

considered unnecessary obstacles. The TAA also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. In addition, consistent with the Administration's belief in the general superiority and desirability of free trade, it is the policy of the Administration to remove or diminish to the extent feasible, barriers to international trade, including both barriers affecting the export of American goods and services to foreign countries and barriers affecting the import of foreign goods and services into the United States. The FAA has assessed the potential effect of this final rule under the above Act and policy, and has determined that it will have only a domestic impact and therefore no effect on any trade-sensitive activity.

### Federalism Implications

This amendment will 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 government. Therefore, in accordance with Executive Order 12612, it is determined that this amendment would not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

### Unfunded Mandates Reform Act

The Unfunded Mandate 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.

### List of Subjects in 14 CFR Part 93

Air traffic control, Airports, Navigation (air).

### Adoption of Amendments

■ Accordingly, the Federal Aviation Administration (FAA) amends 14 CFR part 93 as follows:

## PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

■ 1. The authority citation for part 93 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506–46507, 47122, 47508, 47528–47531.

■ 2. Paragraphs (a) and (b) of section 93.305, published on December 31, 1996 (61 FR 69330), then delayed on April 4, 2000 (65 FR 17736), and most recently stayed until February 20, 2006 (68 FR 9496, February 27, 2003), are further stayed until February 20, 2011.

Issued in Washington, DC on February 17, 2006.

**Marion C. Blakey,**

*Administrator.*

[FR Doc. 06–1759 Filed 2–21–06; 4:13 pm]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Parts 742 and 746

[Docket No. 051230351–5351–01]

RIN 0694–AD68

### Clarification to the Export Administration Regulations; General Order to Implement the Syria Accountability and Lebanese Sovereignty Act

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security publishes this final rule to amend the Export Administration Regulations (EAR) by adding two cross-references to the General Order Implementing the Syria Accountability and Lebanese Sovereignty Act (Syria General Order). This amendment clarifies that provisions of the Syria General Order set forth special controls on exports and reexports to Syria and supersede other provisions in the EAR specific to Syria.

**DATES:** This rule is effective February 24, 2006.

**ADDRESSES:** Send comments regarding the Paperwork Reduction Act burden estimates or any other aspect of the collection of information affected by this rule to David Rostker, OMB Desk Officer, by e-mail at [david\\_rostker@omb.eop.gov](mailto:david_rostker@omb.eop.gov) or by fax to 202–395–7285; with a copy to the

Regulatory Policy Division, Bureau of Industry and Security at one of the addresses below. Send comments concerning any other aspect of this rule via e-mail to [rpdd2@bis.doc.gov](mailto:rpdd2@bis.doc.gov), via fax to 202–482–3355 or to the Bureau of Industry and Security, Office of Exporter Services, Regulatory Policy Division, Room H2017, U.S. Department of Commerce, Washington, DC 20230. Please refer to RIN 0694–AD68 in all comments.

**FOR FURTHER INFORMATION CONTACT:** Sheila Quarterman, Bureau of Industry and Security, Office of Exporter Services, Regulatory Policy Division, by phone at 202–482–2440 or by fax 202–482–3355.

### SUPPLEMENTARY INFORMATION:

#### Background

On May 14, 2004 the Bureau of Industry and Security issued General Order Implementing Syria Accountability and Lebanese Sovereignty Act of 2003 (Syria General Order) consistent with Executive Order 13338 of May 11, 2004. Pursuant to the Syria General Order, exports and reexports of all items subject to the Export Administration Regulations (EAR) (15 CFR 730 *et seq.*), except food and medicine classified as EAR99 and "deemed export" and "deemed reexport" of EAR99 technology or source code, require a license to Syria (medicine is defined in Part 772 of the EAR). All license applications for exports or reexports to Syria are subject to a general policy of denial, other than particular transactions described in the General Order.

The Syria General Order is set forth in Supplement No. 1 to Part 736 of the EAR as General Order No. 2. In response to a suggestion by exporters, this final rule clarifies that the Syria General Order sets forth special controls on exports and reexports to Syria and supersedes other provisions in the EAR specific to Syria by adding two cross references to the Syria General Order in parts 742 and 746 of the EAR. Specifically, this final rule adds a new paragraph (e) to section 742.9 "Anti-terrorism: Syria", and adds new section 746.9, "Syria," to part 746—Embargoes and Other Special Controls.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended by the Notice of August 2, 2005, 70 FR 45273 (August 5, 2005), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act.

