. of this preamble), we propose that the wage index for an HHA servicing a home health beneficiary in a Micropolitan Area under the OMB's CBSA designations would be classified as ''rural'' and would be assigned the statewide rural wage index for that State.

In the August 11, 2004 IPPS final rule, (69 FR 49029 through 49032), we discussed the impact of treating Micropolitan areas as part of the statewide rural labor market area instead of treating Micropolitan Areas as independent labor market areas for hospitals paid under IPPS. As discussed in greater detail in that same final rule, Micropolitan Areas encompass smaller populations than MSAs and tend to include fewer hospitals per Micropolitan Area.

As Micropolitan Areas tend to include fewer hospitals, recognizing Micropolitan Areas as independent labor market areas would generally increase the potential for dramatic shifts in those areas' wage indices from one year to the next because a single hospital (or group of hospitals) could have a disproportionate effect on the wage index of the area. Dramatic shifts in an area's wage index from year to year are problematic because they result in the instability of payment levels from year to year, which makes fiscal planning difficult. Therefore, in order to minimize the potential instability in payment levels from year to year, we believe it would be appropriate to treat Micropolitan Areas as part of the statewide rural labor market area under HH PPS.

Consistent with the treatment of these areas under the IPPS, we are proposing that Micropolitan Areas be considered a part of the statewide rural labor market area. Accordingly, we are proposing that the HH PPS statewide rural wage index would be determined using acute-care IPPS hospital wage data from hospitals located in non-MSA areas and that the statewide rural wage index would be assigned to home health episodes of care for beneficiaries being served in those areas.

We are proposing to adopt OMB's new labor market designations for CY 2006, effective January 1, 2006. In adopting the CBSA designations, we identified some geographic areas where there were no hospitals, and thus no hospital wage index data on which to base the calculation of the CY 2006 HH PPS proposed wage index. In addressing this situation, we are proposing approaches that we believe serve as proxies for hospital wage data and will provide an appropriate standard that accounts for area wage differences.

The first situation involves rural locations in Massachusetts and Puerto Rico. Under the proposed labor market areas, there are no rural hospitals in those locations. Because there is no reasonable proxy for more recent rural data within those areas, we are proposing to use last year's wage index value for rural Massachusetts and rural Puerto Rico.

The second situation has to do with the urban areas of Hinesville, GA (CBSA 25980) and Mansfield, OH (CBSA 31900). Under the proposed new labor market areas, there are no urban hospitals within those areas. We propose to use all of the urban areas within the State to serve as a reasonable proxy for the urban areas without specific hospital wage index data in determining the HH PPS wage index. Therefore, in this proposed rule, we calculated the urban wage index value for purposes of the wage index for these areas without urban hospital data as the average wage index for all urban areas within the State. We could not apply a similar averaging in rural areas because in the rural areas noted above, there is no rural hospital data available for averaging on a state-wide basis. We solicit comments on these approaches to calculating the wage index values for areas without hospitals for CY 2006 and subsequent years.

(4) *Implementation of the Proposed Revised Labor Market Designation.* When the revised labor market areas based on OMB's new CBSA designations were adopted under the IPPS beginning on October 1, 2004, a transition to the new designations was established due to the scope and magnitude of the change, in order to mitigate the resulting adverse impact on certain hospitals. As discussed in the August 11, 2004 IPPS final rule (69 FR 49032), during FY 2005, a blend of wage indices is calculated for those acute care IPPS hospitals experiencing a drop in their wage indices because of the adoption of the new labor market areas. Also, as described in that same final rule (69 FR 49032), under the IPPS, hospitals that previously had been located in an urban MSA but became rural under the new CBSA definitions are assigned the wage index value of the urban area to which they belonged previously, for 3 years (FYs 2005 through 2007).

Unlike IPPS and some of the other payment systems where each entity uses a single MSA, HHAs may use various wage indices to compute their payments based upon the location of the beneficiary. Therefore, we do not believe that in the aggregate, HHAs would be impacted negatively by the new CBSA designations. While we understand that there are CBSAs that decrease based upon the new definitions, there are those that would be positively affected. For example, many counties that have been included in the rural definitions under the MSA designations are now designated as urban areas under the CBSA and would generally receive an increase in their wage index. We believe that adjustments made to CBSAs because of negative impact would necessitate adjustments to CBSAs that are

positively impacted. Variability and changes in wage indices both positively and negatively have occurred under the MSA designations and occur as a result of geographic differences. As a result, we propose to adopt the CBSA definitions and resulting wage indices without transitions. The impact of CBSA designations is discussed in section V.B of this proposed rule. In estimating the impact of our proposal, we computed the projected expenditures for FY 2006 using geographic areas based upon existing MSAs as well as for areas using the new CBSA designations. Our impact analysis used the proposed CY 2006 payment rates and all of the CY 2003 claims files. In the final rule, we will use the best available home health data for CY 2004 in determining the potential impact of any change to the MSA designations. We also note that, in the past, the OMB has announced MSA changes on an annual basis due to population changes, and we have not proposed to transition these changes. Therefore, we do not propose transitioning the implementation of the new MSA designations.

We also note that section 505 of the MMA established new section 1886(d)(13) of the Act. The new section 1886(d)(13) requires that the Secretary establish a process to make adjustments to the hospital wage index based on commuting patterns of hospital employees. We believe that this requirement for an ''out-commuting'' or ''out-migration'' adjustment applies specifically to the Hospital Inpatient Prospective Payment System. Therefore, we will not be establishing such an adjustment for HH PPS.

As stated previously, we believe that OMB's latest labor market designations more accurately reflect the local economics and wage levels of the areas in which hospitals are currently located. We believe that OMB's CBSA designations based on Census 2000 data reflect the most recent available geographic classifications (MA definitions) and as a result reflect the relative hospital wage levels in the geographic area. As stated previously, since HHAs compete for the same staff as hospitals in any geographic area, we believe the hospital wage index used by HH PPS reflects the wages that are paid by HHAs.

To reflect our proposal to use the new OMB labor market areas for purposes of the HH PPS wage index, we are proposing to add, in § 484.202 (Definitions), the following definitions for rural and urban:

Rural area means, with respect to home health episodes ending on or after January 1, 2006, an area defined in § 412.64(b)(1)(ii)(C).

Urban area means, with respect to home health episodes ending on or after January 1, 2006, an area defined in § 412.64(b)(1)(ii)(A) and (B).

To facilitate an understanding of the proposed policies related to the proposed changes in the wage index as discussed in section V.B of this proposed rule, in addendum C, we are providing a listing of each Social Security Administration State and county location code, State and county name, existing MSA-based labor market area designation, MSA-based wage index value, CBSA-based labor market area, and the proposed CBSA-based wage index value.

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Regulatory Impact Analysis

[If you choose to comment on issues in this section, please include the caption ''REGULATORY IMPACT'' at the beginning of your comments.]

A. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132.

Executive Order 12866 (as amended by Executive Order 13258, which merely reassigns responsibility of duties) directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). The update set forth in this proposed rule would apply to Medicare payments under HH PPS in CY 2006. Accordingly, the following analysis describes the impact in CY 2006 only. We estimate that there would be an additional $330 million in CY 2006 expenditures attributable to the CY 2006 proposed estimated home health market basket update (3.3 percent) minus 0.8 percentage point, for a CY 2006 update of 2.5 percent.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6 million to $29 million in any 1 year. For purposes of the RFA, approximately 75 percent of HHAs are considered small businesses according to the Small Business Administration's size standards with total revenues of $11.5 million or less in any 1 year. Individuals and States are not included in the definition of a small entity. As stated above, this proposed rule would provide an update to all HHAs for CY 2006 as required by statute. This proposed rule would have a significant positive effect upon small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. We have determined that this proposed rule would not have a significant economic impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any 1 year by State, local, or tribal governments, in the aggregate, or by the private sector, of $110 million. We believe this proposed rule would not mandate expenditures in that amount.

Executive Order 13132 establishes certain requirements that an agency

must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. We have reviewed this rule under the threshold criteria of Executive Order 13132, Federalism. We have determined that this proposed rule would not have substantial direct effects on the rights, roles, and responsibilities of States.

B. Anticipated Effects

This proposed rule would update the HH PPS rates contained in the CY 2005 final rule (69 FR 62124, October 22, 2004). The impact analysis of this proposed rule presents the projected effects of the proposed change from MSA to CBSA designations in determining the wage index used to calculate the HH PPS rates for CY 2006. We estimate the effects by estimating payments while holding all other payment variables constant. We use the best data available, but we do not attempt to predict behavioral responses to these changes, and we do not make adjustments for future changes in such variables as days or case-mix.

This analysis incorporates the latest estimates of growth in service use and payments under the Medicare home health benefit, based on the latest available Medicare claims from 2003. We note that certain events may combine to limit the scope or accuracy of our impact analysis, because such an analysis is future-oriented and, thus, susceptible to forecasting errors due to other changes in the forecasted impact time period. Some examples of such possible events are newly-legislated general Medicare program funding changes by the Congress, or changes specifically related to HHAs. In addition, changes to the Medicare program may continue to be made as a result of the BBA, the BBRA, the BIPA, the MMA, or new statutory provisions. Although these changes may not be specific to the HH PPS, the nature of the Medicare program is such that the changes may interact, and the complexity of the interaction of these changes could make it difficult to predict accurately the full scope of the impact upon HHAs.

Our discussions for this proposed rule will focus on the impact of changes in the wage index, most notably the adoption of the CBSA designations. The impacts are shown in Table 3 below. The breakdown of the various impacts displayed in the table follows.

The rows display the estimated effect of the proposed changes on different categories. The first row of figures represents the estimated effects on all facilities. The next 2 rows show the effect on urban and rural facilities. This is followed, in the next 4 rows, by impacts on urban and rural facilities based on whether they are a hospital-based or freestanding facility. The next 20 rows show the effect on urban and rural facilities based on the census region in which they are located.

The first column shows the breakdown of all HHAs by urban or rural status, hospital-based or freestanding status, and census region.

The second column in the table shows the number of facilities in the impact database. A facility is considered urban if it is located in an MSA and, conversely, rural if it is not located in an MSA.

The third column of the table shows the effect of the proposed annual update to the wage index. This represents the effect of using the most recent wage data available to determine the proposed estimated home health market basket update. The total impact of this change is zero percent; however, there are distributional effects of the change.

The fourth column of the table reflects the impact of using the new OMB geographic designations based on CBSAs, compared to using the MSA designations. Specifically, the effect of using the CBSA-designated wage index values versus MSA-designated wage index values in determining payment for facilities in rural areas is, on average, an increase of 0.7 percent. On the other hand, facilities in an urban area do slightly worse, showing an average decrease of 0.1 percent. Rural HHAs, by region, generally do better using the CBSA-determined wage index (ranging from an increase of 0.1 percent to 2.2 percent), except for facilities in the Middle Atlantic and the Mountain regions where payments are estimated to decrease by 0.5 percent. The impact on urban HHAs, by region, is generally moderate using the CBSA determined wage index (ranging from no impact to a −0.8 percent decrease), except for facilities in the Middle Atlantic region, whose payments are estimated to increase slightly by 0.3 percent. By type of facility, the impact on rural facilities using the CBSA-determined wage index is positive, with payments to freestanding facilities estimated to increase by 0.8 percent and payments to hospital-based facilities estimated to increase by 0.7 percent. Conversely, hospital-based urban facilities are estimated to experience no impact while freestanding urban facilities are estimated to see a decrease in payments by 0.2 percent.

The fifth column of the table shows the effect of all of the changes on the CY 2006 payments. The update of 2.5 percentage points (market basket increase of 3.3 percent minus 0.8 percentage point, as mandated by the MMA) is constant for all providers and, though not shown individually, is included in this column. It is projected that total aggregate payments would increase by 2.5 percent; assuming facilities do not change their care delivery and billing practices in response.

As can be seen from this table, the combined effects of all of the changes would vary by specific types of providers and by location. For example, HHAs in rural New England show the largest estimated increase in payment at 5.7 percent, while HHAs in the urban West North Central and East North Central regions show the smallest increase in payments at 1.5 percent. Rural HHAs do somewhat better than urban HHAs, seeing an estimated increase in payments of 3.5 percent and 2.3 percent, respectively. Amongst the different type of facility categories, freestanding rural HHAs do best, with an estimated increase in payments of 3.7 percent. Hospital-based rural HHAs are next with an estimated increase in payments of 3.3 percent with hospital-based urban and freestanding HHAs with estimated increases of 2.4 percent and 2.2 percent, respectively.

TABLE 3.—PROJECTED IMPACT OF CY 2006 UPDATE TO THE HH PPS FINAL COLUMN INCLUDES UPDATE OF 2.5 PERCENT URBAN/RURAL DEFINED AS MSA/NON-MSA

	Number of facilities	Updated wage data	MSA to CBSA	Total CY 2006 change
Total	6,890	0.0	0.0	2.5
Urban	4,602	−0.1	−0.1	2.3
Rural	2,288	0.3	0.7	3.5

TABLE 3.—PROJECTED IMPACT OF CY 2006 UPDATE TO THE HH PPS FINAL COLUMN INCLUDES UPDATE OF 2.5 PERCENT URBAN/RURAL DEFINED AS MSA/NON-MSA—Continued

	Number of facilities	Updated wage data	MSA to CBSA	Total CY 2006 change
Hospital based urban	1,796	−0.1	0.0	2.4
Freestanding urban	2,806	−0.1	−0.2	2.2
Hospital based rural	1,367	0.1	0.7	3.3
Freestanding rural	921	0.4	0.8	3.7
Urban by region	.....	.....	.....	.....
New England	246	−0.6	−0.3	1.6
Middle Atlantic	420	0.3	0.3	3.1
South Atlantic	751	−0.5	0.0	2.0
East North Central	770	−0.6	−0.4	1.5
East South Central	205	0.3	−0.3	2.5
West North Central	259	−0.9	−0.1	1.5
West South Central	1,092	0.0	−0.4	2.1
Mountain	241	−0.5	0.0	2.0
Pacific	581	1.1	0.0	3.6
Outlying	37	0.9	−0.8	2.6
Rural by region	.....	.....	.....	.....
New England	46	3.0	0.1	5.7
Middle Atlantic	77	−0.1	−0.5	1.9
South Atlantic	283	−0.5	0.4	2.4
East North Central	303	0.5	0.4	3.4
East South Central	232	0.4	0.8	3.7
West North Central	524	−0.2	0.3	2.6
West South Central	495	0.2	2.2	5.0
Mountain	200	0.8	−0.5	2.8
Pacific	113	1.9	0.0	4.4
Outlying	15	−8.2	10.0	3.5

C. Conclusion

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 484

Health facilities, Health professions, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

PART 484—HOME HEALTH SERVICES

1. The authority citation for part 484 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395(hh)).

Subpart E—Prospective Payment System for Home Health Agencies

2. In § 484.202, the definitions for ''Rural area'' and ''Urban area'' are added in alphabetical order to read as follows:

§ 484.202 Definitions.

* * * * *

Rural area means, with respect to home health episodes ending on or after January 1, 2006, an area defined in § 412.64(b)(1)(ii)(C) of this chapter.

Urban area means, with respect to home health episodes ending on or after January 1, 2006, an area defined in § 412.64(b)(1)(ii)(A) and (B) of this chapter.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 12, 2005.

Mark B. McClellan,

Administrator, Centers for Medicare & Medicaid Services.

Approved: June 21, 2005.

Michael O. Leavitt,

Secretary.

Note: The following addenda will not be published in the Code of Federal Regulations.

ADDENDUM A.—PROPOSED CY 2006 WAGE INDEX FOR RURAL AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX

CBSA code	Nonurban area	Wage index
01	Alabama	0.7477
02	Alaska	1.1990
03	Arizona	0.8777
04	Arkansas	0.7451
05	California	1.0857
06	Colorado	0.9389
07	Connecticut	1.1794
08	Delaware	0.9606
10	Florida	0.8598
11	Georgia	0.7666
12	Hawaii	1.0562
13	Idaho	0.8045
14	Illinois	0.8279
15	Indiana	0.8630
16	Iowa	0.8502
17	Kansas	0.7987
18	Kentucky	0.7774
19	Louisiana	0.7418
20	Maine	0.8852
21	Maryland	0.9095
22	Massachusetts [1]	1.0216
23	Michigan	0.8870
24	Minnesota	0.9183
25	Mississippi	0.7671
26	Missouri	0.7909
27	Montana	0.8833
28	Nebraska	0.8665
29	Nevada	0.9074
30	New Hampshire	1.0677
31	New Jersey [1]	
32	New Mexico	0.8644
33	New York	0.8157
34	North Carolina	0.8567
35	North Dakota	0.7268
36	Ohio	0.8786
37	Oklahoma	0.7589
38	Oregon	0.9830
39	Pennsylvania	0.8302
40	Puerto Rico [1]	0.4047
41	Rhode Island [1]	
42	South Carolina	0.8641
43	South Dakota	0.8484
44	Tennessee	0.7888
45	Texas	0.8007
46	Utah	0.8126
47	Vermont	0.9840
48	Virgin Islands	0.7026
49	Virginia	0.8012
50	Washington	1.0458
51	West Virginia	0.7725
52	Wisconsin	0.9480
53	Wyoming	0.9214
65	Guam	0.9611

[1] All counties within the State are classified as urban, with the exception of Massachusetts and Puerto Rico. Massachusetts and Puerto Rico have areas designated as rural, however, no short-term, acute care hospitals are located in the area(s) for FY 2006. Because more recent data is not available for those areas, we are proposing to use last year's wage index value.

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX

CBSA code	Urban area (constituent counties)	Wage index
10180	Abilene, TX Callahan County, TX Jones County, TX Taylor County, TX	0.7904
10380	Aguadilla-Isabela-San Sebastián, PR Aguada Municipio, PR Aguadilla Municipio, PR Añasco Municipio, PR Isabela Municipio, PR Lares Municipio, PR Moca Municipio, PR Rincón Municipio, PR San Sebastián Municipio, PR	0.4743
10420	Akron, OH Portage County, OH Summit County, OH	0.8991
10500	Albany, GA Baker County, GA Dougherty County, GA Lee County, GA Terrell County, GA Worth County, GA	0.8636
10580	Albany-Schenectady-Troy, NY Albany County, NY Rensselaer County, NY Saratoga County, NY Schenectady County, NY Schoharie County, NY	0.8545
10740	Albuquerque, NM Bernalillo County, NM Sandoval County, NM Torrance County, NM Valencia County, NM	0.9693
10780	Alexandria, LA Grant Parish, LA Rapides Parish, LA	0.8041
10900	Allentown-Bethlehem-Easton, PA-NJ	0.9828

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Warren County, NJ Carbon County, PA Lehigh County, PA Northampton County, PA	
11020	Altoona, PA Blair County, PA	0.8953
11100	Amarillo, TX Armstrong County, TX Carson County, TX Potter County, TX Randall County, TX	0.9166
11180	Ames, IA Story County, IA	0.9545
11260	Anchorage, AK Anchorage Municipality, AK Matanuska-Susitna Borough, AK	1.2110
11300	Anderson, IN Madison County, IN	0.8595
11340	Anderson, SC Anderson County, SC	0.8897
11460	Ann Arbor, MI Washtenaw County, MI	1.0870
11500	Anniston-Oxford, AL Calhoun County, AL	0.7659
11540	Appleton, WI Calumet County, WI Outagamie County, WI	0.9298
11700	Asheville, NC Buncombe County, NC Haywood County, NC Henderson County, NC Madison County, NC	0.9294
12020	Athens-Clarke County, GA Clarke County, GA Madison County, GA Oconee County, GA Oglethorpe County, GA	0.9843
12060	Atlanta-Sandy Springs-Marietta, GA Barrow County, GA Bartow County, GA Butts County, GA Carroll County, GA Cherokee County, GA Clayton County, GA Cobb County, GA Coweta County, GA Dawson County, GA DeKalb County, GA Douglas County, GA Fayette County, GA Forsyth County, GA Fulton County, GA Gwinnett County, GA Haralson County, GA Heard County, GA Henry County, GA Jasper County, GA Lamar County, GA Meriwether County, GA Newton County, GA Paulding County, GA Pickens County, GA Pike County, GA Rockdale County, GA Spalding County, GA Walton County, GA	0.9648
12100	Atlantic City, NJ Atlantic County, NJ	1.1633
12220	Auburn-Opelika, AL Lee County, AL	0.8108

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
12260	Augusta-Richmond County, GA-SC	0.9565
	Burke County, GA	
	Columbia County, GA	
	McDuffie County, GA	
	Richmond County, GA	
	Aiken County, SC	
	Edgefield County, SC	
12420	Austin-Round Rock, TX	0.9450
	Bastrop County, TX	
	Caldwell County, TX	
	Hays County, TX	
	Travis County, TX	
	Williamson County, TX	
12540	Bakersfield, CA	1.0344
	Kern County, CA	
12580	Baltimore-Towson, MD	0.9907
	Anne Arundel County, MD	
	Baltimore County, MD	
	Carroll County, MD	
	Harford County, MD	
	Howard County, MD	
	Queen Anne's County, MD	
	Baltimore City, MD	
12620	Bangor, ME	1.0003
	Penobscot County, ME	
12700	Barnstable Town, MA	1.2527
	Barnstable County, MA	
12940	Baton Rouge, LA	0.8601
	Ascension Parish, LA	
	East Baton Rouge Parish, LA	
	East Feliciana Parish, LA	
	Iberville Parish, LA	
	Livingston Parish, LA	
	Pointe Coupee Parish, LA	
	St. Helena Parish, LA	
	West Baton Rouge Parish, LA	
	West Feliciana Parish, LA	
12980	Battle Creek, MI	0.9510
	Calhoun County, MI	
13020	Bay City, MI	0.9352
	Bay County, MI	
13140	Beaumont-Port Arthur, TX	0.8421
	Hardin County, TX	
	Jefferson County, TX	
	Orange County, TX	
13380	Bellingham, WA	1.1743
	Whatcom County, WA	
13460	Bend, OR	1.0796
	Deschutes County, OR	
13644	Bethesda-Frederick-Gaithersburg, MD	1.1495
	Frederick County, MD	
	Montgomery County, MD	
13740	Billings, MT	0.8843
	Carbon County, MT	
	Yellowstone County, MT	
13780	Binghamton, NY	0.8571
	Broome County, NY	
	Tioga County, NY	
13820	Birmingham-Hoover, AL	0.8979
	Bibb County, AL	
	Blount County, AL	
	Chilton County, AL	
	Jefferson County, AL	
	St. Clair County, AL	
	Shelby County, AL	
	Walker County, AL	
13900	Bismarck, ND	0.7519
	Burleigh County, ND	
	Morton County, ND	
13980	Blacksburg-Christiansburg-Radford, VA	0.7962

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Giles County, VA	
	Montgomery County, VA	
	Pulaski County, VA	
	Radford City, VA	
14020	Bloomington, IN	0.8456
	Greene County, IN	
	Monroe County, IN	
	Owen County, IN	
14060	Bloomington-Normal, IL	0.9084
	McLean County, IL	
14260	Boise City-Nampa, ID	0.9061
	Ada County, ID	
	Boise County, ID	
	Canyon County, ID	
	Gem County, ID	
	Owyhee County, ID	
14484	Boston-Quincy, MA	1.1543
	Norfolk County, MA	
	Plymouth County, MA	
	Suffolk County, MA	
14500	Boulder, CO	0.9744
	Boulder County, CO	
14540	Bowling Green, KY	0.8220
	Edmonson County, KY	
	Warren County, KY	
14740	Bremerton-Silverdale, WA	1.0686
	Kitsap County, WA	
14860	Bridgeport-Stamford-Norwalk, CT	1.2598
	Fairfield County, CT	
15180	Brownsville-Harlingen, TX	0.9822
	Cameron County, TX	
15260	Brunswick, GA	0.9320
	Brantley County, GA	
	Glynn County, GA	
	McIntosh County, GA	
15380	Buffalo-Niagara Falls, NY	0.8889
	Erie County, NY	
	Niagara County, NY	
15500	Burlington, NC	0.8914
	Alamance County, NC	
15540	Burlington-South Burlington, VT	0.9446
	Chittenden County, VT	
	Franklin County, VT	
	Grand Isle County, VT	
15764	Cambridge-Newton-Framingham, MA	1.1084
	Middlesex County, MA	
15804	Camden, NJ	1.0528
	Burlington County, NJ	
	Camden County, NJ	
	Gloucester County, NJ	
15940	Canton-Massillon, OH	0.8944
	Carroll County, OH	
	Stark County, OH	
15980	Cape Coral-Fort Myers, FL	0.9366
	Lee County, FL	
16180	Carson City, NV	1.0244
	Carson City, NV	
16220	Casper, WY	0.9035
	Natrona County, WY	
16300	Cedar Rapids, IA	0.8617
	Benton County, IA	
	Jones County, IA	
	Linn County, IA	
16580	Champaign-Urbana, IL	0.9604
	Champaign County, IL	
	Ford County, IL	
	Piatt County, IL	
16620	Charleston, WV	0.8428
	Boone County, WV	
	Clay County, WV	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Kanawha County, WV	
	Lincoln County, WV	
	Putnam County, WV	
16700	Charleston-North Charleston, SC	0.9438
	Berkeley County, SC	
	Charleston County, SC	
	Dorchester County, SC	
16740	Charlotte-Gastonia-Concord, NCSC	0.9760
	Anson County, NC	
	Cabarrus County, NC	
	Gaston County, NC	
	Mecklenburg County, NC	
	Union County, NC	
	York County, SC	
16820	Charlottesville, VA	1.0234
	Albemarle County, VA	
	Fluvanna County, VA	
	Greene County, VA	
	Nelson County, VA	
	Charlottesville City, VA	
16860	Chattanooga, TN-GA	0.9098
	Catoosa County, GA	
	Dade County, GA	
	Walker County, GA	
	Hamilton County, TN	
	Marion County, TN	
	Sequatchie County, TN	
16940	Cheyenne, WY	0.8784
	Laramie County, WY	
16974	Chicago-Naperville-Joliet, IL	1.0848
	Cook County, IL	
	DeKalb County, IL	
	DuPage County, IL	
	Grundy County, IL	
	Kane County, IL	
	Kendall County, IL	
	McHenry County, IL	
	Will County, IL	
17020	Chico, CA	1.0522
	Butte County, CA	
17140	Cincinnati-Middletown, OH-KY-IN	0.9623
	Dearborn County, IN	
	Franklin County, IN	
	Ohio County, IN	
	Boone County, KY	
	Bracken County, KY	
	Campbell County, KY	
	Gallatin County, KY	
	Grant County, KY	
	Kenton County, KY	
	Pendleton County, KY	
	Brown County, OH	
	Butler County, OH	
	Clermont County, OH	
	Hamilton County, OH	
	Warren County, OH	
17300	Clarksville, TN-KY	0.8292
	Christian County, KY	
	Trigg County, KY	
	Montgomery County, TN	
	Stewart County, TN	
17420	Cleveland, TN	0.8141
	Bradley County, TN	
	Polk County, TN	
17460	Cleveland-Elyria-Mentor, OH	0.9204
	Cuyahoga County, OH	
	Geauga County, OH	
	Lake County, OH	
	Lorain County, OH	
	Medina County, OH	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
17660	Coeur d'Alene, ID	0.9657
	Kootenai County, ID	
17780	College Station-Bryan, TX	0.8909
	Brazos County, TX	
	Burleson County, TX	
	Robertson County, TX	
17820	Colorado Springs, CO	0.9478
	El Paso County, CO	
	Teller County, CO	
17860	Columbia, MO	0.8354
	Boone County, MO	
	Howard County, MO	
17900	Columbia, SC	0.9047
	Calhoun County, SC	
	Fairfield County, SC	
	Kershaw County, SC	
	Lexington County, SC	
	Richland County, SC	
	Saluda County, SC	
17980	Columbus, GA-AL	0.8568
	Russell County, AL	
	Chattahoochee County, GA	
	Harris County, GA	
	Marion County, GA	
	Muscogee County, GA	
18020	Columbus, IN	0.9598
	Bartholomew County, IN	
18140	Columbus, OH	0.9850
	Delaware County, OH	
	Fairfield County, OH	
	Franklin County, OH	
	Licking County, OH	
	Madison County, OH	
	Morrow County, OH	
	Pickaway County, OH	
	Union County, OH	
18580	Corpus Christi, TX	0.8559
	Aransas County, TX	
	Nueces County, TX	
	San Patricio County, TX	
18700	Corvallis, OR	1.0739
	Benton County, OR	
19060	Cumberland, MD-WV	0.9326
	Allegany County, MD	
	Mineral County, WV	
19124	Dallas-Plano-Irving, TX	1.0233
	Collin County, TX	
	Dallas County, TX	
	Delta County, TX	
	Denton County, TX	
	Ellis County, TX	
	Hunt County, TX	
	Kaufman County, TX	
	Rockwall County, TX	
19140	Dalton, GA	0.9044
	Murray County, GA	
	Whitfield County, GA	
19180	Danville, IL	0.9037
	Vermilion County, IL	
19260	Danville, VA	0.8497
	Pittsylvania County, VA	
	Danville City, VA	
19340	Davenport-Moline-Rock Island, IA-IL	0.8731
	Henry County, IL	
	Mercer County, IL	
	Rock Island County, IL	
	Scott County, IA	
19380	Dayton, OH	0.9073
	Greene County, OH	
	Miami County, OH	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Montgomery County, OH Preble County, OH	
19460	Decatur, AL Lawrence County, AL Morgan County, AL	0.8478
19500	Decatur, IL Macon County, IL	0.8076
19660	Deltona-Daytona Beach-Ormond Beach, FL Volusia County, FL	0.9308
19740	Denver-Aurora, CO Adams County, CO Arapahoe County, CO Broomfield County, CO Clear Creek County, CO Denver County, CO Douglas County, CO Elbert County, CO Gilpin County, CO Jefferson County, CO Park County, CO	1.0733
19780	Des Moines, IA Dallas County, IA Guthrie County, IA Madison County, IA Polk County, IA Warren County, IA	0.9651
19804	Detroit-Livonia-Dearborn, MI Wayne County, MI	1.0441
20020	Dothan, AL Geneva County, AL Henry County, AL Houston County, AL	0.7707
20100	Dover, DE Kent County, DE	0.9779
20220	Dubuque, IA Dubuque County, IA	0.9135
20260	Duluth, MN-WI Carlton County, MN St. Louis County, MN Douglas County, WI	1.0209
20500	Durham, NC Chatham County, NC Durham County, NC Orange County, NC Person County, NC	1.0303
20740	Eau Claire, WI Chippewa County, WI Eau Claire County, WI	0.9210
20764	Edison, NJ Middlesex County, NJ Monmouth County, NJ Ocean County, NJ Somerset County, NJ	1.1260
20940	El Centro, CA Imperial County, CA	0.8915
21060	Elizabethtown, KY Hardin County, KY Larue County, KY	0.8810
21140	Elkhart-Goshen, IN Elkhart County, IN	0.9637
21300	Elmira, NY Chemung County, NY	0.8259
21340	El Paso, TX El Paso County, TX	0.8924
21500	Erie, PA Erie County, PA	0.8746
21604	Essex County, MA Essex County, MA	1.0533
21660	Eugene-Springfield, OR Lane County, OR	1.0829

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
21780	Evansville, IN-KY	0.8721
	Gibson County, IN	
	Posey County, IN	
	Vanderburgh County, IN	
	Warrick County, IN	
	Henderson County, KY	
	Webster County, KY	
21820	Fairbanks, AK	1.1419
	Fairbanks North Star Borough, AK	
21940	Fajardo, PR	0.4157
	Ceiba Municipio, PR	
	Fajardo Municipio, PR	
	Luquillo Municipio, PR	
22020	Fargo, ND-MN	0.8495
	Cass County, ND	
	Clay County, MN	
22140	Farmington, NM	0.8518
	San Juan County, NM	
22180	Fayetteville, NC	0.9426
	Cumberland County, NC	
	Hoke County, NC	
22220	Fayetteville-Springdale-Rogers, AR-MO	0.8563
	Benton County, AR	
	Madison County, AR	
	Washington County, AR	
	McDonald County, MO	
22380	Flagstaff, AZ	1.2105
	Coconino County, AZ	
22420	Flint, MI	1.0663
	Genesee County, MI	
22500	Florence, SC	0.8964
	Darlington County, SC	
	Florence County, SC	
22520	Florence-Muscle Shoals, AL	0.8280
	Colbert County, AL	
	Lauderdale County, AL	
22540	Fond du Lac, WI	0.9650
	Fond du Lac County, WI	
22660	Fort Collins-Loveland, CO	1.0132
	Larimer County, CO	
22744	Fort Lauderdale-Pompano Beach-Deerfield Beach, FL	1.0442
	Broward County, FL	
22900	Fort Smith, AROK	0.8214
	Crawford County, AR	
	Franklin County, AR	
	Sebastian County, AR	
	Le Flore County, OK	
	Sequoyah County, OK	
23020	Fort Walton Beach-Crestview-Destin, FL	0.8881
	Okaloosa County, FL	
23060	Fort Wayne, IN	0.9803
	Allen County, IN	
	Wells County, IN	
	Whitley County, IN	
23104	Fort Worth-Arlington, TX	0.9510
	Johnson County, TX	
	Parker County, TX	
	Tarrant County, TX	
	Wise County, TX	
23420	Fresno, CA	1.0541
	Fresno County, CA	
23460	Gadsden, AL	0.7946
	Etowah County, AL	
23540	Gainesville, FL	0.9474
	Alachua County, FL	
	Gilchrist County, FL	
23580	Gainesville, GA	0.8883
	Hall County, GA	
23844	Gary, IN	0.9369
	Jasper County, IN	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Lake County, IN	
	Newton County, IN	
	Porter County, IN	
24020	Glens Falls, NY	0.8567
	Warren County, NY	
	Washington County, NY	
24140	Goldsboro, NC	0.8784
	Wayne County, NC	
24220	Grand Forks, ND-MN	1.1516
	Polk County, MN	
	Grand Forks County, ND	
24300	Grand Junction, CO	0.9560
	Mesa County, CO	
24340	Grand Rapids-Wyoming, MI	0.9400
	Barry County, MI	
	Ionia County, MI	
	Kent County, MI	
	Newaygo County, MI	
24500	Great Falls, MT	0.9061
	Cascade County, MT	
24540	Greeley, CO	0.9580
	Weld County, CO	
24580	Green Bay, WI	0.9452
	Brown County, WI	
	Kewaunee County, WI	
	Oconto County, WI	
24660	Greensboro-High Point, NC	0.9113
	Guilford County, NC	
	Randolph County, NC	
	Rockingham County, NC	
24780	Greenville, NC	0.9434
	Greene County, NC	
	Pitt County, NC	
24860	Greenville, SC	1.0165
	Greenville County, SC	
	Laurens County, SC	
	Pickens County, SC	
25020	Guayama, PR	0.3184
	Arroyo Municipio, PR	
	Guayama Municipio, PR	
	Patillas Municipio, PR	
25060	Gulfport-Biloxi, MS	0.8938
	Hancock County, MS	
	Harrison County, MS	
	Stone County, MS	
25180	Hagerstown-Martinsburg, MD-WV	0.9499
	Washington County, MD	
	Berkeley County, WV	
	Morgan County, WV	
25260	Hanford-Corcoran, CA	1.0046
	Kings County, CA	
25420	Harrisburg-Carlisle, PA	0.9322
	Cumberland County, PA	
	Dauphin County, PA	
	Perry County, PA	
25500	Harrisonburg, VA	0.9098
	Rockingham County, VA	
	Harrisonburg City, VA	
25540	Hartford-West Hartford-East Hartford, CT	1.1084
	Hartford County, CT	
	Litchfield County, CT	
	Middlesex County, CT	
	Tolland County, CT	
25620	Hattiesburg, MS	0.7609
	Forrest County, MS	
	Lamar County, MS	
	Perry County, MS	
25860	Hickory-Lenoir-Morganton, NC	0.8922
	Alexander County, NC	
	Burke County, NC	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Caldwell County, NC	
	Catawba County, NC	
25980 [2]	Hinesville-Fort Stewart, GA	0.9178
	Liberty County, GA	
	Long County, GA	
26100	Holland-Grand Haven, MI	0.9064
	Ottawa County, MI	
26180	Honolulu, HI	1.1208
	Honolulu County, HI	
26300	Hot Springs, AR	0.9053
	Garland County, AR	
26380	Houma-Bayou Cane-Thibodaux, LA	0.7902
	Lafourche Parish, LA	
	Terrebonne Parish, LA	
26420	Houston-Baytown-Sugar Land, TX	1.0005
	Austin County, TX	
	Brazoria County, TX	
	Chambers County, TX	
	Fort Bend County, TX	
	Galveston County, TX	
	Harris County, TX	
	Liberty County, TX	
	Montgomery County, TX	
	San Jacinto County, TX	
	Waller County, TX	
26580	Huntington-Ashland, WV-KY-OH	0.9486
	Boyd County, KY	
	Greenup County, KY	
	Lawrence County, OH	
	Cabell County, WV	
	Wayne County, WV	
26620	Huntsville, AL	0.9149
	Limestone County, AL	
	Madison County, AL	
26820	Idaho Falls, ID	0.9429
	Bonneville County, ID	
	Jefferson County, ID	
26900	Indianapolis, IN	0.9930
	Boone County, IN	
	Brown County, IN	
	Hamilton County, IN	
	Hancock County, IN	
	Hendricks County, IN	
	Johnson County, IN	
	Marion County, IN	
	Morgan County, IN	
	Putnam County, IN	
	Shelby County, IN	
26980	Iowa City, IA	0.9756
	Johnson County, IA	
	Washington County, IA	
27060	Ithaca, NY	0.9803
	Tompkins County, NY	
27100	Jackson, MI	0.9313
	Jackson County, MI	
27140	Jackson, MS	0.8319
	Copiah County, MS	
	Hinds County, MS	
	Madison County, MS	
	Rankin County, MS	
	Simpson County, MS	
27180	Jackson, TN	0.8973
	Chester County, TN	
	Madison County, TN	
27260	Jacksonville, FL	0.9299
	Baker County, FL	
	Clay County, FL	
	Duval County, FL	
	Nassau County, FL	
	St. Johns County, FL	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
27340	Jacksonville, NC	0.8244
	Onslow County, NC	
27500	Janesville, WI	0.9547
	Rock County, WI	
27620	Jefferson City, MO	0.8396
	Callaway County, MO	
	Cole County, MO	
	Moniteau County, MO	
	Osage County, MO	
27740	Johnson City, TN	0.7945
	Carter County, TN	
	Unicoi County, TN	
	Washington County, TN	
27780	Johnstown, PA	0.8362
	Cambria County, PA	
27860	Jonesboro, AR	0.7919
	Craighead County, AR	
	Poinsett County, AR	
27900	Joplin, MO	0.8590
	Jasper County, MO	
	Newton County, MO	
28020	Kalamazoo-Portage, MI	1.0391
	Kalamazoo County, MI	
	Van Buren County, MI	
28100	Kankakee-Bradley, IL	1.0974
	Kankakee County, IL	
28140	Kansas City, MO-KS	0.9467
	Franklin County, KS	
	Johnson County, KS	
	Leavenworth County, KS	
	Linn County, KS	
	Miami County, KS	
	Wyandotte County, KS	
	Bates County, MO	
	Caldwell County, MO	
	Cass County, MO	
	Clay County, MO	
	Clinton County, MO	
	Jackson County, MO	
	Lafayette County, MO	
	Platte County, MO	
	Ray County, MO	
28420	Kennewick-Richland-Pasco, WA	1.0630
	Benton County, WA	
	Franklin County, WA	
28660	Killeen-Temple-Fort Hood, TX	0.8535
	Bell County, TX	
	Coryell County, TX	
	Lampasas County, TX	
28700	Kingsport-Bristol-Bristol, TN-VA	0.8062
	Hawkins County, TN	
	Sullivan County, TN	
	Bristol City, VA	
	Scott County, VA	
	Washington County, VA	
28740	Kingston, NY	0.9257
	Ulster County, NY	
28940	Knoxville, TN	0.8454
	Anderson County, TN	
	Blount County, TN	
	Knox County, TN	
	Loudon County, TN	
	Union County, TN	
29020	Kokomo, IN	0.9517
	Howard County, IN	
	Tipton County, IN	
29100	La Crosse, WI-MN	0.9573
	Houston County, MN	
	La Crosse County, WI	
29140	Lafayette, IN	0.8745

