

553(b)(A) (or any other law). As prior notice and an opportunity for public comment were not required pursuant to 5 U.S.C. 553 (or any other law) for the changes in this interim rule, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not required for the changes in this interim rule. See 5 U.S.C. 603.

*Executive Order 13132*: This rule making does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (August 4, 1999).

*Executive Order 12866*: This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (September 30, 1993).

*Paperwork Reduction Act*: This interim rule involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this interim rule has been reviewed and previously approved by OMB under OMB control number 0651-0033. The United States Patent and Trademark Office is not resubmitting any information collection to OMB for its review and approval because the changes in this interim rule do not affect the information collection requirements associated with the information collection under OMB control number 0651-0033. The principal impacts of the changes in this interim rule are to clarify the requirement for compliance with all the requirements of filing a reexamination before a filing date will be assigned to a reexamination.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden to: (1) The Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer for the Patent and Trademark Office; and (2) Robert J. Spar, Director, Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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 OMB control number.

### List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small Businesses, and Biologics.

■ For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

### PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

**Authority:** 35 U.S.C. 2(b)(2), unless otherwise noted.

■ 2. Section 1.510 is amended by revising paragraphs (c) and (d) to read as follows:

#### § 1.510 Request for *ex parte* reexamination.

\* \* \* \* \*

(c) If the request does not include the fee for requesting *ex parte* reexamination required by paragraph (a) of this section and all of the parts required by paragraph (b) of this section, then the person identified as requesting reexamination will be so notified and will generally be given an opportunity to complete the request within a specified time. Failure to comply with the notice will result in the *ex parte* reexamination request not being granted a filing date, and will result in placement of the request in the patent file as a citation if it complies with the requirements of § 1.501.

(d) The filing date of the request for *ex parte* reexamination is the date on which the request satisfies all the requirements of paragraphs (a) and (b) of this section.

\* \* \* \* \*

■ 3. Section 1.915 is amended by revising paragraph (d) as follows:

#### § 1.915 Content of request for *inter partes* reexamination.

\* \* \* \* \*

(d) If the *inter partes* request does not meet all the requirements of subsection 1.915(b), the person identified as requesting *inter partes* reexamination will be so notified and will generally be given an opportunity to complete the formal requirements of the request within a specified time. Failure to comply with the notice will result in the *inter partes* reexamination request not being granted a filing date.

■ 4. Section 1.919 is amended by revising paragraph (a) to read as follows:

#### § 1.919 Filing date of request for *inter partes* reexamination.

(a) The filing date of a request for *inter partes* reexamination is the date on which the request satisfies all the requirements for the request set forth in § 1.915.

\* \* \* \* \*

Dated: February 16, 2006.

Jon W. Dudas,

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 06-1678 Filed 2-22-06; 8:45 am]

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### GENERAL SERVICES ADMINISTRATION

#### 41 CFR Part 302-17

[FTR Amendment 2006-01; FTR Case 2006-301]

RIN 3090-AI22

#### Federal Travel Regulation; Relocation Income Tax (RIT) Allowance Tax Tables—2006 Update

**AGENCY:** Office of Governmentwide Policy, GSA.

**ACTION:** Final rule.

**SUMMARY:** The Federal, State, and Puerto Rico tax tables for calculating the relocation income tax (RIT) allowance are being updated to reflect changes in Federal, State, and Puerto Rico income tax brackets and rates. The Federal, State, and Puerto Rico tax tables contained in this rule are for calculating the 2006 RIT allowance to be paid to relocating Federal employees.

**DATES:** *Effective Date:* This final rule was effective on January 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Secretariat (VIR), Room 4035, GSA Building, Washington, DC 20405, telephone (202) 208-7312, for information pertaining to status or publication schedules. For clarification of content, contact Patrick McConnell, Office of Governmentwide Policy, Travel Management Policy (MTT), Washington, DC 20405, telephone (202) 501-2362. Please cite FTR Amendment 2006-01, FTR case 2006-301.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Section 5724b of Title 5, United States Code, provides for reimbursement of substantially all Federal, State, and local income taxes incurred by a transferred Federal employee on taxable moving expense reimbursements. Policies and procedures for the calculation and

payment of the RIT allowance are contained in the Federal Travel Regulation (41 CFR Part 302-17). The Federal, State, and Puerto Rico tax tables for calculating RIT allowance payments are updated yearly to reflect changes in Federal, State, and Puerto Rico income tax brackets and rates.

