

subchapter C, part 320 of the Code of Federal Regulations as follows:

**PART 260—REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD**

1. The authority citation for part 260 continues to read as follows:

**Authority:** 45 U.S.C. 231f; 45 U.S.C. 231g; 45 U.S.C. 355.

2. Revise paragraphs (i)(1), (i)(3) and (l) of § 260.5 to read as follows:

**§ 260.5 Appeal from a reconsideration decision.**

\* \* \* \* \*  
(i) *Conduct of an oral hearing.* (1) In any case in which an oral hearing is to be held, the hearings officer shall schedule a time and place for the conduct of the hearing. At the discretion of the hearings officer, any hearing required under this part may be held in person, by telephone conference call, or by video teleconferencing as described in § 260.5(l). The hearing shall not be open to the public. The hearings officer shall promptly notify by mail the party or parties to the proceeding as to the time and place for the hearing. The notice shall include a statement of the specific issues involved in the case. The hearings officer shall make every effort to hold the hearing within 150 days after the date the appeal is filed.

\* \* \* \* \*  
(3) The hearings officer shall rule on any objection timely filed by a party under paragraph (i) of this section and shall notify the party of his or her ruling thereon. The hearings officer may for good cause shown, or upon his or her own motion, reschedule the time and/or place of the hearing. If an individual objects to having a hearing by video teleconferencing, the hearings officer will find the individual's wish not to appear by video teleconferencing to be a good reason for changing the time or place of the scheduled hearing and will reschedule the hearing for a time or place where either a telephone conference call or an in person hearing will be held. The hearings officer may also limit or expand the issues to be resolved at the hearing.

\* \* \* \* \*  
(l) *Hearing by telephone or video teleconferencing.* As stated in paragraph (i)(1) of this section, at the discretion of the hearings officer, any hearing required under this part may be conducted in person, by telephone conference call, or by video teleconferencing. The hearings officer may determine the hearing should be conducted by telephone conference call or video teleconferencing if use of these

methods would be more efficient than conducting an in-person hearing and the hearings officer does not determine that there is a circumstance in the particular case preventing the use of these methodologies to conduct the hearing.

**PART 320—INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS**

3. The authority citation for part 320 continues to read as follows:

**Authority:** 45 U.S.C. 355 and 362(l).

4. Add a new first sentence to paragraph (a) and revise paragraph (c) of § 320.22 to read as follows:

**§ 320.22 Notice of hearing.**

(a) *Notification of parties.* At the discretion of the hearings officer, any hearing required under this part may be held in person, by telephone conference call, or by video teleconferencing as described in § 320.25(d). \* \* \*

\* \* \* \* \*  
(c) *Ruling on objection.* The hearings officer shall rule on any objection timely filed by a party under this section and shall notify the party of his or her ruling thereon. The hearings officer may for good cause shown, or upon his or her own motion, reschedule the time and/or place of the hearing. If an individual objects to having a hearing by video teleconferencing, the hearings officer will find the individual's wish not to appear by video teleconferencing to be a good reason for changing the time or place of the scheduled hearing and will reschedule the hearing for a time or place where a telephone conference call or an in person hearing will be held. The hearings officer also may limit or expand the issues to be resolved at the hearing.

\* \* \* \* \*  
5. Revise § 320.25(d) to read as follows:

**§ 320.25 Hearing of appeal.**

\* \* \* \* \*  
(d) *Hearing by telephone or video teleconferencing.* As stated in § 320.22(a), at the discretion of the hearings officer, any hearing required under this part may be conducted in person, by telephone conference call, or by video teleconferencing. The hearings officer may determine the hearing should be conducted by telephone conference call or video teleconferencing if use of these methods would be more efficient than conducting an in person hearing and the hearings officer does not determine that there is a circumstance in the particular

case preventing the use of these methodologies to conduct the hearing.

Dated: November 30, 2005.

By authority of the Board.

**Beatrice Ezerski,**  
*Secretary to the Board.*

[FR Doc. 05-23607 Filed 12-8-05; 8:45 am]

**BILLING CODE 7905-01-P**

**RAILROAD RETIREMENT BOARD**

**20 CFR Part 341**

**RIN 3220-AB60**

**Electronic Filing of Settlement and Final Judgment Notices by Railroad Employers**

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) proposes to amend its regulations to include the option of electronic notification by railroad employers of settlements and final judgments based on an injury for which sickness benefits have been paid under the Railroad Unemployment Insurance Act (RUIA). Part 341 currently requires that notifications of settlements and final judgments be submitted to the Board in writing. The proposed rule would allow these notifications to be made by railroad employers either in writing or by sending an electronic message, e.g. via e-mail.

**DATES:** Submit comments on or before February 7, 2006.

**ADDRESSES:** Address any comments concerning this proposed rule to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092.

