

(1) Quality and condition inspections of products in quantities of 51 or more packages and unloaded from the same air or land conveyance:

- (i) \$114 for over a half carlot equivalent of an individual product;
- (ii) \$95 for a half carlot equivalent or less of an individual product;
- (iii) \$52 for each additional lot of the same product.

(2) Condition only inspections of products each in quantities of 51 or more packages and unloaded from the same land or air conveyance:

- (i) \$95 for over a half carlot equivalent of an individual product;
- (ii) \$87 for a half carlot equivalent or less of an individual product;
- (iii) \$52 for each additional lot of the same product.

(3) For quality and condition inspections and condition only inspections of products in quantities of 50 or less packages unloaded from the same conveyance:

- (i) \$52 for each individual product;
- (ii) \$52 for each additional lot of any of the same product. Lots in excess of carlot equivalents will be charged proportionally by the quarter carlot.

(b) When performing inspections of palletized products unloaded directly from sea transportation or when palletized product is first offered for inspection before being transported from the dock-side facility, charges shall be determined on the following basis:

(1) Dock side inspections of an individual product unloaded directly from the same ship:

- (i) 2.9 cents per package weighing less than 30 pounds;
- (ii) 4.4 cents per package weighing 30 or more pounds;
- (iii) Minimum charge of \$114 per individual product;
- (iv) Minimum charge of \$52 for each additional lot of the same product.

(2) [Reserved]

(c) When performing inspections of products from sea containers unloaded directly from sea transportation or when palletized products unloaded directly from sea transportation are not offered for inspection at dock-side, the carlot fees in (a) of this section shall apply.

(d) When performing inspections for Government agencies, or for purposes other than those prescribed in paragraphs (a) through (c) of this section, including weight-only and freezing-only inspections, fees for inspections shall be based on the time consumed by the grader in connection with such inspections, computed at a rate of \$56 per hour: *Provided*, that:

(1) Charges for time shall be rounded to the nearest half hour;

(2) The minimum fee shall be two hours for weight-only inspections, and one-half hour for other inspections;

(3) When weight certification is provided in addition to quality and/or condition inspections, a one hour charge shall be added to the carlot fee;

(4) When inspections are performed to certify product compliance for Defense Personnel Support Centers, the daily or weekly charge shall be determined by multiplying the total hours consumed to conduct inspections by the hourly rate. The daily or weekly charge shall be prorated among applicants by multiplying the daily or weekly charge by the percentage of product passed and/or failed for each applicant during that day or week. Waiting time and overtime charges shall be charged directly to the applicant responsible for their incurrence.

(e) When performing inspections at the request of the applicant during periods which are outside the grader's regularly scheduled work week, a charge for overtime or holiday work shall be made at the rate of \$29.00 per hour or portion thereof in addition to the carlot equivalent fee, package charge, or hourly charge specified in this subpart. Overtime or holiday charges for time shall be rounded to the nearest half hour.

(f) When an inspection is delayed because product is not available or readily accessible, a charge for waiting time shall be made at the prevailing hourly rate in addition to the carlot equivalent fee, package charge, or hourly charge specified in this subpart. Waiting time shall be rounded to the nearest half hour.

Dated: November 16, 2005.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 05-24338 Filed 12-27-05; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

**12 CFR Parts 510, 546, 559, 560, 561, and 567**

**[No. 2005-57]**

### Technical Amendments

**AGENCY:** Office of Thrift Supervision, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Office of Thrift Supervision (OTS) is amending its regulations to incorporate a number of

technical and conforming amendments. They include clarifications and corrections of typographical errors.

**EFFECTIVE DATE:** December 28, 2005.

**FOR FURTHER INFORMATION CONTACT:** Sandra E. Evans, Legal Information Assistant (Regulations), (202) 906-6076, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** OTS is amending its regulations to incorporate a number of technical and conforming amendments. OTS is making the following miscellaneous changes:

- *Part 510—Miscellaneous Organizational Regulations.* The final rule revises OTS' regulation on waiver or relaxation of regulatory provisions with respect to disaster or emergency areas in § 510.2(b). The revision indicates that OTS will make such waivers by "order," rather than by "resolution." This update in terminology better reflects the usual method of operation of OTS, as compared to that of its predecessor, the Federal Home Loan Bank Board.

- *Part 546—Federal Mutual Savings Associations—Merger, Dissolution, Reorganization, and Conversion.* The final rule removes the name of an office that is no longer in existence and corrects a grammatical error.

- *Part 559—Subordinate Organizations.* The final rule adds investments in rural business investment companies (RBICs) to the list of preapproved activities for federal savings association service corporations. This addition reflects the statutory authority of savings associations to make such investments under 7 U.S.C. 2009cc-9. It is consistent with the inclusion of investments in small business investment companies and new market venture capital companies on the list of preapproved activities under the current rule.