## Rulemaking Requirements

1. This rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any 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 Control Number. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by Office of Management and Budget under control number 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 58 minutes for a manual or electronic submission. BIS believes that this rule will not materially affect the burden imposed by this collections.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. The Department finds that there is good cause under 5 U.S.C. 553(b)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because it is unnecessary. The changes made by this rule merely provide greater clarity by including cross-references to interrelated provisions of existing regulations. In particular, the Syria General Order, published in May of 2004, modified the regulatory treatment of exports and reexports to Syria. This rule inserts references to the General Order into existing Syria specific provisions of the EAR to ensure that the public is aware of the existence of the Syria General Order. Therefore because the changes made by this rule are not substantive, it is unnecessary to provide notice and opportunity for public comment. In addition, the 30-day delay in effectiveness required by 5 U.S.C. 553(d) is not applicable because this rule is not a substantive rule.

Because notice of proposed rulemaking and opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

## List of Subjects

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 746

Exports, Foreign trade.

■ Accordingly, parts 742 and 746 of the Export Administration Regulations (15 CFR parts 730—799) are amended as follows:

### PART 742—[AMENDED]

■ 1. The authority citation for part 742 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005); Notice of October 25, 2005, 70 FR 62027 (October 27, 2005).

■ 2. Section 742.9 is amended to add a new paragraph (e) as follows:

#### § 742.9 Anti-terrorism: Syria.

\* \* \* \* \*

(e) General Order No. 2, Supplement No. 1 to part 736 of the EAR, sets forth special controls for exports and reexports to Syria. General Order No. 2 supersedes the provisions of paragraphs (a) through (d) of this section.

### PART 746—[AMENDED]

■ 3. The authority citation for part 746 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; 22 U.S.C. 6004; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 12854, 58 FR 36587, 3 CFR 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005).

■ 4. New section 746.9 is added to read as follows:

#### § 746.9 Syria.

General Order No. 2, Supplement No. 1 to part 736 of the EAR, sets forth special controls for exports and reexports to Syria.

Dated: February 14, 2006.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc.06–1709 Filed 2–23–06; 8:45 am]

**BILLING CODE 3510–33–P**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 1

RIN 3038–AC20

### Definition of “Client” of a Commodity Trading Advisor

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final regulations.

**SUMMARY:** The Commodity Futures Trading Commission (Commission) is amending Regulation 1.3(bb) by adding to that regulation a definition of the term “client,” as it relates to commodity trading advisors (CTAs). This amendment clarifies inconsistencies in the Commission’s regulations concerning the advisees of CTAs, and it reflects the Commission’s longstanding view that its antifraud authority extends to all CTAs, irrespective of whether they provide advice on a personalized or nonpersonalized basis. The Commission is also amending Regulation 1.3(bb) by adding the term “derivatives transaction execution facility” to the CTA definition set forth in that regulation.

**DATES:** Effective Date: March 27, 2006.

**FOR FURTHER INFORMATION CONTACT:** Barbara S. Gold, Associate Director, or R. Stephen Painter Jr., Staff Attorney, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, telephone number: (202) 418–5450 or (202) 418–5416, respectively; facsimile number: (202) 418–5528; and electronic mail: [bgold@cftc.gov](mailto:bgold@cftc.gov) or [spainter@cftc.gov](mailto:spainter@cftc.gov), respectively.

### SUPPLEMENTARY INFORMATION:

#### I. The Proposal

##### A. Background

On September 28, 2005, the Commission published for public comment a proposed amendment to Regulation 1.3(bb) (Proposal).<sup>1</sup> That amendment, which the Commission is

<sup>1</sup> 70 FR 56608. This **Federal Register** release announcing the Proposal (Proposing Release) may be accessed through the Commission’s Web site: <http://www.cftc.gov/files/foia/fedreg05/foi050928a.pdf>. In the Proposing Release, the Commission provided a detailed explanation of the proposed amendment to Regulation 1.3(bb). Accordingly, the Commission encourages interested persons to read the Proposing Release for a fuller discussion of the purpose of the amendment to Regulation 1.3(bb).

The Commission’s regulations are found at 17 CFR Ch. I (2005) and may be accessed at <http://www.gpoaccess.gov/ecfr>.