This amendment provides the tax tables necessary to compute the RIT allowance for employees who are taxed in 2005 on moving expense reimbursements.

**B. Executive Order 12866**

The General Services Administration (GSA) has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

**C. Regulatory Flexibility Act**

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the

Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

**D. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because this final rule does not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

**E. Small Business Regulatory Enforcement Fairness Act**

This final rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

**List of Subjects in 41 CFR Part 302-17**

Government employees, Income taxes, Relocation allowances and entitlements,

Transfers, Travel and transportation expenses.

Dated: February 9, 2006.

**David L. Bibb,**

*Acting Administrator of General Services.*

■ For the reasons set forth in the preamble, under 5 U.S.C. 5738, GSA amends 41 CFR part 302-17 as set forth below:

**PART 302-17—RELOCATION INCOME TAX (RIT) ALLOWANCE**

■ 1. The authority citation for 41 CFR part 302-17 continues to read as follows:

**Authority:** 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

■ 2. Revise Appendixes A, B, C, and D to Part 302-17 to read as follows:

**Appendix A to Part 302-17 Federal Tax Tables for RIT Allowance**

**FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 2005**

[The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in § 302-17.8(e)(1). This table is to be used for employees in which their Year 1 occurred during calendar year 2005.]

Marginal tax rate  Percent	Single taxpayer		Head of household		Married filing jointly/qualifying widows & widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
	10	\$8,712	\$16,201	\$15,989	\$26,630	\$23,519	\$37,568	\$10,897
15	16,201	39,898	26,630	58,079	37,568	84,110	18,242	42,410
25	39,898	85,748	58,079	125,252	84,110	150,301	42,410	76,165
28	85,748	169,230	125,252	195,589	150,301	216,710	76,165	109,970
33	169,230	348,318	195,589	360,009	216,710	360,571	109,970	182,419
35	348,318	.....	360,009	.....	360,571	.....	182,419	.....

**Appendix B to Part 302-17—State Tax Tables for RIT Allowance**

**STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 2005**

[The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in § 302-17.8(e)(2). This table is to be used as a guide for employees who received covered taxable reimbursements during calendar year 2005. The rates shown below are for married filing jointly and if the state has a specific single rate, it is shown. For more specific information or if an employee is in a different filing status, please see the 2006 State Tax Handbook, pp. 258-274, CCH Inc., <http://tax.cchgroup.com/Books/default>.]

Marginal tax rates (stated in percents) for the earned income amounts specified in each column.<sup>1 2 3</sup>

State (or District)	\$20,000-24,999	\$25,000-49,999	\$50,000-74,999	\$75,000 & over <sup>4</sup>
Alabama	5.00	5.00	5.00	5.00
Alaska	0.00	0.00	0.00	0.00
Arizona	3.20	3.20	3.74	3.74
If single status, married filing separately <sup>5</sup>	3.20	3.74	4.72	4.72
Arkansas	6.00	7.00	7.00	7.00
California	2.00	6.00	8.00	9.30
If single status, married filing separately <sup>5</sup>	6.00	9.30	9.30	9.30
Colorado	4.63	4.63	4.63	4.63
Connecticut	5.00	5.00	5.00	5.00
Delaware	5.20	5.55	5.95	5.95
District of Columbia	7.50	9.00	9.00	9.00
Florida	0.00	0.00	0.00	0.00
Georgia	6.00	6.00	6.00	6.00
Hawaii	6.80	7.60	7.90	8.25
If single status, married filing separately <sup>5</sup>	7.60	7.90	8.25	8.25

## STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 2005—Continued

[The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in § 302-17.8(e)(2). This table is to be used as a guide for employees who received covered taxable reimbursements during calendar year 2005. The rates shown below are for married filing jointly and if the state has a specific single rate, it is shown. For more specific information or if an employee is in a different filing status, please see the 2006 State Tax Handbook, pp. 258-274, CCH Inc., <http://tax.cchgroup.com/Books/default/>.]