- *Part 560—Lending and Investment.* The final rule adds investments in RBICs to the lending and investment powers chart. This addition reflects the statutory authority of savings associations to establish and invest in such entities, or any entity established to invest solely in RBICs, up to five percent of total capital and surplus under 7 U.S.C. 2009cc-9.

- *Part 561—Definitions for Regulations Affecting All Savings Associations.* The final rule revises the definition of "demand accounts" in § 561.16 to delete paragraph (b), remove the designation for paragraph (a), and make a grammatical change to the text that was formerly designated as

paragraph (a). OTS is deleting paragraph (b) for consistency with a November 28, 2005, Chief Counsel opinion. That opinion concluded that the payment of a certain type of finders' fee would not violate the prohibition against the payment of interest on demand deposits in section 5(b)(1)(B)(i) of the Home Owners' Loan Act, 12 U.S.C. 1464(b)(1)(B)(i), even though the fees in question would not specifically fit the exceptions indicated in paragraph (b). Savings associations may, however, continue to rely on the language in paragraph (b) as two examples of permissible types of finders' fees.

- *Part 567—Capital.* The final rule corrects a typographical error in § 567.6(b)(5)(v)(B).

**Administrative Procedure Act; Riegle Community Development and Regulatory Improvement Act of 1994**

OTS finds that there is good cause to dispense with prior notice and comment on this final rule and with the 30-day delay of effective date mandated by the Administrative Procedure Act.<sup>1</sup> OTS believes that these procedures are unnecessary and contrary to public interest because the rule merely makes technical changes to existing provisions. Because the amendments in the rule are not substantive, these changes will not affect savings associations.

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 provides that regulations that impose additional reporting, disclosure, or other new requirements may not take effect before the first day of the quarter following publication.<sup>2</sup> This section does not apply because this final rule imposes no additional requirements and makes only technical changes to existing regulations.

**Regulatory Flexibility Act**

Pursuant to section 605(b) of the Regulatory Flexibility Act,<sup>3</sup> the OTS Director certifies that this technical corrections regulation will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12866**

OTS has determined that this rule is not a "significant regulatory action" for purposes of Executive Order 12866.

**Unfunded Mandates Reform Act of 1995**

OTS has determined that the requirements of this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of \$100 million or more in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995.

**List of Subjects**

*12 CFR Part 510*

Administrative practice and procedure.

*12 CFR Part 546*

Reporting and recordkeeping requirements, Savings associations.

*12 CFR Part 559*

Reporting and recordkeeping requirements, Savings associations, Subsidiaries.

*12 CFR Part 560*

Consumer protection, Investments, Manufactured homes, Mortgages, Reporting and recordkeeping requirements, Savings associations, Securities.

*12 CFR Part 561*

Savings associations.

*12 CFR Part 567*

Savings associations.

■ Accordingly, the Office of Thrift Supervision amends title 12, chapter V of the Code of Federal Regulations, as set forth below.

**PART 510—MISCELLANEOUS ORGANIZATIONAL REGULATIONS**

■ 1. The authority citation for part 510 continues to read as follows:

**Authority:** 12 U.S.C. 1462a, 1463, 1464; Pub. L. 101-410, 104 Stat. 890; Pub. L. 104-134, 110 Stat. 1321-358.

**§ 510.2 [Amended]**

■ 2. Amend § 510.2(b) by removing the word "resolution" and by adding the word "order" in its place.

**PART 546—FEDERAL MUTUAL SAVINGS ASSOCIATIONS—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION**

■ 3. The authority citation for part 546 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 2901 *et seq.*

**§ 546.4 [Amended]**

■ 4-5. Section 546.4 is amended in paragraph (a) by removing the phrase "or the Resolution Trust Corporation", and in paragraph (b) by removing the phrase "and home-financing institutions" and adding the phrase "or home-financing institutions" in its place.

**PART 559—SUBORDINATE ORGANIZATIONS**

■ 6. The authority citation for part 559 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1828.

■ 7. Revise § 559.4(g) to read as follows:

**§ 559.4 What activities are preapproved for service corporations?**

\* \* \* \* \*

(g) *Investments.* (1) Tax-exempt bonds used to finance residential real property for family units;

(2) Tax-exempt obligations of public housing agencies used to finance housing projects with rental assistance subsidies;

(3) Small business investment companies and new markets venture capital companies licensed by the U.S. Small Business Administration;

(4) Rural business investment companies; and

(5) Investing in savings accounts of an investing thrift.