**FOR FURTHER INFORMATION CONTACT:** Marguerite P. Dadabo, Assistant General Counsel, (312) 751-4945, TTD (312) 751-4701.

**SUPPLEMENTARY INFORMATION:** Part 341 of the Board's regulations deals with the notification of settlements and final judgments based on an injury for which sickness benefits have been paid under the Railroad Unemployment Insurance Act (RUIA). Currently, the regulations require all individuals or companies to make notifications of settlements and final judgments in writing to the Board. These revisions allow railroad employers to also notify the Board electronically in these instances, e.g. via e-mail.

Section 341.6(a) is proposed to be amended to allow railroad employers to notify the Board, in writing or

electronically in the manner prescribed by the agency, of a settlement or final judgment based on an injury for which the employee received sickness benefits. In addition, the proposed rule would amend sections 341.8(a) and 341.8(b) to allow a railroad employer to notify the Board electronically or in writing. Also, sections 341.8(b) and (c) are proposed to be amended to change the outdated references of "Division of Claims Operations" and "Bureau of Unemployment and Sickness Insurance" to the correct reference of "Sickness and Unemployment Benefits Section".

There is an information collection impacted by the proposed rule:

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

**Summary of Proposal(s)**

(1) *Collection title:* Supplemental Information on Accident and Insurance.

(2) *Form(s) submitted:* SI-1c, SI-5, ID-3s, ID-3s-1, ID-3u, ID-30k, ID-30k-1.

(3) *OMB Number:* 3220-0036.

(4) *Expiration date of current OMB clearance:* 06/30/2008.

(5) *Type of Request:* Revision of a currently approved collection.

(6) *Respondents:* Business or other for-profit.

(7) *Estimated annual number of respondents:* 10,000.

(8) *Total annual responses:* 28,500.

(9) *Total annual reporting hours:* 1,693.

(10) *Collection description:* The Railroad Unemployment Insurance Act (RUIA) provides for the recovery of sickness benefits if an employee receives a settlement for the same injury for which benefits were paid. The collection obtains information about the person or company responsible for such payments that is needed to determine the RRB's amount of entitlement.

Under Section 12(o) of the RUIA, the Railroad Retirement Board is entitled to reimbursement of the sickness benefits paid to a railroad employee if the employee receives a sum or damages for the same infirmity for which the benefits are paid. Section 2(f) of the RUIA requires employers to reimburse the RRB for days for which salary, wages, pay for time lost or other remuneration is later determined to be payable. Reimbursements under section 2(f) generally result from the award of

pay for time lost or the payment of guaranteed wages. The RUIA prescribes that the amount of benefits paid be deducted and held by the employer in a special fund for reimbursement to the RRB.

The RRB currently utilizes Form(s) SI-1c, (Supplemental Information on Accident and Insurance), SI-5 (Report of Payments to Employee Claiming Sickness Benefits Under the RUIA), ID-3s (Request for Lien Information), ID-3s-1, (Lien Information Under Section 12(o) of the RUIA), ID-3u (Request for Section 2(f) Information), ID-30k (Form Letter Asking Claimant for Additional Information on Injury or Illness), and ID-30k-1 (Request for Supplemental Information on Injury or Illness-3rd Party), to obtain the necessary information from claimants and railroad employers.

The RRB proposes to implement an E-mail equivalent of Form ID-3s and ID-3u. No other changes are proposed to the information collection. Completion is required to obtain or retain benefits. One response is requested of each respondent.

**Estimate of Annual Respondent Burden**

The estimated annual respondent for this collection is as follows:

Form #(s)	Annual responses	Time (minutes)	Burden (hours)
SI-1c .....	1,000	5	83
SI-5 .....	2,500	5	208
ID-3s .....	9,250	3	463
ID-3s (E-mail) .....	9,250	3	463
ID-3s.1 .....	500	3	25
ID-3u .....	750	3	38
ID-3u (E-mail) .....	750	3	38
ID-30k .....	2,000	5	167
ID-30k.1 .....	2,500	5	208
<b>Total .....</b>	<b>28,500</b>	<b>.....</b>	<b>1,693</b>

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please contact the

RRB Clearance Officer at (312) 751-3363 or [Charles.Mierzwa@rrb.gov](mailto:Charles.Mierzwa@rrb.gov). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or [Ronald.Hodapp@rrb.gov](mailto:Ronald.Hodapp@rrb.gov) and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503. Comments can be received from 30 days of publication up to the close of the rules comment period but comment to OMB will be most useful if received by OMB within 30 days of publication of this notice.

The Board, with the concurrence of the Office of Management and Budget,

has determined that this is not a significant regulatory action under Executive Order 12866. Therefore, no regulatory impact analysis is required. The information collection is currently approved under control number 3220-0171; however, the proposed rule impacts the information collection and will be forwarded to OMB along with the Notice of Proposed Rulemaking.