Marginal tax rates (stated in percents) for the earned income amounts specified in each column. <sup>1 2 3</sup>				
State (or District)	\$20,000-24,999	\$25,000-49,999	\$50,000-74,999	\$75,000 & over <sup>4</sup>
Idaho .....	7.40	7.80	7.80	7.80
If single status, married filing separately <sup>5</sup> .....	7.80	7.80	7.80	7.80
Illinois .....	3.00	3.00	3.00	3.00
Indiana .....	3.40	3.40	3.40	3.40
Iowa .....	6.48	7.92	8.98	8.98
Kansas .....	3.50	6.25	6.45	6.45
If single status, married filing separately <sup>5</sup> .....	6.25	6.45	6.45	6.45
Kentucky .....	5.80	5.80	5.80	6.00
Louisiana .....	2.00	4.00	6.00	6.00
If single status, married filing separately <sup>5</sup> .....	4.00	6.00	6.00	6.00
Maine .....	7.00	8.50	8.50	8.50
If single status, married filing separately <sup>5</sup> .....	8.50	8.50	8.50	8.50
Maryland .....	4.75	4.75	4.75	4.75
Massachusetts .....	5.30	5.30	5.30	5.30
Michigan .....	3.90	3.90	3.90	3.90
Minnesota .....	5.35	7.05	7.05	7.05
If single status, married filing separately <sup>5</sup> .....	7.05	7.05	7.85	7.85
Mississippi .....	5.00	5.00	5.00	5.00
Missouri .....	6.00	6.00	6.00	6.00
Montana .....	6.90	6.90	6.90	6.90
Nebraska .....	3.57	6.84	6.84	6.84
If single status, married filing separately <sup>5</sup> .....	5.12	6.84	6.84	6.84
Nevada .....	0.00	0.00	0.00	0.00
New Hampshire .....	0.00	0.00	0.00	0.00
New Jersey .....	1.75	1.75	3.50	5.525
If single status, married filing separately <sup>5</sup> .....	1.75	5.525	5.525	6.370
New Mexico .....	6.00	6.00	6.00	6.00
New York .....	5.25	6.85	6.85	6.85
If single status, married filing separately <sup>5</sup> .....	6.85	6.85	6.85	6.85
North Carolina .....	7.00	7.00	7.00	7.00
If single status, married filing separately <sup>5</sup> .....	7.00	7.00	7.75	7.75
North Dakota .....	2.10	2.10	3.92	3.92
If single status, married filing separately <sup>5</sup> .....	2.10	3.92	4.34	4.34
Ohio .....	4.27	4.983	4.983	5.693
Oklahoma <sup>6</sup> .....	6.65	6.65	6.65	6.65
Oregon .....	9.00	9.00	9.00	9.00
Pennsylvania .....	3.07	3.07	3.07	3.07
Rhode Island <sup>7</sup> .....	25.00	25.00	25.00	25.00
South Carolina .....	7.00	7.00	7.00	7.00
South Dakota .....	0.00	0.00	0.00	0.00
Tennessee .....	0.00	0.00	0.00	0.00
Texas .....	0.00	0.00	0.00	0.00
Utah .....	7.00	7.00	7.00	7.00
Vermont .....	3.60	3.60	7.20	7.20
If single status, married filing separately <sup>5</sup> .....	3.60	7.20	8.50	8.50
Virginia .....	5.75	5.75	5.75	5.75
Washington .....	0.00	0.00	0.00	0.00
West Virginia .....	4.00	6.00	6.50	6.50
Wisconsin .....	6.50	6.50	6.50	6.50
Wyoming .....	0.00	0.00	0.00	0.00

(The above table/column headings established by IRS.)

<sup>1</sup> Earned income amounts that fall between the income brackets shown in this table (e.g., \$24,999.45, \$49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

<sup>2</sup> If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in § 302-17.8(e)(2)(ii).

<sup>3</sup> If two or more marginal tax rates of a State overlap an income bracket shown in this table, then the highest of the two or more State marginal tax rates is shown for that entire income bracket. For more specific information, see the 2006 State Tax Handbook, pp. 258-274, CCH, Inc., <http://tax.cchgroup.com/Books/default/>.

<sup>4</sup> This is an estimate. For earnings over \$100,000, and for filing statuses other than those above, please consult actual tax tables. See 2006 State Tax Handbook, pp. 258-274, CCH, Inc., <http://tax.cchgroup.com/Books/default/>.

