

From/To	Total distance	Changover distance	Point from	Track angle	MEA	MAA
Middleton Island, AK VOR/DME .....	.....	.....	.....	132/312 to Middleton Island.	.....	.....
Middleton Island, AK VOR/DME	170.9	121.0	Middleton Island	121/301 to Cop	24000	45000
Snout, AK .....	.....	.....	.....	121/301 to Snout .....	.....	.....
Snout, AK	196.9	65.0	Snout	125/305 to Cop	24000	45000
Eeden, AK .....	.....	.....	.....	125/305 to Eeden .....	.....	.....
Eeden, AK	153.9	112.0	Eeden	130/310 to Cop	24000	45000
Fried, AK .....	.....	.....	.....	130/310 to Fried .....	.....	.....

From

To

MEA

§ 95.6001 Victor Routes—U.S.**§ 95.6190 VOR Federal Airway V190 Is Amended To Read in Part**

Peaks, AZ FIX	Teddi, AZ FIX .....	.....	13000
.....	NE BND .....	.....	10000
Teddi, AZ FIX	SW BND .....	.....	** 13000

* 14000-MRA
** 9700-MOCA

From	Airway Segment		Changover Points	
	To	Distance	From
§ 95.8003 VOR Federal Airway Changover Points				
§ 95.803 VOR Is Amended To Modify Changover Point				

Phoenix, AZ VORTAC	St Johns, AZ VORTAC	67	Phoenix.
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[FR Doc. 06-4477 Filed 5-11-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE**Bureau of Industry and Security****15 CFR Parts 756 and 766**

[Docket No. 060320077-6077-01]

RIN 0694-AD60

Revised Appeal Procedure for Persons Designated as Related Persons to Denial Orders**AGENCY:** Bureau of Industry and Security, Commerce.**ACTION:** Final rule.

SUMMARY: This rule revises Section 766.23(c) of the Export Administration Regulations (EAR) to make the appeal procedure for any person named as a related person to the respondent in an order denying export privileges identical to the appeal procedure for the respondent in that order.

DATES: This rule is effective May 12, 2006.

FOR FURTHER INFORMATION CONTACT:

William Arvin, Regulatory Policy Division, Bureau of Industry and Security, e-mail warvin@bis.doc.gov, fax 202-484-3355, tel. 202-484-2440.

SUPPLEMENTARY INFORMATION:**Background**

Section 766.23 of the EAR sets forth the process for making applicable to a related person an order denying export privileges issued pursuant to any provision of part 766 of the EAR. Specifically, Section 766.23(a) provides that “[i]n order to prevent evasion,” orders denying export privileges may be made applicable to “persons then or thereafter related to the respondent [in a denial order] by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business.” Section 766.23 may be used to make applicable to a related person an order denying export privileges issued pursuant to any provision of part 766. Prior to publication of this rule, Section 766.23(c) provided that any person named by BIS as a related person “may file an appeal with the administrative law judge.” Section 766.23(c) further provided that “[t]he recommended decision and order of the administrative law judge shall be reviewed by the Under Secretary in accordance with the procedures set forth in Section 766.22 of this part.” This rule amends Section 766.23(c) of the EAR to provide that an administrative law judge’s decision pertaining to a related person to whom an order issued pursuant to Section 766.25 has been made applicable may be appealed to the Under Secretary for Industry and Security under part 756.

This rule revises Section 766.23(c) to eliminate three procedural inconsistencies involving: Appeal by a related person of an order imposed under Section 766.25 for violation of a specified statute; a decision by the administrative law judge that makes an order issued for a violation related to part 760 applicable to a related person; or an order issued pursuant to Section 766.24 to prevent an imminent violation of the Export Administration Act, the EAR, or any order, license or authorization issued thereunder.

Changes Made By This Rule

Section 766.25 provides the procedure for imposing denials of export privileges for up to ten years for persons convicted of violations of statutes specified in Section 11(h) for the Export Administration Act. Prior to publication of this rule, a person named as a related person to an order issued pursuant to Section 766.25 had a right of appeal to the administrative law judge. In contrast, the respondent in such an order had a right of appeal to the Under Secretary under part 756 of the EAR. These separate and distinct appeals procedures could unnecessarily bifurcate administrative proceedings. Therefore, this rule amends Section 756.1 by including as a type of action appealable under part 756 appeals from actions making an order issued under Section 766.25 applicable to a related person.