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Benton County, IN	
	Carroll County, IN	
	Tippecanoe County, IN	
29180	Lafayette, LA	0.8436
	Lafayette Parish, LA	
	St. Martin Parish, LA	
29340	Lake Charles, LA	0.7841
	Calcasieu Parish, LA	
	Cameron Parish, LA	
29404	Lake County-Kenosha County, IL-WI	1.0440
	Lake County, IL	
	Kenosha County, WI	
29460	Lakeland, FL	0.8921
	Polk County, FL	
29540	Lancaster, PA	0.9704
	Lancaster County, PA	
29620	Lansing-East Lansing, MI	0.9792
	Clinton County, MI	
	Eaton County, MI	
	Ingham County, MI	
29700	Laredo, TX	0.8076
	Webb County, TX	
29740	Las Cruces, NM	0.8475
	Dona Ana County, NM	
29820	Las Vegas-Paradise, NV	1.1449
	Clark County, NV	
29940	Lawrence, KS	0.8546
	Douglas County, KS	
30020	Lawton, OK	0.7880
	Comanche County, OK	
30140	Lebanon, PA	0.8468
	Lebanon County, PA	
30300	Lewiston, ID-WA	0.9896
	Nez Perce County, ID	
	Asotin County, WA	
30340	Lewiston-Auburn, ME	0.9341
	Androscoggin County, ME	
30460	Lexington-Fayette, KY	0.9084
	Bourbon County, KY	
	Clark County, KY	
	Fayette County, KY	
	Jessamine County, KY	
	Scott County, KY	
	Woodford County, KY	
30620	Lima, OH	0.9234
	Allen County, OH	
30700	Lincoln, NE	1.0225
	Lancaster County, NE	
	Seward County, NE	
30780	Little Rock-North Little Rock, AR	0.8756
	Faulkner County, AR	
	Grant County, AR	
	Lonoke County, AR	
	Perry County, AR	
	Pulaski County, AR	
	Saline County, AR	
30860	Logan, UT-ID	0.9173
	Franklin County, ID	
	Cache County, UT	
30980	Longview, TX	0.8739
	Gregg County, TX	
	Rusk County, TX	
	Upshur County, TX	
31020	Longview, WA	0.9523
	Cowlitz County, WA	
31084	Los AngelesLong Beach-Glendale, CA	1.1752
	Los Angeles County, CA	
31140	Louisville, KY-IN	0.9261
	Clark County, IN	
	Floyd County, IN	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Harrison County, IN	
	Washington County, IN	
	Bullitt County, KY	
	Henry County, KY	
	Jefferson County, KY	
	Meade County, KY	
	Nelson County, KY	
	Oldham County, KY	
	Shelby County, KY	
	Spencer County, KY	
	Trimble County, KY	
31180	Lubbock, TX	0.8792
	Crosby County, TX	
	Lubbock County, TX	
31340	Lynchburg, VA	0.8700
	Amherst County, VA	
	Appomattox County, VA	
	Bedford County, VA	
	Campbell County, VA	
	Bedford City, VA	
	Lynchburg City, VA	
31420	Macon, GA	0.9453
	Bibb County, GA	
	Crawford County, GA	
	Jones County, GA	
	Monroe County, GA	
	Twiggs County, GA	
31460	Madera, CA	0.8721
	Madera County, CA	
31540	Madison, WI	1.0635
	Columbia County, WI	
	Dane County, WI	
	Iowa County, WI	
31700	Manchester-Nashua, NH	1.0335
	Hillsborough County, NH	
	Merrimack County, NH	
31900 [2]	Mansfield, OH	0.8887
	Richland County, OH	
32420	Mayagüez, PR	0.4017
	Hormigueros Municipio, PR	
	Mayagüez Municipio, PR	
32580	McAllen-Edinburg-Pharr, TX	0.8943
	Hidalgo County, TX	
32780	Medford, OR	1.0235
	Jackson County, OR	
32820	Memphis, TN-MS-AR	0.9341
	Crittenden County, AR	
	DeSoto County, MS	
	Marshall County, MS	
	Tate County, MS	
	Tunica County, MS	
	Fayette County, TN	
	Shelby County, TN	
	Tipton County, TN	
32900	Merced, CA	1.1120
	Merced County, CA	
33124	Miami-Miami Beach-Kendall, FL	0.9759
	Miami-Dade County, FL	
33140	Michigan CityLa Porte, IN	0.9409
	LaPorte County, IN	
33260	Midland, TX	0.9523
	Midland County, TX	
33340	Milwaukee-Waukesha-West Allis, WI	1.0106
	Milwaukee County, WI	
	Ozaukee County, WI	
	Washington County, WI	
	Waukesha County, WI	
33460	Minneapolis-St. Paul-Bloomington, MN-WI	1.1078
	Anoka County, MN	
	Carver County, MN	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Chisago County, MN	
	Dakota County, MN	
	Hennepin County, MN	
	Isanti County, MN	
	Ramsey County, MN	
	Scott County, MN	
	Sherburne County, MN	
	Washington County, MN	
	Wright County, MN	
	Pierce County, WI	
	St. Croix County, WI	
33540	Missoula, MT	0.9482
	Missoula County, MT	
33660	Mobile, AL	0.7895
	Mobile County, AL	
33700	Modesto, CA	1.1804
	Stanislaus County, CA	
33740	Monroe, LA	0.8040
	Ouachita Parish, LA	
	Union Parish, LA	
33780	Monroe, MI	0.9478
	Monroe County, MI	
33860	Montgomery, AL	0.8588
	Autauga County, AL	
	Elmore County, AL	
	Lowndes County, AL	
	Montgomery County, AL	
34060	Morgantown, WV	0.8428
	Monongalia County, WV	
	Preston County, WV	
34100	Morristown, TN	0.8753
	Grainger County, TN	
	Hamblen County, TN	
	Jefferson County, TN	
34580	Mount Vernon-Anacortes, WA	1.0465
	Skagit County, WA	
34620	Muncie, IN	0.8939
	Delaware County, IN	
34740	Muskegon-Norton Shores, MI	0.9673
	Muskegon County, MI	
34820	Myrtle Beach-Conway-North Myrtle Beach, SC	0.8873
	Horry County, SC	
34900	Napa, CA	1.2656
	Napa County, CA	
34940	Naples-Marco Island, FL	1.0140
	Collier County, FL	
34980	Nashville-Davidson-Murfreesboro, TN	0.9769
	Cannon County, TN	
	Cheatham County, TN	
	Davidson County, TN	
	Dickson County, TN	
	Hickman County, TN	
	Macon County, TN	
	Robertson County, TN	
	Rutherford County, TN	
	Smith County, TN	
	Sumner County, TN	
	Trousdale County, TN	
	Williamson County, TN	
	Wilson County, TN	
35004	Nassau-Suffolk, NY	1.2760
	Nassau County, NY	
	Suffolk County, NY	
35084	Newark-Union, NJ-PA	1.2195
	Essex County, NJ	
	Hunterdon County, NJ	
	Morris County, NJ	
	Sussex County, NJ	
	Union County, NJ	
	Pike County, PA	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
35300	New Haven-Milford, CT	1.1702
	New Haven County, CT	
35380	New Orleans-Metairie-Kenner, LA	0.9005
	Jefferson Parish, LA	
	Orleans Parish, LA	
	Plaquemines Parish, LA	
	St. Bernard Parish, LA	
	St. Charles Parish, LA	
	St. John the Baptist Parish, LA	
	St. Tammany Parish, LA	
35644	New York-Wayne-White Plains, NY-NJ	1.3185
	Bergen County, NJ	
	Hudson County, NJ	
	Passaic County, NJ	
	Bronx County, NY	
	Kings County, NY	
	New York County, NY	
	Putnam County, NY	
	Queens County, NY	
	Richmond County, NY	
	Rockland County, NY	
	Westchester County, NY	
35660	Niles-Benton Harbor, MI	0.8888
	Berrien County, MI	
35980	Norwich-New London, CT	1.1356
	New London County, CT	
36084	Oakland-Fremont-Hayward, CA	1.5346
	Alameda County, CA	
	Contra Costa County, CA	
36100	Ocala, FL	0.8934
	Marion County, FL	
36140	Ocean City, NJ	1.1022
	Cape May County, NJ	
36220	Odessa, TX	0.9894
	Ector County, TX	
36260	Ogden-Clearfield, UT	0.9038
	Davis County, UT	
	Morgan County, UT	
	Weber County, UT	
36420	Oklahoma City, OK	0.9040
	Canadian County, OK	
	Cleveland County, OK	
	Grady County, OK	
	Lincoln County, OK	
	Logan County, OK	
	McClain County, OK	
	Oklahoma County, OK	
36500	Olympia, WA	1.0938
	Thurston County, WA	
36540	Omaha-Council Bluffs, NE-IA	0.9569
	Harrison County, IA	
	Mills County, IA	
	Pottawattamie County, IA	
	Cass County, NE	
	Douglas County, NE	
	Sarpy County, NE	
	Saunders County, NE	
	Washington County, NE	
36740	Orlando, FL	0.9459
	Lake County, FL	
	Orange County, FL	
	Osceola County, FL	
	Seminole County, FL	
36780	Oshkosh-Neenah, WI	0.9192
	Winnebago County, WI	
36980	Owensboro, KY	0.8789
	Daviess County, KY	
	Hancock County, KY	
	McLean County, KY	
37100	Oxnard-Thousand Oaks-Ventura, CA	1.1613

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Ventura County, CA	
37340	Palm Bay-Melbourne-Titusville, FL	0.9835
	Brevard County, FL	
37460	Panama City-Lynn Haven, FL	0.7989
	Bay County, FL	
37620	Parkersburg-Marietta, WV-OH	0.8278
	Washington County, OH	
	Pleasants County, WV	
	Wirt County, WV	
	Wood County, WV	
37700	Pascagoula, MS	0.8165
	George County, MS	
	Jackson County, MS	
37860	Pensacola-Ferry Pass-Brent, FL	0.8104
	Escambia County, FL	
	Santa Rosa County, FL	
37900	Peoria, IL	0.8868
	Marshall County, IL	
	Peoria County, IL	
	Stark County, IL	
	Tazewell County, IL	
	Woodford County, IL	
37964	Philadelphia, PA	1.1040
	Bucks County, PA	
	Chester County, PA	
	Delaware County, PA	
	Montgomery County, PA	
	Philadelphia County, PA	
38060	Phoenix-Mesa-Scottsdale, AZ	1.0138
	Maricopa County, AZ	
	Pinal County, AZ	
38220	Pine Bluff, AR	0.8689
	Cleveland County, AR	
	Jefferson County, AR	
	Lincoln County, AR	
38300	Pittsburgh, PA	0.8853
	Allegheny County, PA	
	Armstrong County, PA	
	Beaver County, PA	
	Butler County, PA	
	Fayette County, PA	
	Washington County, PA	
	Westmoreland County, PA	
38340	Pittsfield, MA	1.0191
	Berkshire County, MA	
38540	Pocatello, ID	0.9360
	Bannock County, ID	
	Power County, ID	
38660	Ponce, PR	0.5177
	Juana Díaz Municipio, PR	
	Ponce Municipio, PR	
	Villalba Municipio, PR	
38860	Portland-South Portland-Biddeford, ME	1.0392
	Cumberland County, ME	
	Sagadahoc County, ME	
	York County, ME	
38900	Portland-Vancouver-Beaverton, OR-WA	1.1260
	Clackamas County, OR	
	Columbia County, OR	
	Multnomah County, OR	
	Washington County, OR	
	Yamhill County, OR	
	Clark County, WA	
	Skamania County, WA	
38940	Port St. Lucie-Fort Pierce, FL	1.0133
	Martin County, FL	
	St. Lucie County, FL	
39100	Poughkeepsie-Newburgh-Middletown, NY	1.0766
	Dutchess County, NY	
	Orange County, NY	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
39140	Prescott, AZ	0.9879
	Yavapai County, AZ	
39300	Providence-New Bedford-Fall River, RI-MA	1.0966
	Bristol County, MA	
	Bristol County, RI	
	Kent County, RI	
	Newport County, RI	
	Providence County, RI	
	Washington County, RI	
39340	Provo-Orem, UT	0.9510
	Juab County, UT	
	Utah County, UT	
39380	Pueblo, CO	0.8632
	Pueblo County, CO	
39460	Punta Gorda, FL	0.9264
	Charlotte County, FL	
39540	Racine, WI	0.9006
	Racine County, WI	
39580	Raleigh-Cary, NC	0.9733
	Franklin County, NC	
	Johnston County, NC	
	Wake County, NC	
39660	Rapid City, SD	0.9021
	Meade County, SD	
	Pennington County, SD	
39740	Reading, PA	0.9696
	Berks County, PA	
39820	Redding, CA	1.2215
	Shasta County, CA	
39900	Reno-Sparks, NV	1.0993
	Storey County, NV	
	Washoe County, NV	
40060	Richmond, VA	0.9338
	Amelia County, VA	
	Caroline County, VA	
	Charles City County, VA	
	Chesterfield County, VA	
	Cumberland County, VA	
	Dinwiddie County, VA	
	Goochland County, VA	
	Hanover County, VA	
	Henrico County, VA	
	King and Queen County, VA	
	King William County, VA	
	Louisa County, VA	
	New Kent County, VA	
	Powhatan County, VA	
	Prince George County, VA	
	Sussex County, VA	
	Colonial Heights City, VA	
	Hopewell City, VA	
	Petersburg City, VA	
	Richmond City, VA	
40140	Riverside-San Bernardino-Ontario, CA	1.1022
	Riverside County, CA	
	San Bernardino County, CA	
40220	Roanoke, VA	0.8383
	Botetourt County, VA	
	Craig County, VA	
	Franklin County, VA	
	Roanoke County, VA	
	Roanoke City, VA	
	Salem City, VA	
40340	Rochester, MN	1.1142
	Dodge County, MN	
	Olmsted County, MN	
	Wabasha County, MN	
40380	Rochester, NY	0.9115
	Livingston County, NY	
	Monroe County, NY	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Ontario County, NY	
	Orleans County, NY	
	Wayne County, NY	
40420	Rockford, IL	0.9994
	Boone County, IL	
	Winnebago County, IL	
40484	Rockingham County-Strafford County, NH	1.0385
	Rockingham County, NH	
	Strafford County, NH	
40580	Rocky Mount, NC	0.8924
	Edgecombe County, NC	
	Nash County, NC	
40660	Rome, GA	0.9424
	Floyd County, GA	
40900	Sacramento-Arden-Arcade-Roseville, CA	1.2973
	El Dorado County, CA	
	Placer County, CA	
	Sacramento County, CA	
	Yolo County, CA	
40980	Saginaw-Saginaw Township North, MI	0.9420
	Saginaw County, MI	
41060	St. Cloud, MN	0.9975
	Benton County, MN	
	Stearns County, MN	
41100	St. George, UT	0.9402
	Washington County, UT	
41140	St. Joseph, MO-KS	0.9529
	Doniphan County, KS	
	Andrew County, MO	
	Buchanan County, MO	
	DeKalb County, MO	
41180	St. Louis, MO-IL	0.8949
	Bond County, IL	
	Calhoun County, IL	
	Clinton County, IL	
	Jersey County, IL	
	Macoupin County, IL	
	Madison County, IL	
	Monroe County, IL	
	St. Clair County, IL	
	Crawford County, MO	
	Franklin County, MO	
	Jefferson County, MO	
	Lincoln County, MO	
	St. Charles County, MO	
	St. Louis County, MO	
	Warren County, MO	
	Washington County, MO	
	St. Louis City, MO	
41420	Salem, OR	1.0452
	Marion County, OR	
	Polk County, OR	
41500	Salinas, CA	1.4142
	Monterey County, CA	
41540	Salisbury, MD	0.9073
	Somerset County, MD	
	Wicomico County, MD	
41620	Salt Lake City, UT	0.9433
	Salt Lake County, UT	
	Summit County, UT	
	Tooele County, UT	
41660	San Angelo, TX	0.8280
	Irion County, TX	
	Tom Green County, TX	
41700	San Antonio, TX	0.8989
	Atascosa County, TX	
	Bandera County, TX	
	Bexar County, TX	
	Comal County, TX	
	Guadalupe County, TX	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Kendall County, TX Medina County, TX Wilson County, TX	
41740	San Diego-Carlsbad-San Marcos, CA San Diego County, CA	1.1424
41780	Sandusky, OH Erie County, OH	0.9025
41884	San Francisco-San Mateo-Redwood City, CA Marin County, CA San Francisco County, CA San Mateo County, CA	1.4990
41900	San Germán-Cabo Rojo, PR Cabo Rojo Municipio, PR Lajas Municipio, PR Sabana Grande Municipio, PR San Germán Municipio, PR	0.4655
41940	San Jose-Sunnyvale-Santa Clara, CA San Benito County, CA Santa Clara County, CA	1.5125
41980	San Juan-Caguas-Guaynabo, PR Aguas Buenas Municipio, PR Aibonito Municipio, PR Arecibo Municipio, PR Barceloneta Municipio, PR Barranquitas Municipio, PR Bayamón Municipio, PR Caguas Municipio, PR Camuy Municipio, PR Canóvanas Municipio, PR Carolina Municipio, PR Cataño Municipio, PR Cayey Municipio, PR Ciales Municipio, PR Cidra Municipio, PR Comerío Municipio, PR Corozal Municipio, PR Dorado Municipio, PR Florida Municipio, PR Guaynabo Municipio, PR Gurabo Municipio, PR Hatillo Municipio, PR Humacao Municipio, PR Juncos Municipio, PR Las Piedras Municipio, PR Loíza Municipio, PR Manatí Municipio, PR Maunabo Municipio, PR Morovis Municipio, PR Naguabo Municipio, PR Naranjito Municipio, PR Orocovis Municipio, PR Quebradillas Municipio, PR Río Grande Municipio, PR San Juan Municipio, PR San Lorenzo Municipio, PR Toa Alta Municipio, PR Toa Baja Municipio, PR Trujillo Alto Municipio, PR Vega Alta Municipio, PR Vega Baja Municipio, PR Yabucoa Municipio, PR	0.4686
42020	San Luis Obispo-Paso Robles, CA San Luis Obispo County, CA	1.1360
42044	Santa Ana-Anaheim-Irvine, CA Orange County, CA	1.1576
42060	Santa Barbara-Santa Maria-Goleta, CA Santa Barbara County, CA	1.1538
42100	Santa Cruz-Watsonville, CA Santa Cruz County, CA	1.5182
42140	Santa Fe, NM	1.0931

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Santa Fe County, NM	
42220	Santa Rosa-Petaluma, CA	1.3506
	Sonoma County, CA	
42260	Sarasota-Bradenton-Venice, FL	0.9555
	Manatee County, FL	
	Sarasota County, FL	
42340	Savannah, GA	0.9480
	Bryan County, GA	
	Chatham County, GA	
	Effingham County, GA	
42540	Scranton-WilkesBarre, PA	0.8548
	Lackawanna County, PA	
	Luzerne County, PA	
	Wyoming County, PA	
42644	Seattle-Bellevue-Everett, WA	1.1589
	King County, WA	
	Snohomish County, WA	
43100	Sheboygan, WI	0.8920
	Sheboygan County, WI	
43300	Sherman-Denison, TX	0.9516
	Grayson County, TX	
43340	Shreveport-Bossier City, LA	0.8769
	Bossier Parish, LA	
	Caddo Parish, LA	
	De Soto Parish, LA	
43580	Sioux City, IA-NE-SD	0.9376
	Woodbury County, IA	
	Dakota County, NE	
	Dixon County, NE	
	Union County, SD	
43620	Sioux Falls, SD	0.9645
	Lincoln County, SD	
	McCook County, SD	
	Minnehaha County, SD	
	Turner County, SD	
43780	South Bend-Mishawaka, IN-MI	0.9798
	St. Joseph County, IN	
	Cass County, MI	
43900	Spartanburg, SC	0.9181
	Spartanburg County, SC	
44060	Spokane, WA	1.0916
	Spokane County, WA	
44100	Springfield, IL	0.8885
	Menard County, IL	
	Sangamon County, IL	
44140	Springfield, MA	1.0259
	Franklin County, MA	
	Hampden County, MA	
	Hampshire County, MA	
44180	Springfield, MO	0.8246
	Christian County, MO	
	Dallas County, MO	
	Greene County, MO	
	Polk County, MO	
	Webster County, MO	
44220	Springfield, OH	0.8404
	Clark County, OH	
44300	State College, PA	0.8364
	Centre County, PA	
44700	Stockton, CA	1.1311
	San Joaquin County, CA	
44940	Sumter, SC	0.8386
	Sumter County, SC	
45060	Syracuse, NY	0.9581
	Madison County, NY	
	Onondaga County, NY	
	Oswego County, NY	
45104	Tacoma, WA	1.0753
	Pierce County, WA	
45220	Tallahassee, FL	0.8697

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Gadsden County, FL	
	Jefferson County, FL	
	Leon County, FL	
	Wakulla County, FL	
45300	Tampa-St. Petersburg-Clearwater, FL	0.9193
	Hernando County, FL	
	Hillsborough County, FL	
	Pasco County, FL	
	Pinellas County, FL	
45460	Terre Haute, IN	0.8313
	Clay County, IN	
	Sullivan County, IN	
	Vermillion County, IN	
	Vigo County, IN	
45500	Texarkana, TX-Texarkana, AR	0.8291
	Miller County, AR	
	Bowie County, TX	
45780	Toledo, OH	0.9584
	Fulton County, OH	
	Lucas County, OH	
	Ottawa County, OH	
	Wood County, OH	
45820	Topeka, KS	0.8929
	Jackson County, KS	
	Jefferson County, KS	
	Osage County, KS	
	Shawnee County, KS	
	Wabaunsee County, KS	
45940	Trenton-Ewing, NJ	1.0845
	Mercer County, NJ	
46060	Tucson, AZ	0.8987
	Pima County, AZ	
46140	Tulsa, OK	0.8286
	Creek County, OK	
	Okmulgee County, OK	
	Osage County, OK	
	Pawnee County, OK	
	Rogers County, OK	
	Tulsa County, OK	
	Wagoner County, OK	
46220	Tuscaloosa, AL	0.8721
	Greene County, AL	
	Hale County, AL	
	Tuscaloosa County, AL	
46340	Tyler, TX	0.9307
	Smith County, TX	
46540	Utica-Rome, NY	0.8293
	Herkimer County, NY	
	Oneida County, NY	
46660	Valdosta, GA	0.8875
	Brooks County, GA	
	Echols County, GA	
	Lanier County, GA	
	Lowndes County, GA	
46700	Vallejo-Fairfield, CA	1.4899
	Solano County, CA	
46940	Vero Beach, FL	0.9444
	Indian River County, FL	
47020	Victoria, TX	0.8168
	Calhoun County, TX	
	Goliad County, TX	
	Victoria County, TX	
47220	Vineland-Millville-Bridgeton, NJ	0.9837
	Cumberland County, NJ	
47260	Virginia Beach-Norfolk Newport News, VA-NC	0.8808
	Currituck County, NC	
	Gloucester County, VA	
	Isle of Wight County, VA	
	James City County, VA	
	Mathews County, VA	

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Surry County, VA York County, VA Chesapeake City, VA Hampton City, VA Newport News City, VA Norfolk City, VA Poquoson City, VA Portsmouth City, VA Suffolk City, VA Virginia Beach City, VA Williamsburg City, VA	
47300	Visalia-Porterville, CA Tulare County, CA	1.0074
47380	Waco, TX McLennan County, TX	0.8527
47580	Warner Robins, GA Houston County, GA	0.8654
47644	Warren-Farmington Hills-Troy, MI Lapeer County, MI Livingston County, MI Macomb County, MI Oakland County, MI St. Clair County, MI	0.9861
47894	Washington-Arlington-Alexandria, DC-VA-MD-WV District of Columbia, DC Calvert County, MD Charles County, MD Prince George's County, MD Arlington County, VA Clarke County, VA Fairfax County, VA Fauquier County, VA Loudoun County, VA Prince William County, VA Spotsylvania County, VA Stafford County, VA Warren County, VA Alexandria City, VA Fairfax City, VA Falls Church City, VA Fredericksburg City, VA Manassas City, VA Manassas Park City, VA Jefferson County, WV	1.0932
47940	Waterloo-Cedar Falls, IA Black Hawk County, IA Bremer County, IA Grundy County, IA	0.8566
48140	Wausau, WI Marathon County, WI	0.9600
48260	Weirton-Steubenville, WV-OH Jefferson County, OH Brooke County, WV Hancock County, WV	0.7827
48300	Wenatchee, WA Chelan County, WA Douglas County, WA	1.0080
48424	West Palm Beach-Boca Raton-Boynton Beach, FL Palm Beach County, FL	1.0077
48540	Wheeling, WV-OH Belmont County, OH Marshall County, WV Ohio County, WV	0.7168
48620	Wichita, KS Butler County, KS Harvey County, KS Sedgwick County, KS Sumner County, KS	0.9141
48660	Wichita Falls, TX Archer County, TX	0.8294

ADDENDUM B.—PROPOSED CY 2006 WAGE INDEX FOR URBAN AREAS BY CBSA; APPLICABLE PRE-FLOOR AND PRE-RECLASSIFIED HOSPITAL WAGE INDEX—Continued

CBSA code	Urban area (constituent counties)	Wage index
	Clay County, TX Wichita County, TX	
48700	Williamsport, PA Lycoming County, PA	0.8377
48864	Wilmington, DE-MD-NJ New Castle County, DE Cecil County, MD Salem County, NJ	1.0482
48900	Wilmington, NC Brunswick County, NC New Hanover County, NC Pender County, NC	0.9592
49020	Winchester, VA-WV Frederick County, VA Winchester City, VA Hampshire County, WV	1.0224
49180	Winston Salem, NC Davie County, NC Forsyth County, NC Stokes County, NC Yadkin County, NC	0.8953
49340	Worcester, MA Worcester County, MA	1.1039
49420	Yakima, WA Yakima County, WA	1.0165
49500	Yauco, PR Guánica Municipio, PR Guayanilla Municipio, PR Peñuelas Municipio, PR Yauco Municipio, PR	0.4413
49620	York-Hanover, PA York County, PA	0.9420
49660	Youngstown-Warren-Boardman, OH-PA Mahoning County, OH Trumbull County, OH Mercer County, PA	0.8611
49700	Yuba City, CA Sutter County, CA Yuba County, CA	1.0932
49740	Yuma, AZ Yuma County, AZ	0.9135

[2]At this time, there are no hospitals in these urban areas on which to base a wage index. Therefore, the urban wage index value is based on the average wage index of all urban areas within the State.

ADDENDUM C.—MSA/CBSA CROSSWALK

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
01000	Autauga County, Alabama	5240	0.8588	0.8588	33860
01010	Baldwin County, Alabama	5160	0.7866	0.7477	99901
01020	Barbour County, Alabama	01	0.7463	0.7477	99901
01030	Bibb County, Alabama	01	0.7463	0.8979	13820
01040	Blount County, Alabama	1000	0.9021	0.8979	13820
01050	Bullock County, Alabama	01	0.7463	0.7477	99901
01060	Butler County, Alabama	01	0.7463	0.7477	99901
01070	Calhoun County, Alabama	0450	0.7659	0.7659	11500
01080	Chambers County, Alabama	01	0.7463	0.7477	99901
01090	Cherokee County, Alabama	01	0.7463	0.7477	99901
01100	Chilton County, Alabama	01	0.7463	0.8979	13820
01110	Choctaw County, Alabama	01	0.7463	0.7477	99901
01120	Clarke County, Alabama	01	0.7463	0.7477	99901
01130	Clay County, Alabama	01	0.7463	0.7477	99901
01140	Cleburne County, Alabama	01	0.7463	0.7477	99901
01150	Coffee County, Alabama	01	0.7463	0.7477	99901
01160	Colbert County, Alabama	2650	0.8280	0.8280	22520
01170	Conecuh County, Alabama	01	0.7463	0.7477	99901
01180	Coosa County, Alabama	01	0.7463	0.7477	99901
01190	Covington County, Alabama	01	0.7463	0.7477	99901

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
01200	Crenshaw County, Alabama	01	0.7463	0.7477	99901
01210	Cullman County, Alabama	01	0.7463	0.7477	99901
01220	Dale County, Alabama	2180	0.7687	0.7477	99901
01230	Dallas County, Alabama	01	0.7463	0.7477	99901
01240	De Kalb County, Alabama	01	0.7463	0.7477	99901
01250	Elmore County, Alabama	5240	0.8588	0.8588	33860
01260	Escambia County, Alabama	01	0.7463	0.7477	99901
01270	Etowah County, Alabama	2880	0.7946	0.7946	23460
01280	Fayette County, Alabama	01	0.7463	0.7477	99901
01290	Franklin County, Alabama	01	0.7463	0.7477	99901
01300	Geneva County, Alabama	01	0.7463	0.7707	20020
01310	Greene County, Alabama	01	0.7463	0.8721	46220
01320	Hale County, Alabama	01	0.7463	0.8721	46220
01330	Henry County, Alabama	01	0.7463	0.7707	20020
01340	Houston County, Alabama	2180	0.7687	0.7707	20020
01350	Jackson County, Alabama	01	0.7463	0.7477	99901
01360	Jefferson County, Alabama	1000	0.9021	0.8979	13820
01370	Lamar County, Alabama	01	0.7463	0.7477	99901
01380	Lauderdale County, Alabama	2650	0.8280	0.8280	22520
01390	Lawrence County, Alabama	2030	0.8478	0.8478	19460
01400	Lee County, Alabama	0580	0.8108	0.8108	12220
01410	Limestone County, Alabama	3440	0.9149	0.9149	26620
01420	Lowndes County, Alabama	01	0.7463	0.8588	33860
01430	Macon County, Alabama	01	0.7463	0.7477	99901
01440	Madison County, Alabama	3440	0.9149	0.9149	26620
01450	Marengo County, Alabama	01	0.7463	0.7477	99901
01460	Marion County, Alabama	01	0.7463	0.7477	99901
01470	Marshall County, Alabama	01	0.7463	0.7477	99901
01480	Mobile County, Alabama	5160	0.7866	0.7895	33660
01490	Monroe County, Alabama	01	0.7463	0.7477	99901
01500	Montgomery County, Alabama	5240	0.8588	0.8588	33860
01510	Morgan County, Alabama	2030	0.8478	0.8478	19460
01520	Perry County, Alabama	01	0.7463	0.7477	99901
01530	Pickens County, Alabama	01	0.7463	0.7477	99901
01540	Pike County, Alabama	01	0.7463	0.7477	99901
01550	Randolph County, Alabama	01	0.7463	0.7477	99901
01560	Russell County, Alabama	1800	0.8568	0.8568	17980
01570	St Clair County, Alabama	1000	0.9021	0.8979	13820
01580	Shelby County, Alabama	1000	0.9021	0.9	13820
01590	Sumter County, Alabama	01	0.7463	0.7477	99901
01600	Talladega County, Alabama	01	0.7463	0.7477	99901
01610	Tallapoosa County, Alabama	01	0.7463	0.7477	99901
01620	Tuscaloosa County, Alabama	8600	0.8842	0.8721	46220
01630	Walker County, Alabama	01	0.7463	0.8979	13820
01640	Washington County, Alabama	01	0.7463	0.7477	99901
01650	Wilcox County, Alabama	01	0.7463	0.7477	99901
01660	Winston County, Alabama	01	0.7463	0.7477	99901
02013	Aleutians County East, Alaska	02	1.1900	1.1990	99902
02016	Aleutians County West, Alaska	02	1.1900	1.1990	99902
02020	Anchorage County, Alaska	0380	1.2022	1.2110	11260
02030	Angoon County, Alaska	02	1.1900	1.1990	99902
02040	Barrow-North Slope County, Alaska	02	1.1900	1.1990	99902
02050	Bethel County, Alaska	02	1.1900	1.1990	99902
02060	Bristol Bay Borough County, Alaska	02	1.1900	1.1990	99902
02068	Denali County, Alaska	02	1.1900	1.1990	99902
02070	Bristol Bay County, Alaska	02	1.1900	1.1990	99902
02080	Cordova-McCarthy County, Alaska	02	1.1900	1.1990	99902
02090	Fairbanks County, Alaska	02	1.1900	1.1419	21820
02100	Haines County, Alaska	02	1.1900	1.1990	99902
02110	Juneau County, Alaska	02	1.1900	1.1990	99902
02120	Kenai-Cook Inlet County, Alaska	02	1.1900	1.1990	99902
02122	Kenai Peninsula Borough, Alaska	02	1.1900	1.1990	99902
02130	Ketchikan County, Alaska	02	1.1900	1.1990	99902
02140	Kobuk County, Alaska	02	1.1900	1.1990	99902
02150	Kodiak County, Alaska	02	1.1900	1.1990	99902
02160	Kuskokwin County, Alaska	02	1.1900	1.1990	99902
02164	Lake and Peninsula Borough, Alaska	02	1.1900	1.1990	99902
02170	Matanuska County, Alaska	02	1.1900	1.2110	11260
02180	Nome County, Alaska	02	1.1900	1.1990	99902
02185	North Slope Borough, Alaska	02	1.1900	1.1990	99902
02188	Northwest Arctic Borough, Alaska	02	1.1900	1.1990	99902

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
02190	Outer Ketchikan County, Alaska	02	1.1900	1.1990	99902
02200	Prince Of Wales County, Alaska	02	1.1900	1.1990	99902
02201	Prince of Wales Outer Ketchikan Census Area, Alaska	02	1.1900	1.1990	99902
02210	Seward County, Alaska	02	1.1900	1.1990	99902
02220	Sitka County, Alaska	02	1.1900	1.1990	99902
02230	Skagway-Yakutat County, Alaska	02	1.1900	1.1990	99902
02231	Skagway-Yakutat-Angoon Census Area, Alaska	02	1.1900	1.1990	99902
02232	Skagway-Hoonah-Angoon Census Area, Alaska	02	1.1900	1.1990	99902
02240	Southeast Fairbanks County, Alaska	02	1.1900	1.1990	99902
02250	Upper Yukon County, Alaska	02	1.1900	1.1990	99902
02260	Valdz-Chitna-Whitier County, Alaska	02	1.1900	1.1990	99902
02261	Valdex-Cordove Census Area, Alaska	02	1.1900	1.1990	99902
02270	Wade Hampton County, Alaska	02	1.1900	1.1990	99902
02280	Wrangel-lPetersburg County, Alaska	02	1.1900	1.1990	99902
02282	Yakutat Borough, Alaska	02	1.1900	1.1990	99902
02290	Yukon-Koyukuk County, Alaska	02	1.1900	1.1990	99902
03000	Apache County, Arizona	03	0.9054	0.8777	99903
03010	Cochise County, Arizona	03	0.9054	0.8777	99903
03020	Coconino County, Arizona	2620	1.1857	1.2105	22380
03030	Gila County, Arizona	03	0.9054	0.8777	99903
03040	Graham County, Arizona	03	0.9054	0.8777	99903
03050	Greenlee County, Arizona	03	0.9054	0.8777	99903
03055	La Paz County, Arizona	03	0.9054	0.8777	99903
03060	Maricopa County, Arizona	6200	1.0138	1.0138	38060
03070	Mohave County, Arizona	4120	1.1166	0.8777	99903
03080	Navajo County, Arizona	03	0.9054	0.8777	99903
03090	Pima County, Arizona	8520	0.8987	0.8987	46060
03100	Pinal County, Arizona	6200	1.0138	1.0138	38060
03110	Santa Cruz County, Arizona	03	0.9054	0.8777	99903
03120	Yavapai County, Arizona	03	0.9054	0.9879	39140
03130	Yuma County, Arizona	9360	0.9135	0.9135	49740
04000	Arkansas County, Arkansas	04	0.7744	0.7451	99904
04010	Ashley County, Arkansas	04	0.7744	0.7451	99904
04020	Baxter County, Arkansas	04	0.7744	0.7451	99904
04030	Benton County, Arkansas	2580	0.8563	0.8563	22220
04040	Boone County, Arkansas	04	0.7744	0.7451	99904
04050	Bradley County, Arkansas	04	0.7744	0.7451	99904
04060	Calhoun County, Arkansas	04	0.7744	0.7451	99904
04070	Carroll County, Arkansas	04	0.7744	0.7451	99904
04080	Chicot County, Arkansas	04	0.7744	0.7451	99904
04090	Clark County, Arkansas	04	0.7744	0.7451	99904
04100	Clay County, Arkansas	04	0.7744	0.7451	99904
04110	Cleburne County, Arkansas	04	0.7744	0.7451	99904
04120	Cleveland County, Arkansas	04	0.7744	0.8689	38220
04130	Columbia County, Arkansas	04	0.7744	0.7451	99904
04140	Conway County, Arkansas	04	0.7744	0.7451	99904
04150	Craighead County, Arkansas	3700	0.7919	0.7919	27860
04160	Crawford County, Arkansas	2720	0.8229	0.8214	22900
04170	Crittenden County, Arkansas	4920	0.9360	0.9341	32820
04180	Cross County, Arkansas	04	0.7744	0.7451	99904
04190	Dallas County, Arkansas	04	0.7744	0.7451	99904
04200	Desha County, Arkansas	04	0.7744	0.7451	99904
04210	Drew County, Arkansas	04	0.7744	0.7451	99904
04220	Faulkner County, Arkansas	4400	0.8756	0.8756	30780
04230	Franklin County, Arkansas	04	0.7744	0.8214	22900
04240	Fulton County, Arkansas	04	0.7744	0.7451	99904
04250	Garland County, Arkansas	04	0.7744	0.9053	26300
04260	Grant County, Arkansas	04	0.7744	0.8756	30780
04270	Greene County, Arkansas	04	0.7744	0.7451	99904
04280	Hempstead County, Arkansas	04	0.7744	0.7451	99904
04290	Hot Spring County, Arkansas	04	0.7744	0.7451	99904
04300	Howard County, Arkansas	04	0.7744	0.7451	99904
04310	Independence County, Arkansas	04	0.7744	0.7451	99904
04320	Izard County, Arkansas	04	0.7744	0.7451	99904
04330	Jackson County, Arkansas	04	0.7744	0.7451	99904
04340	Jefferson County, Arkansas	6240	0.8689	0.8689	38220
04350	Johnson County, Arkansas	04	0.7744	0.7451	99904
04360	Lafayette County, Arkansas	04	0.7744	0.7451	99904
04370	Lawrence County, Arkansas	04	0.7744	0.7451	99904
04380	Lee County, Arkansas	04	0.7744	0.7451	99904
04390	Lincoln County, Arkansas	04	0.7744	0.8689	38220

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
04400	Little River County, Arkansas	04	0.7744	0.7451	99904
04410	Logan County, Arkansas	04	0.7744	0.7451	99904
04420	Lonoke County, Arkansas	4400	0.8756	0.8756	30780
04430	Madison County, Arkansas	04	0.7744	0.8563	22220
04440	Marion County, Arkansas	04	0.7744	0.7451	99904
04450	Miller County, Arkansas	8360	0.8291	0.8291	45500
04460	Mississippi County, Arkansas	04	0.7744	0.7451	99904
04470	Monroe County, Arkansas	04	0.7744	0.7451	99904
04480	Montgomery County, Arkansas	04	0.7744	0.7451	99904
04490	Nevada County, Arkansas	04	0.7744	0.7451	99904
04500	Newton County, Arkansas	04	0.7744	0.7451	99904
04510	Ouachita County, Arkansas	04	0.7744	0.7451	99904
04520	Perry County, Arkansas	04	0.7744	0.8756	30780
04530	Phillips County, Arkansas	04	0.7744	0.7451	99904
04540	Pike County, Arkansas	04	0.7744	0.7451	99904
04550	Poinsett County, Arkansas	04	0.7744	0.7919	27860
04560	Polk County, Arkansas	04	0.7744	0.7451	99904
04570	Pope County, Arkansas	04	0.7744	0.7451	99904
04580	Prairie County, Arkansas	04	0.7744	0.7451	99904
04590	Pulaski County, Arkansas	4400	0.8756	0.8756	30780
04600	Randolph County, Arkansas	04	0.7744	0.7451	99904
04610	St Francis County, Arkansas	04	0.7744	0.7451	99904
04620	Saline County, Arkansas	4400	0.8756	0.8756	30780
04630	Scott County, Arkansas	04	0.7744	0.7451	99904
04640	Searcy County, Arkansas	04	0.7744	0.7451	99904
04650	Sebastian County, Arkansas	2720	0.8229	0.8214	22900
04660	Sevier County, Arkansas	04	0.7744	0.7451	99904
04670	Sharp County, Arkansas	04	0.7744	0.7451	99904
04680	Stone County, Arkansas	04	0.7744	0.7451	99904
04690	Union County, Arkansas	04	0.7744	0.7451	99904
04700	Van Buren County, Arkansas	04	0.7744	0.7451	99904
04710	Washington County, Arkansas	2580	0.8563	0.8563	22220
04720	White County, Arkansas	04	0.7744	0.7451	99904
04730	Woodruff County, Arkansas	04	0.7744	0.7451	99904
04740	Yell County, Arkansas	04	0.7744	0.7451	99904
05000	Alameda County, California	5775	1.5346	1.5346	36084
05010	Alpine County, California	05	1.0639	1.0857	99905
05020	Amador County, California	05	1.0639	1.0857	99905
05030	Butte County, California	1620	1.0522	1.0522	17020
05040	Calaveras County, California	05	1.0639	1.0857	99905
05050	Colusa County, California	05	1.0639	1.0857	99905
05060	Contra Costa County, California	5775	1.5346	1.5346	36084
05070	Del Norte County, California	05	1.0639	1.0857	99905
05080	Eldorado County, California	6920	1.3148	1.2973	40900
05090	Fresno County, California	2840	1.0432	1.0541	23420
05100	Glenn County, California	05	1.0639	1.0857	99905
05110	Humboldt County, California	05	1.0639	1.0857	99905
05120	Imperial County, California	05	1.0639	0.8915	20940
05130	Inyo County, California	05	1.0639	1.0857	99905
05140	Kern County, California	0680	1.0344	1.0344	12540
05150	Kings County, California	05	1.0639	1.0046	25260
05160	Lake County, California	05	1.0639	1.0857	99905
05170	Lassen County, California	05	1.0639	1.0857	99905
05200	Los Angeles County, California	4480	1.1752	1.1752	31084
05210	Los Angeles County, California	4480	1.1752	1.1752	31084
05300	Madera County, California	2840	1.0432	0.8721	31460
05310	Marin County, California	7360	1.4990	1.4990	41884
05320	Mariposa County, California	05	1.0639	1.0857	99905
05330	Mendocino County, California	05	1.0639	1.0857	99905
05340	Merced County, California	4940	1.1120	1.1120	32900
05350	Modoc County, California	05	1.0639	1.0857	99905
05360	Mono County, California	05	1.0639	1.0857	99905
05370	Monterey County, California	7120	1.4142	1.4142	41500
05380	Napa County, California	8720	1.3966	1.2656	34900
05390	Nevada County, California	05	1.0639	1.0857	99905
05400	Orange County, California	5945	1.1576	1.1576	42044
05410	Placer County, California	6920	1.3148	1.2973	40900
05420	Plumas County, California	05	1.0639	1.0857	99905
05430	Riverside County, California	6780	1.1022	1.1022	40140
05440	Sacramento County, California	6920	1.3148	1.2973	40900
05450	San Benito County, California	05	1.0639	1.5125	41940