<sup>5</sup> This rate applies only to those individuals certifying that they will file under a single or married filing separately status within the states where they will pay income taxes.

<sup>6</sup> The 2005 personal income tax rates shown here for Oklahoma follow Method 1 only. For information on Method 2, see the 2006 State Tax Handbook, pp. 258-274, CCH, Inc., <http://tax.cchgroup.com/Books/default/>.

<sup>7</sup> The income tax rate for Rhode Island is 25 percent of Federal income tax rates, including capital gains rates and any another other special rates for other types of income. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302-17.8(e)(2)(iii).

**Appendix C to Part 302-17—Federal Tax Tables for RIT Allowance—Year 2**

**ESTIMATED RANGES OF WAGE AND SALARY INCOME CORRESPONDING TO FEDERAL STATUTORY MARGINAL INCOME TAX RATES BY FILING STATUS IN 2006**

[The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in § 302-17.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004 or 2005.]

Marginal tax rate Percent	Single taxpayer		Head of household		Married filing jointly/qualifying widows & widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
10 .....	\$8,739	\$16,560	\$16,538	\$27,374	\$24,163	\$38,534	\$12,036	\$19,194
15 .....	16,560	41,041	27,374	59,526	38,534	86,182	19,194	43,330
25 .....	41,041	88,541	59,526	128,605	86,182	154,786	43,330	79,441
28 .....	88,541	175,222	128,605	203,511	154,786	224,818	79,441	114,716
33 .....	175,222	360,212	203,511	375,305	224,818	374,173	114,716	188,184
35 .....	360,212	.....	375,305	.....	374,173	.....	188,184	.....

**Appendix D to Part 302-17—Puerto Rico Tax Tables for RIT Allowance**

**PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 2005**

[The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in § 302-17.8(e)(4)(i).]

Marginal tax rate Percent	For married person living with spouse and filing jointly, married person not living with spouse, single person, or head of household		For married person living with spouse and filing separately	
	Over	But not over	Over	But not over
10 .....	\$2,000	\$17,000	\$1,000	\$8,500
15 .....	17,000	30,000	8,500	15,000
28 .....	30,000	50,000	15,000	25,000
33 .....	50,000	.....	25,000	.....

Source: Individual Income Tax Return 2005—Long Form; Commonwealth of Puerto Rico, Department of the Treasury, P.O. Box 9022501, San Juan, PR 00902-2501; [http://www.hacienda.gobierno.pr/planillas\\_individuo.asp](http://www.hacienda.gobierno.pr/planillas_individuo.asp).

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR PART 0**

[DA 06-101]

**Freedom of Information Act**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Communications Commission is modifying a section of the Commission's rules that implement the Freedom of Information Act (FOIA) Fee Schedule. This modification pertains to the charge for recovery of the full, allowable direct costs of searching for and reviewing records requested under the FOIA and the Commission's rules, unless such fees are restricted or

waived. The fees are being revised to correspond to modifications in the rate of pay approved by Congress.

**DATES:** *Effective Date:* February 23, 2006.

**FOR FURTHER INFORMATION CONTACT:** Shoko B. Hair, Freedom of Information Act Public Liaison, Office of Performance Evaluation and Records Management, Room 1-A827, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, (202) 418-1379 or via Internet at [shoko.hair@fcc.gov](mailto:shoko.hair@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission is modifying § 0.467(a) of the Commission's rules. This rule pertains to the charges for searching and reviewing records requested under the FOIA. The FOIA requires Federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidelines issued by the Office of

Management and Budget (OMB). In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines. However, because the FOIA requires that each agency's fees be based upon its direct costs of providing FOIA services, OMB did not provide a unitary, government-wide schedule of fees. The Commission based its FOIA Fee Schedule on the grade level of the employee who processes the request. Thus, the Fee Schedule was computed at a Step 5 of each grade level based on the General Schedule effective January 1987 (including 20 percent for personnel benefits). The Commission's rules provide that the Fee Schedule will be modified periodically to correspond with modifications in the rate of pay approved by Congress. See 47 CFR 0.467(a)(1) note. In an Order adopted on January 30, 2006 and released on February 6, 2006 (DA 06-101), the Managing Director revised the schedule of fees set forth in 47 CFR 0.467 for the recovery of the full, allowable direct