In addition, prior to publication of this rule, Section 766.23(c) provided that *any* recommended decision and order of the administrative law judge making an order applicable to a related person “*shall* be reviewed by the Under Secretary in accordance with the procedures set forth in Section 766.22 * * *.” (Emphasis added.) This mandatory review process is consistent with the procedure for respondents in orders issued for violations of the EAR that are not related to part 760. However, procedures for the respondent to appeal the administrative law judge’s order for a violation related to part 760 (restrictive trade practices and boycotts) are set forth in Section 766.21, which provides that the administrative law judge’s decision “*may*” be appealed to the Under Secretary. (Emphasis added.) This difference could create unnecessarily inconsistent and bifurcated proceedings because the administrative law judge decision making an order issued for a violation related to part 760 applicable to a related person would be subject to mandatory Under Secretary review, whereas the decision of the administrative law judge with respect to the respondent in that same order would become the final agency action absent an appeal to the Under Secretary. Therefore, this rule revises Section 766.23 to provide that a decision of the administrative law judge making an order issued for a violation related to part 760 to the EAR applicable to a related person may be appealed pursuant to the procedures in Section 766.21 and that the recommended decision of the administrative law judge making an order issued pursuant to Section 766.24 applicable to a related person shall be reviewed by the Under Secretary in accordance with the procedures set forth in Section 766.24(e).

Finally, prior to publication of this rule, Section 766.24(d)(3)(ii) provided that a person designated as a related person to a temporary denial order issued pursuant to Section 766.24 may file an appeal in accordance with Section 766.2(3)(c) (*sic*). Section 766.23(c) provided that recommended decisions of the administrative law judge be reviewed in accordance with the procedures set forth in Section 766.22. The procedures set forth in Section 766.22 differ from the procedures for review of recommended decisions by the administrative law judge with respect to orders issued pursuant to Section 766.24. Therefore, this rule makes a necessary technical correction to Section 766.24(d)(3)(ii).

Effect of This Rule

This rule removes potential causes of unnecessarily bifurcated proceedings by revising: (1) The appeal procedures for related persons to orders issued under Section 766.25; (2) orders issued for violations related to part 760 of the EAR; and (3) orders issued pursuant to Section 766.24 to prevent imminent violations to make each related person appeal procedure match the appeal procedure for the respondent in the underlying proceeding. Upon publication of this rule, the appeal procedure for a related person to any denial order is identical to that of the respondent(s) in that same order. This rule does not change the substantive grounds for making an order applicable to a related person, nor does it change the issues to be decided on appeal of such an action.

Rulemaking Requirements

1. This rule has been determined to be not significant for the purposes of Executive Order 12866.
2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule does not involve any collections of information that are subject to the Paperwork Reduction Act.
3. This rule does not contain policies with Federalism implications as this term is defined in Executive Order 13132.
4. Pursuant to 5 U.S.C. 553, the provisions of the Administrative Procedure Act requiring a notice of proposed rulemaking and the opportunity for public comment are waived, because this regulation involves a rule of agency procedure. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an 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 756

Administrative practice and procedure, Exports, Penalties.

15 CFR Part 766

Administrative practice and procedure, Confidential business information, Exports, Law enforcement, Penalties.

- Accordingly, parts 756 and 766 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

PART 756—[AMENDED]

- 1. The authority citation for 15 CFR part 756 is revised to read:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005).

- 2. Section 756.1(a)(2) is revised to read as follows:

§ 756.1 Introduction.

(a) * * *
 (2) Denial or probation orders, civil penalties, sanctions, or other actions under parts 764 and 766 of the EAR, except that, any appeal from an action taken under § 766.25 and any appeal from an action taken in accordance with § 766.23 to make an action taken under § 766.25 applicable to a related person shall be subject to the appeals procedures described in this part 756.

PART 766—[AMENDED]

- 3. 1. The authority citation for 15 CFR Part 766 is revised to read:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005).

- 4. Section 766.23(c) is revised to read as follows:

§ 766.23 Related persons.