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
05460	San Bernardino County, California	6780	1.1022	1.1022	40140
05470	San Diego County, California	7320	1.1424	1.1424	41740
05480	San Francisco County, California	7360	1.4990	1.4990	41884
05490	San Joaquin County, California	8120	1.1311	1.1311	44700
05500	San Luis Obispo County, California	7460	1.1360	1.1360	42020
05510	San Mateo County, California	7360	1.4990	1.4990	41884
05520	Santa Barbara County, California	7480	1.1538	1.1538	42060
05530	Santa Clara County, California	7400	1.5144	1.5125	41940
05540	Santa Cruz County, California	7485	1.5182	1.5182	42100
05550	Shasta County, California	6690	1.2215	1.2215	39820
05560	Sierra County, California	05	1.0639	1.0857	99905
05570	Siskiyou County, California	05	1.0639	1.0857	99905
05580	Solano County, California	8720	1.3966	1.4899	46700
05590	Sonoma County, California	7500	1.3506	1.3506	42220
05600	Stanislaus County, California	5170	1.1804	1.1804	33700
05610	Sutter County, California	9340	1.0932	1.0932	49700
05620	Tehama County, California	05	1.0639	1.0857	99905
05630	Trinity County, California	05	1.0639	1.0857	99905
05640	Tulare County, California	8780	1.0074	1.0074	47300
05650	Tuolumne County, California	05	1.0639	1.0857	99905
05660	Ventura County, California	8735	1.1613	1.1613	37100
05670	Yolo County, California	9270	0.9949	1.2973	40900
05680	Yuba County, California	9340	1.0932	1.0932	49700
06000	Adams County, Colorado	2080	1.0733	1.0733	19740
06010	Alamosa County, Colorado	06	0.9389	0.9389	99906
06020	Arapahoe County, Colorado	2080	1.0733	1.0733	19740
06030	Archuleta County, Colorado	06	0.9389	0.9389	99906
06040	Baca County, Colorado	06	0.9389	0.9389	99906
06050	Bent County, Colorado	06	0.9389	0.9389	99906
06060	Boulder County, Colorado	1125	0.9744	0.9744	14500
06070	Chaffee County, Colorado	06	0.9389	0.9389	99906
06080	Cheyenne County, Colorado	06	0.9389	0.9389	99906
06090	Clear Creek County, Colorado	06	0.9389	1.0733	19740
06100	Conejos County, Colorado	06	0.9389	0.9389	99906
06110	Costilla County, Colorado	06	0.9389	0.9389	99906
06120	Crowley County, Colorado	06	0.9389	0.9389	99906
06130	Custer County, Colorado	06	0.9389	0.9389	99906
06140	Delta County, Colorado	06	0.9389	0.9389	99906
06150	Denver County, Colorado	2080	1.0733	1.0733	19740
06160	Dolores County, Colorado	06	0.9389	0.9389	99906
06170	Douglas County, Colorado	2080	1.0733	1.0733	19740
06180	Eagle County, Colorado	06	0.9389	0.9389	99906
06190	Elbert County, Colorado	06	0.9389	1.0733	19740
06200	El Paso County, Colorado	1720	0.9478	0.9478	17820
06210	Fremont County, Colorado	06	0.9389	0.9389	99906
06220	Garfield County, Colorado	06	0.9389	0.9389	99906
06230	Gilpin County, Colorado	06	0.9389	1.0733	19740
06240	Grand County, Colorado	06	0.9389	0.9389	99906
06250	Gunnison County, Colorado	06	0.9389	0.9389	99906
06260	Hinsdale County, Colorado	06	0.9389	0.9389	99906
06270	Huerfano County, Colorado	06	0.9389	0.9389	99906
06280	Jackson County, Colorado	06	0.9389	0.9389	99906
06290	Jefferson County, Colorado	2080	1.0733	1.0733	19740
06300	Kiowa County, Colorado	06	0.9389	0.9389	99906
06310	Kit Carson County, Colorado	06	0.9389	0.9389	99906
06320	Lake County, Colorado	06	0.9389	0.9389	99906
06330	La Plata County, Colorado	06	0.9389	0.9389	99906
06340	Larimer County, Colorado	2670	1.0132	1.0132	22660
06350	Las Animas County, Colorado	06	0.9389	0.9389	99906
06360	Lincoln County, Colorado	06	0.9389	0.9389	99906
06370	Logan County, Colorado	06	0.9389	0.9389	99906
06380	Mesa County, Colorado	2995	0.9560	0.9560	24300
06390	Mineral County, Colorado	06	0.9389	0.9389	99906
06400	Moffat County, Colorado	06	0.9389	0.9389	99906
06410	Montezuma County, Colorado	06	0.9389	0.9389	99906
06420	Montrose County, Colorado	06	0.9389	0.9389	99906
06430	Morgan County, Colorado	06	0.9389	0.9389	99906
06440	Otero County, Colorado	06	0.9389	0.9389	99906
06450	Ouray County, Colorado	06	0.9389	0.9389	99906
06460	Park County, Colorado	06	0.9389	1.0733	19740
06470	Phillips County, Colorado	06	0.9389	0.9389	99906

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
06480	Pitkin County, Colorado	06	0.9389	0.9389	99906
06490	Prowers County, Colorado	06	0.9389	0.9389	99906
06500	Pueblo County, Colorado	6560	0.8632	0.8632	39380
06510	Rio Blanco County, Colorado	06	0.9389	0.9389	99906
06520	Rio Grande County, Colorado	06	0.9389	0.9389	99906
06530	Routt County, Colorado	06	0.9389	0.9389	99906
06540	Saguache County, Colorado	06	0.9389	0.9389	99906
06550	San Juan County, Colorado	06	0.9389	0.9389	99906
06560	San Miguel County, Colorado	06	0.9389	0.9389	99906
06570	Sedgwick County, Colorado	06	0.9389	0.9389	99906
06580	Summit County, Colorado	06	0.9389	0.9389	99906
06590	Teller County, Colorado	06	0.9389	0.9478	17820
06600	Washington County, Colorado	06	0.9389	0.9389	99906
06610	Weld County, Colorado	3060	0.9580	0.9580	24540
06620	Yuma County, Colorado	06	0.9389	0.9389	99906
06630	Broomfield County, Colorado	2080	1.0733	1.0733	19740
07000	Fairfield County, Connecticut	5483	1.2096	1.2598	14860
07010	Hartford County, Connecticut	3283	1.1084	1.1084	25540
07020	Litchfield County, Connecticut	3283	1.1084	1.1084	25540
07030	Middlesex County, Connecticut	3283	1.1084	1.1084	25540
07040	New Haven County, Connecticut	5483	1.2096	1.1702	35300
07050	New London County, Connecticut	5523	1.1356	1.1356	35980
07060	Tolland County, Connecticut	3283	1.1084	1.1084	25540
07070	Windham County, Connecticut	07	1.1794	1.1794	99907
08000	Kent County, Delaware	2190	0.9779	0.9779	20100
08010	New Castle County, Delaware	9160	1.0537	1.0482	48864
08020	Sussex County, Delaware	08	0.9606	0.9606	99908
09000	Washington Dc County, Of Col Dist	8840	1.0983	1.0932	47894
10000	Alachua County, Florida	2900	0.9474	0.9474	23540
10010	Baker County, Florida	10	0.8698	0.9299	27260
10020	Bay County, Florida	6015	0.7989	0.7989	37460
10030	Bradford County, Florida	10	0.8698	0.8598	99910
10040	Brevard County, Florida	4900	0.9835	0.9835	37340
10050	Broward County, Florida	2680	1.0442	1.0442	22744
10060	Calhoun County, Florida	10	0.8698	0.8598	99910
10070	Charlotte County, Florida	6580	0.9264	0.9264	39460
10080	Citrus County, Florida	10	0.8698	0.8598	99910
10090	Clay County, Florida	3600	0.9308	0.9299	27260
10100	Collier County, Florida	5345	1.0140	1.0140	34940
10110	Columbia County, Florida	10	0.8698	0.8598	99910
10120	Dade County, Florida	5000	0.9759	0.9759	33124
10130	De Soto County, Florida	10	0.8698	0.8598	99910
10140	Dixie County, Florida	10	0.8698	0.8598	99910
10150	Duval County, Florida	3600	0.9308	0.9299	27260
10160	Escambia County, Florida	6080	0.8104	0.8104	37860
10170	Flagler County, Florida	2020	0.9334	0.8598	99910
10180	Franklin County, Florida	10	0.8698	0.8598	99910
10190	Gadsden County, Florida	8240	0.8697	0.8697	45220
10200	Gilchrist County, Florida	10	0.8698	0.9474	23540
10210	Glades County, Florida	10	0.8698	0.8598	99910
10220	Gulf County, Florida	10	0.8698	0.8598	99910
10230	Hamilton County, Florida	10	0.8698	0.8598	99910
10240	Hardee County, Florida	10	0.8698	0.8598	99910
10250	Hendry County, Florida	10	0.8698	0.8598	99910
10260	Hernando County, Florida	8280	0.9193	0.9193	45300
10270	Highlands County, Florida	10	0.8698	0.8598	99910
10280	Hillsborough County, Florida	8280	0.9193	0.9193	45300
10290	Holmes County, Florida	10	0.8698	0.8598	99910
10300	Indian River County, Florida	10	0.8698	0.9444	46940
10310	Jackson County, Florida	10	0.8698	0.8598	99910
10320	Jefferson County, Florida	10	0.8698	0.8697	45220
10330	Lafayette County, Florida	10	0.8698	0.8598	99910
10340	Lake County, Florida	5960	0.9459	0.9459	36740
10350	Lee County, Florida	2700	0.9366	0.9366	15980
10360	Leon County, Florida	8240	0.8697	0.8697	45220
10370	Levy County, Florida	10	0.8698	0.8598	99910
10380	Liberty County, Florida	10	0.8698	0.8598	99910
10390	Madison County, Florida	10	0.8698	0.8598	99910
10400	Manatee County, Florida	7510	0.9555	0.9555	42260
10410	Marion County, Florida	5790	0.8934	0.8934	36100
10420	Martin County, Florida	2710	1.0133	1.0133	38940

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
10430	Monroe County, Florida	10	0.8698	0.8598	99910
10440	Nassau County, Florida	3600	0.9308	0.9299	27260
10450	Okaloosa County, Florida	2750	0.8881	0.8881	23020
10460	Okeechobee County, Florida	10	0.8698	0.8598	99910
10470	Orange County, Florida	5960	0.9459	0.9459	36740
10480	Osceola County, Florida	5960	0.9459	0.9459	36740
10490	Palm Beach County, Florida	8960	1.0077	1.0077	48424
10500	Pasco County, Florida	8280	0.9193	0.9193	45300
10510	Pinellas County, Florida	8280	0.9193	0.9193	45300
10520	Polk County, Florida	3980	0.8921	0.8921	29460
10530	Putnam County, Florida	10	0.8698	0.8598	99910
10540	Johns County, Florida	3600	0.9308	0.9299	27260
10550	St Lucie County, Florida	2710	1.0133	1.0133	38940
10560	Santa Rosa County, Florida	6080	0.8104	0.8104	37860
10570	Sarasota County, Florida	7510	0.9555	0.9555	42260
10580	Seminole County, Florida	5960	0.9459	0.9459	36740
10590	Sumter County, Florida	10	0.8698	0.8598	99910
10600	Suwannee County, Florida	10	0.8698	0.8598	99910
10610	Taylor County, Florida	10	0.8698	0.8598	99910
10620	Union County, Florida	10	0.8698	0.8598	99910
10630	Volusia County, Florida	2020	0.9334	0.9308	19660
10640	Wakulla County, Florida	10	0.8698	0.8697	45220
10650	Walton County, Florida	10	0.8698	0.8598	99910
10660	Washington County, Florida	10	0.8698	0.8598	99910
11000	Appling County, Georgia	11	0.8165	0.7666	99911
11010	Atkinson County, Georgia	11	0.8165	0.7666	99911
11011	Bacon County, Georgia	11	0.8165	0.7666	99911
11020	Baker County, Georgia	11	0.8165	0.8636	10500
11030	Baldwin County, Georgia	11	0.8165	0.7666	99911
11040	Banks County, Georgia	11	0.8165	0.7666	99911
11050	Barrow County, Georgia	0520	0.9648	0.9648	12060
11060	Bartow County, Georgia	0520	0.9648	0.9648	12060
11070	Ben Hill County, Georgia	11	0.8165	0.7666	99911
11080	Berrien County, Georgia	11	0.8165	0.7666	99911
11090	Bibb County, Georgia	4680	0.9286	0.9453	31420
11100	Bleckley County, Georgia	11	0.8165	0.7666	99911
11110	Brantley County, Georgia	11	0.8165	0.9320	15260
11120	Brooks County, Georgia	11	0.8165	0.8875	46660
11130	Bryan County, Georgia	7520	0.9480	0.9480	42340
11140	Bulloch County, Georgia	11	0.8165	0.7666	99911
11150	Burke County, Georgia	11	0.8165	0.9565	12260
11160	Butts County, Georgia	11	0.8165	0.9648	12060
11161	Calhoun County, Georgia	11	0.8165	0.7666	99911
11170	Camden County, Georgia	11	0.8165	0.7666	99911
11180	Candler County, Georgia	11	0.8165	0.7666	99911
11190	Carroll County, Georgia	0520	0.9648	0.9648	12060
11200	Catoosa County, Georgia	1560	0.9098	0.9098	16860
11210	Charlton County, Georgia	11	0.8165	0.7666	99911
11220	Chatham County, Georgia	7520	0.9480	0.9480	42340
11230	Chattahoochee County, Georgia	1800	0.8568	0.8568	17980
11240	Chattooga County, Georgia	11	0.8165	0.7666	99911
11250	Cherokee County, Georgia	0520	0.9648	0.9648	12060
11260	Clarke County, Georgia	0500	0.9843	0.9843	12020
11270	Clay County, Georgia	11	0.8165	0.7666	99911
11280	Clayton County, Georgia	0520	0.9648	0.9648	12060
11281	Clinch County, Georgia	11	0.8165	0.7666	99911
11290	Cobb County, Georgia	0520	0.9648	0.9648	12060
11291	Coffee County, Georgia	11	0.8165	0.7666	99911
11300	Colquitt County, Georgia	11	0.8165	0.7666	99911
11310	Columbia County, Georgia	0600	0.9619	0.9565	12260
11311	Cook County, Georgia	11	0.8165	0.7666	99911
11320	Coweta County, Georgia	0520	0.9648	0.9648	12060
11330	Crawford County, Georgia	11	0.8165	0.9453	31420
11340	Crisp County, Georgia	11	0.8165	0.7666	99911
11341	Dade County, Georgia	1560	0.9098	0.9098	16860
11350	Dawson County, Georgia	11	0.8165	0.9648	12060
11360	Decatur County, Georgia	11	0.8165	0.7666	99911
11370	De Kalb County, Georgia	0520	0.9648	0.9648	12060
11380	Dodge County, Georgia	11	0.8165	0.7666	99911
11381	Dooly County, Georgia	11	0.8165	0.7666	99911
11390	Dougherty County, Georgia	0120	0.8636	0.8636	10500

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
11400	Douglas County, Georgia	0520	0.9648	0.9648	12060
11410	Early County, Georgia	11	0.8165	0.7666	99911
11420	Echols County, Georgia	11	0.8165	0.8875	46660
11421	Effingham County, Georgia	7520	0.9480	0.9480	42340
11430	Elbert County, Georgia	11	0.8165	0.7666	99911
11440	Emanuel County, Georgia	11	0.8165	0.7666	99911
11441	Evans County, Georgia	11	0.8165	0.7666	99911
11450	Fannin County, Georgia	11	0.8165	0.7666	99911
11451	Fayette County, Georgia	0520	0.9648	0.9648	12060
11460	Floyd County, Georgia	11	0.8165	0.9424	40660
11461	Forsyth County, Georgia	0520	0.9648	0.9648	12060
11462	Franklin County, Georgia	11	0.8165	0.7666	99911
11470	Fulton County, Georgia	0520	0.9648	0.9648	12060
11471	Gilmer County, Georgia	11	0.8165	0.7666	99911
11480	Glascock County, Georgia	11	0.8165	0.7666	99911
11490	Glynn County, Georgia	11	0.8165	0.9320	15260
11500	Gordon County, Georgia	11	0.8165	0.7666	99911
11510	Grady County, Georgia	11	0.8165	0.7666	99911
11520	Greene County, Georgia	11	0.8165	0.7666	99911
11530	Gwinnett County, Georgia	0520	0.9648	0.9648	12060
11540	Habersham County, Georgia	11	0.8165	0.7666	99911
11550	Hall County, Georgia	11	0.8165	0.8883	23580
11560	Hancock County, Georgia	11	0.8165	0.7666	99911
11570	Haralson County, Georgia	11	0.8165	0.9648	12060
11580	Harris County, Georgia	1800	0.8568	0.8568	17980
11581	Hart County, Georgia	11	0.8165	0.7666	99911
11590	Heard County, Georgia	11	0.8165	0.9648	12060
11591	Henry County, Georgia	0520	0.9648	0.9648	12060
11600	Houston County, Georgia	4680	0.9286	0.8654	47580
11601	Irwin County, Georgia	11	0.8165	0.7666	99911
11610	Jackson County, Georgia	11	0.8165	0.7666	99911
11611	Jasper County, Georgia	11	0.8165	0.9648	12060
11612	Jeff Davis County, Georgia	11	0.8165	0.7666	99911
11620	Jefferson County, Georgia	11	0.8165	0.7666	99911
11630	Jenkins County, Georgia	11	0.8165	0.7666	99911
11640	Johnson County, Georgia	11	0.8165	0.7666	99911
11650	Jones County, Georgia	4680	0.9286	0.9453	31420
11651	Lamar County, Georgia	11	0.8165	0.9648	12060
11652	Lanier County, Georgia	11	0.8165	0.8875	46660
11660	Laurens County, Georgia	11	0.8165	0.7666	99911
11670	Lee County, Georgia	0120	0.8636	0.8636	10500
11680	Liberty County, Georgia	11	0.8165	0.9178	25980
11690	Lincoln County, Georgia	11	0.8165	0.7666	99911
11691	Long County, Georgia	11	0.8165	0.9178	25980
11700	Lowndes County, Georgia	11	0.8165	0.8875	46660
11701	Lumpkin County, Georgia	11	0.8165	0.7666	99911
11702	Mc Duffie County, Georgia	0600	0.9619	0.9565	12260
11703	Mc Intosh County, Georgia	11	0.8165	0.9320	15260
11710	Macon County, Georgia	11	0.8165	0.7666	99911
11720	Madison County, Georgia	0500	0.9843	0.9843	12020
11730	Marion County, Georgia	11	0.8165	0.8568	17980
11740	Meriwether County, Georgia	11	0.8165	0.9648	12060
11741	Miller County, Georgia	11	0.8165	0.7666	99911
11750	Mitchell County, Georgia	11	0.8165	0.7666	99911
11760	Monroe County, Georgia	11	0.8165	0.9453	31420
11770	Montgomery County, Georgia	11	0.8165	0.7666	99911
11771	Morgan County, Georgia	11	0.8165	0.7666	99911
11772	Murray County, Georgia	11	0.8165	0.9044	19140
11780	Muscogee County, Georgia	1800	0.8568	0.8568	17980
11790	Newton County, Georgia	0520	0.9648	0.9648	12060
11800	Oconee County, Georgia	0500	0.9843	0.9843	12020
11801	Oglethorpe County, Georgia	11	0.8165	0.9843	12020
11810	Paulding County, Georgia	0520	0.9648	0.9648	12060
11811	Peach County, Georgia	4680	0.9286	0.7666	99911
11812	Pickens County, Georgia	0520	0.9648	0.9648	12060
11820	Pierce County, Georgia	11	0.8165	0.7666	99911
11821	Pike County, Georgia	11	0.8165	0.9648	12060
11830	Polk County, Georgia	11	0.8165	0.7666	99911
11831	Pulaski County, Georgia	11	0.8165	0.7666	99911
11832	Putnam County, Georgia	11	0.8165	0.7666	99911
11833	Quitman County, Georgia	11	0.8165	0.7666	99911

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
11834	Rabun County, Georgia	11	0.8165	0.7666	99911
11835	Randolph County, Georgia	11	0.8165	0.7666	99911
11840	Richmond County, Georgia	0600	0.9619	0.9565	12260
11841	Rockdale County, Georgia	0520	0.9648	0.9648	12060
11842	Schley County, Georgia	11	0.8165	0.7666	99911
11850	Screven County, Georgia	11	0.8165	0.7666	99911
11851	Seminole County, Georgia	11	0.8165	0.7666	99911
11860	Spalding County, Georgia	0520	0.9648	0.9648	12060
11861	Stephens County, Georgia	11	0.8165	0.7666	99911
11862	Stewart County, Georgia	11	0.8165	0.7666	99911
11870	Sumter County, Georgia	11	0.8165	0.7666	99911
11880	Talbot County, Georgia	11	0.8165	0.7666	99911
11881	Taliaferro County, Georgia	11	0.8165	0.7666	99911
11882	Tattnall County, Georgia	11	0.8165	0.7666	99911
11883	Taylor County, Georgia	11	0.8165	0.7666	99911
11884	Telfair County, Georgia	11	0.8165	0.7666	99911
11885	Terrell County, Georgia	11	0.8165	0.8636	10500
11890	Thomas County, Georgia	11	0.8165	0.7666	99911
11900	Tift County, Georgia	11	0.8165	0.7666	99911
11901	Toombs County, Georgia	11	0.8165	0.7666	99911
11902	Towns County, Georgia	11	0.8165	0.7666	99911
11903	Treutlen County, Georgia	11	0.8165	0.7666	99911
11910	Troup County, Georgia	11	0.8165	0.7666	99911
11911	Turner County, Georgia	11	0.8165	0.7666	99911
11912	Twiggs County, Georgia	4680	0.9286	0.9453	31420
11913	Union County, Georgia	11	0.8165	0.7666	99911
11920	Upson County, Georgia	11	0.8165	0.7666	99911
11921	Walker County, Georgia	1560	0.9098	0.9098	16860
11930	Walton County, Georgia	0520	0.9648	0.9648	12060
11940	Ware County, Georgia	11	0.8165	0.7666	99911
11941	Warren County, Georgia	11	0.8165	0.7666	99911
11950	Washington County, Georgia	11	0.8165	0.7666	99911
11960	Wayne County, Georgia	11	0.8165	0.7666	99911
11961	Webster County, Georgia	11	0.8165	0.7666	99911
11962	Wheeler County, Georgia	11	0.8165	0.7666	99911
11963	White County, Georgia	11	0.8165	0.7666	99911
11970	Whitfield County, Georgia	11	0.8165	0.9044	19140
11971	Wilcox County, Georgia	11	0.8165	0.7666	99911
11972	Wilkes County, Georgia	11	0.8165	0.7666	99911
11973	Wilkinson County, Georgia	11	0.8165	0.7666	99911
11980	Worth County, Georgia	11	0.8165	0.8636	10500
12005	Kalawao County, Hawaii	12	1.0562	1.0562	99912
12010	Hawaii County, Hawaii	12	1.0562	1.0562	99912
12020	Honolulu County, Hawaii	3320	1.1208	1.1208	26180
12040	Kauai County, Hawaii	12	1.0562	1.0562	99912
12050	Maui County, Hawaii	12	1.0562	1.0562	99912
13000	Ada County, Idaho	1080	0.9061	0.9061	14260
13010	Adams County, Idaho	13	0.9106	0.8045	99913
13020	Bannock County, Idaho	6340	0.9360	0.9360	38540
13030	Bear Lake County, Idaho	13	0.9106	0.8045	99913
13040	Benewah County, Idaho	13	0.9106	0.8045	99913
13050	Bingham County, Idaho	13	0.9106	0.8045	99913
13060	Blaine County, Idaho	13	0.9106	0.8045	99913
13070	Boise County, Idaho	13	0.9106	0.9061	14260
13080	Bonner County, Idaho	13	0.9106	0.8045	99913
13090	Bonneville County, Idaho	13	0.9106	0.9429	26820
13100	Boundary County, Idaho	13	0.9106	0.8045	99913
13110	Butte County, Idaho	13	0.9106	0.8045	99913
13120	Camas County, Idaho	13	0.9106	0.8045	99913
13130	Canyon County, Idaho	1080	0.9061	0.9061	14260
13140	Caribou County, Idaho	13	0.9106	0.8045	99913
13150	Cassia County, Idaho	13	0.9106	0.8045	99913
13160	Clark County, Idaho	13	0.9106	0.8045	99913
13170	Clearwater County, Idaho	13	0.9106	0.8045	99913
13180	Custer County, Idaho	13	0.9106	0.8045	99913
13190	Elmore County, Idaho	13	0.9106	0.8045	99913
13200	Franklin County, Idaho	13	0.9106	0.9173	30860
13210	Fremont County, Idaho	13	0.9106	0.8045	99913
13220	Gem County, Idaho	13	0.9106	0.9061	14260
13230	Gooding County, Idaho	13	0.9106	0.8045	99913
13240	Idaho County, Idaho	13	0.9106	0.8045	99913

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
13250	Jefferson County, Idaho	13	0.9106	0.9429	26820
13260	Jerome County, Idaho	13	0.9106	0.8045	99913
13270	Kootenai County, Idaho	13	0.9106	0.9657	17660
13280	Latah County, Idaho	13	0.9106	0.8045	99913
13290	Lemhi County, Idaho	13	0.9106	0.8045	99913
13300	Lewis County, Idaho	13	0.9106	0.8045	99913
13310	Lincoln County, Idaho	13	0.9106	0.8045	99913
13320	Madison County, Idaho	13	0.9106	0.8045	99913
13330	Minidoka County, Idaho	13	0.9106	0.8045	99913
13340	Nez Perce County, Idaho	13	0.9106	0.9896	30300
13350	Oneida County, Idaho	13	0.9106	0.8045	99913
13360	Owyhee County, Idaho	13	0.9106	0.9061	14260
13370	Payette County, Idaho	13	0.9106	0.8045	99913
13380	Power County, Idaho	13	0.9106	0.9360	38540
13390	Shoshone County, Idaho	13	0.9106	0.8045	99913
13400	Teton County, Idaho	13	0.9106	0.8045	99913
13410	Twin Falls County, Idaho	13	0.9106	0.8045	99913
13420	Valley County, Idaho	13	0.9106	0.8045	99913
13430	Washington County, Idaho	13	0.9106	0.8045	99913
14000	Adams County, Illinois	14	0.8309	0.8279	99914
14010	Alexander County, Illinois	14	0.8309	0.8279	99914
14020	Bond County, Illinois	14	0.8309	0.8949	41180
14030	Boone County, Illinois	6880	0.9994	0.9994	40420
14040	Brown County, Illinois	14	0.8309	0.8279	99914
14050	Bureau County, Illinois	14	0.8309	0.8279	99914
14060	Calhoun County, Illinois	14	0.8309	0.8949	41180
14070	Carroll County, Illinois	14	0.8309	0.8279	99914
14080	Cass County, Illinois	14	0.8309	0.8279	99914
14090	Champaign County, Illinois	1400	0.9604	0.9604	16580
14100	Christian County, Illinois	14	0.8309	0.8279	99914
14110	Clark County, Illinois	14	0.8309	0.8279	99914
14120	Clay County, Illinois	14	0.8309	0.8279	99914
14130	Clinton County, Illinois	7040	0.8957	0.8949	41180
14140	Coles County, Illinois	14	0.8309	0.8279	99914
14141	Cook County, Illinois	1600	1.0838	1.0848	16974
14150	Crawford County, Illinois	14	0.8309	0.8279	99914
14160	Cumberland County, Illinois	14	0.8309	0.8279	99914
14170	De Kalb County, Illinois	1600	1.0838	1.0848	16974
14180	De Witt County, Illinois	14	0.8309	0.8279	99914
14190	Douglas County, Illinois	14	0.8309	0.8279	99914
14250	Du Page County, Illinois	1600	1.0838	1.0848	16974
14310	Edgar County, Illinois	14	0.8309	0.8279	99914
14320	Edwards County, Illinois	14	0.8309	0.8279	99914
14330	Effingham County, Illinois	14	0.8309	0.8279	99914
14340	Fayette County, Illinois	14	0.8309	0.8279	99914
14350	Ford County, Illinois	14	0.8309	0.9604	16580
14360	Franklin County, Illinois	14	0.8309	0.8279	99914
14370	Fulton County, Illinois	14	0.8309	0.8279	99914
14380	Gallatin County, Illinois	14	0.8309	0.8279	99914
14390	Greene County, Illinois	14	0.8309	0.8279	99914
14400	Grundy County, Illinois	1600	1.0838	1.0848	16974
14410	Hamilton County, Illinois	14	0.8309	0.8279	99914
14420	Hancock County, Illinois	14	0.8309	0.8279	99914
14421	Hardin County, Illinois	14	0.8309	0.8279	99914
14440	Henderson County, Illinois	14	0.8309	0.8279	99914
14450	Henry County, Illinois	1960	0.8731	0.8731	19340
14460	Iroquois County, Illinois	14	0.8309	0.8279	99914
14470	Jackson County, Illinois	14	0.8309	0.8279	99914
14480	Jasper County, Illinois	14	0.8309	0.8279	99914
14490	Jefferson County, Illinois	14	0.8309	0.8279	99914
14500	Jersey County, Illinois	7040	0.8957	0.8949	41180
14510	Jo Daviess County, Illinois	14	0.8309	0.8279	99914
14520	Johnson County, Illinois	14	0.8309	0.8279	99914
14530	Kane County, Illinois	1600	1.0838	1.0848	16974
14540	Kankakee County, Illinois	3740	1.0974	1.0974	28100
14550	Kendall County, Illinois	1600	1.0838	1.0848	16974
14560	Knox County, Illinois	14	0.8309	0.8279	99914
14570	Lake County, Illinois	1600	1.0838	1.0440	29404
14580	La Salle County, Illinois	14	0.8309	0.8279	99914
14590	Lawrence County, Illinois	14	0.8309	0.8279	99914
14600	Lee County, Illinois	14	0.8309	0.8279	99914

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
14610	Livingston County, Illinois	14	0.8309	0.8279	99914
14620	Logan County, Illinois	14	0.8309	0.8279	99914
14630	Mc Donough County, Illinois	14	0.8309	0.8279	99914
14640	Mc Henry County, Illinois	1600	1.0838	1.0848	16974
14650	Mclean County, Illinois	1040	0.9084	0.9084	14060
14660	Macon County, Illinois	2040	0.8076	0.8076	19500
14670	Macoupin County, Illinois	14	0.8309	0.8949	41180
14680	Madison County, Illinois	7040	0.8957	0.8949	41180
14690	Marion County, Illinois	14	0.8309	0.8279	99914
14700	Marshall County, Illinois	14	0.8309	0.8868	37900
14710	Mason County, Illinois	14	0.8309	0.8279	99914
14720	Massac County, Illinois	14	0.8309	0.8279	99914
14730	Menard County, Illinois	7880	0.8885	0.8885	44100
14740	Mercer County, Illinois	14	0.8309	0.8731	19340
14750	Monroe County, Illinois	7040	0.8957	0.8949	41180
14760	Montgomery County, Illinois	14	0.8309	0.8279	99914
14770	Morgan County, Illinois	14	0.8309	0.8279	99914
14780	Moultrie County, Illinois	14	0.8309	0.8279	99914
14790	Ogle County, Illinois	6880	0.9994	0.8279	99914
14800	Peoria County, Illinois	6120	0.8868	0.8868	37900
14810	Perry County, Illinois	14	0.8309	0.8279	99914
14820	Piatt County, Illinois	14	0.8309	0.9604	16580
14830	Pike County, Illinois	14	0.8309	0.8279	99914
14831	Pope County, Illinois	14	0.8309	0.8279	99914
14850	Pulaski County, Illinois	14	0.8309	0.8279	99914
14860	Putnam County, Illinois	14	0.8309	0.8279	99914
14870	Randolph County, Illinois	14	0.8309	0.8279	99914
14880	Richland County, Illinois	14	0.8309	0.8279	99914
14890	Rock Island County, Illinois	1960	0.8731	0.8731	19340
14900	St Clair County, Illinois	7040	0.8957	0.8949	41180
14910	Saline County, Illinois	14	0.8309	0.8279	99914
14920	Sangamon County, Illinois	7880	0.8885	0.8885	44100
14921	Schuyler County, Illinois	14	0.8309	0.8279	99914
14940	Scott County, Illinois	14	0.8309	0.8279	99914
14950	Shelby County, Illinois	14	0.8309	0.8279	99914
14960	Stark County, Illinois	14	0.8309	0.8868	37900
14970	Stephenson County, Illinois	14	0.8309	0.8279	99914
14980	Tazewell County, Illinois	6120	0.8868	0.8868	37900
14981	Union County, Illinois	14	0.8309	0.8279	99914
14982	Vermilion County, Illinois	14	0.8309	0.9037	19180
14983	Wabash County, Illinois	14	0.8309	0.8279	99914
14984	Warren County, Illinois	14	0.8309	0.8279	99914
14985	Washington County, Illinois	14	0.8309	0.8279	99914
14986	Wayne County, Illinois	14	0.8309	0.8279	99914
14987	White County, Illinois	14	0.8309	0.8279	99914
14988	Whiteside County, Illinois	14	0.8309	0.8279	99914
14989	Will County, Illinois	1600	1.0838	1.0848	16974
14990	Williamson County, Illinois	14	0.8309	0.8279	99914
14991	Winnebago County, Illinois	6880	0.9994	0.9994	40420
14992	Woodford County, Illinois	6120	0.8868	0.8868	37900
15000	Adams County, Indiana	2760	0.9716	0.8630	99915
15010	Allen County, Indiana	2760	0.9716	0.9803	23060
15020	Bartholomew County, Indiana	15	0.8727	0.9598	18020
15030	Benton County, Indiana	15	0.8727	0.8745	29140
15040	Blackford County, Indiana	15	0.8727	0.8630	99915
15050	Boone County, Indiana	3480	0.9875	0.9930	26900
15060	Brown County, Indiana	15	0.8727	0.9930	26900
15070	Carroll County, Indiana	15	0.8727	0.8745	29140
15080	Cass County, Indiana	15	0.8727	0.8630	99915
15090	Clark County, Indiana	4520	0.9302	0.9261	31140
15100	Clay County, Indiana	8320	0.8345	0.8313	45460
15110	Clinton County, Indiana	3920	0.8745	0.8630	99915
15120	Crawford County, Indiana	15	0.8727	0.8630	99915
15130	Daviess County, Indiana	15	0.8727	0.8630	99915
15140	Dearborn County, Indiana	1640	0.9742	0.9623	17140
15150	Decatur County, Indiana	15	0.8727	0.8630	99915
15160	De Kalb County, Indiana	2760	0.9716	0.8630	99915
15170	Delaware County, Indiana	5280	0.8939	0.8939	34620
15180	Dubois County, Indiana	15	0.8727	0.8630	99915
15190	Elkhart County, Indiana	2330	0.9637	0.9637	21140
15200	Fayette County, Indiana	15	0.8727	0.8630	99915

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
15210	Floyd County, Indiana	4520	0.9302	0.9261	31140
15220	Fountain County, Indiana	15	0.8727	0.8630	99915
15230	Franklin County, Indiana	15	0.8727	0.9623	17140
15240	Fulton County, Indiana	15	0.8727	0.8630	99915
15250	Gibson County, Indiana	15	0.8727	0.8721	21780
15260	Grant County, Indiana	15	0.8727	0.8630	99915
15270	Greene County, Indiana	15	0.8727	0.8456	14020
15280	Hamilton County, Indiana	3480	0.9875	0.9930	26900
15290	Hancock County, Indiana	3480	0.9875	0.9930	26900
15300	Harrison County, Indiana	4520	0.9302	0.9261	31140
15310	Hendricks County, Indiana	3480	0.9875	0.9930	26900
15320	Henry County, Indiana	15	0.8727	0.8630	99915
15330	Howard County, Indiana	3850	0.9517	0.9517	29020
15340	Huntington County, Indiana	2760	0.9716	0.8630	99915
15350	Jackson County, Indiana	15	0.8727	0.8630	99915
15360	Jasper County, Indiana	15	0.8727	0.9369	23844
15370	Jay County, Indiana	15	0.8727	0.8630	99915
15380	Jefferson County, Indiana	15	0.8727	0.8630	99915
15390	Jennings County, Indiana	15	0.8727	0.8630	99915
15400	Johnson County, Indiana	3480	0.9875	0.9930	26900
15410	Knox County, Indiana	15	0.8727	0.8630	99915
15420	Kosciusko County, Indiana	15	0.8727	0.8630	99915
15430	Lagrange County, Indiana	15	0.8727	0.8630	99915
15440	Lake County, Indiana	2960	0.9404	0.9369	23844
15450	La Porte County, Indiana	15	0.8727	0.9409	33140
15460	Lawrence County, Indiana	15	0.8727	0.8630	99915
15470	Madison County, Indiana	3480	0.9875	0.8595	11300
15480	Marion County, Indiana	3480	0.9875	0.9930	26900
15490	Marshall County, Indiana	15	0.8727	0.8630	99915
15500	Martin County, Indiana	15	0.8727	0.8630	99915
15510	Miami County, Indiana	15	0.8727	0.8630	99915
15520	Monroe County, Indiana	1020	0.8456	0.8456	14020
15530	Montgomery County, Indiana	15	0.8727	0.8630	99915
15540	Morgan County, Indiana	3480	0.9875	0.9930	26900
15550	Newton County, Indiana	15	0.8727	0.9369	23844
15560	Noble County, Indiana	15	0.8727	0.8630	99915
15570	Ohio County, Indiana	1640	0.9742	0.9623	17140
15580	Orange County, Indiana	15	0.8727	0.8630	99915
15590	Owen County, Indiana	15	0.8727	0.8456	14020
15600	Parke County, Indiana	15	0.8727	0.8630	99915
15610	Perry County, Indiana	15	0.8727	0.8630	99915
15620	Pike County, Indiana	15	0.8727	0.8630	99915
15630	Porter County, Indiana	2960	0.9404	0.9369	23844
15640	Posey County, Indiana	2440	0.8721	0.8721	21780
15650	Pulaski County, Indiana	15	0.8727	0.8630	99915
15660	Putnam County, Indiana	15	0.8727	0.9930	26900
15670	Randolph County, Indiana	15	0.8727	0.8630	99915
15680	Ripley County, Indiana	15	0.8727	0.8630	99915
15690	Rush County, Indiana	15	0.8727	0.8630	99915
15700	St Joseph County, Indiana	7800	0.9798	0.9798	43780
15710	Scott County, Indiana	4520	0.9302	0.8630	99915
15720	Shelby County, Indiana	3480	0.9875	0.9930	26900
15730	Spencer County, Indiana	15	0.8727	0.8630	99915
15740	Starke County, Indiana	15	0.8727	0.8630	99915
15750	Steuben County, Indiana	15	0.8727	0.8630	99915
15760	Sullivan County, Indiana	15	0.8727	0.8313	45460
15770	Switzerland County, Indiana	15	0.8727	0.8630	99915
15780	Tippecanoe County, Indiana	3920	0.8745	0.8745	29140
15790	Tipton County, Indiana	3850	0.9517	0.9517	29020
15800	Union County, Indiana	15	0.8727	0.8630	99915
15810	Vanderburgh County, Indiana	2440	0.8721	0.8721	21780
15820	Vermillion County, Indiana	8320	0.8345	0.8313	45460
15830	Vigo County, Indiana	8320	0.8345	0.8313	45460
15840	Wabash County, Indiana	15	0.8727	0.8630	99915
15850	Warren County, Indiana	15	0.8727	0.8630	99915
15860	Warrick County, Indiana	2440	0.8721	0.8721	21780
15870	Washington County, Indiana	15	0.8727	0.9261	31140
15880	Wayne County, Indiana	15	0.8727	0.8630	99915
15890	Wells County, Indiana	2760	0.9716	0.9803	23060
15900	White County, Indiana	15	0.8727	0.8630	99915
15910	Whitley County, Indiana	2760	0.9716	0.9803	23060