\* \* \* \* \*

**PART 560—LENDING AND INVESTMENT**

■ 8. The authority citation for part 560 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1701j-3, 1828, 3803, 3806; 42 U.S.C. 4106.

■ 9. Amend the table in § 560.30 by adding an entry in alphabetical order to read as follows:

**§ 560.30 General lending and investment powers of Federal savings associations.**

\* \* \* \* \*

<sup>1</sup> 5 U.S.C. 553.

<sup>2</sup> Public Law 103-325, 12 U.S.C. 4802.

<sup>3</sup> Public Law 96-354, 5 U.S.C. 601.

LENDING AND INVESTMENT POWERS CHART

Category	Statutory authorization <sup>1</sup>	Statutory investment limitations (Endnotes contain applicable regulatory limitations)
* * * * *	* * * * *	* * * * *
Rural business investment companies .....	7 U.S.C. 2009cc-9 .....	Five percent of total capital.
* * * * *	* * * * *	* * * * *

**Endnotes**

1. All references are to section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) unless otherwise indicated.

\* \* \* \* \*

**PART 561—DEFINITIONS FOR REGULATIONS AFFECTING ALL SAVINGS ASSOCIATIONS**

■ 10. The authority citation for part 561 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a.

■ 11. Revise § 561.16 by removing paragraph (b), removing the designation for paragraph (a), and revising “which” to read “that” in both instances that it appears.

**PART 567—CAPITAL**

■ 12. The authority citation for part 567 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828 (note).

■ 13. Amend 567.6(b)(5)(v)(B) by revising “1381o(g)” to read “1831o(g)”.

Dated: December 21, 2005.

By the Office of Thrift Supervision.

**Scott M. Polakoff,**

*Deputy Director.*

[FR Doc. 05-24499 Filed 12-27-05; 8:45 am]

**BILLING CODE 6720-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 25**

[Policy Statement No. ANM-115-05-14]

**Acceptable Methods of Compliance with § 25.562(c)(5) for Front Row Passenger Seats**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of final policy.

**SUMMARY:** The Federal Aviation Administration (FAA) announces the availability of final policy on Acceptable Methods of Compliance with Title 14 Code of Federal

Regulations (CFR) § 25.562(c)(5) for Front Row Passenger Seats.

**DATES:** The final policy was issued by the Transport Airplane Directorate on December 14, 2005.

**FOR FURTHER INFORMATION CONTACT:** John Sheldon, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Airframe/Cabin Safety Branch, ANM-115, 1601 Lind Avenue, SW., Renton, WA 98055-4056; telephone (425) 227-2785; fax (425) 227-1232; e-mail: [John.sheldon@faa.gov](mailto:John.sheldon@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Disposition of Comments**

A notice of proposed policy was published in the **Federal Register** on April 26, 2005 (70 FR 21343). The comment period was reopened on June 9, 2005 (70 FR 33720). Eight (8) commenters responded to the requests for comments.

**Background**

The purpose of the policy memorandum is to clarify FAA certification policy of the acceptable substantiation methods used to provide protection under § 25.562(a) when meeting the performance standards in § 25.562(c) for “front row” seats. Front row seats are those seats which are located directly aft of a partition, monument, or other commodity, including all passenger seats not considered “row-to-row.” The policy is not directed toward other seats. The policy provides an acceptable means of protection for front row occupants.

The final policy as well as the disposition of public comments received are available on the Internet at the following address: <http://airweb.faa.gov.rgl>. If you do not have access to the Internet, you can obtain a copy of the policy by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Issued in Renton, Washington, on December 14, 2005.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 05-24503 Filed 12-27-05; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2005-22156; Directorate Identifier 2005-CE-43-AD; Amendment 39-14435; AD 2005-26-14]

**RIN 2120-AA64**

**Airworthiness Directives; BURKHARDT GROB LUFT-UND RAUMFAHRT GmbH & CO KG Model G103 TWIN ASTIR Sailplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA adopts a new airworthiness directive (AD) for all BURKHARDT GROB LUFT-UND RAUMFAHRT GmbH & CO KG (Burkhardt Grob) Model G103 TWIN ASTIR sailplanes. This AD requires you to replace the elevator lever, part number (P/N) 103-3521, with an improved design part, P/N 103-3523. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this AD to prevent cracks in the elevator lever, which could cause the elevator lever to fail. This failure could result in loss of control of the sailplane.

**DATES:** This AD becomes effective on February 6, 2006.

As of February 6, 2006, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

**ADDRESSES:** To get the service information identified in this AD, contact BURKHARDT GROB LUFT-UND RAUMFAHRT GmbH & CO KG, Letenbachstrasse 9, D-86874 Tussenhausen-Mattsies, Germany;