* * * * *
 (c) **Appeals.** Any person named by BIS in an order as related to the respondent may appeal that action. The sole issues to be raised and ruled on in any such appeal are whether the person so named is related to the respondent and whether the order is justified in order to prevent evasion.

(1) A person named as related to the respondent in an order issued pursuant to § 766.25 may file an appeal with the Under Secretary for Industry and Security pursuant to part 756 of the EAR.

(2) A person named as related to the respondent in an order issued pursuant to other provisions of this part may file an appeal with the administrative law judge.

(i) If the order made applicable to the related person is for a violation related

to part 760 of the EAR, the related person may file an appeal with the administrative law judge. The related person may appeal the initial decision and order of the administrative law judge to the Under Secretary in accordance with the procedures set forth in § 766.21.

(ii) If the order made applicable to the related person is issued pursuant to § 766.24 of this part to prevent an imminent violation, the recommended decision and order of the administrative law judge shall be reviewed by the Under Secretary in accordance with the procedures set forth in § 766.24(e) of this part.

(iii) If the order made applicable to the related person is for a violation of the EAR not related to part 760 of the EAR and not issued pursuant to § 766.24 of this part, the recommended decision and order of the administrative law judge shall be reviewed by the Under Secretary in accordance with the procedures set forth in § 766.22 of this part.

■ 5. In § 766.24 paragraph (d)(3)(ii) is revised to read as follows:

§ 766.24 Temporary denials.

* * * * *

(d) * * *

(3) * * *

(ii) Any person designated as a related person may not oppose the issuance or renewal of the temporary denial order, but may file an appeal in accordance with § 766.23(c) of this part.

* * * * *

Dated: May 2, 2006.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 06-4420 Filed 5-11-06; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Melengestrol and Tylosin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Ivy Laboratories, Division of Ivy Animal

Health, Inc. The ANADA provides for use of single-ingredient Type A medicated articles containing melengestrol and tylosin to make two-way combination Type C medicated feeds for heifers fed in confinement for slaughter.

DATES: This rule is effective May 12, 2006.

FOR FURTHER INFORMATION CONTACT:

Daniel A. Benz, Center for Veterinary Medicine (HFV-104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0223, e-mail: daniel.benz@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Ivy Laboratories, Division of Ivy Animal Health, Inc., 8857 Bond St., Overland Park, KS 66214, filed ANADA 200-427 for use of HEIFERMAX 500 (melengestrol acetate) Liquid Premix and TYLAN (tylosin phosphate) single-ingredient Type A medicated articles to make two-way combination Type C medicated feeds for heifers fed in confinement for slaughter. Ivy Laboratories' ANADA 200-427 is approved as a generic copy of Pharmacia and Upjohn Co.'s new animal drug application (NADA) 139-192 for combination use of MGA 500 (melengestrol acetate) Liquid Premix and TYLAN in cattle feed. The application is approved as of April 19, 2006, and the regulations are amended in 21 CFR 558.342 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In addition, FDA has found that the April 1, 2005, edition of title 21, parts 500 to 599 of the Code of Federal Regulations (CFR) does not accurately reflect the approved conditions of use for melengestrol and tylosin. This error was inadvertently included in the 2002 codification of a supplement for the pioneer application (67 FR 47687, July 22, 2002). At this time, § 558.342 is being amended to correct this error. This action is being taken to improve the accuracy of the regulations.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(2) that this action is of a type that does not individually or cumulatively have a significant effect on

the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.342 [Amended]

■ 2. In § 558.342, amend the table in paragraphs (e)(1)(vii) and (e)(1)(ix) in the "Limitations" column in entry "3." by removing "(from a dry Type A article)", and in the table in paragraph (e)(1)(ix) in the "Sponsor" column by numerically adding "021641".

Dated: May 4, 2006.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 06-4426 Filed 5-11-06; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1271

[Docket No. 2006N-0051]

Health Resources and Services Administration

42 CFR Part 121

Blood Vessels Recovered With Organs and Intended for Use in Organ Transplantation

AGENCIES: Food and Drug Administration, Health Resources and Services Administration, (HHS).

ACTION: Direct final rule.

SUMMARY: The Health Resources and Services Administration (HRSA) and the Food and Drug Administration (FDA) are amending their regulations to consider as part of an organ those blood