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
16000	Adair County, Iowa	16	0.8588	0.8502	99916
16010	Adams County, Iowa	16	0.8588	0.8502	99916
16020	Allamakee County, Iowa	16	0.8588	0.8502	99916
16030	Appanoose County, Iowa	16	0.8588	0.8502	99916
16040	Audubon County, Iowa	16	0.8588	0.8502	99916
16050	Benton County, Iowa	16	0.8588	0.8617	16300
16060	Black Hawk County, Iowa	8920	0.8566	0.8566	47940
16070	Boone County, Iowa	16	0.8588	0.8502	99916
16080	Bremer County, Iowa	16	0.8588	0.8566	47940
16090	Buchanan County, Iowa	16	0.8588	0.8502	99916
16100	Buena Vista County, Iowa	16	0.8588	0.8502	99916
16110	Butler County, Iowa	16	0.8588	0.8502	99916
16120	Calhoun County, Iowa	16	0.8588	0.8502	99916
16130	Carroll County, Iowa	16	0.8588	0.8502	99916
16140	Cass County, Iowa	16	0.8588	0.8502	99916
16150	Cedar County, Iowa	16	0.8588	0.8502	99916
16160	Cerro Gordo County, Iowa	16	0.8588	0.8502	99916
16170	Cherokee County, Iowa	16	0.8588	0.8502	99916
16180	Chickasaw County, Iowa	16	0.8588	0.8502	99916
16190	Clarke County, Iowa	16	0.8588	0.8502	99916
16200	Clay County, Iowa	16	0.8588	0.8502	99916
16210	Clayton County, Iowa	16	0.8588	0.8502	99916
16220	Clinton County, Iowa	16	0.8588	0.8502	99916
16230	Crawford County, Iowa	16	0.8588	0.8502	99916
16240	Dallas County, Iowa	2120	0.9651	0.9651	19780
16250	Davis County, Iowa	16	0.8588	0.8502	99916
16260	Decatur County, Iowa	16	0.8588	0.8502	99916
16270	Delaware County, Iowa	16	0.8588	0.8502	99916
16280	Des Moines County, Iowa	16	0.8588	0.8502	99916
16290	Dickinson County, Iowa	16	0.8588	0.8502	99916
16300	Dubuque County, Iowa	2200	0.9135	0.9135	20220
16310	Emmet County, Iowa	16	0.8588	0.8502	99916
16320	Fayette County, Iowa	16	0.8588	0.8502	99916
16330	Floyd County, Iowa	16	0.8588	0.8502	99916
16340	Franklin County, Iowa	16	0.8588	0.8502	99916
16350	Fremont County, Iowa	16	0.8588	0.8502	99916
16360	Greene County, Iowa	16	0.8588	0.8502	99916
16370	Grundy County, Iowa	16	0.8588	0.8566	47940
16380	Guthrie County, Iowa	16	0.8588	0.9651	19780
16390	Hamilton County, Iowa	16	0.8588	0.8502	99916
16400	Hancock County, Iowa	16	0.8588	0.8502	99916
16410	Hardin County, Iowa	16	0.8588	0.8502	99916
16420	Harrison County, Iowa	16	0.8588	0.9569	36540
16430	Henry County, Iowa	16	0.8588	0.8502	99916
16440	Howard County, Iowa	16	0.8588	0.8502	99916
16450	Humboldt County, Iowa	16	0.8588	0.8502	99916
16460	Ida County, Iowa	16	0.8588	0.8502	99916
16470	Iowa County, Iowa	16	0.8588	0.8502	99916
16480	Jackson County, Iowa	16	0.8588	0.8502	99916
16490	Jasper County, Iowa	16	0.8588	0.8502	99916
16500	Jefferson County, Iowa	16	0.8588	0.8502	99916
16510	Johnson County, Iowa	3500	0.9756	0.9756	26980
16520	Jones County, Iowa	16	0.8588	0.8617	16300
16530	Keokuk County, Iowa	16	0.8588	0.8502	99916
16540	Kossuth County, Iowa	16	0.8588	0.8502	99916
16550	Lee County, Iowa	16	0.8588	0.8502	99916
16560	Linn County, Iowa	1360	0.8617	0.8617	16300
16570	Louisa County, Iowa	16	0.8588	0.8502	99916
16580	Lucas County, Iowa	16	0.8588	0.8502	99916
16590	Lyon County, Iowa	16	0.8588	0.8502	99916
16600	Madison County, Iowa	16	0.8588	0.9651	19780
16610	Mahaska County, Iowa	16	0.8588	0.8502	99916
16620	Marion County, Iowa	16	0.8588	0.8502	99916
16630	Marshall County, Iowa	16	0.8588	0.8502	99916
16640	Mills County, Iowa	16	0.8588	0.9569	36540
16650	Mitchell County, Iowa	16	0.8588	0.8502	99916
16660	Monona County, Iowa	16	0.8588	0.8502	99916
16670	Monroe County, Iowa	16	0.8588	0.8502	99916
16680	Montgomery County, Iowa	16	0.8588	0.8502	99916
16690	Muscatine County, Iowa	16	0.8588	0.8502	99916
16700	O Brien County, Iowa	16	0.8588	0.8502	99916

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
16710	Osceola County, Iowa	16	0.8588	0.8502	99916
16720	Page County, Iowa	16	0.8588	0.8502	99916
16730	Palo Alto County, Iowa	16	0.8588	0.8502	99916
16740	Plymouth County, Iowa	16	0.8588	0.8502	99916
16750	Pocahontas County, Iowa	16	0.8588	0.8502	99916
16760	Polk County, Iowa	2120	0.9651	0.9651	19780
16770	Pottawattamie County, Iowa	5920	0.9569	0.9569	36540
16780	Poweshiek County, Iowa	16	0.8588	0.8502	99916
16790	Ringgold County, Iowa	16	0.8588	0.8502	99916
16800	Sac County, Iowa	16	0.8588	0.8502	99916
16810	Scott County, Iowa	1960	0.8731	0.8731	19340
16820	Shelby County, Iowa	16	0.8588	0.8502	99916
16830	Sioux County, Iowa	16	0.8588	0.8502	99916
16840	Story County, Iowa	16	0.8588	0.9545	11180
16850	Tama County, Iowa	16	0.8588	0.8502	99916
16860	Taylor County, Iowa	16	0.8588	0.8502	99916
16870	Union County, Iowa	16	0.8588	0.8502	99916
16880	Van Buren County, Iowa	16	0.8588	0.8502	99916
16890	Wapello County, Iowa	16	0.8588	0.8502	99916
16900	Warren County, Iowa	2120	0.9651	0.9651	19780
16910	Washington County, Iowa	16	0.8588	0.9756	26980
16920	Wayne County, Iowa	16	0.8588	0.8502	99916
16930	Webster County, Iowa	16	0.8588	0.8502	99916
16940	Winnebago County, Iowa	16	0.8588	0.8502	99916
16950	Winneshiek County, Iowa	16	0.8588	0.8502	99916
16960	Woodbury County, Iowa	7720	0.9411	0.9376	43580
16970	Worth County, Iowa	16	0.8588	0.8502	99916
16980	Wright County, Iowa	16	0.8588	0.8502	99916
17000	Allen County, Kansas	17	0.7994	0.7987	99917
17010	Anderson County, Kansas	17	0.7994	0.7987	99917
17020	Atchison County, Kansas	17	0.7994	0.7987	99917
17030	Barber County, Kansas	17	0.7994	0.7987	99917
17040	Barton County, Kansas	17	0.7994	0.7987	99917
17050	Bourbon County, Kansas	17	0.7994	0.7987	99917
17060	Brown County, Kansas	17	0.7994	0.7987	99917
17070	Butler County, Kansas	9040	0.9163	0.9141	48620
17080	Chase County, Kansas	17	0.7994	0.7987	99917
17090	Chautauqua County, Kansas	17	0.7994	0.7987	99917
17100	Cherokee County, Kansas	17	0.7994	0.7987	99917
17110	Cheyenne County, Kansas	17	0.7994	0.7987	99917
17120	Clark County, Kansas	17	0.7994	0.7987	99917
17130	Clay County, Kansas	17	0.7994	0.7987	99917
17140	Cloud County, Kansas	17	0.7994	0.7987	99917
17150	Coffey County, Kansas	17	0.7994	0.7987	99917
17160	Comanche County, Kansas	17	0.7994	0.7987	99917
17170	Cowley County, Kansas	17	0.7994	0.7987	99917
17180	Crawford County, Kansas	17	0.7994	0.7987	99917
17190	Decatur County, Kansas	17	0.7994	0.7987	99917
17200	Dickinson County, Kansas	17	0.7994	0.7987	99917
17210	Doniphan County, Kansas	17	0.7994	0.9529	41140
17220	Douglas County, Kansas	4150	0.8546	0.8546	29940
17230	Edwards County, Kansas	17	0.7994	0.7987	99917
17240	Elk County, Kansas	17	0.7994	0.7987	99917
17250	Ellis County, Kansas	17	0.7994	0.7987	99917
17260	Ellsworth County, Kansas	17	0.7994	0.7987	99917
17270	Finney County, Kansas	17	0.7994	0.7987	99917
17280	Ford County, Kansas	17	0.7994	0.7987	99917
17290	Franklin County, Kansas	17	0.7994	0.9467	28140
17300	Geary County, Kansas	17	0.7994	0.7987	99917
17310	Gove County, Kansas	17	0.7994	0.7987	99917
17320	Graham County, Kansas	17	0.7994	0.7987	99917
17330	Grant County, Kansas	17	0.7994	0.7987	99917
17340	Gray County, Kansas	17	0.7994	0.7987	99917
17350	Greeley County, Kansas	17	0.7994	0.7987	99917
17360	Greenwood County, Kansas	17	0.7994	0.7987	99917
17370	Hamilton County, Kansas	17	0.7994	0.7987	99917
17380	Harper County, Kansas	17	0.7994	0.7987	99917
17390	Harvey County, Kansas	9040	0.9163	0.9141	48620
17391	Haskell County, Kansas	17	0.7994	0.7987	99917
17410	Hodgeman County, Kansas	17	0.7994	0.7987	99917
17420	Jackson County, Kansas	17	0.7994	0.8929	45820

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
17430	Jefferson County, Kansas	17	0.7994	0.8929	45820
17440	Jewell County, Kansas	17	0.7994	0.7987	99917
17450	Johnson County, Kansas	3760	0.9481	0.9467	28140
17451	Kearny County, Kansas	17	0.7994	0.7987	99917
17470	Kingman County, Kansas	17	0.7994	0.7987	99917
17480	Kiowa County, Kansas	17	0.7994	0.7987	99917
17490	Labette County, Kansas	17	0.7994	0.7987	99917
17500	Lane County, Kansas	17	0.7994	0.7987	99917
17510	Leavenworth County, Kansas	3760	0.9481	0.9467	28140
17520	Lincoln County, Kansas	17	0.7994	0.7987	99917
17530	Linn County, Kansas	17	0.7994	0.9467	28140
17540	Logan County, Kansas	17	0.7994	0.7987	99917
17550	Lyon County, Kansas	17	0.7994	0.7987	99917
17560	Mc Pherson County, Kansas	17	0.7994	0.7987	99917
17570	Marion County, Kansas	17	0.7994	0.7987	99917
17580	Marshall County, Kansas	17	0.7994	0.7987	99917
17590	Meade County, Kansas	17	0.7994	0.7987	99917
17600	Miami County, Kansas	3760	0.9481	0.9467	28140
17610	Mitchell County, Kansas	17	0.7994	0.7987	99917
17620	Montgomery County, Kansas	17	0.7994	0.7987	99917
17630	Morris County, Kansas	17	0.7994	0.7987	99917
17640	Morton County, Kansas	17	0.7994	0.7987	99917
17650	Nemaha County, Kansas	17	0.7994	0.7987	99917
17660	Neosho County, Kansas	17	0.7994	0.7987	99917
17670	Ness County, Kansas	17	0.7994	0.7987	99917
17680	Norton County, Kansas	17	0.7994	0.7987	99917
17690	Osage County, Kansas	17	0.7994	0.8929	45820
17700	Osborne County, Kansas	17	0.7994	0.7987	99917
17710	Ottawa County, Kansas	17	0.7994	0.7987	99917
17720	Pawnee County, Kansas	17	0.7994	0.7987	99917
17730	Phillips County, Kansas	17	0.7994	0.7987	99917
17740	Pottawatomie County, Kansas	17	0.7994	0.7987	99917
17750	Pratt County, Kansas	17	0.7994	0.7987	99917
17760	Rawlins County, Kansas	17	0.7994	0.7987	99917
17770	Reno County, Kansas	17	0.7994	0.7987	99917
17780	Republic County, Kansas	17	0.7994	0.7987	99917
17790	Rice County, Kansas	17	0.7994	0.7987	99917
17800	Riley County, Kansas	17	0.7994	0.7987	99917
17810	Rooks County, Kansas	17	0.7994	0.7987	99917
17820	Rush County, Kansas	17	0.7994	0.7987	99917
17830	Russell County, Kansas	17	0.7994	0.7987	99917
17840	Saline County, Kansas	17	0.7994	0.7987	99917
17841	Scott County, Kansas	17	0.7994	0.7987	99917
17860	Sedgwick County, Kansas	9040	0.9163	0.9141	48620
17870	Seward County, Kansas	17	0.7994	0.7987	99917
17880	Shawnee County, Kansas	8440	0.8929	0.8929	45820
17890	Sheridan County, Kansas	17	0.7994	0.7987	99917
17900	Sherman County, Kansas	17	0.7994	0.7987	99917
17910	Smith County, Kansas	17	0.7994	0.7987	99917
17920	Stafford County, Kansas	17	0.7994	0.7987	99917
17921	Stanton County, Kansas	17	0.7994	0.7987	99917
17940	Stevens County, Kansas	17	0.7994	0.7987	99917
17950	Sumner County, Kansas	17	0.7994	0.9141	48620
17960	Thomas County, Kansas	17	0.7994	0.7987	99917
17970	Trego County, Kansas	17	0.7994	0.7987	99917
17980	Wabaunsee County, Kansas	17	0.7994	0.8929	45820
17981	Wallace County, Kansas	17	0.7994	0.7987	99917
17982	Washington County, Kansas	17	0.7994	0.7987	99917
17983	Wichita County, Kansas	17	0.7994	0.7987	99917
17984	Wilson County, Kansas	17	0.7994	0.7987	99917
17985	Woodson County, Kansas	17	0.7994	0.7987	99917
17986	Wyandotte County, Kansas	3760	0.9481	0.9467	28140
18000	Adair County, Kentucky	18	0.7866	0.7774	99918
18010	Allen County, Kentucky	18	0.7866	0.7774	99918
18020	Anderson County, Kentucky	18	0.7866	0.7774	99918
18030	Ballard County, Kentucky	18	0.7866	0.7774	99918
18040	Barren County, Kentucky	18	0.7866	0.7774	99918
18050	Bath County, Kentucky	18	0.7866	0.7774	99918
18060	Bell County, Kentucky	18	0.7866	0.7774	99918
18070	Boone County, Kentucky	1640	0.9742	0.9623	17140
18080	Bourbon County, Kentucky	4280	0.8997	0.9084	30460

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
18090	Boyd County, Kentucky	3400	0.9486	0.9486	26580
18100	Boyle County, Kentucky	18	0.7866	0.7774	99918
18110	Bracken County, Kentucky	18	0.7866	0.9623	17140
18120	Breathitt County, Kentucky	18	0.7866	0.7774	99918
18130	Breckinridge County, Kentucky	18	0.7866	0.7774	99918
18140	Bullitt County, Kentucky	4520	0.9302	0.9261	31140
18150	Butler County, Kentucky	18	0.7866	0.7774	99918
18160	Caldwell County, Kentucky	18	0.7866	0.7774	99918
18170	Calloway County, Kentucky	18	0.7866	0.7774	99918
18180	Campbell County, Kentucky	1640	0.9742	0.9623	17140
18190	Carlisle County, Kentucky	18	0.7866	0.7774	99918
18191	Carroll County, Kentucky	18	0.7866	0.7774	99918
18210	Carter County, Kentucky	3400	0.9486	0.7774	99918
18220	Casey County, Kentucky	18	0.7866	0.7774	99918
18230	Christian County, Kentucky	1660	0.8292	0.8292	17300
18240	Clark County, Kentucky	4280	0.8997	0.9084	30460
18250	Clay County, Kentucky	18	0.7866	0.7774	99918
18260	Clinton County, Kentucky	18	0.7866	0.7774	99918
18270	Crittenden County, Kentucky	18	0.7866	0.7774	99918
18271	Cumberland County, Kentucky	18	0.7866	0.7774	99918
18290	Daviess County, Kentucky	5990	0.8789	0.8789	36980
18291	Edmonson County, Kentucky	18	0.7866	0.8220	14540
18310	Elliott County, Kentucky	18	0.7866	0.7774	99918
18320	Estill County, Kentucky	18	0.7866	0.7774	99918
18330	Fayette County, Kentucky	4280	0.8997	0.9084	30460
18340	Fleming County, Kentucky	18	0.7866	0.7774	99918
18350	Floyd County, Kentucky	18	0.7866	0.7774	99918
18360	Franklin County, Kentucky	18	0.7866	0.7774	99918
18361	Fulton County, Kentucky	18	0.7866	0.7774	99918
18362	Gallatin County, Kentucky	1640	0.9742	0.9623	17140
18390	Garrard County, Kentucky	18	0.7866	0.7774	99918
18400	Grant County, Kentucky	1640	0.9742	0.9623	17140
18410	Graves County, Kentucky	18	0.7866	0.7774	99918
18420	Grayson County, Kentucky	18	0.7866	0.7774	99918
18421	Green County, Kentucky	18	0.7866	0.7774	99918
18440	Greenup County, Kentucky	3400	0.9486	0.9486	26580
18450	Hancock County, Kentucky	18	0.7866	0.8789	36980
18460	Hardin County, Kentucky	18	0.7866	0.8810	21060
18470	Harlan County, Kentucky	18	0.7866	0.7774	99918
18480	Harrison County, Kentucky	18	0.7866	0.7774	99918
18490	Hart County, Kentucky	18	0.7866	0.7774	99918
18500	Henderson County, Kentucky	2440	0.8721	0.8721	21780
18510	Henry County, Kentucky	18	0.7866	0.9261	31140
18511	Hickman County, Kentucky	18	0.7866	0.7774	99918
18530	Hopkins County, Kentucky	18	0.7866	0.7774	99918
18540	Jackson County, Kentucky	18	0.7866	0.7774	99918
18550	Jefferson County, Kentucky	4520	0.9302	0.9261	31140
18560	Jessamine County, Kentucky	4280	0.8997	0.9084	30460
18570	Johnson County, Kentucky	18	0.7866	0.7774	99918
18580	Kenton County, Kentucky	1640	0.9742	0.9623	17140
18590	Knott County, Kentucky	18	0.7866	0.7774	99918
18600	Knox County, Kentucky	18	0.7866	0.7774	99918
18610	Larue County, Kentucky	18	0.7866	0.8810	21060
18620	Laurel County, Kentucky	18	0.7866	0.7774	99918
18630	Lawrence County, Kentucky	18	0.7866	0.7774	99918
18640	Lee County, Kentucky	18	0.7866	0.7774	99918
18650	Leslie County, Kentucky	18	0.7866	0.7774	99918
18660	Letcher County, Kentucky	18	0.7866	0.7774	99918
18670	Lewis County, Kentucky	18	0.7866	0.7774	99918
18680	Lincoln County, Kentucky	18	0.7866	0.7774	99918
18690	Livingston County, Kentucky	18	0.7866	0.7774	99918
18700	Logan County, Kentucky	18	0.7866	0.7774	99918
18710	Lyon County, Kentucky	18	0.7866	0.7774	99918
18720	McCracken County, Kentucky	18	0.7866	0.7774	99918
18730	McCreary County, Kentucky	18	0.7866	0.7774	99918
18740	McLean County, Kentucky	18	0.7866	0.8789	36980
18750	Madison County, Kentucky	4280	0.8997	0.7774	99918
18760	Magoffin County, Kentucky	18	0.7866	0.7774	99918
18770	Marion County, Kentucky	18	0.7866	0.7774	99918
18780	Marshall County, Kentucky	18	0.7866	0.7774	99918
18790	Martin County, Kentucky	18	0.7866	0.7774	99918

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
18800	Mason County, Kentucky	18	0.7866	0.7774	99918
18801	Meade County, Kentucky	18	0.7866	0.9261	31140
18802	Menifee County, Kentucky	18	0.7866	0.7774	99918
18830	Mercer County, Kentucky	18	0.7866	0.7774	99918
18831	Metcalfe County, Kentucky	18	0.7866	0.7774	99918
18850	Monroe County, Kentucky	18	0.7866	0.7774	99918
18860	Montgomery County, Kentucky	18	0.7866	0.7774	99918
18861	Morgan County, Kentucky	18	0.7866	0.7774	99918
18880	Muhlenberg County, Kentucky	18	0.7866	0.7774	99918
18890	Nelson County, Kentucky	18	0.7866	0.9261	31140
18900	Nicholas County, Kentucky	18	0.7866	0.7774	99918
18910	Ohio County, Kentucky	18	0.7866	0.7774	99918
18920	Oldham County, Kentucky	4520	0.9302	0.9261	31140
18930	Owen County, Kentucky	18	0.7866	0.7774	99918
18931	Owsley County, Kentucky	18	0.7866	0.7774	99918
18932	Pendleton County, Kentucky	1640	0.9742	0.9623	17140
18960	Perry County, Kentucky	18	0.7866	0.7774	99918
18970	Pike County, Kentucky	18	0.7866	0.7774	99918
18971	Powell County, Kentucky	18	0.7866	0.7774	99918
18972	Pulaski County, Kentucky	18	0.7866	0.7774	99918
18973	Robertson County, Kentucky	18	0.7866	0.7774	99918
18974	Rockcastle County, Kentucky	18	0.7866	0.7774	99918
18975	Rowan County, Kentucky	18	0.7866	0.7774	99918
18976	Russell County, Kentucky	18	0.7866	0.7774	99918
18977	Scott County, Kentucky	4280	0.8997	0.9084	30460
18978	Shelby County, Kentucky	18	0.7866	0.9261	31140
18979	Simpson County, Kentucky	18	0.7866	0.7774	99918
18980	Spencer County, Kentucky	18	0.7866	0.9261	31140
18981	Taylor County, Kentucky	18	0.7866	0.7774	99918
18982	Todd County, Kentucky	18	0.7866	0.7774	99918
18983	Trigg County, Kentucky	18	0.7866	0.8292	17300
18984	Trimble County, Kentucky	18	0.7866	0.9261	31140
18985	Union County, Kentucky	18	0.7866	0.7774	99918
18986	Warren County, Kentucky	18	0.7866	0.8220	14540
18987	Washington County, Kentucky	18	0.7866	0.7774	99918
18988	Wayne County, Kentucky	18	0.7866	0.7774	99918
18989	Webster County, Kentucky	18	0.7866	0.8721	21780
18990	Whitley County, Kentucky	18	0.7866	0.7774	99918
18991	Wolfe County, Kentucky	18	0.7866	0.7774	99918
18992	Woodford County, Kentucky	4280	0.8997	0.9084	30460
19000	Acadia County, Louisiana	3880	0.8260	0.7418	99919
19010	Allen County, Louisiana	19	0.7348	0.7418	99919
19020	Ascension County, Louisiana	0760	0.8652	0.8601	12940
19030	Assumption County, Louisiana	19	0.7348	0.7418	99919
19040	Avoyelles County, Louisiana	19	0.7348	0.7418	99919
19050	Beauregard County, Louisiana	19	0.7348	0.7418	99919
19060	Bienville County, Louisiana	19	0.7348	0.7418	99919
19070	Bossier County, Louisiana	7680	0.8746	0.8769	43340
19080	Caddo County, Louisiana	7680	0.8746	0.8769	43340
19090	Calcasieu County, Louisiana	3960	0.7866	0.7841	29340
19100	Caldwell County, Louisiana	19	0.7348	0.7418	99919
19110	Cameron County, Louisiana	19	0.7348	0.7841	29340
19120	Catahoula County, Louisiana	19	0.7348	0.7418	99919
19130	Claiborne County, Louisiana	19	0.7348	0.7418	99919
19140	Concordia County, Louisiana	19	0.7348	0.7418	99919
19150	De Soto County, Louisiana	19	0.7348	0.8769	43340
19160	East Baton Rouge County, Louisiana	0760	0.8652	0.8601	12940
19170	East Carroll County, Louisiana	19	0.7348	0.7418	99919
19180	East Feliciana County, Louisiana	19	0.7348	0.8601	12940
19190	Evangeline County, Louisiana	19	0.7348	0.7418	99919
19200	Franklin County, Louisiana	19	0.7348	0.7418	99919
19210	Grant County, Louisiana	19	0.7348	0.8041	10780
19220	Iberia County, Louisiana	19	0.7348	0.7418	99919
19230	Iberville County, Louisiana	19	0.7348	0.8601	12940
19240	Jackson County, Louisiana	19	0.7348	0.7418	99919
19250	Jefferson County, Louisiana	5560	0.9005	0.9005	35380
19260	Jefferson Davis County, Louisiana	19	0.7348	0.7418	99919
19270	Lafayette County, Louisiana	3880	0.8260	0.8436	29180
19280	Lafourche County, Louisiana	3350	0.7902	0.7902	26380
19290	La Salle County, Louisiana	19	0.7348	0.7418	99919
19300	Lincoln County, Louisiana	19	0.7348	0.7418	99919

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
19310	Livingston County, Louisiana	0760	0.8652	0.8601	12940
19320	Madison County, Louisiana	19	0.7348	0.7418	99919
19330	Morehouse County, Louisiana	19	0.7348	0.7418	99919
19340	Natchitoches County, Louisiana	19	0.7348	0.7418	99919
19350	Orleans County, Louisiana	5560	0.9005	0.9005	35380
19360	Ouachita County, Louisiana	5200	0.8052	0.8040	33740
19370	Plaquemines County, Louisiana	5560	0.9005	0.9005	35380
19380	Pointe Coupee County, Louisiana	19	0.7348	0.8601	12940
19390	Rapides County, Louisiana	0220	0.8041	0.8041	10780
19400	Red River County, Louisiana	19	0.7348	0.7418	99919
19410	Richland County, Louisiana	19	0.7348	0.7418	99919
19420	Sabine County, Louisiana	19	0.7348	0.7418	99919
19430	St Bernard County, Louisiana	5560	0.9005	0.9005	35380
19440	St Charles County, Louisiana	5560	0.9005	0.9005	35380
19450	St Helena County, Louisiana	19	0.7348	0.8601	12940
19460	St James County, Louisiana	5560	0.9005	0.7418	99919
19470	St John Baptist County, Louisiana	5560	0.9005	0.9005	35380
19480	St Landry County, Louisiana	3880	0.8260	0.7418	99919
19490	St Martin County, Louisiana	3880	0.8260	0.8436	29180
19500	St Mary County, Louisiana	19	0.7348	0.418	99919
19510	St Tammany County, Louisiana	5560	0.9005	0.9005	35380
19520	Tangipahoa County, Louisiana	19	0.7348	0.7418	99919
19530	Tensas County, Louisiana	19	0.7348	0.7418	99919
19540	Terrebonne County, Louisiana	3350	0.7902	0.7902	26380
19550	Union County, Louisiana	19	0.7348	0.8040	33740
19560	Vermilion County, Louisiana	19	0.7348	0.7418	99919
19570	Vernon County, Louisiana	19	0.7348	0.7418	99919
19580	Washington County, Louisiana	19	0.7348	0.7418	99919
19590	Webster County, Louisiana	7680	0.8746	0.7418	99919
19600	West Baton Rouge County, Louisiana	0760	0.8652	0.8601	12940
19610	West Carroll County, Louisiana	19	0.7348	0.7418	99919
19620	West Feliciana County, Louisiana	19	0.7348	0.8601	12940
19630	Winn County, Louisiana	19	0.7348	0.7418	99919
20000	Androscoggin County, Maine	4243	0.9341	0.9341	30340
20010	Aroostook County, Maine	20	0.8852	0.8852	99920
20020	Cumberland County, Maine	6403	1.0392	1.0392	38860
20030	Franklin County, Maine	20	0.8852	0.8852	99920
20040	Hancock County, Maine	20	0.8852	0.8852	99920
20050	Kennebec County, Maine	20	0.8852	0.8852	99920
20060	Knox County, Maine	20	0.8852	0.8852	99920
20070	Lincoln County, Maine	20	0.8852	0.8852	99920
20080	Oxford County, Maine	20	0.8852	0.8852	99920
20090	Penobscot County, Maine	0733	1.0003	1.0003	12620
20100	Piscataquis County, Maine	20	0.8852	0.8852	99920
20110	Sagadahoc County, Maine	6403	1.0392	1.0392	38860
20120	Somerset County, Maine	20	0.8852	0.8852	99920
20130	Waldo County, Maine	20	0.8852	0.8852	99920
20140	Washington County, Maine	20	0.8852	0.8852	99920
20150	York County, Maine	6403	1.0392	1.0392	38860
21000	Allegany County, Maryland	1900	0.9326	0.9326	19060
21010	Anne Arundel County, Maryland	0720	0.9907	0.9907	12580
21020	Baltimore County, Maryland	0720	0.9907	0.9907	12580
21030	Baltimore City County, Maryland	0720	0.9907	0.9907	12580
21040	Calvert County, Maryland	8840	1.0983	1.0932	47894
21050	Caroline County, Maryland	21	0.9085	0.9095	99921
21060	Carroll County, Maryland	0720	0.9907	0.9907	12580
21070	Cecil County, Maryland	9160	1.0537	1.0482	48864
21080	Charles County, Maryland	8840	1.0983	1.0932	47894
21090	Dorchester County, Maryland	21	0.9085	0.9095	99921
21100	Frederick County, Maryland	8840	1.0983	1.1495	13644
21110	Garrett County, Maryland	21	0.9085	0.9095	99921
21120	Harford County, Maryland	0720	0.9907	0.9907	12580
21130	Howard County, Maryland	0720	0.9907	0.9907	12580
21140	Kent County, Maryland	21	0.9085	0.9095	99921
21150	Montgomery County, Maryland	8840	1.0983	1.1495	13644
21160	Prince Georges County, Maryland	8840	1.0983	1.0932	47894
21170	Queen Annes County, Maryland	0720	0.9907	0.9907	12580
21180	St Marys County, Maryland	21	0.9085	0.9095	99921
21190	Somerset County, Maryland	21	0.9085	0.9073	41540
21200	Talbot County, Maryland	21	0.9085	0.9095	99921
21210	Washington County, Maryland	3180	0.9879	0.9499	25180

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
21220	Wicomico County, Maryland	21	0.9085	0.9073	41540
21230	Worcester County, Maryland	21	0.9085	0.9095	99921
22000	Barnstable County, Massachusetts	0743	1.2527	1.2527	12700
22010	Berkshire County, Massachusetts	6323	1.0191	1.0191	38340
22020	Bristol County, Massachusetts	1123	1.1152	1.0966	39300
22030	Dukes County, Massachusetts	22	1.0050	1.0216	99922
22040	Essex County, Massachusetts	1123	1.1152	1.0533	21604
22060	Franklin County, Massachusetts	22	1.0050	1.0259	44140
22070	Hampden County, Massachusetts	8003	1.0273	1.0259	44140
22080	Hampshire County, Massachusetts	8003	1.0273	1.0259	44140
22090	Middlesex County, Massachusetts	1123	1.1152	1.1084	15764
22120	Nantucket County, Massachusetts	22	1.0050	1.0216	99922
22130	Norfolk County, Massachusetts	1123	1.1152	1.1543	14484
22150	Plymouth County, Massachusetts	1123	1.1152	1.1543	14484
22160	Suffolk County, Massachusetts	1123	1.1152	1.1543	14484
22170	Worcester County, Massachusetts	1123	1.1152	1.1039	49340
23000	Alcona County, Michigan	23	0.8813	0.8870	99923
23010	Alger County, Michigan	23	0.8813	0.8870	99923
23020	Allegan County, Michigan	3000	0.9455	0.8870	99923
23030	Alpena County, Michigan	23	0.8813	0.8870	99923
23040	Antrim County, Michigan	23	0.8813	0.8870	99923
23050	Arenac County, Michigan	23	0.8813	0.8870	99923
23060	Baraga County, Michigan	23	0.8813	0.8870	99923
23070	Barry County, Michigan	23	0.8813	0.9400	24340
23080	Bay County, Michigan	6960	0.9415	0.9352	13020
23090	Benzie County, Michigan	23	0.8813	0.8870	99923
23100	Berrien County, Michigan	0870	0.8888	0.8888	35660
23110	Branch County, Michigan	23	0.8813	0.8870	99923
23120	Calhoun County, Michigan	3720	1.0151	0.9510	12980
23130	Cass County, Michigan	23	0.8813	0.9798	43780
23140	Charlevoix County, Michigan	23	0.8813	0.8870	99923
23150	Cheboygan County, Michigan	23	0.8813	0.8870	99923
23160	Chippewa County, Michigan	23	0.8813	0.8870	99923
23170	Clare County, Michigan	23	0.8813	0.8870	99923
23180	Clinton County, Michigan	4040	0.9792	0.9792	29620
23190	Crawford County, Michigan	23	0.8813	0.8870	99923
23200	Delta County, Michigan	23	0.8813	0.8870	99923
23210	Dickinson County, Michigan	23	0.8813	0.8870	99923
23220	Eaton County, Michigan	4040	0.9792	0.9792	29620
23230	Emmet County, Michigan	23	0.8813	0.8870	99923
23240	Genesee County, Michigan	2640	1.0663	1.0663	22420
23250	Gladwin County, Michigan	23	0.8813	0.8870	99923
23260	Gogebic County, Michigan	23	0.8813	0.8870	99923
23270	Grand Traverse County, Michigan	23	0.8813	0.8870	99923
23280	Gratiot County, Michigan	23	0.8813	0.8870	99923
23290	Hillsdale County, Michigan	23	0.8813	0.8870	99923
23300	Houghton County, Michigan	23	0.8813	0.8870	99923
23310	Huron County, Michigan	23	0.8813	0.8870	99923
23320	Ingham County, Michigan	4040	0.9792	0.9792	29620
23330	Ionia County, Michigan	23	0.8813	0.9400	24340
23340	Iosco County, Michigan	23	0.8813	0.8870	99923
23350	Iron County, Michigan	23	0.8813	0.8870	99923
23360	Isabella County, Michigan	23	0.8813	0.8870	99923
23370	Jackson County, Michigan	3520	0.9313	0.9313	27100
23380	Kalamazoo County, Michigan	3720	1.0151	1.0391	28020
23390	Kalkaska County, Michigan	23	0.8813	0.8870	99923
23400	Kent County, Michigan	3000	0.9455	0.9400	24340
23410	Keweenaw County, Michigan	23	0.8813	0.8870	99923
23420	Lake County, Michigan	23	0.8813	0.8870	99923
23430	Lapeer County, Michigan	2160	1.0152	0.9861	47644
23440	Leelanau County, Michigan	23	0.8813	0.8870	99923
23450	Lenawee County, Michigan	0440	1.0718	0.8870	99923
23460	Livingston County, Michigan	0440	1.0718	0.9861	47644
23470	Luce County, Michigan	23	0.8813	0.8870	99923
23480	Mackinac County, Michigan	23	0.8813	0.8870	99923
23490	Macomb County, Michigan	2160	1.0152	0.9861	47644
23500	Manistee County, Michigan	23	0.8813	0.8870	99923
23510	Marquette County, Michigan	23	0.8813	0.8870	99923
23520	Mason County, Michigan	23	0.8813	0.8870	99923
23530	Mecosta County, Michigan	23	0.8813	0.8870	99923
23540	Menominee County, Michigan	23	0.8813	0.8870	99923

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
23550	Midland County, Michigan	6960	0.9415	0.8870	99923
23560	Missaukee County, Michigan	23	0.8813	0.8870	99923
23570	Monroe County, Michigan	2160	1.0152	0.9478	33780
23580	Montcalm County, Michigan	23	0.8813	0.8870	99923
23590	Montmorency County, Michigan	23	0.8813	0.8870	99923
23600	Muskegon County, Michigan	3000	0.9455	0.9673	34740
23610	Newaygo County, Michigan	23	0.8813	0.9400	24340
23620	Oakland County, Michigan	2160	1.0152	0.9861	47644
23630	Oceana County, Michigan	23	0.8813	0.8870	99923
23640	Ogemaw County, Michigan	23	0.8813	0.8870	99923
23650	Ontonagon County, Michigan	23	0.8813	0.8870	99923
23660	Osceola County, Michigan	23	0.8813	0.8870	99923
23670	Oscoda County, Michigan	23	0.8813	0.8870	99923
23680	Otsego County, Michigan	23	0.8813	0.8870	99923
23690	Ottawa County, Michigan	3000	0.9455	0.9064	26100
23700	Presque Isle County, Michigan	23	0.8813	0.8870	99923
23710	Roscommon County, Michigan	23	0.8813	0.8870	99923
23720	Saginaw County, Michigan	6960	0.9415	0.9420	40980
23730	St Clair County, Michigan	2160	1.0152	0.9861	47644
23740	St Joseph County, Michigan	23	0.8813	0.8870	99923
23750	Sanilac County, Michigan	23	0.8813	0.8870	99923
23760	Schoolcraft County, Michigan	23	0.8813	0.8870	99923
23770	Shiawassee County, Michigan	23	0.8813	0.8870	99923
23780	Tuscola County, Michigan	23	0.8813	0.8870	99923
23790	Van Buren County, Michigan	3720	1.0151	1.0391	28020
23800	Washtenaw County, Michigan	0440	1.0718	1.0870	11460
23810	Wayne County, Michigan	2160	1.0152	1.0441	19804
23830	Wexford County, Michigan	23	0.8813	0.8870	99923
24000	Aitkin County, Minnesota	24	0.9193	0.9183	99924
24010	Anoka County, Minnesota	5120	1.1078	1.1078	33460
24020	Becker County, Minnesota	24	0.9193	0.9183	99924
24030	Beltrami County, Minnesota	24	0.9193	0.9183	99924
24040	Benton County, Minnesota	6980	0.9975	0.9975	41060
24050	Big Stone County, Minnesota	24	0.9193	0.9183	99924
24060	Blue Earth County, Minnesota	24	0.9193	0.9183	99924
24070	Brown County, Minnesota	24	0.9193	0.9183	99924
24080	Carlton County, Minnesota	24	0.9193	1.0209	20260
24090	Carver County, Minnesota	5120	1.1078	1.1078	33460
24100	Cass County, Minnesota	24	0.9193	0.9183	99924
24110	Chippewa County, Minnesota	24	0.9193	0.9183	99924
24120	Chisago County, Minnesota	5120	1.1078	1.1078	33460
24130	Clay County, Minnesota	2520	0.8495	0.8495	22020
24140	Clearwater County, Minnesota	24	0.9193	0.9183	99924
24150	Cook County, Minnesota	24	0.9193	0.9183	99924
24160	Cottonwood County, Minnesota	24	0.9193	0.9183	99924
24170	Crow Wing County, Minnesota	24	0.9193	0.9183	99924
24180	Dakota County, Minnesota	5120	1.1078	1.1078	33460
24190	Dodge County, Minnesota	24	0.9193	1.1142	40340
24200	Douglas County, Minnesota	24	0.9193	0.9183	99924
24210	Faribault County, Minnesota	24	0.9193	0.9183	99924
24220	Fillmore County, Minnesota	24	0.9193	0.9183	99924
24230	Freeborn County, Minnesota	24	0.9193	0.9183	99924
24240	Goodhue County, Minnesota	24	0.9193	0.9183	99924
24250	Grant County, Minnesota	24	0.9193	0.9183	99924
24260	Hennepin County, Minnesota	5120	1.1078	1.1078	33460
24270	Houston County, Minnesota	3870	0.9573	0.9573	29100
24280	Hubbard County, Minnesota	24	0.9193	0.9183	99924
24290	Isanti County, Minnesota	5120	1.1078	1.1078	33460
24300	Itasca County, Minnesota	24	0.9193	0.9183	99924
24310	Jackson County, Minnesota	24	0.9193	0.9183	99924
24320	Kanabec County, Minnesota	24	0.9193	0.9183	99924
24330	Kandiyohi County, Minnesota	24	0.9193	0.9183	99924
24340	Kittson County, Minnesota	24	0.9193	0.9183	99924
24350	Koochiching County, Minnesota	24	0.9193	0.9183	99924
24360	Lac Qui Parle County, Minnesota	24	0.9193	0.9183	99924
24370	Lake County, Minnesota	24	0.9193	0.9183	99924
24380	Lake Of Woods County, Minnesota	24	0.9193	0.9183	99924
24390	Le Sueur County, Minnesota	24	0.9193	0.9183	99924
24400	Lincoln County, Minnesota	24	0.9193	0.9183	99924
24410	Lyon County, Minnesota	24	0.9193	0.9183	99924
24420	Mc Leod County, Minnesota	24	0.9193	0.9183	99924