**List of Subjects in 20 CFR Part 341**

Railroad unemployment insurance, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Railroad Retirement Board proposes to amend title 20,

chapter II, subchapter C, part 341 of the Code of Federal Regulations as follows:

**PART 341—STATUTORY LIEN WHERE SICKNESS BENEFITS PAID**

1. The authority citation for part 341 continues to read as follows:

**Authority:** 45 U.S.C. 362(o).

2. Revise § 341.6(a) introductory text to read as follows:

**§ 341.6 Report of settlement or judgment.**

(a) When a person or company makes a settlement or must satisfy a final judgment based on an injury for which the employee received sickness benefits, the person or company shall notify the Board of the settlement or final judgment. That notice shall be in writing and submitted within five days of the settlement or final judgment. A railroad employer may fulfill the written notice requirement by sending an electronic message in the manner prescribed by the agency. That notification shall contain:

\* \* \* \* \*

3. Amend § 341.8 as follows:

a. Add a new sentence to the end of paragraph (a);

b. Revise paragraph (b); and

c. Amend paragraph (c) by removing the phrase “Division of Claims Operations” and adding the phrase “Sickness and Unemployment Benefits Section” in its place.

The additions and revisions read as follows:

**§ 341.8 Termination of sickness benefits due to a settlement.**

(a) \* \* \* A railroad employer may file the required report by sending an electronic message in the manner prescribed by the agency.

(b) A report of settlement shall be made to the Sickness and Unemployment Benefits Section and shall include the information required in § 341.6. Where the report is an oral report, and the informant is neither the employee nor his or her representative, the informant shall be told that written confirmation containing the information called for by § 341.6 must be submitted to the Board within 5 days from the date of the oral report. A railroad employer may fulfill the written report requirement by sending an electronic message in the manner prescribed by the agency.

\* \* \* \* \*

Dated: November 30, 2005.

By authority of the Board.

For the Board:

**Beatrice Ezerski,**

*Secretary to the Board.*

[FR Doc. 05–23606 Filed 12–8–05; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 310 and 358**

**[Docket No. 2005N–0448]**

**RIN 0910–AF49**

**Dandruff, Seborrheic Dermatitis, and Psoriasis Drug Products Containing Coal Tar and Menthol for Over-the-Counter Human Use; Proposed Amendment to the Monograph**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing a proposed rule to amend the final monograph (FM) for over-the-counter (OTC) dandruff, seborrheic dermatitis, and psoriasis drug products to include the combination of 1.8 percent coal tar solution and 1.5 percent menthol in a shampoo drug product to control dandruff. FDA is issuing this proposed rule after considering information submitted in a citizen petition. This proposal is part of FDA’s ongoing review of OTC drug products.

**DATES:** Submit written or electronic comments by March 9, 2006. See section IX of this document for the proposed effective date of any final rule that may publish based on this proposal.

**ADDRESSES:** You may submit comments, identified by Docket No. 2005N–0448 and RIN 0910–AF49, by any of the following methods:

*Electronic Submissions*

Submit electronic comments in the following ways:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Agency Web site: <http://www.fda.gov/dockets/ecomments>. Follow the instructions for submitting comments on the agency Web site.

*Written Submissions*

Submit written submissions in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management (HFA–

305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

To ensure more timely processing of comments, FDA is no longer accepting comments submitted to the agency by e-mail. FDA encourages you to continue to submit electronic comments by using the Federal eRulemaking Portal or the agency Web site, as described in the *Electronic Submissions* portion of this paragraph.

*Instructions:* All submissions received must include the agency name and Docket No. 2005N–0448. All comments received may be posted without change to <http://www.fda.gov/ohrms/dockets/default.htm>, including any personal information provided. For additional information on submitting comments, see the “Comments” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.fda.gov/dockets/default.htm> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Koenig, Center for Drug Evaluation and Research (HFD–560), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2222.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In the **Federal Register** of December 4, 1979 (44 FR 69768), FDA published an advance notice of proposed rulemaking (ANPR) to establish a monograph for OTC external analgesic drug products. The ANPR includes the recommendations of the Advisory Review Panel on OTC Topical Analgesic, Antirheumatic, Otic, Burn, and Sunburn Prevention and Treatment Drug Products (the Topical Analgesic Panel). The Topical Analgesic Panel concluded that menthol is safe and effective for use as an OTC external antipruritic (anti-itch) ingredient in concentrations of 1.0 percent or less and as a topical counterirritant in concentrations exceeding 1.25 percent up to 16 percent. In the **Federal Register** of February 8, 1983 (48 FR 5852), FDA’s proposed monograph, or tentative final monograph (TFM), for OTC external analgesic drug products included menthol as an antipruritic ingredient at