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
24430	Mahnomen County, Minnesota	24	0.9193	0.9183	99924
24440	Marshall County, Minnesota	24	0.9193	0.9183	99924
24450	Martin County, Minnesota	24	0.9193	0.9183	99924
24460	Meeker County, Minnesota	24	0.9193	0.9183	99924
24470	Mille Lacs County, Minnesota	24	0.9193	0.9183	99924
24480	Morrison County, Minnesota	24	0.9193	0.9183	99924
24490	Mower County, Minnesota	24	0.9193	0.9183	99924
24500	Murray County, Minnesota	24	0.9193	0.9183	99924
24510	Nicollet County, Minnesota	24	0.9193	0.9183	99924
24520	Nobles County, Minnesota	24	0.9193	0.9183	99924
24530	Norman County, Minnesota	24	0.9193	0.9183	99924
24540	Olmsted County, Minnesota	6820	1.1142	1.1142	40340
24550	Otter Tail County, Minnesota	24	0.9193	0.9183	99924
24560	Pennington County, Minnesota	24	0.9193	0.9183	99924
24570	Pine County, Minnesota	24	0.9193	0.9183	99924
24580	Pipestone County, Minnesota	24	0.9193	0.9183	99924
24590	Polk County, Minnesota	2985	1.1516	1.1516	24220
24600	Pope County, Minnesota	24	0.9193	0.9183	99924
24610	Ramsey County, Minnesota	5120	1.1078	1.1078	33460
24620	Red Lake County, Minnesota	24	0.9193	0.9183	99924
24630	Redwood County, Minnesota	24	0.9193	0.9183	99924
24640	Renville County, Minnesota	24	0.9193	0.9183	99924
24650	Rice County, Minnesota	24	0.9193	0.9183	99924
24660	Rock County, Minnesota	24	0.9193	0.9183	99924
24670	Roseau County, Minnesota	24	0.9193	0.9183	99924
24680	St Louis County, Minnesota	2240	1.0223	1.0209	20260
24690	Scott County, Minnesota	5120	1.1078	1.1078	33460
24700	Sherburne County, Minnesota	5120	1.1078	1.1078	33460
24710	Sibley County, Minnesota	24	0.9193	0.9183	99924
24720	Stearns County, Minnesota	6980	0.9975	0.9975	41060
24730	Steele County, Minnesota	24	0.9193	0.9183	99924
24740	Stevens County, Minnesota	24	0.9193	0.9183	99924
24750	Swift County, Minnesota	24	0.9193	0.9183	99924
24760	Todd County, Minnesota	24	0.9193	0.9183	99924
24770	Traverse County, Minnesota	24	0.9193	0.9183	99924
24780	Wabasha County, Minnesota	24	0.9193	1.1142	40340
24790	Wadena County, Minnesota	24	0.9193	0.9183	99924
24800	Waseca County, Minnesota	24	0.9193	0.9183	99924
24810	Washington County, Minnesota	5120	1.1078	1.1078	33460
24820	Watonwan County, Minnesota	24	0.9193	0.9183	99924
24830	Wilkin County, Minnesota	24	0.9193	0.9183	99924
24840	Winona County, Minnesota	24	0.9193	0.9183	99924
24850	Wright County, Minnesota	5120	1.1078	1.1078	33460
24860	Yellow Medicine County, Minnesota	24	0.9193	0.9183	99924
25000	Adams County, Mississippi	25	0.7631	0.7671	99925
25010	Alcorn County, Mississippi	25	0.7631	0.7671	99925
25020	Amite County, Mississippi	25	0.7631	0.7671	99925
25030	Attala County, Mississippi	25	0.7631	0.7671	99925
25040	Benton County, Mississippi	25	0.7631	0.7671	99925
25050	Bolivar County, Mississippi	25	0.7631	0.7671	99925
25060	Calhoun County, Mississippi	25	0.7631	0.7671	99925
25070	Carroll County, Mississippi	25	0.7631	0.7671	99925
25080	Chickasaw County, Mississippi	25	0.7631	0.7671	99925
25090	Choctaw County, Mississippi	25	0.7631	0.7671	99925
25100	Claiborne County, Mississippi	25	0.7631	0.7671	99925
25110	Clarke County, Mississippi	25	0.7631	0.7671	99925
25120	Clay County, Mississippi	25	0.7631	0.7671	99925
25130	Coahoma County, Mississippi	25	0.7631	0.7671	99925
25140	Copiah County, Mississippi	25	0.7631	0.8319	27140
25150	Covington County, Mississippi	25	0.7631	0.7671	99925
25160	Desoto County, Mississippi	4920	0.9360	0.9341	32820
25170	Forrest County, Mississippi	3285	0.7609	0.7609	25620
25180	Franklin County, Mississippi	25	0.7631	0.7671	99925
25190	George County, Mississippi	25	0.7631	0.8165	37700
25200	Greene County, Mississippi	25	0.7631	0.7671	99925
25210	Grenada County, Mississippi	25	0.7631	0.7671	99925
25220	Hancock County, Mississippi	0920	0.8715	0.8938	25060
25230	Harrison County, Mississippi	0920	0.8715	0.8938	25060
25240	Hinds County, Mississippi	3560	0.8391	0.8319	27140
25250	Holmes County, Mississippi	25	0.7631	0.7671	99925
25260	Humphreys County, Mississippi	25	0.7631	0.7671	99925

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
25270	Issaquena County, Mississippi	25	0.7631	0.7671	99925
25280	Itawamba County, Mississippi	25	0.7631	0.7671	99925
25290	Jackson County, Mississippi	0920	0.8715	0.8165	37700
25300	Jasper County, Mississippi	25	0.7631	0.7671	99925
25310	Jefferson County, Mississippi	25	0.7631	0.7671	99925
25320	Jefferson Davis County, Mississippi	25	0.7631	0.7671	99925
25330	Jones County, Mississippi	25	0.7631	0.7671	99925
25340	Kemper County, Mississippi	25	0.7631	0.7671	99925
25350	Lafayette County, Mississippi	25	0.7631	0.7671	99925
25360	Lamar County, Mississippi	3285	0.7609	0.7609	25620
25370	Lauderdale County, Mississippi	25	0.7631	0.7671	99925
25380	Lawrence County, Mississippi	25	0.7631	0.7671	99925
25390	Leake County, Mississippi	25	0.7631	0.7671	99925
25400	Lee County, Mississippi	25	0.7631	0.7671	99925
25410	Leflore County, Mississippi	25	0.7631	0.7671	99925
25420	Lincoln County, Mississippi	25	0.7631	0.7671	99925
25430	Lowndes County, Mississippi	25	0.7631	0.7671	99925
25440	Madison County, Mississippi	3560	0.8391	0.8319	27140
25450	Marion County, Mississippi	25	0.7631	0.7671	99925
25460	Marshall County, Mississippi	25	0.7631	0.9341	32820
25470	Monroe County, Mississippi	25	0.7631	0.7671	99925
25480	Montgomery County, Mississippi	25	0.7631	0.7671	99925
25490	Neshoba County, Mississippi	25	0.7631	0.7671	99925
25500	Newton County, Mississippi	25	0.7631	0.7671	99925
25510	Noxubee County, Mississippi	25	0.7631	0.7671	99925
25520	Oktibbeha County, Mississippi	25	0.7631	0.7671	99925
25530	Panola County, Mississippi	25	0.7631	0.7671	99925
25540	Pearl River County, Mississippi	25	0.7631	0.7671	99925
25550	Perry County, Mississippi	25	0.7631	0.7609	25620
25560	Pike County, Mississippi	25	0.7631	0.7671	99925
25570	Pontotoc County, Mississippi	25	0.7631	0.7671	99925
25580	Prentiss County, Mississippi	25	0.7631	0.7671	99925
25590	Quitman County, Mississippi	25	0.7631	0.7671	99925
25600	Rankin County, Mississippi	3560	0.8391	0.8319	27140
25610	Scott County, Mississippi	25	0.7631	0.7671	99925
25620	Sharkey County, Mississippi	25	0.7631	0.7671	99925
25630	Simpson County, Mississippi	25	0.7631	0.8319	27140
25640	Smith County, Mississippi	25	0.7631	0.7671	99925
25650	Stone County, Mississippi	25	0.7631	0.8938	25060
25660	Sunflower County, Mississippi	25	0.7631	0.7671	99925
25670	Tallahatchie County, Mississippi	25	0.7631	0.7671	99925
25680	Tate County, Mississippi	25	0.7631	0.9341	32820
25690	Tippah County, Mississippi	25	0.7631	0.7671	99925
25700	Tishomingo County, Mississippi	25	0.7631	0.7671	99925
25710	Tunica County, Mississippi	25	0.7631	0.9341	32820
25720	Union County, Mississippi	25	0.7631	0.7671	99925
25730	Walthall County, Mississippi	25	0.7631	0.7671	99925
25740	Warren County, Mississippi	25	0.7631	0.7671	99925
25750	Washington County, Mississippi	25	0.7631	0.7671	99925
25760	Wayne County, Mississippi	25	0.7631	0.7671	99925
25770	Webster County, Mississippi	25	0.7631	0.7671	99925
25780	Wilkinson County, Mississippi	25	0.7631	0.7671	99925
25790	Winston County, Mississippi	25	0.7631	0.7671	99925
25800	Yalobusha County, Mississippi	25	0.7631	0.7671	99925
25810	Yazoo County, Mississippi	25	0.7631	0.7671	99925
26000	Adair County, Missouri	26	0.7968	0.7909	99926
26010	Andrew County, Missouri	7000	0.9529	0.9529	41140
26020	Atchison County, Missouri	26	0.7968	0.7909	99926
26030	Audrain County, Missouri	26	0.7968	0.7909	99926
26040	Barry County, Missouri	26	0.7968	0.7909	99926
26050	Barton County, Missouri	26	0.7968	0.7909	99926
26060	Bates County, Missouri	26	0.7968	0.9467	28140
26070	Benton County, Missouri	26	0.7968	0.7909	99926
26080	Bollinger County, Missouri	26	0.7968	0.7909	99926
26090	Boone County, Missouri	1740	0.8354	0.8354	17860
26100	Buchanan County, Missouri	7000	0.9529	0.9529	41140
26110	Butler County, Missouri	26	0.7968	0.7909	99926
26120	Caldwell County, Missouri	26	0.7968	0.9467	28140
26130	Callaway County, Missouri	26	0.7968	0.8396	27620
26140	Camden County, Missouri	26	0.7968	0.7909	99926
26150	Cape Girardeau County, Missouri	26	0.7968	0.7909	99926

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
26160	Carroll County, Missouri	26	0.7968	0.7909	99926
26170	Carter County, Missouri	26	0.7968	0.7909	99926
26180	Cass County, Missouri	3760	0.9481	0.9467	28140
26190	Cedar County, Missouri	26	0.7968	0.7909	99926
26200	Chariton County, Missouri	26	0.7968	0.7909	99926
26210	Christian County, Missouri	7920	0.8259	0.8246	44180
26220	Clark County, Missouri	26	0.7968	0.7909	99926
26230	Clay County, Missouri	3760	0.9481	0.9467	28140
26240	Clinton County, Missouri	3760	0.9481	0.9467	28140
26250	Cole County, Missouri	26	0.7968	0.8396	27620
26260	Cooper County, Missouri	26	0.7968	0.7909	99926
26270	Crawford County, Missouri	26	0.7968	0.8949	41180
26280	Dade County, Missouri	26	0.7968	0.7909	99926
26290	Dallas County, Missouri	26	0.7968	0.8246	44180
26300	Daviess County, Missouri	26	0.7968	0.7909	99926
26310	De Kalb County, Missouri	26	0.7968	0.9529	41140
26320	Dent County, Missouri	26	0.7968	0.7909	99926
26330	Douglas County, Missouri	26	0.7968	0.7909	99926
26340	Dunklin County, Missouri	26	0.7968	0.7909	99926
26350	Franklin County, Missouri	7040	0.8957	0.8949	41180
26360	Gasconade County, Missouri	26	0.7968	0.7909	99926
26370	Gentry County, Missouri	26	0.7968	0.7909	99926
26380	Greene County, Missouri	7920	0.8259	0.8246	44180
26390	Grundy County, Missouri	26	0.7968	0.7909	99926
26400	Harrison County, Missouri	26	0.7968	0.7909	99926
26410	Henry County, Missouri	26	0.7968	0.7909	99926
26411	Hickory County, Missouri	26	0.7968	0.7909	99926
26412	Holt County, Missouri	26	0.7968	0.7909	99926
26440	Howard County, Missouri	26	0.7968	0.8354	17860
26450	Howell County, Missouri	26	0.7968	0.7909	99926
26460	Iron County, Missouri	26	0.7968	0.7909	99926
26470	Jackson County, Missouri	3760	0.9481	0.9467	28140
26480	Jasper County, Missouri	3710	0.8590	0.8590	27900
26490	Jefferson County, Missouri	7040	0.8957	0.8949	41180
26500	Johnson County, Missouri	26	0.7968	0.7909	99926
26510	Knox County, Missouri	26	0.7968	0.7909	99926
26520	Laclede County, Missouri	26	0.7968	0.7909	99926
26530	Lafayette County, Missouri	3760	0.9481	0.9467	28140
26540	Lawrence County, Missouri	26	0.7968	0.7909	99926
26541	Lewis County, Missouri	26	0.7968	0.7909	99926
26560	Lincoln County, Missouri	7040	0.8957	0.8949	41180
26570	Linn County, Missouri	26	0.7968	0.7909	99926
26580	Livingston County, Missouri	26	0.7968	0.7909	99926
26590	Mc Donald County, Missouri	26	0.7968	0.8563	22220
26600	Macon County, Missouri	26	0.7968	0.7909	99926
26601	Madison County, Missouri	26	0.7968	0.7909	99926
26620	Maries County, Missouri	26	0.7968	0.7909	99926
26630	Marion County, Missouri	26	0.7968	0.7909	99926
26631	Mercer County, Missouri	26	0.7968	0.7909	99926
26650	Miller County, Missouri	26	0.7968	0.7909	99926
26660	Mississippi County, Missouri	26	0.7968	0.7909	99926
26670	Moniteau County, Missouri	26	0.7968	0.8396	27620
26680	Monroe County, Missouri	26	0.7968	0.7909	99926
26690	Montgomery County, Missouri	26	0.7968	0.7909	99926
26700	Morgan County, Missouri	26	0.7968	0.7909	99926
26710	New Madrid County, Missouri	26	0.7968	0.7909	99926
26720	Newton County, Missouri	3710	0.8590	0.8590	27900
26730	Nodaway County, Missouri	26	0.7968	0.7909	99926
26740	Oregon County, Missouri	26	0.7968	0.7909	99926
26750	Osage County, Missouri	26	0.7968	0.8396	27620
26751	Ozark County, Missouri	26	0.7968	0.7909	99926
26770	Pemiscot County, Missouri	26	0.7968	0.7909	99926
26780	Perry County, Missouri	26	0.7968	0.7909	99926
26790	Pettis County, Missouri	26	0.7968	0.7909	99926
26800	Phelps County, Missouri	26	0.7968	0.7909	99926
26810	Pike County, Missouri	26	0.7968	0.7909	99926
26820	Platte County, Missouri	3760	0.9481	0.9467	28140
26821	Polk County, Missouri	26	0.7968	0.8246	44180
26840	Pulaski County, Missouri	26	0.7968	0.7909	99926
26850	Putnam County, Missouri	26	0.7968	0.7909	99926
26860	Ralls County, Missouri	26	0.7968	0.7909	99926

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
26870	Randolph County, Missouri	26	0.7968	0.7909	99926
26880	Ray County, Missouri	3760	0.9481	0.9467	28140
26881	Reynolds County, Missouri	26	0.7968	0.7909	99926
26900	Ripley County, Missouri	26	0.7968	0.7909	99926
26910	St Charles County, Missouri	7040	0.8957	0.8949	41180
26911	St Clair County, Missouri	26	0.7968	0.7909	99926
26930	St Francois County, Missouri	26	0.7968	0.7909	99926
26940	St Louis County, Missouri	7040	0.8957	0.8949	41180
26950	St Louis City County, Missouri	7040	0.8957	0.8949	41180
26960	Ste Genevieve County, Missouri	26	0.7968	0.7909	99926
26970	Saline County, Missouri	26	0.7968	0.7909	99926
26980	Schuyler County, Missouri	26	0.7968	0.7909	99926
26981	Scotland County, Missouri	26	0.7968	0.7909	99926
26982	Scott County, Missouri	26	0.7968	0.7909	99926
26983	Shannon County, Missouri	26	0.7968	0.7909	99926
26984	Shelby County, Missouri	26	0.7968	0.7909	99926
26985	Stoddard County, Missouri	26	0.7968	0.7909	99926
26986	Stone County, Missouri	26	0.7968	0.7909	99926
26987	Sullivan County, Missouri	26	0.7968	0.7909	99926
26988	Taney County, Missouri	26	0.7968	0.7909	99926
26989	Texas County, Missouri	26	0.7968	0.7909	99926
26990	Vernon County, Missouri	26	0.7968	0.7909	99926
26991	Warren County, Missouri	7040	0.8957	0.8949	41180
26992	Washington County, Missouri	26	0.7968	0.8949	41180
26993	Wayne County, Missouri	26	0.7968	0.7909	99926
26994	Webster County, Missouri	7920	0.8259	0.8246	44180
26995	Worth County, Missouri	26	0.7968	0.7909	99926
26996	Wright County, Missouri	26	0.7968	0.7909	99926
27000	Beaverhead County, Montana	27	0.8833	0.8833	99927
27010	Big Horn County, Montana	27	0.8833	0.8833	99927
27020	Blaine County, Montana	27	0.8833	0.8833	99927
27030	Broadwater County, Montana	27	0.8833	0.8833	99927
27040	Carbon County, Montana	27	0.8833	0.8843	13740
27050	Carter County, Montana	27	0.8833	0.8833	99927
27060	Cascade County, Montana	3040	0.9061	0.9061	24500
27070	Chouteau County, Montana	27	0.8833	0.8833	99927
27080	Custer County, Montana	27	0.8833	0.8833	99927
27090	Daniels County, Montana	27	0.8833	0.8833	99927
27100	Dawson County, Montana	27	0.8833	0.8833	99927
27110	Deer Lodge County, Montana	27	0.8833	0.8833	99927
27113	Yellowstone National Park, Montana	27	0.8833	0.8833	99927
27120	Fallon County, Montana	27	0.8833	0.8833	99927
27130	Fergus County, Montana	27	0.8833	0.8833	99927
27140	Flathead County, Montana	27	0.8833	0.8833	99927
27150	Gallatin County, Montana	27	0.8833	0.8833	99927
27160	Garfield County, Montana	27	0.8833	0.8833	99927
27170	Glacier County, Montana	27	0.8833	0.8833	99927
27180	Golden Valley County, Montana	27	0.8833	0.8833	99927
27190	Granite County, Montana	27	0.8833	0.8833	99927
27200	Hill County, Montana	27	0.8833	0.8833	99927
27210	Jefferson County, Montana	27	0.8833	0.8833	99927
27220	Judith Basin County, Montana	27	0.8833	0.8833	99927
27230	Lake County, Montana	27	0.8833	0.8833	99927
27240	Lewis And Clark County, Montana	27	0.8833	0.8833	99927
27250	Liberty County, Montana	27	0.8833	0.8833	99927
27260	Lincoln County, Montana	27	0.8833	0.8833	99927
27270	Mc Cone County, Montana	27	0.8833	0.8833	99927
27280	Madison County, Montana	27	0.8833	0.8833	99927
27290	Meagher County, Montana	27	0.8833	0.8833	99927
27300	Mineral County, Montana	27	0.8833	0.8833	99927
27310	Missoula County, Montana	5140	0.9482	0.9482	33540
27320	Musselshell County, Montana	27	0.8833	0.8833	99927
27330	Park County, Montana	27	0.8833	0.8833	99927
27340	Petroleum County, Montana	27	0.8833	0.8833	99927
27350	Phillips County, Montana	27	0.8833	0.8833	99927
27360	Pondera County, Montana	27	0.8833	0.8833	99927
27370	Powder River County, Montana	27	0.8833	0.8833	99927
27380	Powell County, Montana	27	0.8833	0.8833	99927
27390	Prairie County, Montana	27	0.8833	0.8833	99927
27400	Ravalli County, Montana	27	0.8833	0.8833	99927
27410	Richland County, Montana	27	0.8833	0.8833	99927

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
27420	Roosevelt County, Montana	27	0.8833	0.8833	99927
27430	Rosebud County, Montana	27	0.8833	0.8833	99927
27440	Sanders County, Montana	27	0.8833	0.8833	99927
27450	Sheridan County, Montana	27	0.8833	0.8833	99927
27460	Silver Bow County, Montana	27	0.8833	0.8833	99927
27470	Stillwater County, Montana	27	0.8833	0.8833	99927
27480	Sweet Grass County, Montana	27	0.8833	0.8833	99927
27490	Teton County, Montana	27	0.8833	0.8833	99927
27500	Toole County, Montana	27	0.8833	0.8833	99927
27510	Treasure County, Montana	27	0.8833	0.8833	99927
27520	Valley County, Montana	27	0.8833	0.8833	99927
27530	Wheatland County, Montana	27	0.8833	0.8833	99927
27540	Wibaux County, Montana	27	0.8833	0.8833	99927
27550	Yellowstone County, Montana	0880	0.8843	0.8843	13740
28000	Adams County, Nebraska	28	0.8665	0.8665	99928
28010	Antelope County, Nebraska	28	0.8665	0.8665	99928
28020	Arthur County, Nebraska	28	0.8665	0.8665	99928
28030	Banner County, Nebraska	28	0.8665	0.8665	99928
28040	Blaine County, Nebraska	28	0.8665	0.8665	99928
28050	Boone County, Nebraska	28	0.8665	0.8665	99928
28060	Box Butte County, Nebraska	28	0.8665	0.8665	99928
28070	Boyd County, Nebraska	28	0.8665	0.8665	99928
28080	Brown County, Nebraska	28	0.8665	0.8665	99928
28090	Buffalo County, Nebraska	28	0.8665	0.8665	99928
28100	Burt County, Nebraska	28	0.8665	0.8665	99928
28110	Butler County, Nebraska	28	0.8665	0.8665	99928
28120	Cass County, Nebraska	5920	0.9569	0.9569	36540
28130	Cedar County, Nebraska	28	0.8665	0.8665	99928
28140	Chase County, Nebraska	28	0.8665	0.8665	99928
28150	Cherry County, Nebraska	28	0.8665	0.8665	99928
28160	Cheyenne County, Nebraska	28	0.8665	0.8665	99928
28170	Clay County, Nebraska	28	0.8665	0.8665	99928
28180	Colfax County, Nebraska	28	0.8665	0.8665	99928
28190	Cuming County, Nebraska	28	0.8665	0.8665	99928
28200	Custer County, Nebraska	28	0.8665	0.8665	99928
28210	Dakota County, Nebraska	7720	0.9411	0.9376	43580
28220	Dawes County, Nebraska	28	0.8665	0.8665	99928
28230	Dawson County, Nebraska	28	0.8665	0.8665	99928
28240	Deuel County, Nebraska	28	0.8665	0.8665	99928
28250	Dixon County, Nebraska	28	0.8665	0.9376	43580
28260	Dodge County, Nebraska	28	0.8665	0.8665	99928
28270	Douglas County, Nebraska	5920	0.9569	0.9569	36540
28280	Dundy County, Nebraska	28	0.8665	0.8665	99928
28290	Fillmore County, Nebraska	28	0.8665	0.8665	99928
28300	Franklin County, Nebraska	28	0.8665	0.8665	99928
28310	Frontier County, Nebraska	28	0.8665	0.8665	99928
28320	Furnas County, Nebraska	28	0.8665	0.8665	99928
28330	Gage County, Nebraska	28	0.8665	0.8665	99928
28340	Garden County, Nebraska	28	0.8665	0.8665	99928
28350	Garfield County, Nebraska	28	0.8665	0.8665	99928
28360	Gosper County, Nebraska	28	0.8665	0.8665	99928
28370	Grant County, Nebraska	28	0.8665	0.8665	99928
28380	Greeley County, Nebraska	28	0.8665	0.8665	99928
28390	Hall County, Nebraska	28	0.8665	0.8665	99928
28400	Hamilton County, Nebraska	28	0.8665	0.8665	99928
28410	Harlan County, Nebraska	28	0.8665	0.8665	99928
28420	Hayes County, Nebraska	28	0.8665	0.8665	99928
28430	Hitchcock County, Nebraska	28	0.8665	0.8665	99928
28440	Holt County, Nebraska	28	0.8665	0.8665	99928
28450	Hooker County, Nebraska	28	0.8665	0.8665	99928
28460	Howard County, Nebraska	28	0.8665	0.8665	99928
28470	Jefferson County, Nebraska	28	0.8665	0.8665	99928
28480	Johnson County, Nebraska	28	0.8665	0.8665	99928
28490	Kearney County, Nebraska	28	0.8665	0.8665	99928
28500	Keith County, Nebraska	28	0.8665	0.8665	99928
28510	Keya Paha County, Nebraska	28	0.8665	0.8665	99928
28520	Kimball County, Nebraska	28	0.8665	0.8665	99928
28530	Knox County, Nebraska	28	0.8665	0.8665	99928
28540	Lancaster County, Nebraska	4360	1.0225	1.0225	30700
28550	Lincoln County, Nebraska	28	0.8665	0.8665	99928
28560	Logan County, Nebraska	28	0.8665	0.8665	99928

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
28570	Loup County, Nebraska	28	0.8665	0.8665	99928
28580	McPherson County, Nebraska	28	0.8665	0.8665	99928
28590	Madison County, Nebraska	28	0.8665	0.8665	99928
28600	Merrick County, Nebraska	28	0.8665	0.8665	99928
28610	Morrill County, Nebraska	28	0.8665	0.8665	99928
28620	Nance County, Nebraska	28	0.8665	0.8665	99928
28630	Nemaha County, Nebraska	28	0.8665	0.8665	99928
28640	Nuckolls County, Nebraska	28	0.8665	0.8665	99928
28650	Otoe County, Nebraska	28	0.8665	0.8665	99928
28660	Pawnee County, Nebraska	28	0.8665	0.8665	99928
28670	Perkins County, Nebraska	28	0.8665	0.8665	99928
28680	Phelps County, Nebraska	28	0.8665	0.8665	99928
28690	Pierce County, Nebraska	28	0.8665	0.8665	99928
28700	Platte County, Nebraska	28	0.8665	0.8665	99928
28710	Polk County, Nebraska	28	0.8665	0.8665	99928
28720	Redwillow County, Nebraska	28	0.8665	0.8665	99928
28730	Richardson County, Nebraska	28	0.8665	0.8665	99928
28740	Rock County, Nebraska	28	0.8665	0.8665	99928
28750	Saline County, Nebraska	28	0.8665	0.8665	99928
28760	Sarpy County, Nebraska	5920	0.9569	0.9569	36540
28770	Saunders County, Nebraska	28	0.8665	0.9569	36540
28780	cotts Bluff County, Nebraska	28	0.8665	0.8665	99928
28790	Seward County, Nebraska	28	0.8665	1.0225	30700
28800	Sheridan County, Nebraska	28	0.8665	0.8665	99928
28810	Sherman County, Nebraska	28	0.8665	0.8665	99928
28820	Sioux County, Nebraska	28	0.8665	0.8665	99928
28830	Stanton County, Nebraska	28	0.8665	0.8665	99928
28840	Thayer County, Nebraska	28	0.8665	0.8665	99928
28850	Thomas County, Nebraska	28	0.8665	0.8665	99928
28860	Thurston County, Nebraska	28	0.8665	0.8665	99928
28870	Valley County, Nebraska	28	0.8665	0.8665	99928
28880	Washington County, Nebraska	5920	0.9569	0.9569	36540
28890	Wayne County, Nebraska	28	0.8665	0.8665	99928
28900	Webster County, Nebraska	28	0.8665	0.8665	99928
28910	Wheeler County, Nebraska	28	0.8665	0.8665	99928
28920	York County, Nebraska	28	0.8665	0.8665	99928
29000	Churchill County, Nevada	29	0.9697	0.9074	99929
29010	Clark County, Nevada	4120	1.1166	1.1449	29820
29020	Douglas County, Nevada	29	0.9697	0.9074	99929
29030	Elko County, Nevada	29	0.9697	0.9074	99929
29040	Esmeralda County, Nevada	29	0.9697	0.9074	99929
29050	Eureka County, Nevada	29	0.9697	0.9074	99929
29060	Humboldt County, Nevada	29	0.9697	0.9074	99929
29070	Lander County, Nevada	29	0.9697	0.9074	99929
29080	Lincoln County, Nevada	29	0.9697	0.9074	99929
29090	Lyon County, Nevada	29	0.9697	0.9074	99929
29100	Mineral County, Nevada	29	0.9697	0.9074	99929
29110	Nye County, Nevada	4120	1.1166	0.9074	99929
29120	Carson City County, Nevada	29	0.9697	1.0244	16180
29130	Pershing County, Nevada	29	0.9697	0.9074	99929
29140	Storey County, Nevada	29	0.9697	1.0993	39900
29150	Washoe County, Nevada	6720	1.0993	1.0993	39900
29160	White Pine County, Nevada	29	0.9697	0.9074	99929
30000	Belknap County, New Hampshire	30	1.0677	1.0677	99930
30010	Carroll County, New Hampshire	30	1.0677	1.0677	99930
30020	Cheshire County, New Hampshire	30	1.0677	1.0677	99930
30030	Coos County, New Hampshire	30	1.0677	1.0677	99930
30040	Grafton County, New Hampshire	30	1.0677	1.0677	99930
30050	Hillsboro County, New Hampshire	1123	1.1152	1.0335	31700
30060	Merrimack County, New Hampshire	1123	1.1152	1.0335	31700
30070	Rockingham County, New Hampshire	1123	1.1152	1.0385	40484
30080	Strafford County, New Hampshire	1123	1.1152	1.0385	40484
30090	Sullivan County, New Hampshire	30	1.0677	1.0677	99930
31000	Atlantic County, New Jersey	0560	1.1513	1.1633	12100
1100	Bergen County, New Jersey	0875	1.1660	1.3185	35644
31150	Burlington County, New Jersey	6160	1.0926	1.0528	15804
31160	Camden County, New Jersey	6160	1.0926	1.0528	15804
31180	Cape May County, New Jersey	0560	1.1513	1.1022	36140
31190	Cumberland County, New Jersey	8760	0.9837	0.9837	47220
31200	Essex County, New Jersey	5640	1.2141	1.2195	35084
31220	Gloucester County, New Jersey	6160	1.0926	1.0528	15804

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
31230	Hudson County, New Jersey	3640	1.1349	1.3185	35644
31250	Hunterdon County, New Jersey	5015	1.1178	1.2195	35084
31260	Mercer County, New Jersey	8480	1.0845	1.0845	45940
31270	Middlesex County, New Jersey	5015	1.1178	1.1260	20764
31290	Monmouth County, New Jersey	5190	1.1271	1.1260	20764
31300	Morris County, New Jersey	5640	1.2141	1.2195	35084
31310	Ocean County, New Jersey	5190	1.1271	1.1260	20764
31320	Passaic County, New Jersey	0875	1.1660	1.3185	35644
31340	Salem County, New Jersey	6160	1.0926	1.0482	48864
31350	Somerset County, New Jersey	5015	1.1178	1.1260	20764
31360	Sussex County, New Jersey	5640	1.2141	1.2195	35084
31370	Union County, New Jersey	5640	1.2141	1.2195	35084
31390	Warren County, New Jersey	5640	1.2141	0.9828	10900
32000	Bernalillo County, New Mexico	0200	0.9693	0.9693	10740
32010	Catron County, New Mexico	32	0.8571	0.8644	99932
32020	Chaves County, New Mexico	32	0.8571	0.8644	99932
32025	Cibola County, New Mexico	32	0.8571	0.8644	99932
32030	Colfax County, New Mexico	32	0.8571	0.8644	99932
32040	Curry County, New Mexico	32	0.8571	0.8644	99932
32050	De Baca County, New Mexico	32	0.8571	0.8644	99932
32060	Dona Ana County, New Mexico	4100	0.8475	0.8475	29740
32070	Eddy County, New Mexico	32	0.8571	0.8644	99932
32080	Grant County, New Mexico	32	0.8571	0.8644	99932
32090	Guadalupe County, New Mexico	32	0.8571	0.8644	99932
32100	Harding County, New Mexico	32	0.8571	0.8644	99932
32110	Hidalgo County, New Mexico	32	0.8571	0.8644	99932
32120	Lea County, New Mexico	32	0.8571	0.8644	99932
32130	Lincoln County, New Mexico	32	0.8571	0.8644	99932
32131	Los Alamos County, New Mexico	7490	1.0759	0.8644	99932
32140	Luna County, New Mexico	32	0.8571	0.8644	99932
32150	Mc Kinley County, New Mexico	32	0.8571	0.8644	99932
32160	Mora County, New Mexico	32	0.8571	0.8644	99932
32170	Otero County, New Mexico	32	0.8571	0.8644	99932
32180	Quay County, New Mexico	32	0.8571	0.8644	99932
32190	Rio Arriba County, New Mexico	32	0.8571	0.8644	99932
32200	Roosevelt County, New Mexico	32	0.8571	0.8644	99932
32210	Sandoval County, New Mexico	0200	0.9693	0.9693	10740
32220	San Juan County, New Mexico	32	0.8571	0.8518	22140
32230	San Miguel County, New Mexico	32	0.8571	0.8644	99932
32240	Santa Fe County, New Mexico	7490	1.0759	1.0931	42140
32250	Sierra County, New Mexico	32	0.8571	0.8644	99932
32260	Socorro County, New Mexico	32	0.8571	0.8644	99932
32270	Taos County, New Mexico	32	0.8571	0.8644	99932
32280	Torrance County, New Mexico	32	0.8571	0.9693	10740
32290	Union County, New Mexico	32	0.8571	0.8644	99932
32300	Valencia County, New Mexico	0200	0.9693	0.9693	10740
33000	Albany County, New York	0160	0.8518	0.8545	10580
33010	Allegany County, New York	33	0.8395	0.8157	99933
33020	Bronx County, New York	5600	1.3465	1.3185	35644
33030	Broome County, New York	0960	0.8571	0.8571	13780
33040	Cattaraugus County, New York	33	0.8395	0.8157	99933
33050	Cayuga County, New York	8160	0.9499	0.8157	99933
33060	Chautauqua County, New York	3610	0.7552	0.8157	99933
33070	Chemung County, New York	2335	0.8259	0.8259	21300
33080	Chenango County, New York	33	0.8395	0.8157	99933
33090	Clinton County, New York	33	0.8395	0.8157	99933
33200	Columbia County, New York	33	0.8395	0.8157	99933
33210	Cortland County, New York	33	0.8395	0.8157	99933
33220	Delaware County, New York	33	0.8395	0.8157	99933
33230	Dutchess County, New York	2281	1.0183	1.0766	39100
33240	Erie County, New York	1280	0.8889	0.8889	15380
33260	Essex County, New York	33	0.8395	0.8157	99933
33270	Franklin County, New York	33	0.8395	0.8157	99933
33280	Fulton County, New York	33	0.8395	0.8157	99933
33290	Genesee County, New York	6840	0.9044	0.8157	99933
33300	Greene County, New York	33	0.8395	0.8157	99933
33310	Hamilton County, New York	33	0.8395	0.8157	99933
33320	Herkimer County, New York	8680	0.8293	0.8293	46540
33330	Jefferson County, New York	33	0.8395	0.8157	99933
33331	Kings County, New York	5600	1.3465	1.3185	35644
33340	Lewis County, New York	33	0.8395	0.8157	99933

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
33350	Livingston County, New York	6840	0.9044	0.9115	40380
33360	Madison County, New York	8160	0.9499	0.9581	45060
33370	Monroe County, New York	6840	0.9044	0.9115	40380
33380	Montgomery County, New York	0160	0.8518	0.8157	99933
33400	Nassau County, New York	5380	1.2760	1.2760	35004
33420	New York County, New York	5600	1.3465	1.3185	35644
33500	Niagara County, New York	1280	0.8889	0.8889	15380
33510	Oneida County, New York	8680	0.8293	0.8293	46540
33520	Onondaga County, New York	8160	0.9499	0.9581	45060
33530	Ontario County, New York	6840	0.9044	0.9115	40380
33540	Orange County, New York	5660	1.1218	1.0766	39100
33550	Orleans County, New York	6840	0.9044	0.9115	40380
33560	Oswego County, New York	8160	0.9499	0.9581	45060
33570	Otsego County, New York	33	0.8395	0.8157	99933
33580	Putnam County, New York	5600	1.3465	1.3185	35644
33590	Queens County, New York	5600	1.3465	1.3185	35644
33600	Rensselaer County, New York	0160	0.8518	0.8545	10580
33610	Richmond County, New York	5600	1.3465	1.3185	35644
33620	Rockland County, New York	5600	1.3465	1.3185	35644
33630	St Lawrence County, New York	33	0.8395	0.8157	99933
33640	Saratoga County, New York	0160	0.8518	0.8545	10580
33650	Schenectady County, New York	0160	0.8518	0.8545	10580
33660	Schoharie County, New York	0160	0.8518	0.8545	10580
33670	Schuyler County, New York	33	0.8395	0.8157	99933
33680	Seneca County, New York	33	0.8395	0.8157	99933
33690	Steuben County, New York	33	0.8395	0.8157	99933
33700	Suffolk County, New York	5380	1.2760	1.2760	35004
33710	Sullivan County, New York	33	0.8395	0.8157	99933
33720	Tioga County, New York	0960	0.8571	0.8571	13780
33730	Tompkins County, New York	33	0.8395	0.9803	27060
33740	Ulster County, New York	33	0.8395	0.9257	28740
33750	Warren County, New York	2975	0.8567	0.8567	24020
33760	Washington County, New York	2975	0.8567	0.8567	24020
33770	Wayne County, New York	6840	0.9044	0.9115	40380
33800	Westchester County, New York	5600	1.3465	1.3185	35644
33900	Wyoming County, New York	33	0.8395	0.8157	99933
33910	Yates County, New York	33	0.8395	0.8157	99933
34000	Alamance County, N Carolina	3120	0.9027	0.8914	15500
34010	Alexander County, N Carolina	3290	0.8922	0.8922	25860
34020	Alleghany County, N Carolina	34	0.8490	0.8567	99934
34030	Anson County, N Carolina	34	0.8490	0.9760	16740
34040	Ashe County, N Carolina	34	0.8490	0.8567	99934
34050	Avery County, N Carolina	34	0.8490	0.8567	99934
34060	Beaufort County, N Carolina	34	0.8490	0.8567	99934
34070	Bertie County, N Carolina	34	0.8490	0.8567	99934
34080	Bladen County, N Carolina	34	0.8490	0.8567	99934
34090	Brunswick County, N Carolina	9200	0.9592	0.9592	48900
34100	Buncombe County, N Carolina	0480	0.9747	0.9294	11700
34110	Burke County, N Carolina	3290	0.8922	0.8922	25860
34120	Cabarrus County, N Carolina	1520	0.9725	0.9760	16740
34130	Caldwell County, N Carolina	3290	0.8922	0.8922	25860
34140	Camden County, N Carolina	34	0.8490	0.8567	99934
34150	Carteret County, N Carolina	34	0.8490	0.8567	99934
34160	Caswell County, N Carolina	34	0.8490	0.8567	99934
34170	Catawba County, N Carolina	3290	0.8922	0.8922	25860
34180	Chatham County, N Carolina	6640	1.0087	1.0303	20500
34190	Cherokee County, N Carolina	34	0.8490	0.8567	99934
34200	Chowan County, N Carolina	34	0.8490	0.8567	99934
34210	Clay County, N Carolina	34	0.8490	0.8567	99934
34220	Cleveland County, N Carolina	34	0.8490	0.8567	99934
34230	Columbus County, N Carolina	34	0.8490	0.8567	99934
34240	Craven County, N Carolina	34	0.8490	0.8567	99934
34250	Cumberland County, N Carolina	2560	0.9426	0.9426	22180
34251	Currituck County, N Carolina	5720	0.8808	0.8808	47260
34270	Dare County, N Carolina	34	0.8490	0.8567	99934
34280	Davidson County, N Carolina	3120	0.9027	0.8567	99934
34290	Davie County, N Carolina	3120	0.9027	0.8953	49180
34300	Duplin County, N Carolina	34	0.8490	0.8567	99934
34310	Durham County, N Carolina	6640	1.0087	1.0303	20500
34320	Edgecombe County, N Carolina	6895	0.8924	0.8924	40580
34330	Forsyth County, N Carolina	3120	0.9027	0.8953	49180

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
34340	Franklin County, N Carolina	6640	1.0087	0.9733	39580
34350	Gaston County, N Carolina	1520	0.9725	0.9760	16740
34360	Gates County, N Carolina	34	0.8490	0.8567	99934
34370	Graham County, N Carolina	34	0.8490	0.8567	99934
34380	Granville County, N Carolina	34	0.8490	0.8567	99934
34390	Greene County, N Carolina	34	0.8490	0.9434	27480
34400	Guilford County, N Carolina	3120	0.9027	0.9113	27660
34410	Halifax County, N Carolina	34	0.8490	0.8567	99934
34420	Harnett County, N Carolina	34	0.8490	0.8567	99934
34430	Haywood County, N Carolina	34	0.8490	0.9294	11700
34440	Henderson County, N Carolina	34	0.8490	0.9294	11700
34450	Hertford County, N Carolina	34	0.8490	0.8567	99934
34460	Hoke County, N Carolina	34	0.8490	0.9426	22180
34470	Hyde County, N Carolina	34	0.8490	0.8567	99934
34480	Iredell County, N Carolina	34	0.8490	0.8567	99934
34490	Jackson County, N Carolina	34	0.8490	0.8567	99934
34500	Johnston County, N Carolina	6640	1.0087	0.9733	39580
34510	Jones County, N Carolina	34	0.8490	0.8567	99934
34520	Lee County, N Carolina	34	0.8490	0.8567	99934
34530	Lenoir County, N Carolina	34	0.8490	0.8567	99934
34540	Lincoln County, N Carolina	1520	0.9725	0.8567	99934
34550	McDowell County, N Carolina	34	0.8490	0.8567	99934
34560	Macon County, N Carolina	34	0.8490	0.8567	99934
34570	Madison County, N Carolina	0480	0.9747	0.9294	11700
34580	Martin County, N Carolina	34	0.8490	0.8567	99934
34590	Mecklenburg County, N Carolina	1520	0.9725	0.9760	16740
34600	Mitchell County, N Carolina	34	0.8490	0.8567	99934
34610	Montgomery County, N Carolina	34	0.8490	0.8567	99934
34620	Moore County, N Carolina	34	0.8490	0.8567	99934
34630	Nash County, N Carolina	6895	0.8924	0.8924	40580
34640	New Hanover County, N Carolina	9200	0.9592	0.9592	48900
34650	Northampton County, N Carolina	34	0.8490	0.8567	99934
34660	Onslow County, N Carolina	3605	0.8244	0.8244	27340
34670	Orange County, N Carolina	6640	1.0087	1.0303	20500
34680	Pamlico County, N Carolina	34	0.8490	0.8567	99934
34690	Pasquotank County, N Carolina	34	0.8490	0.8567	99934
34700	Pender County, N Carolina	34	0.8490	0.9592	48900
34710	Perquimans County, N Carolina	34	0.8490	0.8567	99934
34720	Person County, N Carolina	34	0.8490	1.0303	20500
34730	Pitt County, N Carolina	3150	0.9434	0.9434	27480
34740	Polk County, N Carolina	34	0.8490	0.8567	99934
34750	Randolph County, N Carolina	3120	0.9027	0.9113	27660
34760	Richmond County, N Carolina	34	0.8490	0.8567	99934
34770	Robeson County, N Carolina	34	0.8490	0.8567	99934
34780	Rockingham County, N Carolina	34	0.8490	0.9113	27660
34790	Rowan County, N Carolina	1520	0.9725	0.8567	99934
34800	Rutherford County, N Carolina	34	0.8490	0.8567	99934
34810	Sampson County, N Carolina	34	0.8490	0.8567	99934
34820	Scotland County, N Carolina	34	0.8490	0.8567	99934
34830	Stanly County, N Carolina	1520	0.9725	0.9760	16740
34840	Stokes County, N Carolina	3120	0.9027	0.8953	49180
34850	Surry County, N Carolina	34	0.8490	0.8567	99934
34860	Swain County, N Carolina	34	0.8490	0.8567	99934
34870	Transylvania County, N Carolina	34	0.8490	0.8567	99934
34880	Tyrrell County, N Carolina	34	0.8490	0.8567	99934
34890	Union County, N Carolina	1520	0.9725	0.9760	16740
34900	Vance County, N Carolina	34	0.8490	0.8567	99934
34910	Wake County, N Carolina	6640	1.0087	0.9733	39580
34920	Warren County, N Carolina	34	0.8490	0.8567	99934
34930	Washington County, N Carolina	34	0.8490	0.8567	99934
34940	Watauga County, N Carolina	34	0.8490	0.8567	99934
34950	Wayne County, N Carolina	2980	0.8784	0.8784	24140
34960	Wilkes County, N Carolina	34	0.8490	0.8567	99934
34970	Wilson County, N Carolina	34	0.8490	0.8567	99934
34980	Yadkin County, N Carolina	3120	0.9027	0.8953	49180
34981	Yancey County, N Carolina	34	0.8490	0.8567	99934
35000	Adams County, N Dakota	35	0.7268	0.7268	99935
35010	Barnes County, N Dakota	35	0.7268	0.7268	99935
35020	Benson County, N Dakota	35	0.7268	0.7268	99935
35030	Billings County, N Dakota	35	0.7268	0.7268	99935
35040	Bottineau County, N Dakota	35	0.7268	0.7268	99935

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
35050	Bowman County, N Dakota	35	0.7268	0.7268	99935
35060	Burke County, N Dakota	35	0.7268	0.7268	99935
35070	Burleigh County, N Dakota	1010	0.7519	0.7519	13900
35080	Cass County, N Dakota	2520	0.8495	0.8495	22020
35090	Cavalier County, N Dakota	35	0.7268	0.7268	99935
35100	Dickey County, N Dakota	35	0.7268	0.7268	99935
35110	Divide County, N Dakota	35	0.7268	0.7268	99935
35120	Dunn County, N Dakota	35	0.7268	0.7268	99935
35130	Eddy County, N Dakota	35	0.7268	0.7268	99935
35140	Emmons County, N Dakota	35	0.7268	0.7268	99935
35150	Foster County, N Dakota	35	0.7268	0.7268	99935
35160	Golden Valley County, N Dakota	35	0.7268	0.7268	99935
35170	Grand Forks County, N Dakota	2985	1.1516	1.1516	24220
35180	Grant County, N Dakota	35	0.7268	0.7268	99935
35190	Griggs County, N Dakota	35	0.7268	0.7268	99935
35200	Hettinger County, N Dakota	35	0.7268	0.7268	99935
35210	Kidder County, N Dakota	35	0.7268	0.7268	99935
35220	La Moure County, N Dakota	35	0.7268	0.7268	99935
35230	Logan County, N Dakota	35	0.7268	0.7268	99935
35240	Mc Henry County, N Dakota	35	0.7268	0.7268	99935
35250	Mc Intosh County, N Dakota	35	0.7268	0.7268	99935
35260	Mc Kenzie County, N Dakota	35	0.7268	0.7268	99935
35270	Mc Lean County, N Dakota	35	0.7268	0.7268	99935
35280	Mercer County, N Dakota	35	0.7268	0.7268	99935
35290	Morton County, N Dakota	1010	0.7519	0.7519	13900
35300	Mountrail County, N Dakota	35	0.7268	0.7268	99935
35310	Nelson County, N Dakota	35	0.7268	0.7268	99935
35320	Oliver County, N Dakota	35	0.7268	0.7268	99935
35330	Pembina County, N Dakota	35	0.7268	0.7268	99935
35340	Pierce County, N Dakota	35	0.7268	0.7268	99935
35350	Ramsey County, N Dakota	35	0.7268	0.7268	99935
35360	Ransom County, N Dakota	35	0.7268	0.7268	99935
35370	Renville County, N Dakota	35	0.7268	0.7268	99935
35380	Richland County, N Dakota	35	0.7268	0.7268	99935
35390	Rolette County, N Dakota	35	0.7268	0.7268	99935
35400	Sargent County, N Dakota	35	0.7268	0.7268	99935
35410	Sheridan County, N Dakota	35	0.7268	0.7268	99935
35420	Sioux County, N Dakota	35	0.7268	0.7268	99935
35430	Slope County, N Dakota	35	0.7268	0.7268	99935
35440	Stark County, N Dakota	35	0.7268	0.7268	99935
35450	Steele County, N Dakota	35	0.7268	0.7268	99935
35460	Stutsman County, N Dakota	35	0.7268	0.7268	99935
35470	Towner County, N Dakota	35	0.7268	0.7268	99935
35480	Traill County, N Dakota	35	0.7268	0.7268	99935
35490	Walsh County, N Dakota	35	0.7268	0.7268	99935
35500	Ward County, N Dakota	35	0.7268	0.7268	99935
35510	Wells County, N Dakota	35	0.7268	0.7268	99935
35520	Williams County, N Dakota	35	0.7268	0.7268	99935
36000	Adams County, Ohio	36	0.8886	0.8786	99936
36010	Allen County, Ohio	4320	0.9128	0.9234	30620
36020	Ashland County, Ohio	36	0.8886	0.8786	99936
36030	Ashtabula County, Ohio	1680	0.9174	0.8786	99936
36040	Athens County, Ohio	36	0.8886	0.8786	99936
36050	Auglaize County, Ohio	4320	0.9128	0.8786	99936
36060	Belmont County, Ohio	9000	0.7168	0.7168	48540
36070	Brown County, Ohio	1640	0.9742	0.9623	17140
36080	Butler County, Ohio	3200	0.8960	0.9623	17140
36090	Carroll County, Ohio	1320	0.8944	0.8944	15940
36100	Champaign County, Ohio	36	0.8886	0.8786	99936
36110	Clark County, Ohio	2000	0.8989	0.8404	44220
36120	Clermont County, Ohio	1640	0.9742	0.9623	17140
36130	Clinton County, Ohio	36	0.8886	0.8786	99936
36140	Columbiana County, Ohio	9320	0.8857	0.8786	99936
36150	Coshocton County, Ohio	36	0.8886	0.8786	99936
36160	Crawford County, Ohio	4800	0.8886	0.8786	99936
36170	Cuyahoga County, Ohio	1680	0.9174	0.9204	17460
36190	Darke County, Ohio	36	0.8886	0.8786	99936
36200	Defiance County, Ohio	36	0.8886	0.8786	99936
36210	Delaware County, Ohio	1840	0.9864	0.9850	18140
36220	Erie County, Ohio	36	0.8886	0.9025	41780
36230	Fairfield County, Ohio	1840	0.9864	0.9850	18140

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
36240	Fayette County, Ohio	36	0.8886	0.8786	99936
36250	Franklin County, Ohio	1840	0.9864	0.9850	18140
36260	Fulton County, Ohio	8400	0.9584	0.9584	45780
36270	Gallia County, Ohio	36	0.8886	0.8786	99936
36280	Geauga County, Ohio	1680	0.9174	0.9204	17460
36290	Greene County, Ohio	2000	0.8989	0.9073	19380
36300	Guernsey County, Ohio	36	0.8886	0.8786	99936
36310	Hamilton County, Ohio	1640	0.9742	0.9623	17140
36330	Hancock County, Ohio	36	0.8886	0.8786	99936
36340	Hardin County, Ohio	36	0.8886	0.8786	99936
36350	Harrison County, Ohio	36	0.8886	0.8786	99936
36360	Henry County, Ohio	36	0.8886	0.8786	99936
36370	Highland County, Ohio	36	0.8886	0.8786	99936
36380	Hocking County, Ohio	36	0.8886	0.8786	99936
36390	Holmes County, Ohio	36	0.8886	0.8786	99936
36400	Huron County, Ohio	36	0.8886	0.8786	99936
36410	Jackson County, Ohio	36	0.8886	0.8786	99936
36420	Jefferson County, Ohio	8080	0.7827	0.7827	48260
36430	Knox County, Ohio	36	0.8886	0.8786	99936
36440	Lake County, Ohio	1680	0.9174	0.9204	17460
36450	Lawrence County, Ohio	3400	0.9486	0.9486	26580
36460	Licking County, Ohio	1840	0.9864	0.9850	18140
36470	Logan County, Ohio	36	0.8886	0.8786	99936
36480	Lorain County, Ohio	1680	0.9174	0.9204	17460
36490	Lucas County, Ohio	8400	0.9584	0.9584	45780
36500	Madison County, Ohio	1840	0.9864	0.9850	18140
36510	Mahoning County, Ohio	9320	0.8857	0.8611	49660
36520	Marion County, Ohio	36	0.8886	0.8786	99936
36530	Medina County, Ohio	1680	0.9174	0.9204	17460
36540	Meigs County, Ohio	36	0.8886	0.8786	99936
36550	Mercer County, Ohio	36	0.8886	0.8786	99936
36560	Miami County, Ohio	2000	0.8989	0.9073	19380
36570	Monroe County, Ohio	36	0.8886	0.8786	99936
36580	Montgomery County, Ohio	2000	0.8989	0.9073	19380
36590	Morgan County, Ohio	36	0.8886	0.8786	99936
36600	Morrow County, Ohio	36	0.8886	0.9850	18140
36610	Muskingum County, Ohio	36	0.8886	0.8786	99936
36620	Noble County, Ohio	36	0.8886	0.8786	99936
36630	Ottawa County, Ohio	36	0.8886	0.9584	45780
36640	Paulding County, Ohio	36	0.8886	0.8786	99936
36650	Perry County, Ohio	36	0.8886	0.8786	99936
36660	Pickaway County, Ohio	1840	0.9864	0.9850	18140
36670	Pike County, Ohio	36	0.8886	0.8786	99936
36680	Portage County, Ohio	0080	0.8991	0.8991	10420
36690	Preble County, Ohio	36	0.8886	0.9073	19380
36700	Putnam County, Ohio	36	0.8886	0.8786	99936
36710	Richland County, Ohio	4800	0.8886	0.8887	31900
36720	Ross County, Ohio	36	0.8886	0.8786	99936
36730	Sandusky County, Ohio	36	0.8886	0.8786	99936
36740	Scioto County, Ohio	36	0.8886	0.8786	99936
36750	Seneca County, Ohio	36	0.8886	0.8786	99936
36760	Shelby County, Ohio	36	0.8886	0.8786	99936
36770	Stark County, Ohio	1320	0.8944	0.8944	15940
36780	Summit County, Ohio	0080	0.8991	0.8991	10420
36790	Trumbull County, Ohio	9320	0.8857	0.8611	49660
36800	Tuscarawas County, Ohio	36	0.8886	0.8786	99936
36810	Union County, Ohio	36	0.8886	0.9850	18140
36820	Van Wert County, Ohio	36	0.8886	0.8786	99936
36830	Vinton County, Ohio	36	0.8886	0.8786	99936
36840	Warren County, Ohio	1640	0.9742	0.9623	17140
36850	Washington County, Ohio	6020	0.8278	0.8278	37620
36860	Wayne County, Ohio	36	0.8886	0.8786	99936
36870	Williams County, Ohio	36	0.8886	0.8786	99936
36880	Wood County, Ohio	8400	0.9584	0.9584	45780
36890	Wyandot County, Ohio	36	0.8886	0.8786	99936
37000	Adair County, Oklahoma	37	0.7450	0.758	999937
37010	Alfalfa County, Oklahoma	37	0.7450	0.758	999937
37020	Atoka County, Oklahoma	37	0.7450	0.758	999937
37030	Beaver County, Oklahoma	37	0.7450	0.758	999937
37040	Beckham County, Oklahoma	37	0.7450	0.758	999937
37050	Blaine County, Oklahoma	37	0.7450	0.758	999937

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
37060	Bryan County, Oklahoma	37	0.7450	0.758	999937
37070	Caddo County, Oklahoma	37	0.7450	0.758	999937
37080	Canadian County, Oklahoma	5880	0.9034	0.9040	36420
37090	Carter County, Oklahoma	37	0.7450	0.758	999937
37100	Cherokee County, Oklahoma	37	0.7450	0.758	999937
37110	Choctaw County, Oklahoma	37	0.7450	0.758	999937
37120	Cimarron County, Oklahoma	37	0.7450	0.758	999937
37130	Cleveland County, Oklahoma	5880	0.9034	0.9040	36420
37140	Coal County, Oklahoma	37	0.7450	0.758	999937
37150	Comanche County, Oklahoma	4200	0.7880	0.7880	30020
37160	Cotton County, Oklahoma	37	0.7450	0.758	999937
37170	Craig County, Oklahoma	37	0.7450	0.758	999937
37180	Creek County, Oklahoma	8560	0.8322	0.8286	46140
37190	Custer County, Oklahoma	37	0.7450	0.758	999937
37200	Delaware County, Oklahoma	37	0.7450	0.758	999937
37210	Dewey County, Oklahoma	37	0.7450	0.758	999937
37220	Ellis County, Oklahoma	37	0.7450	0.758	999937
37230	Garfield County, Oklahoma	2340	0.8675	0.758	999937
37240	Garvin County, Oklahoma	37	0.7450	0.758	999937
37250	Grady County, Oklahoma	37	0.7450	0.9040	36420
37260	Grant County, Oklahoma	37	0.7450	0.758	999937
37270	Greer County, Oklahoma	37	0.7450	0.758	999937
37280	Harmon County, Oklahoma	37	0.7450	0.758	999937
37290	Harper County, Oklahoma	37	0.7450	0.758	999937
37300	Haskell County, Oklahoma	37	0.7450	0.758	999937
37310	Hughes County, Oklahoma	37	0.7450	0.758	999937
37320	Jackson County, Oklahoma	37	0.7450	0.758	999937
37330	Jefferson County, Oklahoma	37	0.7450	0.758	999937
37340	Johnston County, Oklahoma	37	0.7450	0.758	999937
37350	Kay County, Oklahoma	37	0.7450	0.758	999937
37360	Kingfisher County, Oklahoma	37	0.7450	0.758	999937
37370	Kiowa County, Oklahoma	37	0.7450	0.758	999937
37380	Latimer County, Oklahoma	37	0.7450	0.758	999937
37390	Le Flore County, Oklahoma	37	0.7450	0.8214	22900
37400	Lincoln County, Oklahoma	37	0.7450	0.9040	36420
37410	Logan County, Oklahoma	5880	0.9034	0.9040	36420
37420	Love County, Oklahoma	37	0.7450	0.758	999937
37430	Mc Clain County, Oklahoma	5880	0.9034	0.9040	36420
37440	McCurtain County, Oklahoma	37	0.7450	0.758	999937
37450	McIntosh County, Oklahoma	37	0.7450	0.758	999937
37460	Major County, Oklahoma	37	0.7450	0.758	999937
37470	Marshall County, Oklahoma	37	0.7450	0.758	999937
37480	Mayes County, Oklahoma	37	0.7450	0.758	999937
37490	Murray County, Oklahoma	37	0.7450	0.758	999937
37500	Muskogee County, Oklahoma	37	0.7450	0.758	999937
37510	Noble County, Oklahoma	37	0.7450	0.758	999937
37520	Nowata County, Oklahoma	37	0.7450	0.758	999937
37530	Okfuskee County, Oklahoma	37	0.7450	0.758	999937
37540	Oklahoma County, Oklahoma	5880	0.9034	0.9040	36420
37550	Okmulgee County, Oklahoma	37	0.7450	0.8286	46140
37560	Osage County, Oklahoma	8560	0.8322	0.8286	46140
37570	Ottawa County, Oklahoma	37	0.7450	0.758	999937
37580	Pawnee County, Oklahoma	37	0.7450	0.8286	46140
37590	Payne County, Oklahoma	37	0.7450	0.758	999937
37600	Pittsburg County, Oklahoma	37	0.7450	0.758	999937
37610	Pontotoc County, Oklahoma	37	0.7450	0.758	999937
37620	Pottawatomie County, Oklahoma	5880	0.9034	0.758	999937
37630	Pushmataha County, Oklahoma	37	0.7450	0.758	999937
37640	Roger Mills County, Oklahoma	37	0.7450	0.758	999937
37650	Rogers County, Oklahoma	8560	0.8322	0.8286	46140
37660	Seminole County, Oklahoma	37	0.7450	0.758	999937
37670	Sequoyah County, Oklahoma	2720	0.8229	0.8214	22900
37680	Stephens County, Oklahoma	37	0.7450	0.758	999937
37690	Texas County, Oklahoma	37	0.7450	0.758	999937
37700	Tillman County, Oklahoma	37	0.7450	0.758	99937
37710	Tulsa County, Oklahoma	8560	0.8322	0.8286	46140
37720	Wagoner County, Oklahoma	8560	0.8322	0.8286	46140
37730	Washington County, Oklahoma	37	0.7450	0.758	99937
37740	Washita County, Oklahoma	37	0.7450	0.758	99937
37750	Woods County, Oklahoma	37	0.7450	0.758	99937
37760	Woodward County, Oklahoma	37	0.7450	0.758	99937

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
38000	Baker County, Oregon	38	1.0057	0.9830	99938
38010	Benton County, Oregon	1890	1.0739	1.0739	18700
38020	Clackamas County, Oregon	6440	1.1260	1.1260	38900
38030	Clatsop County, Oregon	38	1.0057	0.9830	99938
38040	Columbia County, Oregon	6440	1.1260	1.1260	38900
38050	Coos County, Oregon	38	1.0057	0.9830	99938
38060	Crook County, Oregon	38	1.0057	0.9830	99938
38070	Curry County, Oregon	38	1.0057	0.9830	99938
38080	Deschutes County, Oregon	38	1.0057	1.0796	13460
38090	Douglas County, Oregon	38	1.0057	0.9830	99938
38100	Gilliam County, Oregon	38	1.0057	0.9830	99938
38110	Grant County, Oregon	38	1.0057	0.9830	99938
38120	Harney County, Oregon	38	1.0057	0.9830	99938
38130	Hood River County, Oregon	38	1.0057	0.9830	99938
38140	Jackson County, Oregon	4890	1.0235	1.0235	32780
38150	Jefferson County, Oregon	38	1.0057	0.9830	99938
38160	Josephine County, Oregon	38	1.0057	0.9830	99938
38170	Klamath County, Oregon	38	1.0057	0.9830	99938
38180	Lake County, Oregon	38	1.0057	0.9830	99938
38190	Lane County, Oregon	2400	1.0829	1.0829	21660
38200	Lincoln County, Oregon	38	1.0057	0.9830	99938
38210	Linn County, Oregon	38	1.0057	0.9830	99938
38220	Malheur County, Oregon	38	1.0057	0.9830	99938
38230	Marion County, Oregon	7080	1.0452	1.0452	41420
38240	Morrow County, Oregon	38	1.0057	0.9830	99938
38250	Multnomah County, Oregon	6440	1.1260	1.1260	38900
38260	Polk County, Oregon	7080	1.0452	1.0452	41420
38270	Sherman County, Oregon	38	1.0057	0.9830	99938
38280	Tillamook County, Oregon	38	1.0057	0.9830	99938
38290	Umatilla County, Oregon	38	1.0057	0.9830	99938
38300	Union County, Oregon	38	1.0057	0.9830	99938
38310	Wallowa County, Oregon	38	1.0057	0.9830	99938
38320	Wasco County, Oregon	38	1.0057	0.9830	99938
38330	Washington County, Oregon	6440	1.1260	1.1260	38900
38340	Wheeler County, Oregon	38	1.0057	0.9830	99938
38350	Yamhill County, Oregon	6440	1.1260	1.1260	38900
39000	Adams County, Pennsylvania	39	0.8331	0.8302	99939
39010	Allegheny County, Pennsylvania	6280	0.8868	0.8853	38300
39070	Armstrong County, Pennsylvania	39	0.8331	0.8853	38300
39080	Beaver County, Pennsylvania	6280	0.8868	0.8853	38300
39100	Bedford County, Pennsylvania	39	0.8331	0.8302	99939
39110	Berks County, Pennsylvania	6680	0.9696	0.9696	39740
39120	Blair County, Pennsylvania	0280	0.8953	0.8953	11020
39130	Bradford County, Pennsylvania	39	0.8331	0.8302	99939
39140	Bucks County, Pennsylvania	6160	1.0926	1.1040	37964
39150	Butler County, Pennsylvania	6280	0.8868	0.8853	38300
39160	Cambria County, Pennsylvania	3680	0.8094	0.8362	27780
39180	Cameron County, Pennsylvania	39	0.8331	0.8302	99939
39190	Carbon County, Pennsylvania	0240	0.9855	0.9828	10900
39200	Centre County, Pennsylvania	8050	0.8364	0.8364	44300
39210	Chester County, Pennsylvania	6160	1.0926	1.1040	37964
39220	Clarion County, Pennsylvania	39	0.8331	0.8302	99939
39230	Clearfield County, Pennsylvania	39	0.8331	0.8302	99939
39240	Clinton County, Pennsylvania	39	0.8331	0.8302	99939
39250	Columbia County, Pennsylvania	7560	0.8533	0.8302	99939
39260	Crawford County, Pennsylvania	39	0.8331	0.8302	99939
39270	Cumberland County, Pennsylvania	3240	0.9242	0.9322	25420
39280	Dauphin County, Pennsylvania	3240	0.9242	0.9322	25420
39290	Delaware County, Pennsylvania	6160	1.0926	1.1040	37964
39310	Elk County, Pennsylvania	39	0.8331	0.8302	99939
39320	Erie County, Pennsylvania	2360	0.8746	0.8746	21500
39330	Fayette County, Pennsylvania	6280	0.8868	0.8853	38300
39340	Forest County, Pennsylvania	39	0.8331	0.8302	99939
39350	Franklin County, Pennsylvania	39	0.8331	0.8302	99939
39360	Fulton County, Pennsylvania	39	0.8331	0.8302	99939
39370	Greene County, Pennsylvania	39	0.8331	0.8302	99939
39380	Huntingdon County, Pennsylvania	39	0.8331	0.8302	99939
39390	Indiana County, Pennsylvania	39	0.8331	0.8302	99939
39400	Jefferson County, Pennsylvania	39	0.8331	0.302	99939
39410	Juniata County, Pennsylvania	39	0.8331	0.8302	99939
39420	Lackawanna County, Pennsylvania	7560	0.8533	0.8548	42540

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
39440	Lancaster County, Pennsylvania	4000	0.9704	0.9704	29540
39450	Lawrence County, Pennsylvania	39	0.8331	0.8302	99939
39460	Lebanon County, Pennsylvania	3240	0.9242	0.8468	30140
39470	Lehigh County, Pennsylvania	0240	0.9855	0.9828	10900
39480	Luzerne County, Pennsylvania	7560	0.8533	0.8548	42540
39510	Lycoming County, Pennsylvania	9140	0.8377	0.8377	48700
39520	Mc Kean County, Pennsylvania	39	0.8331	0.8302	99939
39530	Mercer County, Pennsylvania	7610	0.7801	0.8611	49660
39540	Mifflin County, Pennsylvania	39	0.8331	0.8302	99939
39550	Monroe County, Pennsylvania	39	0.8331	0.8302	99939
39560	Montgomery County, Pennsylvania	6160	1.0926	1.1040	37964
39580	Montour County, Pennsylvania	39	0.8331	0.8302	99939
39590	Northampton County, Pennsylvania	0240	0.9855	0.9828	10900
39600	Northumberland County, Pennsylvania	39	0.8331	0.8302	99939
39610	Perry County, Pennsylvania	3240	0.9242	0.9322	25420
39620	Philadelphia County, Pennsylvania	6160	1.0926	1.1040	37964
39630	Pike County, Pennsylvania	5660	1.1218	1.2195	35084
39640	Potter County, Pennsylvania	39	0.8331	0.8302	99939
39650	Schuylkill County, Pennsylvania	39	0.8331	0.8302	99939
39670	Snyder County, Pennsylvania	39	0.8331	0.8302	99939
39680	Somerset County, Pennsylvania	3680	0.8094	0.8302	99939
39690	Sullivan County, Pennsylvania	39	0.8331	0.8302	99939
39700	Susquehanna County, Pennsylvania	39	0.8331	0.8302	99939
39710	Tioga County, Pennsylvania	39	0.8331	0.8302	99939
39720	Union County, Pennsylvania	39	0.8331	0.8302	99939
39730	Venango County, Pennsylvania	39	0.8331	0.8302	99939
39740	Warren County, Pennsylvania	39	0.8331	0.8302	99939
39750	Washington County, Pennsylvania	6280	0.8868	0.8853	38300
39760	Wayne County, Pennsylvania	39	0.8331	0.8302	99939
39770	Westmoreland County, Pennsylvania	6280	0.8868	0.8853	38300
39790	Wyoming County, Pennsylvania	7560	0.8533	0.8548	42540
39800	York County, Pennsylvania	9280	0.9420	0.9420	49620
40010	Adjuntas County, Puerto Rico	40	0.3608	0.4047	99940
40020	Aguada County, Puerto Rico	0060	0.4881	0.4743	10380
40030	Aguadilla County, Puerto Rico	0060	0.4881	0.4743	10380
40040	Aguas Buenas County, Puerto Rico	7440	0.4855	0.4686	41980
40050	Aibonito County, Puerto Rico	40	0.3608	0.4686	41980
40060	Anasco County, Puerto Rico	4840	0.4246	0.4743	10380
40070	Arecibo County, Puerto Rico	0470	0.4116	0.4686	41980
40080	Arroyo County, Puerto Rico	40	0.3608	0.3184	25020
40090	Barceloneta County, Puerto Rico	7440	0.4855	0.4686	41980
40100	Barranquitas County, Puerto Rico	40	0.3608	0.4686	41980
40110	Bayamon County, Puerto Rico	7440	0.4855	0.4686	41980
40120	Cabo Rojo County, Puerto Rico	4840	0.4246	0.4655	41900
40130	Caguas County, Puerto Rico	1310	0.4020	0.4686	41980
40140	Camuy County, Puerto Rico	0470	0.4116	0.4686	41980
40145	Canovanas County, Puerto Rico	7440	0.4855	0.4686	41980
40150	Carolina County, Puerto Rico	7440	0.4855	0.4686	41980
40160	Catano County, Puerto Rico	7440	0.4855	0.4686	41980
40170	Cayey County, Puerto Rico	1310	0.4020	0.4686	41980
40180	Ceiba County, Puerto Rico	7440	0.4855	0.4157	21940
40190	Ciales County, Puerto Rico	40	0.3608	0.4686	41980
40200	Cidra County, Puerto Rico	1310	0.4020	0.4686	41980
40210	Coamo County, Puerto Rico	40	0.3608	0.4047	99940
40220	Comerio County, Puerto Rico	7440	0.4855	0.4686	41980
40230	Corozal County, Puerto Rico	7440	0.4855	0.4686	41980
40240	Culebra County, Puerto Rico	40	0.3608	0.4047	99940
40250	Dorado County, Puerto Rico	7440	0.4855	0.4686	41980
40260	Fajardo County, Puerto Rico	7440	0.4855	0.4157	21940
40265	Florida County, Puerto Rico	7440	0.4855	0.4686	41980
40270	Guanica County, Puerto Rico	40	0.3608	0.4413	49500
40280	Guayama County, Puerto Rico	40	0.3608	0.3184	25020
40290	Guayanilla County, Puerto Rico	6360	0.5091	0.4413	49500
40300	Guaynabo County, Puerto Rico	7440	0.4855	0.4686	41980
40310	Gurabo County, Puerto Rico	1310	0.4020	0.4686	41980
40320	Hatillo County, Puerto Rico	0470	0.4116	0.4686	41980
40330	Hormigueros County, Puerto Rico	4840	0.4246	0.4017	32420
40340	Humacao County, Puerto Rico	7440	0.4855	0.4686	41980
40350	Isabela County, Puerto Rico	40	0.3608	0.4743	10380
40360	Jayuya County, Puerto Rico	40	0.3608	0.4047	99940
40370	Juana Diaz County, Puerto Rico	6360	0.5091	0.5177	38660

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
40380	Juncos County, Puerto Rico	7440	0.4855	0.4686	41980
40390	Lajas County, Puerto Rico	40	0.3608	0.4655	41900
40400	Lares County, Puerto Rico	40	0.3608	0.4743	10380
40410	Las Marias County, Puerto Rico	40	0.3608	0.4047	99940
40420	Las Piedras County, Puerto Rico	7440	0.4855	0.4686	41980
40430	Loiza County, Puerto Rico	7440	0.4855	0.4686	41980
40440	Luquillo County, Puerto Rico	7440	0.4855	0.4157	21940
40450	Manati County, Puerto Rico	7440	0.4855	0.4686	41980
40460	Maricao County, Puerto Rico	40	0.3608	0.4047	99940
40470	Maunabo County, Puerto Rico	40	0.3608	0.4686	41980
40480	Mayaguez County, Puerto Rico	4840	0.4246	0.4017	32420
40490	Moca County, Puerto Rico	0060	0.4881	0.4743	10380
40500	Morovis County, Puerto Rico	7440	0.4855	0.4686	41980
40510	Naguabo County, Puerto Rico	7440	0.4855	0.4686	41980
40520	Naranjito County, Puerto Rico	7440	0.4855	0.4686	41980
40530	Orocovis County, Puerto Rico	40	0.3608	0.4686	41980
40540	Patillas County, Puerto Rico	40	0.3608	0.3184	25020
40550	Penuelas County, Puerto Rico	6360	0.5091	0.4413	49500
40560	Ponce County, Puerto Rico	6360	0.5091	0.5177	38660
40570	Quebradillas County, Puerto Rico	40	0.3608	0.4686	41980
40580	Rincon County, Puerto Rico	40	0.3608	0.4743	10380
40590	Rio Grande County, Puerto Rico	7440	0.4855	0.4686	41980
40610	Sabana Grande County, Puerto Rico	4840	0.4246	0.4655	41900
40620	Salinas County, Puerto Rico	40	0.3608	0.4047	99940
40630	San German County, Puerto Rico	4840	0.4246	0.4655	41900
40640	San Juan County, Puerto Rico	7440	0.4855	0.4686	41980
40650	San Lorenzo County, Puerto Rico	1310	0.4020	0.4686	41980
40660	San Sebastian County, Puerto Rico	40	0.3608	0.4743	10380
40670	Santa Isabel County, Puerto Rico	40	0.3608	0.4047	99940
40680	Toa Alta County, Puerto Rico	7440	0.4855	0.4686	41980
40690	Toa Baja County, Puerto Rico	7440	0.4855	0.4686	41980
40700	Trujillo Alto County, Puerto Rico	7440	0.4855	0.4686	41980
40710	Utuado County, Puerto Rico	40	0.3608	0.4047	99940
40720	Vega Alta County, Puerto Rico	7440	0.4855	0.4686	41980
40730	Vega Baja County, Puerto Rico	7440	0.4855	0.4686	41980
40740	Vieques County, Puerto Rico	40	0.3608	0.4047	99940
40750	Villalba County, Puerto Rico	6360	0.5091	0.5177	38660
40760	Yabucoa County, Puerto Rico	7440	0.4855	0.4686	41980
40770	Yauco County, Puerto Rico	6360	0.5091	0.4413	49500
41000	Bristol County, Rhode Island	6483	1.1060	1.0966	39300
41010	Kent County, Rhode Island	6483	1.1060	1.0966	39300
41020	Newport County, Rhode Island	6483	1.1060	1.0966	39300
41030	Providence County, Rhode Island	6483	1.1060	1.0966	39300
41050	Washington County, Rhode Island	6483	1.1060	1.0966	39300
42000	Abbeville County, S Carolina	42	0.8634	0.8641	99942
42010	Aiken County, S Carolina	0600	0.9619	0.9565	12260
42020	Allendale County, S Carolina	42	0.8634	0.8641	99942
42030	Anderson County, S Carolina	3160	0.9677	0.8897	11340
42040	Bamberg County, S Carolina	42	0.8634	0.8641	99942
42050	Barnwell County, S Carolina	42	0.8634	0.8641	99942
42060	Beaufort County, S Carolina	42	0.8634	0.8641	99942
42070	Berkeley County, S Carolina	1440	0.9438	0.9438	16700
42080	Calhoun County, S Carolina	42	0.8634	0.9047	17900
42090	Charleston County, S Carolina	1440	0.9438	0.9438	16700
42100	Cherokee County, S Carolina	3160	0.9677	0.8641	99942
42110	Chester County, S Carolina	42	0.8634	0.8641	99942
42120	Chesterfield County, S Carolina	42	0.8634	0.8641	99942
42130	Clarendon County, S Carolina	42	0.8634	0.8641	99942
42140	Colleton County, S Carolina	42	0.8634	0.8641	99942
42150	Darlington County, S Carolina	42	0.8634	0.8964	22500
42160	Dillon County, S Carolina	42	0.8634	0.8641	99942
42170	Dorchester County, S Carolina	1440	0.9438	0.9438	16700
42180	Edgefield County, S Carolina	0600	0.9619	0.9565	12260
42190	Fairfield County, S Carolina	42	0.8634	0.9047	17900
42200	Florence County, S Carolina	2655	0.9060	0.8964	22500
42210	Georgetown County, S Carolina	42	0.8634	0.8641	99942
42220	Greenville County, S Carolina	3160	0.9677	1.0165	24860
42230	Greenwood County, S Carolina	42	0.8634	0.8641	99942
42240	Hampton County, S Carolina	42	0.8634	0.8641	99942
42250	Horry County, S Carolina	5330	0.8873	0.8873	34820
42260	Jasper County, S Carolina	42	0.8634	0.8641	99942

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
42270	Kershaw County, S Carolina	42	0.8634	0.9047	17900
42280	Lancaster County, S Carolina	42	0.8634	0.8641	99942
42290	Laurens County, S Carolina	42	0.8634	1.0165	24860
42300	Lee County, S Carolina	42	0.8634	0.8641	99942
42310	Lexington County, S Carolina	1760	0.9071	0.9047	17900
42320	Mc Cormick County, S Carolina	42	0.8634	0.8641	99942
42330	Marion County, S Carolina	42	0.8634	0.8641	99942
42340	Marlboro County, S Carolina	42	0.8634	0.8641	99942
42350	Newberry County, S Carolina	42	0.8634	0.8641	99942
42360	Oconee County, S Carolina	42	0.8634	0.8641	99942
42370	Orangeburg County, S Carolina	42	0.8634	0.8641	99942
42380	Pickens County, S Carolina	3160	0.9677	1.0165	24860
42390	Richland County, S Carolina	1760	0.9071	0.9047	17900
42400	Saluda County, S Carolina	42	0.8634	0.9047	17900
42410	Spartanburg County, S Carolina	3160	0.9677	0.9181	43900
42420	Sumter County, S Carolina	8140	0.8386	0.8386	44940
42430	Union County, S Carolina	42	0.8634	0.8641	99942
42440	Williamsburg County, S Carolina	42	0.8634	0.8641	99942
42450	York County, S Carolina	1520	0.9725	0.9760	16740
43010	Aurora County, S Dakota	43	0.8476	0.8484	99943
43020	Beadle County, S Dakota	43	0.8476	0.8484	99943
43030	Bennett County, S Dakota	43	0.8476	0.8484	99943
43040	Bon Homme County, S Dakota	43	0.8476	0.8484	99943
43050	Brookings County, S Dakota	43	0.8476	0.8484	99943
43060	Brown County, S Dakota	43	0.8476	0.8484	99943
43070	Brule County, S Dakota	43	0.8476	0.8484	99943
43080	Buffalo County, S Dakota	43	0.8476	0.8484	99943
43090	Butte County, S Dakota	43	0.8476	0.8484	99943
43100	Campbell County, S Dakota	43	0.8476	0.8484	99943
43110	Charles Mix County, S Dakota	43	0.8476	0.8484	99943
43120	Clark County, S Dakota	43	0.8476	0.8484	99943
43130	Clay County, S Dakota	43	0.8476	0.8484	99943
43140	Codington County, S Dakota	43	0.8476	0.8484	99943
43150	Corson County, S Dakota	43	0.8476	0.8484	99943
43160	Custer County, S Dakota	43	0.8476	0.8484	99943
43170	Davison County, S Dakota	43	0.8476	0.8484	99943
43180	Day County, S Dakota	43	0.8476	0.8484	99943
43190	Deuel County, S Dakota	43	0.8476	0.8484	99943
43200	Dewey County, S Dakota	43	0.8476	0.8484	99943
43210	Douglas County, S Dakota	43	0.8476	0.8484	99943
43220	Edmunds County, S Dakota	43	0.8476	0.8484	99943
43230	Fall River County, S Dakota	43	0.8476	0.8484	99943
43240	Faulk County, S Dakota	43	0.8476	0.8484	99943
43250	Grant County, S Dakota	43	0.8476	0.8484	99943
43260	Gregory County, S Dakota	43	0.8476	0.8484	99943
43270	Haakon County, S Dakota	43	0.8476	0.8484	99943
43280	Hamlin County, S Dakota	43	0.8476	0.8484	99943
43290	Hand County, S Dakota	43	0.8476	0.8484	99943
43300	Hanson County, S Dakota	43	0.8476	0.8484	99943
43310	Harding County, S Dakota	43	0.8476	0.8484	99943
43320	Hughes County, S Dakota	43	0.8476	0.8484	99943
43330	Hutchinson County, S Dakota	43	0.8476	0.8484	99943
43340	Hyde County, S Dakota	43	0.8476	0.8484	99943
43350	Jackson County, S Dakota	43	0.8476	0.8484	99943
43360	Jerauld County, S Dakota	43	0.8476	0.8484	99943
43370	Jones County, S Dakota	43	0.8476	0.8484	99943
43380	Kingsbury County, S Dakota	43	0.8476	0.8484	99943
43390	Lake County, S Dakota	43	0.8476	0.8484	99943
43400	Lawrence County, S Dakota	43	0.8476	0.8484	99943
43410	Lincoln County, S Dakota	7760	0.9645	0.9645	43620
43420	Lyman County, S Dakota	43	0.8476	0.8484	99943
43430	Mc Cook County, S Dakota	43	0.8476	0.9645	43620
43440	McPherson County, S Dakota	43	0.8476	0.8484	99943
43450	Marshall County, S Dakota	43	0.8476	0.8484	99943
43460	Meade County, S Dakota	43	0.8476	0.9021	39660
43470	Mellette County, S Dakota	43	0.8476	0.8484	99943
43480	Miner County, S Dakota	43	0.8476	0.8484	99943
43490	Minnehaha County, S Dakota	7760	0.9645	0.9645	43620
43500	Moody County, S Dakota	43	0.8476	0.8484	99943
43510	Pennington County, S Dakota	6660	0.9021	0.9021	39660
43520	Perkins County, S Dakota	43	0.8476	0.8484	99943

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
43530	Potter County, S Dakota	43	0.8476	0.8484	99943
43540	Roberts County, S Dakota	43	0.8476	0.8484	99943
43550	Sanborn County, S Dakota	43	0.8476	0.8484	99943
43560	Shannon County, S Dakota	43	0.8476	0.8484	99943
43570	Spink County, S Dakota	43	0.8476	0.8484	99943
43580	Stanley County, S Dakota	43	0.8476	0.8484	99943
43590	Sully County, S Dakota	43	0.8476	0.8484	99943
43600	Todd County, S Dakota	43	0.8476	0.8484	99943
43610	Tripp County, S Dakota	43	0.8476	0.8484	99943
43620	Turner County, S Dakota	43	0.8476	0.9645	43620
43630	Union County, S Dakota	43	0.8476	0.9376	43580
43640	Walworth County, S Dakota	43	0.8476	0.8484	99943
43650	Washabaugh County, S Dakota	43	0.8476	0.8484	99943
43670	Yankton County, S Dakota	43	0.8476	0.8484	99943
43680	Ziebach County, S Dakota	43	0.8476	0.8484	99943
44000	Anderson County, Tennessee	3840	0.8411	0.8454	28940
44010	Bedford County, Tennessee	44	0.7988	0.7888	99944
44020	Benton County, Tennessee	44	0.7988	0.7888	99944
44030	Bledsoe County, Tennessee	44	0.7988	0.7888	99944
44040	Blount County, Tennessee	3840	0.8411	0.8454	28940
44050	Bradley County, Tennessee	44	0.7988	0.8141	17420
44060	Campbell County, Tennessee	44	0.7988	0.7888	99944
44070	Cannon County, Tennessee	44	0.7988	0.9769	34980
44080	Carroll County, Tennessee	44	0.7988	0.7888	99944
44090	Carter County, Tennessee	3660	0.8015	0.7945	27740
44100	Cheatham County, Tennessee	5360	0.9787	0.9769	34980
44110	Chester County, Tennessee	3580	0.8973	0.8973	27180
44120	Claiborne County, Tennessee	44	0.7988	0.7888	99944
44130	Clay County, Tennessee	44	0.7988	0.7888	99944
44140	Cocke County, Tennessee	44	0.7988	0.7888	99944
44150	Coffee County, Tennessee	44	0.7988	0.7888	99944
44160	Crockett County, Tennessee	44	0.7988	0.7888	99944
44170	Cumberland County, Tennessee	44	0.7988	0.7888	99944
44180	Davidson County, Tennessee	5360	0.9787	0.9769	34980
44190	Decatur County, Tennessee	44	0.7988	0.7888	99944
44200	De Kalb County, Tennessee	44	0.7988	0.7888	99944
44210	Dickson County, Tennessee	5360	0.9787	0.9769	34980
44220	Dyer County, Tennessee	44	0.7988	0.7888	99944
44230	Fayette County, Tennessee	4920	0.9360	0.9341	32820
44240	Fentress County, Tennessee	44	0.7988	0.7888	99944
44250	Franklin County, Tennessee	44	0.7988	0.7888	99944
44260	Gibson County, Tennessee	44	0.7988	0.7888	99944
44270	Giles County, Tennessee	44	0.7988	0.7888	99944
44280	Grainger County, Tennessee	44	0.7988	0.8753	34100
44290	Greene County, Tennessee	44	0.7988	0.7888	99944
44300	Grundy County, Tennessee	44	0.7988	0.7888	99944
44310	Hamblen County, Tennessee	44	0.7988	0.8753	34100
44320	Hamilton County, Tennessee	1560	0.9098	0.9098	16860
44330	Hancock County, Tennessee	44	0.7988	0.7888	99944
44340	Hardeman County, Tennessee	44	0.7988	0.7888	99944
44350	Hardin County, Tennessee	44	0.7988	0.7888	99944
44360	Hawkins County, Tennessee	3660	0.8015	0.8062	28700
44370	Haywood County, Tennessee	44	0.7988	0.7888	99944
44380	Henderson County, Tennessee	44	0.7988	0.7888	99944
44390	Henry County, Tennessee	44	0.7988	0.7888	99944
44400	Hickman County, Tennessee	44	0.7988	0.9769	34980
44410	Houston County, Tennessee	44	0.7988	0.7888	99944
44420	Humphreys County, Tennessee	44	0.7988	0.7888	99944
44430	Jackson County, Tennessee	44	0.7988	0.7888	99944
44440	Jefferson County, Tennessee	44	0.7988	0.8753	34100
44450	Johnson County, Tennessee	44	0.7988	0.7888	99944
44460	Knox County, Tennessee	3840	0.8411	0.8454	28940
44470	Lake County, Tennessee	44	0.7988	0.7888	99944
44480	Lauderdale County, Tennessee	44	0.7988	0.7888	99944
44490	Lawrence County, Tennessee	44	0.7988	0.7888	99944
44500	Lewis County, Tennessee	44	0.7988	0.7888	99944
44510	Lincoln County, Tennessee	44	0.7988	0.7888	99944
44520	Loudon County, Tennessee	3840	0.8411	0.8454	28940
44530	McMinn County, Tennessee	44	0.7988	0.7888	99944
44540	McNairy County, Tennessee	44	0.7988	0.7888	99944
44550	Macon County, Tennessee	44	0.7988	0.9769	34980

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
44560	Madison County, Tennessee	3580	0.8973	0.8973	27180
44570	Marion County, Tennessee	1560	0.9098	0.9098	16860
44580	Marshall County, Tennessee	44	0.7988	0.7888	99944
44590	Maury County, Tennessee	44	0.7988	0.7888	99944
44600	Meigs County, Tennessee	44	0.7988	0.7888	99944
44610	Monroe County, Tennessee	44	0.7988	0.7888	99944
44620	Montgomery County, Tennessee	1660	0.8292	0.8292	17300
44630	Moore County, Tennessee	44	0.7988	0.7888	99944
44640	Morgan County, Tennessee	44	0.7988	0.7888	99944
44650	Obion County, Tennessee	44	0.7988	0.7888	99944
44660	Overton County, Tennessee	44	0.7988	0.7888	99944
44670	Perry County, Tennessee	44	0.7988	0.7888	99944
44680	Pickett County, Tennessee	44	0.7988	0.7888	99944
44690	Polk County, Tennessee	44	0.7988	0.8141	17420
44700	Putnam County, Tennessee	44	0.7988	0.7888	99944
44710	Rhea County, Tennessee	44	0.7988	0.7888	99944
44720	Roane County, Tennessee	44	0.7988	0.7888	99944
44730	Robertson County, Tennessee	5360	0.9787	0.9769	34980
44740	Rutherford County, Tennessee	5360	0.9787	0.9769	34980
44750	Scott County, Tennessee	44	0.7988	0.7888	99944
44760	Sequatchie County, Tennessee	44	0.7988	0.9098	16860
44770	Sevier County, Tennessee	3840	0.8411	0.7888	99944
44780	Shelby County, Tennessee	4920	0.9360	0.9341	32820
44790	Smith County, Tennessee	44	0.7988	0.9769	34980
44800	Stewart County, Tennessee	44	0.7988	0.8292	17300
44810	Sullivan County, Tennessee	3660	0.8015	0.8062	28700
44820	Sumner County, Tennessee	5360	0.9787	0.9769	34980
44830	Tipton County, Tennessee	4920	0.9360	0.9341	32820
44840	Trousdale County, Tennessee	44	0.7988	0.9769	34980
44850	Unicoi County, Tennessee	3660	0.8015	0.7945	27740
44860	Union County, Tennessee	3840	0.8411	0.8454	28940
44870	Van Buren County, Tennessee	44	0.7988	0.7888	99944
44880	Warren County, Tennessee	44	0.7988	0.7888	99944
44890	Washington County, Tennessee	3660	0.8015	0.7945	27740
44900	Wayne County, Tennessee	44	0.7988	0.7888	99944
44910	Weakley County, Tennessee	44	0.7988	0.7888	99944
44920	White County, Tennessee	44	0.7988	0.7888	99944
44930	Williamson County, Tennessee	5360	0.9787	0.9769	34980
44940	Wilson County, Tennessee	5360	0.9787	0.9769	34980
45000	Anderson County, Texas	45	0.7936	0.8007	99945
45010	Andrews County, Texas	45	0.7936	0.8007	99945
45020	Angelina County, Texas	45	0.7936	0.8007	99945
45030	Aransas County, Texas	45	0.7936	0.8559	18580
45040	Archer County, Texas	9080	0.8373	0.8294	48660
45050	Armstrong County, Texas	45	0.7936	0.9166	11100
45060	Atascosa County, Texas	45	0.7936	0.8989	41700
45070	Austin County, Texas	45	0.7936	1.0005	26420
45080	Bailey County, Texas	45	0.7936	0.8007	99945
45090	Bandera County, Texas	45	0.7936	0.8989	41700
45100	Bastrop County, Texas	0640	0.9450	0.9450	12420
45110	Baylor County, Texas	45	0.7936	0.8007	99945
45113	Bee County, Texas	45	0.7936	0.8007	99945
45120	Bell County, Texas	3810	0.8535	0.8535	28660
45130	Bexar County, Texas	7240	0.8993	0.8989	41700
45140	Blanco County, Texas	45	0.7936	0.8007	99945
45150	Borden County, Texas	45	0.7936	0.8007	99945
45160	Bosque County, Texas	45	0.7936	0.8007	99945
45170	Bowie County, Texas	8360	0.8291	0.8291	45500
45180	Brazoria County, Texas	1145	0.8572	1.0005	26420
45190	Brazos County, Texas	1260	0.8909	0.8909	17780
45200	Brewster County, Texas	45	0.7936	0.8007	99945
45201	Briscoe County, Texas	45	0.7936	0.8007	99945
45210	Brooks County, Texas	45	0.7936	0.8007	99945
45220	Brown County, Texas	45	0.7936	0.8007	99945
45221	Burleson County, Texas	45	0.7936	0.8909	17780
45222	Burnet County, Texas	45	0.7936	0.8007	99945
45223	Caldwell County, Texas	0640	0.9450	0.9450	12420
45224	Calhoun County, Texas	45	0.7936	0.8168	47020
45230	Callahan County, Texas	45	0.7936	0.7904	10180
45240	Cameron County, Texas	1240	0.9822	0.9822	15180
45250	Camp County, Texas	45	0.7936	0.8007	99945

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
45251	Carson County, Texas	45	0.7936	0.9166	11100
45260	Cass County, Texas	45	0.7936	0.8007	99945
45270	Castro County, Texas	45	0.7936	0.8007	99945
45280	Chambers County, Texas	3360	1.0101	1.0005	26420
45281	Cherokee County, Texas	45	0.7936	0.8007	99945
45290	Childress County, Texas	45	0.7936	0.8007	99945
45291	Clay County, Texas	45	0.7936	0.8294	48660
45292	Cochran County, Texas	45	0.7936	0.8007	99945
45300	Coke County, Texas	45	0.7936	0.8007	99945
45301	Coleman County, Texas	45	0.7936	0.8007	99945
45310	Collin County, Texas	1920	1.0211	1.0233	19124
45311	Collingsworth County, Texas	45	0.7936	0.8007	99945
45312	Colorado County, Texas	45	0.7936	0.8007	99945
45320	Comal County, Texas	7240	0.8993	0.8989	41700
45321	Comanche County, Texas	45	0.7936	0.8007	99945
45330	Concho County, Texas	45	0.7936	0.8007	99945
45340	Cooke County, Texas	45	0.7936	0.8007	99945
45341	Coryell County, Texas	3810	0.8535	0.8535	28660
45350	Cottle County, Texas	45	0.7936	0.8007	99945
45360	Crane County, Texas	45	0.7936	0.8007	99945
45361	Crockett County, Texas	45	0.7936	0.8007	99945
45362	Crosby County, Texas	45	0.7936	0.8792	31180
45370	Culberson County, Texas	45	0.7936	0.8007	99945
45380	Dallam County, Texas	45	0.7936	0.8007	99945
45390	Dallas County, Texas	1920	1.0211	1.0233	19124
45391	Dawson County, Texas	45	0.7936	0.8007	99945
45392	Deaf Smith County, Texas	45	0.7936	0.8007	99945
45400	Delta County, Texas	45	0.7936	1.0233	19124
45410	Denton County, Texas	1920	1.0211	1.0233	19124
45420	De Witt County, Texas	45	0.7936	0.8007	99945
45421	Dickens County, Texas	45	0.7936	0.8007	99945
45430	Dimmit County, Texas	45	0.7936	0.8007	99945
45431	Donley County, Texas	45	0.7936	0.8007	99945
45440	uval County, Texas	45	0.7936	0.8007	99945
45450	Eastland County, Texas	45	0.7936	0.8007	99945
45451	Ector County, Texas	5800	0.9751	0.9894	36220
45460	Edwards County, Texas	45	0.7936	0.8007	99945
45470	Ellis County, Texas	1920	1.0211	1.0233	19124
45480	El Paso County, Texas	2320	0.8924	0.8924	21340
45490	Erath County, Texas	45	0.7936	0.8007	99945
45500	Falls County, Texas	45	0.7936	0.8007	99945
45510	Fannin County, Texas	45	0.7936	0.8007	99945
45511	Fayette County, Texas	45	0.7936	0.8007	99945
45520	Fisher County, Texas	45	0.7936	0.8007	99945
45521	Floyd County, Texas	45	0.7936	0.8007	99945
45522	Foard County, Texas	45	0.7936	0.8007	99945
45530	Fort Bend County, Texas	3360	1.0101	1.0005	26420
45531	Franklin County, Texas	45	0.7936	0.8007	99945
45540	Freestone County, Texas	45	0.7936	0.8007	99945
45541	Frio County, Texas	45	0.7936	0.8007	99945
45542	Gaines County, Texas	45	0.7936	0.8007	99945
45550	Galveston County, Texas	2920	0.9645	1.0005	26420
45551	Garza County, Texas	45	0.7936	0.8007	99945
45552	Gillespie County, Texas	45	0.7936	0.8007	99945
45560	Glasscock County, Texas	45	0.7936	0.8007	99945
45561	Goliad County, Texas	45	0.7936	0.8168	47020
45562	Gonzales County, Texas	45	0.7936	0.8007	99945
45563	Gray County, Texas	45	0.7936	0.8007	99945
45564	Grayson County, Texas	7640	0.9516	0.9516	43300
45570	Gregg County, Texas	4420	0.8897	0.8739	30980
45580	Grimes County, Texas	45	0.7936	0.8007	99945
45581	Guadaloupe County, Texas	7240	0.8993	0.8989	41700
45582	Hale County, Texas	45	0.7936	0.8007	99945
45583	Hall County, Texas	45	0.7936	0.8007	99945
45590	Hamilton County, Texas	45	0.7936	0.8007	99945
45591	Hansford County, Texas	45	0.7936	0.8007	99945
45592	Hardeman County, Texas	45	0.7936	0.8007	99945
45600	Hardin County, Texas	0840	0.8421	0.8421	13140
45610	Harris County, Texas	3360	1.0101	1.0005	26420
45620	Harrison County, Texas	4420	0.8897	0.8007	99945
45621	Hartley County, Texas	45	0.7936	0.8007	99945

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
45630	Haskell County, Texas	45	0.7936	0.8007	99945
45631	Hays County, Texas	0640	0.9450	0.9450	12420
45632	Hemphill County, Texas	45	0.7936	0.8007	99945
45640	Henderson County, Texas	1920	1.0211	0.8007	99945
45650	Hidalgo County, Texas	4880	0.8943	0.8943	32580
45651	Hill County, Texas	45	0.7936	0.8007	99945
45652	Hockley County, Texas	45	0.7936	0.8007	99945
45653	Hood County, Texas	2800	0.9545	0.8007	99945
45654	Hopkins County, Texas	45	0.7936	0.8007	99945
45660	Houston County, Texas	45	0.7936	0.8007	99945
45661	Howard County, Texas	45	0.7936	0.8007	99945
45662	Hudspeth County, Texas	45	0.7936	0.8007	99945
45670	Hunt County, Texas	1920	1.0211	1.0233	19124
45671	Hutchinson County, Texas	45	0.7936	0.8007	99945
45672	Irion County, Texas	45	0.7936	0.8280	41660
45680	Jack County, Texas	45	0.7936	0.8007	99945
45681	Jackson County, Texas	45	0.7936	0.8007	99945
45690	Jasper County, Texas	45	0.7936	0.8007	99945
45691	Jeff Davis County, Texas	45	0.7936	0.8007	99945
45700	Jefferson County, Texas	0840	0.8421	0.8421	13140
45710	Jim Hogg County, Texas	45	0.7936	0.8007	99945
45711	Jim Wells County, Texas	45	0.7936	0.8007	99945
45720	Johnson County, Texas	2800	0.9545	0.9510	23104
45721	Jones County, Texas	45	0.7936	0.7904	10180
45722	Karnes County, Texas	45	0.7936	0.8007	99945
45730	Kaufman County, Texas	1920	1.0211	1.0233	19124
45731	Kendall County, Texas	45	0.7936	0.8989	41700
45732	Kenedy County, Texas	45	0.7936	0.8007	99945
45733	Kent County, Texas	45	0.7936	0.8007	99945
45734	Kerr County, Texas	45	0.7936	0.8007	99945
45740	Kimble County, Texas	45	0.7936	0.8007	99945
45741	King County, Texas	45	0.7936	0.8007	99945
45742	Kinney County, Texas	45	0.7936	0.8007	99945
45743	Kleberg County, Texas	45	0.7936	0.8007	99945
45744	Knox County, Texas	45	0.7936	0.8007	99945
45750	Lamar County, Texas	45	0.7936	0.8007	99945
45751	Lamb County, Texas	45	0.7936	0.8007	99945
45752	Lampasas County, Texas	45	0.7936	0.8535	28660
45753	La Salle County, Texas	45	0.7936	0.8007	99945
45754	Lavaca County, Texas	45	0.7936	0.8007	99945
45755	Lee County, Texas	45	0.7936	0.8007	99945
45756	Leon County, Texas	45	0.7936	0.8007	99945
45757	Liberty County, Texas	3360	1.0101	1.0005	26420
45758	Limestone County, Texas	45	0.7936	0.8007	99945
45759	Lipscomb County, Texas	45	0.7936	0.8007	99945
45760	Live Oak County, Texas	45	0.7936	0.8007	99945
45761	Llano County, Texas	45	0.7936	0.8007	99945
45762	Loving County, Texas	45	0.7936	0.8007	99945
45770	Lubbock County, Texas	4600	0.8792	0.8792	31180
45771	Lynn County, Texas	45	0.7936	0.8007	99945
45772	Mc Culloch County, Texas	45	0.7936	0.8007	99945
45780	Mc Lennan County, Texas	8800	0.8527	0.8527	47380
45781	Mc Mullen County, Texas	45	0.7936	0.8007	99945
45782	Madison County, Texas	45	0.7936	0.8007	99945
45783	Marion County, Texas	45	0.7936	0.8007	99945
45784	Martin County, Texas	45	0.7936	0.8007	99945
45785	Mason County, Texas	45	0.7936	0.8007	99945
45790	Matagorda County, Texas	45	0.7936	0.8007	99945
45791	Maverick County, Texas	45	0.7936	0.8007	99945
45792	Medina County, Texas	45	0.7936	0.8989	41700
45793	Menard County, Texas	45	0.7936	0.8007	99945
45794	Midland County, Texas	5800	0.9751	0.9523	33260
45795	Milam County, Texas	45	0.7936	0.8007	99945
45796	Mills County, Texas	45	0.7936	0.8007	99945
45797	Mitchell County, Texas	45	0.7936	0.8007	99945
45800	Montague County, Texas	45	0.7936	0.8007	99945
45801	Montgomery County, Texas	3360	1.0101	1.0005	26420
45802	Moore County, Texas	45	0.7936	0.8007	99945
45803	Morris County, Texas	45	0.7936	0.8007	99945
45804	Motley County, Texas	45	0.7936	0.8007	99945
45810	Nacogdoches County, Texas	45	0.7936	0.8007	99945

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
45820	Navarro County, Texas	45	0.7936	0.8007	99945
45821	Newton County, Texas	45	0.7936	0.8007	99945
45822	Nolan County, Texas	45	0.7936	0.8007	99945
45830	Nueces County, Texas	1880	0.8559	0.8559	18580
45831	Ochiltree County, Texas	45	0.7936	0.8007	99945
45832	Oldham County, Texas	45	0.7936	0.8007	99945
45840	Orange County, Texas	0840	0.8421	0.8421	13140
45841	Palo Pinto County, Texas	45	0.7936	0.8007	99945
45842	Panola County, Texas	45	0.7936	0.8007	99945
45843	Parker County, Texas	2800	0.9545	0.9510	23104
45844	Parmer County, Texas	45	0.7936	0.8007	99945
45845	Pecos County, Texas	45	0.7936	0.8007	99945
45850	Polk County, Texas	45	0.7936	0.8007	99945
45860	Potter County, Texas	0320	0.9166	0.9166	11100
45861	Presidio County, Texas	45	0.7936	0.8007	99945
45870	Rains County, Texas	45	0.7936	0.8007	99945
45871	Randall County, Texas	0320	0.9166	0.9166	11100
45872	Reagan County, Texas	45	0.7936	0.8007	99945
45873	Real County, Texas	45	0.7936	0.8007	99945
45874	Red River County, Texas	45	0.7936	0.8007	99945
45875	Reeves County, Texas	45	0.7936	0.8007	99945
45876	Refugio County, Texas	45	0.7936	0.8007	99945
45877	Roberts County, Texas	45	0.7936	0.8007	99945
45878	Robertson County, Texas	45	0.7936	0.8909	17780
45879	Rockwall County, Texas	1920	1.0211	1.0233	19124
45880	Runnels County, Texas	45	0.7936	0.8007	99945
45881	Rusk County, Texas	45	0.7936	0.8739	30980
45882	Sabine County, Texas	45	0.7936	0.8007	99945
45883	San Augustine County, Texas	45	0.7936	0.8007	99945
45884	San Jacinto County, Texas	45	0.7936	1.0005	26420
45885	San Patricio County, Texas	1880	0.8559	0.8559	18580
45886	San Saba County, Texas	45	0.7936	0.8007	99945
45887	Schleicher County, Texas	45	0.7936	0.8007	99945
45888	Scurry County, Texas	45	0.7936	0.8007	99945
45889	Shackelford County, Texas	45	0.7936	0.8007	99945
45890	Shelby County, Texas	45	0.7936	0.8007	99945
45891	Sherman County, Texas	45	0.7936	0.8007	99945
45892	Smith County, Texas	8640	0.9307	0.9307	46340
45893	Somervell County, Texas	45	0.7936	0.8007	99945
45900	Starr County, Texas	45	0.7936	0.8007	99945
45901	Stephens County, Texas	45	0.7936	0.8007	99945
45902	Sterling County, Texas	45	0.7936	0.8007	99945
45903	Stonewall County, Texas	45	0.7936	0.8007	99945
45904	Sutton County, Texas	45	0.7936	0.8007	99945
45905	Swisher County, Texas	45	0.7936	0.8007	99945
45910	Tarrant County, Texas	2800	0.9545	0.9510	23104
45911	Taylor County, Texas	0040	0.8062	0.7904	10180
45912	Terrell County, Texas	45	0.7936	0.8007	99945
45913	Terry County, Texas	45	0.7936	0.8007	99945
45920	Throckmorton County, Texas	45	0.7936	0.8007	99945
45921	Titus County, Texas	45	0.7936	0.8007	99945
45930	Tom Green County, Texas	7200	0.8280	0.8280	41660
45940	Travis County, Texas	0640	0.9450	0.9450	12420
45941	Trinity County, Texas	45	0.7936	0.8007	99945
45942	Tyler County, Texas	45	0.7936	0.8007	99945
45943	Upshur County, Texas	4420	0.8897	0.8739	30980
45944	Upton County, Texas	45	0.7936	0.8007	99945
45945	Uvalde County, Texas	45	0.7936	0.8007	99945
45946	Val Verde County, Texas	45	0.7936	0.8007	99945
45947	Van Zandt County, Texas	45	0.7936	0.8007	99945
45948	Victoria County, Texas	8750	0.8168	0.8168	47020
45949	Walker County, Texas	45	0.7936	0.8007	99945
45950	Waller County, Texas	3360	1.0101	1.0005	26420
45951	Ward County, Texas	45	0.7936	0.8007	99945
45952	Washington County, Texas	45	0.7936	0.8007	99945
45953	Webb County, Texas	4080	0.8076	0.8076	29700
45954	Wharton County, Texas	45	0.7936	0.8007	99945
45955	Wheeler County, Texas	45	0.7936	0.8007	99945
45960	Wichita County, Texas	9080	0.8373	0.8294	48660
45961	Wilbarger County, Texas	45	0.7936	0.8007	99945
45962	Willacy County, Texas	45	0.7936	0.8007	99945

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
45970	Williamson County, Texas	0640	0.9450	0.9450	12420
45971	Wilson County, Texas	7240	0.8993	0.8989	41700
45972	Winkler County, Texas	45	0.7936	0.8007	99945
45973	Wise County, Texas	45	0.7936	0.9510	23104
45974	Wood County, Texas	45	0.7936	0.8007	99945
45980	Yoakum County, Texas	45	0.7936	0.8007	99945
45981	Young County, Texas	45	0.7936	0.8007	99945
45982	Zapata County, Texas	45	0.7936	0.8007	99945
45983	Zavala County, Texas	45	0.7936	0.8007	99945
46000	Beaver County, Utah	46	0.8779	0.8126	99946
46010	Box Elder County, Utah	46	0.8779	0.8126	99946
46020	Cache County, Utah	46	0.8779	0.9173	30860
46030	Carbon County, Utah	46	0.8779	0.8126	99946
46040	Daggett County, Utah	46	0.8779	0.8126	99946
46050	Davis County, Utah	7160	0.9350	0.9038	36260
46060	Duchesne County, Utah	46	0.8779	0.8126	99946
46070	Emery County, Utah	46	0.8779	0.8126	99946
46080	Garfield County, Utah	46	0.8779	0.8126	99946
46090	Grand County, Utah	46	0.8779	0.8126	99946
46100	Iron County, Utah	46	0.8779	0.8126	99946
46110	Juab County, Utah	46	0.8779	0.9510	39340
46120	Kane County, Utah	2620	1.1857	0.8126	99946
46130	Millard County, Utah	46	0.8779	0.8126	99946
46140	Morgan County, Utah	46	0.8779	0.9038	36260
46150	Piute County, Utah	46	0.8779	0.8126	99946
46160	Rich County, Utah	46	0.8779	0.8126	99946
46170	Salt Lake County, Utah	7160	0.9350	0.9433	41620
46180	San Juan County, Utah	46	0.8779	0.8126	99946
46190	Sanpete County, Utah	46	0.8779	0.8126	99946
46200	Sevier County, Utah	46	0.8779	0.8126	99946
46210	Summit County, Utah	46	0.8779	0.9433	41620
46220	Tooele County, Utah	46	0.8779	0.9433	41620
46230	Uintah County, Utah	46	0.8779	0.8126	99946
46240	Utah County, Utah	6520	0.9510	0.9510	39340
46250	Wasatch County, Utah	46	0.8779	0.8126	99946
46260	Washington County, Utah	46	0.8779	0.9402	41100
46270	Wayne County, Utah	46	0.8779	0.8126	99946
46280	Weber County, Utah	7160	0.9350	0.9038	36260
47000	Addison County, Vermont	47	0.9840	0.9840	99947
47010	Bennington County, Vermont	47	0.9840	0.9840	99947
47020	Caledonia County, Vermont	47	0.9840	0.9840	99947
47030	Chittenden County, Vermont	1303	0.9446	0.9446	15540
47040	Essex County, Vermont	47	0.9840	0.9840	99947
47050	Franklin County, Vermont	1303	0.9446	0.9446	15540
47060	Grand Isle County, Vermont	1303	0.9446	0.9446	15540
47070	Lamoille County, Vermont	47	0.9840	0.9840	99947
47080	Orange County, Vermont	47	0.9840	0.9840	99947
47090	Orleans County, Vermont	47	0.9840	0.9840	99947
47100	Rutland County, Vermont	47	0.9840	0.9840	99947
47110	Washington County, Vermont	47	0.9840	0.9840	99947
47120	Windham County, Vermont	47	0.9840	0.9840	99947
47130	Windsor County, Vermont	47	0.9840	0.9840	99947
49000	Accomack County, Virginia	49	0.8420	0.8012	99949
49010	Albemarle County, Virginia	1540	1.0234	1.0234	16820
49011	Alexandria City County, Virginia	8840	1.0983	1.0932	47894
49020	Alleghany County, Virginia	49	0.8420	0.8012	99949
49030	Amelia County, Virginia	49	0.8420	0.9338	40060
49040	Amherst County, Virginia	4640	0.8700	0.8700	31340
49050	Appomattox County, Virginia	49	0.8420	0.8700	31340
49060	Arlington County, Virginia	8840	1.0983	1.0932	47894
49070	Augusta County, Virginia	49	0.8420	0.8012	99949
49080	Bath County, Virginia	49	0.8420	0.8012	99949
49088	Bedford City County, Virginia	4640	0.8700	0.8700	31340
49090	Bedford County, Virginia	4640	0.8700	0.8700	31340
49100	Bland County, Virginia	49	0.8420	0.8012	99949
49110	Botetourt County, Virginia	6800	0.8395	0.8383	40220
49111	Bristol City County, Virginia	3660	0.8015	0.8062	28700
49120	Brunswick County, Virginia	49	0.8420	0.8012	99949
49130	Buchanan County, Virginia	49	0.8420	0.8012	99949
49140	Buckingham County, Virginia	49	0.8420	0.8012	99949
49141	Buena Vista City County, Virginia	49	0.8420	0.8012	99949

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
49150	Campbell County, Virginia	4640	0.8700	0.8700	31340
49160	Caroline County, Virginia	49	0.8420	0.9338	40060
49170	Carroll County, Virginia	49	0.8420	0.8012	99949
49180	Charles City County, Virginia	6760	0.9338	0.9338	40060
49190	Charlotte County, Virginia	49	0.8420	0.8012	99949
49191	Charlottesville City County, Virginia	1540	1.0234	1.0234	16820
49194	Chesapeake County, Virginia	5720	0.8808	0.8808	47260
49200	Chesterfield County, Virginia	6760	0.9338	0.9338	40060
49210	Clarke County, Virginia	8840	1.0983	1.0932	47894
49211	Clifton Forge City County, Virginia	9	0.8420	0.8012	99949
49212	Colonial Heights County, Virginia	6760	0.9338	0.9338	40060
49213	Covington City County, Virginia	49	0.8420	0.8012	99949
49220	Craig County, Virginia	49	0.8420	0.8383	40220
49230	Culpeper County, Virginia	8840	1.0983	0.8012	99949
49240	Cumberland County, Virginia	49	0.8420	0.9338	40060
49241	Danville City County, Virginia	1950	0.8497	0.8497	19260
49250	Dickenson County, Virginia	49	0.8420	0.8012	99949
49260	Dinniddie County, Virginia	6760	0.9338	0.9338	40060
49270	Emporia County, Virginia	49	0.8420	0.8012	99949
49280	Essex County, Virginia	49	0.8420	0.8012	99949
49288	Fairfax City County, Virginia	8840	1.0983	1.0932	47894
49290	Fairfax County, Virginia	8840	1.0983	1.0932	47894
49291	Falls Church City County, Virginia	8840	1.0983	1.0932	47894
49300	Fauquier County, Virginia	8840	1.0983	1.0932	47894
49310	Floyd County, Virginia	49	0.8420	0.8012	99949
49320	Fluvanna County, Virginia	1540	1.0234	1.0234	16820
49328	Franklin City County, Virginia	49	0.8420	0.8012	99949
49330	Franklin County, Virginia	49	0.8420	0.8383	40220
49340	Frederick County, Virginia	49	0.8420	1.0224	49020
49342	Fredericksburg City County, Virginia	8840	1.0983	1.0932	47894
49343	Galax City County, Virginia	49	0.8420	0.8012	99949
49350	Giles County, Virginia	49	0.8420	0.7962	13980
49360	Gloucester County, Virginia	5720	0.8808	0.8808	47260
49370	Goochland County, Virginia 6760	0.9338	0.9338	40060	
49380	Grayson County, Virginia	49	0.8420	0.8012	99949
49390	Greene County, Virginia	1540	1.0234	1.0234	16820
49400	Greensville County, Virginia	49	0.8420	0.8012	99949
49410	Halifax County, Virginia	49	0.8420	0.8012	99949
49411	Hampton City County, Virginia	5720	0.8808	0.8808	47260
49420	Hanover County, Virginia	6760	0.9338	0.9338	40060
49421	Harrisonburg City County, Virginia	49	0.8420	0.9098	25500
49430	Henrico County, Virginia	6760	0.9338	0.9338	40060
49440	Henry County, Virginia	49	0.8420	0.8012	99949
49450	Highland County, Virginia	49	0.8420	0.8012	99949
49451	Hopewell City County, Virginia	6760	0.9338	0.9338	40060
49460	Isle Of Wight County, Virginia	5720	0.8808	0.8808	47260
49470	James City Co County, Virginia	5720	0.8808	0.8808	47260
49480	King And Queen County, Virginia	49	0.8420	0.9338	40060
49490	King George County, Virginia	8840	1.0983	0.8012	99949
49500	King William County, Virginia	49	0.8420	0.9338	40060
49510	Lancaster County, Virginia	49	0.8420	0.8012	99949
49520	Lee County, Virginia	49	0.8420	0.8012	99949
49522	Lexington County, Virginia	49	0.8420	0.8012	99949
49530	Loudoun County, Virginia	8840	1.0983	1.0932	47894
49540	Louisa County, Virginia	49	0.8420	0.9338	40060
49550	Lunenburg County, Virginia	49	0.8420	0.8012	99949
49551	Lynchburg City County, Virginia	4640	0.8700	0.8700	31340
49560	Madison County, Virginia	49	0.8420	0.8012	99949
49561	Martinsville City County, Virginia	49	0.8420	0.8012	99949
49563	Manassas City County, Virginia	8840	1.0983	1.0932	47894
49565	Manassas Park City County, Virginia	8840	1.0983	1.0932	47894
49570	Mathews County, Virginia	5720	0.8808	0.8808	47260
49580	Mecklenburg County, Virginia	49	0.8420	0.8012	99949
49590	Middlesex County, Virginia	49	0.8420	0.8012	99949
49600	Montgomery County, Virginia	49	0.8420	0.7962	13980
49610	Nansemond County, Virginia	49	0.8420	0.8012	99949
49620	Nelson County, Virginia	49	0.8420	1.0234	16820
49621	New Kent County, Virginia	6760	0.9338	0.9338	40060
49622	Newport News City County, Virginia	5720	0.8808	0.8808	47260
49641	Norfolk City County, Virginia	5720	0.8808	0.8808	47260
49650	Northampton County, Virginia	49	0.8420	0.8012	99949

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
49660	Northumberland County, Virginia	49	0.8420	0.8012	99949
49661	Norton City County, Virginia	49	0.8420	0.8012	99949
49670	Nottoway County, Virginia	49	0.8420	0.8012	99949
49680	Orange County, Virginia	49	0.8420	0.8012	99949
49690	Page County, Virginia	49	0.8420	0.8012	99949
49700	Patrick County, Virginia	49	0.8420	0.8012	99949
49701	Petersburg City County, Virginia	6760	0.9338	0.9338	40060
49710	Pittsylvania County, Virginia	1950	0.8497	0.8497	19260
49711	Portsmouth City County, Virginia	5720	0.8808	0.8808	47260
49712	Poquoson City County, Virginia	5720	0.8808	0.8808	47260
49720	Powhatan County, Virginia	6760	0.9338	0.9338	40060
49730	Prince Edward County, Virginia	49	0.8420	0.8012	99949
49740	Prince George County, Virginia	6760	0.9338	0.9338	40060
49750	Prince William County, Virginia	8840	1.0983	1.0932	47894
49770	Pulaski County, Virginia	49	0.8420	0.7962	13980
49771	Radford City County, Virginia	49	0.8420	0.7962	13980
49780	Rappahannock County, Virginia	49	0.8420	0.8012	99949
49790	Richmond County, Virginia	49	0.8420	0.8012	99949
49791	Richmond City County, Virginia	6760	0.9338	0.9338	40060
49800	Roanoke County, Virginia	6800	0.8395	0.8383	40220
49801	Roanoke City County, Virginia	6800	0.8395	0.8383	40220
49810	Rockbridge County, Virginia	49	0.8420	0.8012	99949
49820	Rockingham County, Virginia	49	0.8420	0.9098	25500
49830	Russell County, Virginia	49	0.8420	0.8012	99949
49838	Salem County, Virginia	6800	0.8395	0.8383	40220
49840	Scott County, Virginia	3660	0.8015	0.8062	28700
49850	Shenandoah County, Virginia	49	0.8420	0.8012	99949
49860	Smyth County, Virginia	49	0.8420	0.8012	99949
49867	South Boston City County, Virginia	49	0.8420	0.8012	99949
49870	Southampton County, Virginia	49	0.8420	0.8012	99949
49880	Spotsylvania County, Virginia	8840	1.0983	1.0932	47894
49890	Stafford County, Virginia	8840	1.0983	1.0932	47894
49891	Staunton City County, Virginia	49	0.8420	0.8012	99949
49892	Suffolk City County, Virginia	5720	0.8808	0.8808	47260
49900	Surry County, Virginia	49	0.8420	0.8808	47260
49910	Sussex County, Virginia	49	0.8420	0.9338	40060
49920	Tazewell County, Virginia	49	0.8420	0.8012	99949
49921	Virginia Beach City County, Virginia	5720	0.8808	0.8808	47260
49930	Warren County, Virginia	8840	1.0983	1.0932	47894
49950	Washington County, Virginia	3660	0.8015	0.8062	28700
49951	Waynesboro City County, Virginia	49	0.8420	0.8012	99949
49960	Westmoreland County, Virginia	49	0.8420	0.8012	99949
49961	Williamsburg City County, Virginia	5720	0.8808	0.8808	47260
49962	Winchester City County, Virginia	49	0.8420	1.0224	49020
49970	Wise County, Virginia	49	0.8420	0.8012	99949
49980	Wythe County, Virginia	49	0.8420	0.8012	99949
49981	York County, Virginia	5720	0.8808	0.8808	47260
50000	Adams County, Washington	50	1.0194	1.0458	99950
50010	Asotin County, Washington	50	1.0194	0.9896	30300
50020	Benton County, Washington	6740	1.0630	1.0630	28420
50030	Chelan County, Washington	50	1.0194	1.0080	48300
50040	Clallam County, Washington	50	1.0194	1.0458	99950
50050	Clark County, Washington	6440	1.1260	1.1260	38900
50060	Columbia County, Washington	50	1.0194	1.0458	99950
50070	Cowlitz County, Washington	50	1.0194	0.9523	31020
50080	Douglas County, Washington	50	1.0194	1.0080	48300
50090	Ferry County, Washington	50	1.0194	1.0458	99950
50100	Franklin County, Washington	6740	1.0630	1.0630	28420
50110	Garfield County, Washington	50	1.0194	1.0458	99950
50120	Grant County, Washington	50	1.0194	1.0458	99950
50130	Grays Harbor County, Washington	50	1.0194	1.0458	99950
50140	Island County, Washington	7600	1.1579	1.0458	99950
50150	Jefferson County,	50	1.0194	1.0458	99950
50160	King County, Washington	7600	1.1579	1.1589	42644
50170	Kitsap County, Washington	1150	1.0686	1.0686	14740
50180	Kittitas County, Washington	50	1.0194	1.0458	99950
50190	Klickitat County,	50	1.0194	1.0458	99950
50200	Lewis County, Washington	50	1.0194	1.0458	99950
50210	Lincoln County, Washington	50	1.0194	1.0458	99950
50220	Mason County, Washington	50	1.0194	1.0458	99950
50230	Okanogan County, Washington	50	1.0194	1.0458	99950

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
50240	Pacific County, Washington	50	1.0194	1.0458	99950
50250	Pend Oreille County,	50	1.0194	1.0458	99950
50260	Pierce County, Washington	8200	1.0753	1.0753	45104
50270	San Juan County, Washington	50	1.0194	1.0458	99950
50280	Skagit County, Washington	50	1.0194	1.0465	34580
50290	Skamania County, Washington	50	1.0194	1.1260	38900
50300	Snohomish County, Washington	7600	1.1579	1.1589	42644
50310	Spokane County, Washington	7840	1.0916	1.0916	44060
50320	Stevens County, Washington	50	1.0194	1.0458	99950
50330	Thurston County, Washington	5910	1.0938	1.0938	36500
50340	Wahkiakum County, Washington	50	1.0194	1.0458	99950
50350	Walla Walla County, Washington	50	1.0194	1.0458	99950
50360	Whatcom County, Washington	0860	1.1743	1.1743	13380
50370	Whitman County, Washington	50	1.0194	1.0458	99950
50380	Yakima County, Washington	9260	1.0165	1.0165	49420
51000	Barbour County, W Virginia	51	0.7908	0.7725	99951
51010	Berkeley County, W Virginia	8840	1.0983	0.9499	25180
51020	Boone County, W Virginia	51	0.7908	0.8428	16620
51030	Braxton County, W Virginia	51	0.7908	0.7725	99951
51040	Brooke County, W Virginia	8080	0.7827	0.7827	48260
51050	Cabell County, W Virginia	3400	0.9486	0.9486	26580
51060	Calhoun County, W Virginia	51	0.7908	0.7725	99951
51070	Clay County, W Virginia	51	0.7908	0.8428	16620
51080	Doddridge County, W Virginia	51	0.7908	0.7725	99951
51090	Fayette County, W Virginia	51	0.7908	0.7725	99951
51100	Gilmer County, W Virginia	51	0.7908	0.7725	99951
51110	Grant County, W Virginia	51	0.7908	0.7725	99951
51120	Greenbrier County, W Virginia	51	0.7908	0.7725	99951
51130	Hampshire County, W Virginia	51	0.7908	1.0224	49020
51140	Hancock County, W Virginia	8080	0.7827	0.7827	48260
51150	Hardy County, W Virginia	51	0.7908	0.7725	99951
51160	Harrison County, W Virginia	51	0.7908	0.7725	99951
51170	Jackson County, W Virginia	51	0.7908	0.7725	99951
51180	Jefferson County, W Virginia	8840	1.0983	1.0932	47894
51190	Kanawha County, W Virginia	1480	0.8428	0.8428	16620
51200	Lewis County, W Virginia	51	0.7908	0.7725	99951
51210	Lincoln County, W Virginia	51	0.7908	0.8428	16620
51220	Logan County, W Virginia	51	0.7908	0.7725	99951
51230	Mc Dowell County, W	51	0.7908	0.7725	99951
51240	Marion County, W Virginia	51	0.7908	0.7725	99951
51250	Marshall County, W Virginia	9000	0.7168	0.7168	48540
51260	Mason County, W Virginia	51	0.7908	0.7725	99951
51270	Mercer County, W Virginia	51	0.7908	0.7725	99951
51280	Mineral County, W Virginia	1900	0.9326	0.9326	19060
51290	Mingo County, W Virginia	51	0.7908	0.7725	99951
51300	Monongalia County, W	51	0.7908	0.8428	34060
51310	Monroe County, W Virginia	51	0.7908	0.7725	99951
51320	Morgan County, W Virginia	51	0.7908	0.9499	25180
51330	Nicholas County, W Virginia	51	0.7908	0.7725	99951
51340	Ohio County, W Virginia	9000	0.7168	0.7168	48540
51350	Pendleton County, W	51	0.7908	0.7725	99951
51360	Pleasants County, W Virginia	51	0.7908	0.8278	37620
51370	Pocahontas County, W	51	0.7908	0.7725	99951
51380	Preston County, W Virginia	51	0.7908	0.8428	34060
51390	Putnam County, W Virginia	1480	0.8428	0.8428	16620
51400	Raleigh County, W Virginia	51	0.7908	0.7725	99951
51410	Randolph County, W Virginia	51	0.7908	0.7725	99951
51420	Ritchie County, W Virginia	51	0.7908	0.7725	99951
51430	Roane County, W Virginia	51	0.7908	0.7725	99951
51440	Summers County, W Virginia	51	0.7908	0.7725	99951
51450	Taylor County, W Virginia	51	0.7908	0.7725	99951
51460	Tucker County, W Virginia	51	0.7908	0.7725	99951
51470	Tyler County, W Virginia	51	0.7908	0.7725	99951
51480	Upshur County, W Virginia	51	0.7908	0.7725	99951
51490	Wayne County, W Virginia	3400	0.9486	0.9486	26580
51500	Webster County, W Virginia	51	0.7908	0.7725	99951
51510	Wetzel County, W Virginia	51	0.7908	0.7725	99951
51520	Wirt County, W Virginia	51	0.7908	0.8278	37620
51530	Wood County, W Virginia	6020	0.8278	0.8278	37620
51540	Wyoming County, W Virginia	51	0.7908	0.7725	99951
52000	Adams County, Wisconsin	52	0.9446	0.9480	99952

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
52010	Ashland County, Wisconsin	52	0.9446	0.9480	99952
52020	Barron County, Wisconsin	52	0.9446	0.9480	99952
52030	Bayfield County, Wisconsin	52	0.9446	0.9480	99952
52040	Brown County, Wisconsin	3080	0.9452	0.9452	24580
52050	Buffalo County, Wisconsin	52	0.9446	0.9480	99952
52060	Burnett County, Wisconsin	52	0.9446	0.9480	99952
52070	Calumet County, Wisconsin	0460	0.9248	0.9298	11540
52080	Chippewa County, Wisconsin	2290	0.9210	0.9210	20740
52090	Clark County, Wisconsin	52	0.9446	0.9480	99952
52100	Columbia County, Wisconsin	52	0.9446	1.0635	31540
52110	Crawford County, Wisconsin	52	0.9446	0.9480	99952
52120	Dane County, Wisconsin	4720	1.0764	1.0635	31540
52130	Dodge County, Wisconsin	52	0.9446	0.9480	99952
52140	Door County, Wisconsin	52	0.9446	0.9480	99952
52150	Douglas County, Wisconsin	2240	1.0223	1.0209	20260
52160	Dunn County, Wisconsin	52	0.9446	0.9480	99952
52170	Eau Claire County, Wisconsin	2290	0.9210	0.9210	20740
52180	Florence County, Wisconsin	52	0.9446	0.9480	99952
52190	Fond Du Lac County, Wisconsin	52	0.9446	0.9650	22540
52200	Forest County, Wisconsin	52	0.9446	0.9480	99952
52210	Grant County, Wisconsin	52	0.9446	0.9480	99952
52220	Green County, Wisconsin	52	0.9446	0.9480	99952
52230	Green Lake County, Wisconsin	52	0.9446	0.9480	99952
52240	Iowa County, Wisconsin	52	0.9446	1.0635	31540
52250	Iron County, Wisconsin	52	0.9446	0.9480	99952
52260	Jackson County, Wisconsin	52	0.9446	0.9480	99952
52270	Jefferson County, Wisconsin	52	0.9446	0.9480	99952
52280	Juneau County, Wisconsin	52	0.9446	0.9480	99952
52290	Kenosha County, Wisconsin	3800	0.9770	1.0440	29404
52300	Kewaunee County, Wisconsin	52	0.9446	0.9452	24580
52310	La Crosse County, Wisconsin	3870	0.9573	0.9573	29100
52320	Lafayette County, Wisconsin	52	0.9446	0.9480	99952
52330	Langlade County, Wisconsin	52	0.9446	0.9480	99952
52340	Lincoln County, Wisconsin	52	0.9446	0.9480	99952
52350	Manitowoc County, Wisconsin	52	0.9446	0.9480	99952
52360	Marathon County, Wisconsin	8940	0.9600	0.9600	48140
52370	Marinette County, Wisconsin	52	0.9446	0.9480	99952
52380	Marquette County, Wisconsin	52	0.9446	0.9480	99952
52381	Menominee County, Wisconsin	52	0.9446	0.9480	99952
52390	Milwaukee County, Wisconsin	5080	1.0106	1.0106	33340
52400	Monroe County, Wisconsin	52	0.9446	0.9480	99952
52410	Oconto County, Wisconsin	52	0.9446	0.9452	24580
52420	Oneida County, Wisconsin	52	0.9446	0.9480	99952
52430	Outagamie County, Wisconsin	0460	0.9248	0.9298	11540
52440	Ozaukee County, Wisconsin	5080	1.0106	1.0106	33340
52450	Pepin County, Wisconsin	52	0.9446	0.9480	99952
52460	Pierce County, Wisconsin	5120	1.1078	1.1078	33460
52470	Polk County, Wisconsin	52	0.9446	0.9480	99952
52480	Portage County, Wisconsin	52	0.9446	0.9480	99952
52490	Price County, Wisconsin	52	0.9446	0.9480	99952
52500	Racine County, Wisconsin	6600	0.9006	0.9006	39540
52510	Richland County, Wisconsin	52	0.9446	0.9480	99952
52520	Rock County, Wisconsin	3620	0.9547	0.9547	27500
52530	Rusk County, Wisconsin	52	0.9446	0.9480	99952
52540	St Croix County, Wisconsin	5120	1.1078	1.1078	33460
52550	Sauk County, Wisconsin	52	0.9446	0.9480	99952
52560	Sawyer County, Wisconsin	52	0.9446	0.9480	99952
52570	Shawano County, Wisconsin	52	0.9446	0.9480	99952
52580	Sheboygan County, Wisconsin	7620	0.8920	0.8920	43100
52590	Taylor County, Wisconsin	52	0.9446	0.9480	99952
52600	Trempealeau County, Wisconsin	52	0.9446	0.9480	99952
52610	Vernon County, Wisconsin	52	0.9446	0.9480	99952
52620	Vilas County, Wisconsin	52	0.9446	0.9480	99952
52630	Walworth County, Wisconsin	52	0.9446	0.9480	99952
52640	Washburn County, Wisconsin	52	0.9446	0.9480	99952
52650	Washington County, Wisconsin	5080	1.0106	1.0106	33340
52660	Waukesha County, Wisconsin	5080	1.0106	1.0106	33340
52670	Waupaca County, Wisconsin	52	0.9446	0.9480	99952
52680	Waushara County, Wisconsin	52	0.9446	0.9480	99952
52690	Winnebago County, Wisconsin	0460	0.9248	0.9192	36780
52700	Wood County, Wisconsin	52	0.9446	0.9480	99952

ADDENDUM C.—MSA/CBSA CROSSWALK—Continued

State/county	County name	MSA	MSA WI	CBSA WI	CBSA
53000	Albany County, Wyoming	53	0.9214	0.9214	99953
53010	Big Horn County, Wyoming	53	0.9214	0.9214	99953
53020	Campbell County, Wyoming	53	0.9214	0.9214	99953
53030	Carbon County, Wyoming	53	0.9214	0.9214	99953
53040	Converse County, Wyoming	53	0.9214	0.9214	99953
53050	Crook County, Wyoming	53	0.9214	0.9214	99953
53060	Fremont County, Wyoming	53	0.9214	0.9214	99953
53070	Goshen County, Wyoming	53	0.9214	0.9214	99953
53080	Hot Springs County, Wyoming	53	0.9214	0.9214	99953
53090	Johnson County, Wyoming	53	0.9214	0.9214	99953
53100	Laramie County, Wyoming	1580	0.8784	0.8784	16940
53110	Lincoln County, Wyoming	53	0.9214	0.9214	99953
53120	Natrona County, Wyoming	1350	0.9035	0.9035	16220
53130	Niobrara County, Wyoming	53	0.9214	0.9214	99953
53140	Park County, Wyoming	53	0.9214	0.9214	99953
53150	Platte County, Wyoming	53	0.9214	0.9214	99953
53160	Sheridan County, Wyoming	53	0.9214	0.9214	99953
53170	Sublette County, Wyoming	53	0.9214	0.9214	99953
53180	Sweetwater County, Wyoming	53	0.9214	0.9214	99953
53190	Teton County, Wyoming	53	0.9214	0.9214	99953
53200	Uinta County, Wyoming	53	0.9214	0.9214	99953
53210	Washakie County, Wyoming	53	0.9214	0.9214	99953
53220	Weston County, Wyoming	53	0.9214	0.9214	99953

[FR Doc. 05–13674 Filed 7–8–05; 4:01 pm]

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Federal Register

Thursday,
July 14, 2005

Part III

Department of Labor

Employment and Training Administration

20 CFR Part 646
Indian and Native American Welfare-to-Work Program; Final Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 646

RIN 1205–AB16

Indian and Native American Welfare-to-Work Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) is removing the regulations at 20 CFR part 646 which govern the Indian and Native American Welfare-to-Work (INA WtW) Program authorized under the Social Security Act. Authorization for this program has expired, and all grants were required to be closed out by December 31, 2004, at the latest. Therefore, the Department has no need for these INA WtW regulations, and this action is undertaken to reduce the Federal regulatory burden and eliminate unneeded rules from the Code of Federal Regulations.

DATES: Effective July 14, 2005.

FOR FURTHER INFORMATION CONTACT: Athena R. Brown, Chief, Division of Indian and Native American Programs (DINAP), at 202–693–3737 (this is not a toll-free number).

Copies of this Final Rule are available in the following formats: Hard copy, or electronic file, either through e-mail or on computer disk. Copies may be obtained at the above office.

SUPPLEMENTARY INFORMATION: ETA is removing the regulations at 20 CFR part 646 which govern the INA WtW Program authorized under the Social Security Act (42 U.S.C. 301, *et seq.*).

On August 5, 1997, the President signed the Balanced Budget Act of 1997 (Pub. L. 105–33). This legislation amended provisions of the Social Security Act relating to the Temporary Assistance for Needy Families program (TANF) and authorized the Secretary of Labor to provide WtW grants to States and local communities, including certain Federally-recognized tribes and Alaska Native entities, to assist hard-to-employ TANF welfare recipients in moving into unsubsidized jobs and achieving economic self-sufficiency. Accordingly, pursuant to 42 U.S.C. 612(a)(3)(C)(iii), the Department of Labor promulgated the regulations found at 20 part CFR 646, which were published as an interim final rule in the **Federal Register** (63 FR 15986) on April 1, 1998. The funds distributed through the WtW grant program assisted states and tribes, including those operating their own TANF programs, to meet their welfare reform objectives by providing additional resources targeting hard-to-employ welfare recipients residing in high poverty areas within the state or the tribe's service area.

The Omnibus Consolidated Appropriations Act of 2001 (Pub. L. 106–554) authorized the Department to extend all Welfare-to Work grants, including the INA WtW grants, for an additional two years beyond the three-year expenditure period authorized under the initial legislation. However, that extension period expired as of September 30, 2004, for those grants issued in Fiscal Year (FY) 1999 (the extension period for the FY 1998 INA WtW grants expired as of September 30, 2003). Because most of the FY 1998 INA WtW grants have already been closed out, and because the FY 1999 INA WtW grants were required to be closed out by December 31, 2004, the Department has no need for these INA WtW regulations. Therefore, this action is undertaken to reduce the Federal regulatory burden and eliminate unneeded rules from the Code of Federal Regulations.

Effective Date and Waiver of Public Comment

This document removes obsolete regulations from the Code of Federal Regulations. Removal of the regulations does not establish or affect substantive policy. Therefore, the Department of Labor has determined, pursuant to 5 U.S.C. 553(b)(3)(B) and (d), that good cause exists to waive the delay of the effective date of this rule and that public comment is unnecessary and contrary to the public interest.

Catalog of Federal Domestic Assistance Number

This program is listed in the Catalog of Federal Domestic Assistance at No. 17–254, ''Welfare-to-Work Grants to Federally-Recognized Tribes and Alaska Natives.''

List of Subjects in 20 CFR Part 646

Indians, Grant programs, Labor, Employment or training programs, Welfare reform.

■ Accordingly, under the authority of 42 U.S.C. 612(a)(3)(C)(iii), the Secretary amends 20 CFR chapter V by removing part 646.

PART 646—[REMOVED AND RESERVED]

■ 1. Remove and reserve part 646.

Signed at Washington, DC, this 7th day of July, 2005.

Emily Stover DeRocco,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 05–13705 Filed 7–13–05; 8:45 am]

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Federal Register

Thursday,
July 14, 2005

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 43

Implementing the Maintenance Provisions of Bilateral Agreements; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 43

[Docket No.: FAA–2004–17683; Amendment No. 43–40]

RIN 2120–AI19

Implementing the Maintenance Provisions of Bilateral Agreements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends the regulations governing maintenance, preventive maintenance, and alterations performed on U.S. aeronautical products by certain Canadian persons. The amendment removes specific regulatory references and other requirements unique to that work when performed in Canada. The United States and Canada have entered into an international agreement called a Bilateral Aviation Safety Agreement (BASA) that is in line with BASAs negotiated with other countries. The FAA and Canada are negotiating Maintenance Implementation Procedures (MIP) to accompany the BASA. The current rule contains specific regulatory language that constrains developing a standardized MIP. The MIP will require compliance with the applicable Canadian regulations plus special conditions that will ensure a level of safety equivalent to that provided by the FAA's regulations. This action is necessary for the MIP to proceed.

DATES: These amendments become effective concurrent with the date the MIP accompanying the BASA between the United States and Canada enters into force. The FAA will publish a notice in the **Federal Register** announcing the effective date of this final rule.

FOR FURTHER INFORMATION CONTACT: William D. Scott, Flight Standards, Aircraft Maintenance Division, AFS–300, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (502) 671–4015; facsimile (502) 671–4003, e-mail: *william.d.scott@faa.gov*.

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by:

(1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (*http://dms.dot.gov/search*);

(2) Visiting the Office of Rulemaking's Web page at *http://www.faa.gov/avr/arm/index.cfm*; or

(3) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html*.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

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 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov*.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. If you are a small entity and you have a question regarding this document, you may contact its local FAA official, or the person listed under **FOR FURTHER INFORMATION CONTACT**. You can find out more about SBREFA on the Internet at *http://www.faa.gov/avr/arm/sbrefa.htm*, or by e-mailing us at *-AWA-SBREFA@faa.gov*.

Authority for this Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, the FAA is charged with promoting safe flight of civil aircraft in air commerce by prescribing—

- Minimum standards required for safety in the design and performance of aircraft;
- Regulations and minimum standards for safety in inspecting, servicing, and overhauling aircraft; and
- Regulations for other practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

This regulation is within the scope of that authority because it prescribes'

- New requirements for Canadian maintenance organizations and aviation maintenance engineers to meet when performing maintenance on U.S. aeronautical products.
- The new requirements are in line with requirements imposed on other foreign entities by BASA/MIPs.
- That compliance with the BASA/MIP is considered an equivalent level of safety to the requirements of this chapter.

Background

Section 43.17 of Title 14 of the Code of Federal Regulations (CFR) applies to maintenance activities performed on U.S.-registered aircraft and U.S. aeronautical products by authorized Canadian persons. Among other requirements, it specifies the particular FAA maintenance regulations to be followed when that work is performed in Canada. At present, this is the only regulation in part 43 that imposes specific requirements for maintenance work performed in a named country. It is also the only regulation that permits a person in a named country and not holding a United States airman or air agency certificate to perform maintenance, preventive maintenance, or alterations on U.S. aeronautical products. The regulation is the result of a long-standing reciprocal maintenance arrangement between the United States and Canada. The United States does not allow such work on U.S.-registered aircraft or U.S. aeronautical products in other countries except when the person there holds an FAA-issued airman or air agency (foreign repair station) certificate.

The Proposal: The United States recently concluded an executive agreement called a Bilateral Aviation Safety Agreement (BASA) with Canada. This BASA, with the working details to be spelled out in associated Maintenance Implementation Procedures (MIP), will provide a revised reciprocal maintenance arrangement. With this agreement, authorized persons in each country will continue to be allowed to work on aircraft and aeronautical products under the regulatory control of the other country. The MIP will spell out the requirements that maintenance providers in each country will have to follow. To accommodate developing the United States/Canada MIP, the FAA published a Notice of Proposed Rulemaking, ''Implementing the Maintenance Provisions of Bilateral Agreements'' on

May 11, 2004 (69 FR 26254). The essence of the proposal was to amend 14 CFR 43.17(d)(2) and (d)(4) to remove references to specific regulations to be followed by authorized Canadian persons when performing and recording their work because the applicable maintenance requirements will be spelled out in the MIP. The NPRM proposed to amend that section to require that the work would be performed ''in accordance with an agreement between the United States and Canada.'' The FAA believed that leaving the specific regulatory reference and other requirements in the rule would provide constraints that would inhibit developing the MIP. BASAs and MIP are already in effect with several other countries, and these are not affected by similar constraints in the regulations. The FAA received one comment opposed to this change. This comment and the FAA's response are discussed in the Summary of Comments. Because of the comment, we have changed the language in the rule to reference specifically the BASA/MIP that will provide a level of safety equivalent to that provided by the FAA's rules.

The FAA also proposed to remove the requirement in § 43.17(c)(2) that, for a Canadian Approved Maintenance Organization (AMO) to be able to work on U.S. aeronautical products located in Canada, those products must have been transported to Canada from the United States. Under the proposal, when a product is located outside the United States, it no longer would have to be transported first to the United States and then to Canada. This change will extend the same privileges to Canadian maintenance organizations that now apply to FAA-certificated domestic and foreign repair stations. We are adopting this change as proposed.

The preamble to the NPRM noted that the new BASA would ''expand * * * the maintenance that can be performed in the U.S. and Canada.'' Specifically, the NPRM continued: ''Revisions proposed in this rulemaking will allow maintenance in Canada, with respect to U.S.-registered aircraft to be more in line with the maintenance allowed by other foreign repair stations * * *. [the] FAA proposes changes to § 43.17 that will bring this regulation into line with a negotiated agreement.'' One of the changes proposed, but not discussed in the preamble, was the removal of the requirement in § 43.17(c)(2) that, for a Canadian AMO (including an authorized employee performing work for such a company) to be authorized to perform maintenance, preventive maintenance, and alterations on U.S.-registered aircraft or other U.S. aeronautical products, the aircraft or aeronautical product had to be located in Canada. The removal of this requirement would have permitted authorized Canadian personnel to work on U.S.-registered aircraft or aeronautical products in the U.S. No comments addressed that part of the proposal.

Upon further consideration of that part of the proposal, however, the FAA has decided to keep the current restriction that the aircraft or aeronautical product must be located in Canada. As discussed below under *History*, 49 U.S.C. 44711(a)(2)(A) prohibits a person from serving in any capacity as an airman with respect to a civil aircraft, aircraft engine, propeller, or appliance without holding an airman certificate (for example, a mechanic or repair station certificate). One category of ''airman'' is an individual ''directly in charge of inspecting, maintaining, overhauling, or repairing aircraft, aircraft engines, propellers, or appliances.'' In other words, in general, an individual not holding an FAA-issued airman certificate may not perform maintenance on U.S.-registered aircraft or aeronautical products and return them to service. The statute, however, provides for an exception to this requirement when the maintenance performed is *outside* the United States. Under 49 U.S.C. 40102(a)(8)(B) (definition of ''airman''), the Administrator of the FAA may make an exception ''for individuals employed outside the United States.'' By virtue of this provision, certain Canadian persons and maintenance organizations not holding U.S. airman certificates have been authorized to perform maintenance, preventive maintenance, and alterations on U.S.-registered aircraft and U.S. aeronautical products located in Canada.

Because 49 U.S.C. 40102(a)(8)(B) does not grant the FAA authority to except a mechanic performing maintenance on a U. S.-registered civil aircraft or U.S. aeronautical product located within the United States from the definition of ''airman,'' and a Canadian AMO representative performing maintenance on a U.S.-registered aircraft or aeronautical product would be serving in the capacity of an airman, we are keeping the restriction presently found in § 43.17(c)(2) that the aircraft or aeronautical product be ''located in Canada.''

Another change proposed for § 43.17(c)(2) was to remove the phrase ''a person who is an authorized employee'' of an AMO for the stated reason that, when the rule was written, the FAA used that language to be consistent with the Canadian rule. Noting that the Canadian rule had since been changed, the FAA proposed to remove the reference. In addition, the proposed text also removed the phrase immediately following it, that is, ''performing work for such a company.'' Through an oversight, those words were omitted from the discussion in the preamble to the NPRM. Because the two phrases must be read together, and the reason for removing them is the same as noted above, the entire phrase is being removed in this amendment as proposed.

While the removal of the phrase in § 43.17(c)(2) discussed immediately above was addressed in the preamble to the NPRM, other changes to the proposed amendatory text for that section were not discussed or explained. In the existing rule, certain criteria had to be met by an AMO before it could perform work on a U.S.-registered aircraft or U.S. aeronautical product in Canada. In particular, the AMO had to have a ''system of quality control for the maintenance, alteration, and inspection of aeronautical products that had been approved by the Canadian Department of Transport'' as a prerequisite to performing the maintenance, preventive maintenance, or alterations. Instead, the proposed rule stated, in pertinent part, that an AMO ''holding appropriate ratings may, with respect to U.S.-registered aircraft or other U.S. aeronautical products, perform maintenance, * * *.''

The FAA unintentionally omitted from the NPRM a discussion of why the agency was proposing to delete the reference to an AMO having to have an approved ''system of quality control for the maintenance, alteration, and inspections * * *'' before it was authorized to perform that work. The FAA determined that if the referenced prerequisite remained in the regulation, it would present another constraint to developing the BASA/MIP. To make the United States/Canada BASA/MIP align with the format of other existing BASA/MIPs, the agency sought to place such specific requirements in the MIP. Under the terms of the MIP, Canada would watch the AMOs for compliance with the requirements set forth in the MIP. Therefore, that part of the rule is adopted as proposed.

In addition to the above changes, the FAA proposed to delete the reference throughout the regulation to ''Canadian Department of Transport,'' the former name of the Canadian agency, and to replace it with ''Transport Canada Civil Aviation (TCCA),'' the current name of the Canadian civil aviation authority.

We also proposed to clarify the rule by replacing the word ''work'' in § 43.17(d)(2), (d)(3), and (d)(4) with ''maintenance, preventive maintenance, or alteration.'' Those changes are being adopted as proposed.

History: As described more fully in the NPRM, the U.S./Canadian reciprocal maintenance arrangement came about after World War II. At that time, the number of U.S.-registered aircraft flying in Canadian airspace increased and a need developed for maintenance on those aircraft while they were in Canada. Recognizing the similarities of their respective maintenance regulations, the two countries developed reciprocal arrangements. Those arrangements allowed authorized persons in each country to perform maintenance on aircraft under the regulatory control of the other country under specified conditions.

On November 13, 1951, the Civil Aeronautics Board (CAB) issued Special Civil Air Regulation No. SR–377 (SR–377), titled ''Mechanical Work Performed on United States Registered Aircraft by Certain Canadian Mechanics.'' The regulation allowed Canadian maintenance persons who did not hold U.S. airman certificates to perform work on U.S.-registered aircraft located in Canada. The preamble to SR–377 noted the CAB considered the Canadian standards to be of a ''high caliber'' and to ''compare favorably with those in force in the United States.'' The CAB relied on section 1(6) of the Civil Aeronautics Act of 1938 to exempt Canadian mechanics employed outside the United States from the definition of ''airman'' and thus from the requirement to hold a valid U.S. airman certificate. A similar exception now exists in 49 U.S.C. 40102(a)(8).

Under current U.S. law, an individual may not serve in any capacity as an airman performing maintenance on a U.S.-registered aircraft or aeronautical product without holding a U.S. airman certificate. This prohibition is found at 49 U.S.C. 44711(a)(2)(A). Current 49 U.S.C. 40102(a)(8)(B) defines an airman as an individual ''who is directly in charge of inspecting, maintaining, overhauling, or repairing aircraft, aircraft engines, propellers, or appliances.'' This means that each person who performs maintenance on and returns an aircraft or aeronautical product to service must hold a U.S. airman certificate; this would not apply to a non-certificated person who was being supervised by a certificated airman. As in the 1938 Act referenced above, current 49 U.S.C. 40102(a)(8)(B) contains a similar exception in its definition of airman. Specifically, that section provides that the Administrator of the FAA ''may provide otherwise for individuals employed outside the United States.''

In October 1964, SR–377 was reissued as Special Federal Aviation Regulation (SFAR) No. 10, and on April 13, 1966, it was codified as 14 CFR 43.17.

In 1984, the United States and Canada signed the current Agreement Concerning the Airworthiness and Environmental Certification, Approval, or Acceptance of Imported Civil Aeronautical Products (the U.S./Canada Bilateral Airworthiness Agreement (BAA)). The BAA provided for an agency-to-agency Schedule of Implementation Procedures (IP), that, among other requirements, would specify in detail both maintenance and aircraft certification procedures. The IP was completed and signed on May 18, 1985; it was revised on May 18, 1988. Together, the BAA/IP allows authorized persons and companies in each country to perform maintenance, alterations, and modifications on aircraft under the regulatory control of the other country. Such work must be performed following the laws, regulations, standards, and requirements of the country regulating the airworthiness of the affected aircraft or product.

Bilateral Aviation Safety Agreements: In recent years, the United States has entered into BASAs with several countries to improve cooperation and increase efficiency in matters relating to civil aviation safety. The agreements provide for developing an IP between the aviation authorities of each respective country. The IP address the technical details of the agreement in areas such as certification, maintenance, simulators, and airline operations. Maintenance Implementation Procedures (MIP) outline the terms and conditions under which the FAA and the foreign civil aviation authority can accept each other's inspections and evaluations of maintenance facilities for findings of compliance. Their purpose is to reduce redundant regulatory oversight without adversely affecting aviation safety. MIP set forth parameters and requirements for maintenance and alterations performed in the country that does not have regulatory control of the product. MIP typically are structured to assure a level of safety equivalent to that provided by the FAA's regulation. They do this by requiring the foreign person to follow the applicable regulations of that country plus enumerated special conditions. From the United States' standpoint, the foreign country's regulations plus the listed special conditions provide a regulatory scheme that the FAA has determined is sufficiently equivalent to the FAA's.

A key difference between the United States/Canada BASA/MIP and those with other countries is that the latter provide for the certification by the FAA of repair stations in those countries that will be maintaining U.S.-registered aircraft and U.S. aeronautical products. No such FAA certification of either Canadian airmen or Canadian maintenance organizations exists or is planned. As explained above, the current reciprocal maintenance arrangement with Canada was established, in part, because the Canadian regulations were determined to compare favorably from a safety standpoint with those of the United States.

Generally, FAA-certificated repair stations in foreign countries (foreign repair stations) must follow the U.S. repair station regulations set forth in 14 CFR part 145 when working on U.S.-registered aircraft or U.S. aeronautical products. In those countries where a BASA with the United States is in effect, the requirements repair stations must follow are spelled out in the BASA and associated MIP. These typically require compliance with the applicable regulations of the country where the repair station is located plus special conditions that address any differences between that country's regulations and the FAA's. Because those repair stations hold FAA-issued air agency certificates, the FAA may take enforcement action against the stations for violations of the regulations.

United States/Canada BASA: In June 2000, the United States concluded a BASA with Canada. The goal was to replace the older BAA and to have an agreement with Canada that is more akin to the new ''umbrella'' format of bilateral agreements the United States has with other countries. On October 18, 2000, the FAA and its Canadian counterpart, TCCA, signed an IP for Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance Between Authorities. That IP replaces the earlier Schedule of Implementation Procedures, dated May 18, 1988, except for Chapter 4, Maintenance, Alteration, or Modification of Aeronautical Products, which remains in effect until MIP are concluded.

The U.S./Canada BASA recognizes ''that the standards and systems for airworthiness and environmental approvals and airworthiness acceptance of maintenance approvals and modifications or alterations, as established in the Agreement for

reciprocal acceptance of airworthiness and environmental approval, effected by exchange of notes at Ottawa on August 31, 1984, are already sufficiently equivalent to permit acceptance by each Party of findings of the other Party.'' In recent years, TCCA had changed its regulations to harmonize more closely with those of the FAA, thus facilitating the BASA/MIP process.

The FAA and TCCA are in the process of negotiating the associated MIP. The MIP will set forth the provisions for accepting maintenance, preventive maintenance, or alterations. As with other MIP, the U.S./Canada MIP will include specific conditions required by the civil aviation authorities of both countries. For work done on U.S.-registered aircraft and U.S. aeronautical products, the MIP will be structured to assure a level of safety equivalent to that provided by the FAA's regulations. It will require the authorized Canadian maintenance persons and organizations to follow the applicable Canadian regulations plus enumerated special conditions. The MIP thereby will provide a regulatory scheme essentially equivalent to the FAA's.

As explained in the NPRM, leaving the specific regulatory references in § 43.17 would inhibit the development and any later modification of the MIP. Part of the MIP process would be for the United States and Canada to evaluate each other's regulatory system. The FAA would certify that the Canadian regulations provide an equivalent level of safety for maintenance, preventive maintenance, or alterations. Any differences thought to be significant will be addressed through special conditions. This amendment to § 43.17 will promote negotiating and any future revising of the MIP. It will also result in the MIP being more in line with MIP concluded with other countries that were not constrained by the existence of specific regulatory references directed to maintenance providers in those countries.

Discussion of Comments

The FAA received five timely comments on the NPRM. We also received comments from two law students that were prepared for an aviation law class project. These comments were submitted over three and three and a half months late, respectively. Because of their untimeliness, we will not address them further. Four of the five commenters supported all or parts of the proposal.

One commenter, Standard Aero, supported the proposed amendment, but addressed only the removal of the requirement that aeronautical products have to be transported from the United States to Canada. The commenter saw no safety benefit in the requirement, noting that the FAA already accepts TCCA's system of oversight.

Two associations, the Air Transport Association of Canada and the Air Line Pilots Association, expressed general support for the proposed amendment, but neither commented on specific sections.

Another commenter, an individual, opposed the proposal, arguing that it was ''in opposition to public safety and more an effort to gut more [A]merican jobs.'' The commenter provided no supporting information for his assertions. In response, the FAA notes that adoption of the amendment will not reduce the current level of safety. As discussed previously, the reciprocal maintenance arrangement between the United States and Canada has existed for many years. Initially, the CAB determined that the Canadian regulations compared favorably with those of the United States; moreover the Canadian regulations have been harmonized to closely match the current FAA regulations. Also the MIP will be drafted to provide special conditions that must be met to assure an equivalent level of safety. As noted above, an underlying premise for the current BASA is that the relevant standards of each country are ''sufficiently equivalent to permit acceptance by each Party of the findings of the other Party.'' As to the loss of American jobs, under the existing arrangement, Canadian aircraft and products may be maintained in the United States and vice versa. The amendment facilitates the development of the MIP, but does not make any substantive changes to the existing reciprocal maintenance arrangement between the two countries. The removal of the requirement to ship parts from the United States to Canada may, in some cases, ease the economic burden on United States entities that are having aviation maintenance work performed in Canada. The elimination of that trade barrier and the possible associated cost savings could have a positive impact on American jobs.

Finally, one commenter, the Aviation Suppliers Association, supported most of the proposal but opposed the proposed changes to § 43.17(d)(2) and (d)(4). Specifically, the organization is concerned about the reference to the ''agreement between the United States and Canada.'' As discussed previously, this ''agreement'' means the U.S./Canada BASA and its MIP, which is currently under negotiation. First, the commenter objects that the proposed change ''would disenfranchise the public from future comment * * * [because] an international agreement * * * is not subject to notice-and-comment, and [it] may therefore be changed without either public comment or even public notice.'' Second, the commenter alleges that ''future changes to the bilateral agreements'' would potentially ''have the effect of interfering with trade and the business of domestic companies.'' The commenter also phrases this second concern as an allegation that the agreement ''could establish standards that adversely affect commercial relationships without a commensurate safety benefit.'' Both of these concerns are misplaced.

Procedural safeguards. Bilateral agreements are not rulemakings subject to the Administrative Procedure Act. They are nevertheless subject to abundant procedural safeguards. The FAA cannot enter into a BASA without Circular 175 authority. This is the process whereby an executive agency gains permission to enter into an international executive agreement. The Circular 175 authority for BASAs contains an extensive analysis of the need for and risks and benefits of such agreements along with a memorandum of legal sufficiency signed by the Legal Adviser to the Department of State. Moreover, each individual BASA is authorized by consensus clearance by all interested government agencies and the aviation industry through the Interagency Group on International Aviation (IGIA), chaired by the Secretary of Transportation and charged with coordinating U.S. negotiating positions on all international civil aviation matters. Any given BASA will likely require more than one IGIA clearance. The industry has been actively involved in all phases of developing BASAs and their IP.

Unlike rules, agreements do not apply directly to regulated entities, but are exchanges of rights and obligations between governments. Moreover, an executive agreement cannot be used to modify, overrule, or nullify inconsistent regulations.

Finally, all aviation agreements are reported to Congress in accordance with the Case Act and registered with the International Civil Aviation Organization (ICAO) in accord with U.S. obligations under the Convention on International Civil Aviation (the Chicago Convention).

Interference with trade, without ''commensurate'' safety benefit. The BASA and its IP do not ''interfere with trade.'' On the contrary, they facilitate trade in aeronautical goods and services. The primary purpose of this latest

evolution of the regulatory harmonization process is to avoid inefficient, redundant regulation through a process in which the parties verify that each other's systems provide equivalent levels of safety.

It is consequently also incorrect to assert that BASAs have no ''commensurate safety benefit.'' As the preamble to the NPRM states, the FAA does not enter into a BASA/MIP unless it is well satisfied that the foreign government's safety regulatory scheme provides a level of safety fully equivalent to that provided by the FAA.

Indeed, the only reason that Canada has its own mention in § 43.17 is that the U.S./Canada BAA alone among all the FAA's BAAs dealt with maintenance activities. It did so because of the special trust that the FAA had developed in Canadian safety oversight over the decades. The purpose of this change in language is to enable the U.S./Canada BASA to be treated as much as possible like the other BASAs. It corrects an anomaly that resulted from the greater confidence that the FAA had in Canadian oversight of maintenance facilities.

Conclusion. The proposed changes to § 43.17(d)(2) and (d)(4) advance the very principles on which the commenter bases its objection—promotion of trade without derogating safety and preserving public participation in the aviation safety oversight process. For clarification, the FAA is replacing the text in each of the two proposed sections that read ''an agreement between the United States and Canada'' with language that states ''a Bilateral Aviation Safety Agreement between the United States and Canada and associated Maintenance Implementation Procedures that provide a level of safety equivalent to the provisions of this chapter.''

Paperwork Reduction Act

There are no current or new requirements for information collection associated with this amendment.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with ICAO Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these regulations.

Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, Regulatory Planning and Review, directs the FAA to assess both the costs and the benefits of a regulatory change. We are not allowed to propose or adopt a regulation unless we make a reasoned determination that the benefits of the intended regulation justify its costs. Our assessment of this rulemaking indicates that its economic impact is minimal. Because the costs and benefits of this action do not make it a ''significant regulatory action'' as defined in the Order, we have not prepared a ''regulatory impact analysis.'' Similarly, we have not prepared a full ''regulatory evaluation,'' which is the written cost/benefit analysis otherwise required for all rulemaking under the DOT Regulatory and Policies and Procedures. We do not need to do a full evaluation where the economic impact of a rule is minimal.

Economic Assessment, Regulatory Flexibility Determination, Trade Impact Assessment, and Unfunded Mandates Assessment

The FAA is amending 14 CFR 43.17. The FAA has replaced the Bilateral Airworthiness Agreement between the United States and Canada with a BASA, and plans to include a MIP with that BASA. Through the device of the U.S./Canada BASA/MIP, future changes in maintenance requirements in either country can be implemented through changes to the MIP. This will be a less burdensome and less costly process than having to amend § 43.17 each time. Currently, § 43.17 contains two provisions among its requirements that inhibit the implementation of a BASA/MIP agreement with Canada. The FAA is revising § 43.17 by removing these to facilitate development of the MIP. These revisions are discussed below. Currently, some provisions in § 43.17 provide requirements that are not in accordance with standards for other MIPs that are in place now. This final rule will remove those and make the implementation of the BASA/MIP more beneficial to all parties by providing greater flexibility to implement a MIP.

The FAA believes that amending § 43.17 results in cost savings to those entities that would be impacted by this rule and eliminates a barrier to trade. Therefore, the FAA has determined that the final rule will be cost-beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rational for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and an RFA is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The Federal Aviation Administration has determined that this final rule will not have a significant economic impact on a substantial number of small entities because it is removing a barrier, which should lower costs for air carriers that have aircraft maintenance performed in Canada.

Trade Impact Assessment

The Trade Agreements Act of 1979 prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this final rule and determined that it will not constitute a barrier to international trade, including the export of U.S. goods and services to foreign countries or the import of foreign goods and services into the United States. In fact, the FAA believes it will remove a barrier to trade.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (the Act) is intended, among other things, to curb the practice of imposing unfunded Federal mandates

on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $120.7 million in lieu of $100 million.

This final rule does not contain such a mandate. The requirements of Title II of the Act, therefore, do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We have determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government, and therefore does not have federalism implications.

Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 307k and involves no extraordinary circumstances.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this final rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant regulatory action'' under Executive Order 12866, as it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

List of Subjects in 14 CFR Part 43

Air carriers, Aircraft, Airmen, Air transportation, Aviation safety.

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends part 43 of Title 14, Code of Federal Regulations, as follows:

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

■ 1. The authority citation for part 43 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44703, 44705, 44707, 44711, 44703, 44717, 44725.

■ 2. Revise § 43.17(a), (c), (d), and (e)(2) to read as follows:

§ 43.17 Maintenance, preventive maintenance, and alterations performed on U.S. aeronautical products by certain Canadian persons.

(a) *Definitions.* For purposes of this section:

Aeronautical product means any civil aircraft or airframe, aircraft engine, propeller, appliance, component, or part to be installed thereon.

Canadian aeronautical product means any aeronautical product under airworthiness regulation by Transport Canada Civil Aviation.

U.S. aeronautical product means any aeronautical product under airworthiness regulation by the FAA.

* * * * *

(c) *Authorized persons.* (1) A person holding a valid Transport Canada Civil Aviation Maintenance Engineer license and appropriate ratings may, with respect to a U.S.-registered aircraft located in Canada, perform maintenance, preventive maintenance, and alterations in accordance with the requirements of paragraph (d) of this section and approve the affected aircraft for return to service in accordance with the requirements of paragraph (e) of this section.

(2) A Transport Canada Civil Aviation Approved Maintenance Organization (AMO) holding appropriate ratings may, with respect to a U.S.-registered aircraft or other U.S. aeronautical products located in Canada, perform maintenance, preventive maintenance, and alterations in accordance with the requirements of paragraph (d) of this section and approve the affected products for return to service in accordance with the requirements of paragraph (e) of this section.

(d) *Performance requirements.* A person authorized in paragraph (c) of this section may perform maintenance (including any inspection required by Sec. 91.409 of this chapter, except an annual inspection), preventive maintenance, and alterations, provided—

(1) The person performing the work is authorized by Transport Canada Civil Aviation to perform the same type of work with respect to Canadian aeronautical products;

(2) The maintenance, preventive maintenance, or alteration is performed in accordance with a Bilateral Aviation Safety Agreement between the United States and Canada and associated Maintenance Implementation Procedures that provide a level of safety equivalent to that provided by the provisions of this chapter;

(3) The maintenance, preventive maintenance, or alteration is performed such that the affected product complies with the applicable requirements of part 36 of this chapter; and

(4) The maintenance, preventive maintenance, or alteration is recorded in accordance with a Bilateral Aviation Safety Agreement between the United States and Canada and associated Maintenance Implementation Procedures that provide a level of safety equivalent to that provided by the provisions of this chapter.

(e) * * *

(1) * * *

(2) An AMO whose system of quality control for the maintenance, preventive maintenance, alteration, and inspection of aeronautical products has been approved by Transport Canada Civil Aviation, or an authorized employee performing work for such an AMO, may approve (certify) a major repair or major alteration performed under this section if the work was performed in accordance with technical data approved by the FAA.

* * * * *

Issued in Washington, DC on July 7, 2005.

Marion C. Blakey,

Administrator.

[FR Doc. 05–13762 Filed 7–13–05; 8:45 am]

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