

## Comment Analysis

### *Impact on Small Business and Fee Relief*

The majority of comments received concerned the fee increase's impact on small businesses. The comments provided noted the burden the fee increase would place on small businesses, and some sought relief from the increase. Prior to the publication of the interim rule, the Department fully considered the financial burden the fee increase would place on industry and small businesses when it decided upon the new fee structure, and concluded that the impact would be minimal for the majority of the registrants. In addition, as noted in the Regulatory Findings and Notice section, the Department has found that this fee increase will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

### *Rationale for Increasing Registration Fees*

Ten comments were received regarding the rationale for increasing the registration fee. The Department has increased the ITAR registration fee to help fund the activities of its Directorate of Defense Trade Controls (DDTC), as set forth in 22 U.S.C. 2717. In particular, the additional revenue will assist DDTC in achieving its goals of expanded automation, compliance, training, and quality assurance. The additional resources will enable DDTC to serve the export community with greater efficiency. This increase in registration fees is the first increase since 1997.

### *Registration Requirements*

Three comments were received regarding whether particular entities must register with DDTC. The interim rule and this final rule address an increase in the registration fee, the registration renewal period, and other minor administrative changes. The regulations pertaining to who must register with DDTC remain unchanged. Pursuant to 22 CFR 122.1, any person who engages in the United States in the business of either manufacturing or exporting defense articles or furnishing defense services is required to register with the Office (now Directorate) of Defense Trade Controls. Manufacturers

who do not engage in exporting must nevertheless register. In addition, 22 CFR 129.1 states that section 38(b)(1)(A)(ii) of the Arms Export Control Act (22 U.S.C. 2778) provides that persons engaged in the business of brokering activities shall register and pay a registration fee. Furthermore, 22 CFR 129.2 states that, *inter alia*, brokering activities include activities by U.S. persons who are located inside or outside of the United States or foreign persons subject to U.S. jurisdiction involving defense articles or defense services of U.S. or foreign origin, which are located inside or outside of the United States.

### *Rationale for Two-Year Registration*

Two comments were received requesting the retention of the option to register up to a maximum period of four years. DDTC has reduced the maximum registration period to two years because the increased volume of mergers and acquisitions by regulated companies has made it more difficult to maintain accurate information on registrants. Also, DDTC encountered problems with companies not updating their registration, except at the time of their renewal, as required by 22 CFR 129.4(c). The change from a four-year to a two-year maximum registration period will improve the currency and accuracy of the registrants' information, which is critical to all licensing decisions.

### List of Subjects

#### *22 CFR Part 122*

Arms and munitions, Exports.

#### *22 CFR Part 129*

Arms and munitions, Exports, Technical assistance.

Accordingly, for the reasons set forth above, the interim rule published at 69 FR 70888 is adopted as final.

Dated: December 21, 2005.

**Robert G. Joseph,**

*Under Secretary, Arms Control and International Security, Department of State.*  
[FR Doc. 06-667 Filed 1-23-06; 8:45 am]

**BILLING CODE 4710-25-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05-06-004]

RIN 1625-AA-09

#### **Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, VA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Berkley Bridge, at mile 0.4, across the Eastern Branch of the Elizabeth River in Norfolk, Virginia. To facilitate electrical repairs, this deviation allows the drawbridge to remain closed-to-navigation from 7 a.m. on February 7, 2006, to 7 a.m. on February 8, 2006 and from 7 a.m. on February 14, 2006, to 7 a.m. on February 15, 2006.

**DATES:** This deviation is effective from 7 a.m. on February 7, 2006, to 7 a.m. on February 15, 2006.

**FOR FURTHER INFORMATION CONTACT:** Gary Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6629.

**SUPPLEMENTARY INFORMATION:** The Berkley Bridge, a lift-type drawbridge, has a vertical clearance in the closed position to vessels of 48 feet, at mean high water.

The bridge owner, the Virginia Department of Transportation, has requested a temporary deviation from the current operating regulation set out in 33 CFR 117.1007, to effect electrical repairs of the draw span.

To facilitate the repairs, the drawbridge will be closed to navigation from 7 a.m. on February 7, 2006, to 7 a.m. on February 8, 2006 and from 7 a.m. on February 14, 2006, to 7 a.m. on February 15, 2006. During these periods, the repairs require immobilizing the operation of the lift span in the closed-to-navigation position. At all other times, the drawbridge will operate in accordance with the current operating regulations outlined in 33 CFR 117.1007.

The Coast Guard has informed the known users of the waterway so that they can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to

normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 17, 2006.

Waverly W. Gregory, Jr.,

Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. 06-584 Filed 1-23-06; 8:45 am]

BILLING CODE 4910-15-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R08-OAR-2005-ND-0002; FRL-8011-1]

#### Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule and delegation of authority.

**SUMMARY:** EPA is taking direct final action approving certain revisions to the State Implementation Plan (SIP) as submitted by the Governor of North Dakota with a letter dated April 11, 2003. The revisions affect certain portions of air pollution control rules regarding permitting. This action is being taken under section 110 of the Clean Air Act.

EPA is also providing notice that on July 27, 2005, North Dakota was delegated authority to implement and enforce certain New Source Performance Standards, as of January 31, 2004.

**DATES:** This rule is effective on March 27, 2006 without further notice, unless EPA receives adverse comment by February 23, 2006. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. R08-OAR-2005-ND-0002, by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- Agency Web site: <http://docket.epa.gov/rmepub/>. On November 28, 2005, Regional Material in EDOCKET (RME), EPA's electronic public docket and comment system, was

replaced by an enhanced federal-wide electronic docket management and comment system located at <http://www.regulations.gov>. Therefore, you will be redirected to that site to access the docket EPA-R08-OAR-2005-ND-0002 and submit comments. Follow the on-line instructions for submitting comments.

- E-mail: [long.richard@epa.gov](mailto:long.richard@epa.gov) and [platt.amy@epa.gov](mailto:platt.amy@epa.gov).
- Fax: (303) 312-6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).

- Mail: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 999 18th Street, Suite 200, Denver, Colorado 80202-2466.

- Hand Delivery: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 999 18th Street, Suite 200, Denver, Colorado 80202-2466. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:55 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. R08-OAR-2005-ND-0002. EPA's policy is that all comments received will be included in the public docket without change and may be made available at <http://docket.epa.gov/rmepub/index.jsp>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through EDOCKET, [regulations.gov](http://www.regulations.gov), or e-mail. The EPA's Regional Materials in EDOCKET and Federal [regulations.gov](http://www.regulations.gov) Web site are "anonymous access" systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA, without going through EDOCKET or [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your

comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit EDOCKET online or see the *Federal Register* of May 31, 2002 (67 FR 38102). For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** All documents in the docket are listed in the Regional Materials in EDOCKET index at <http://docket.epa.gov/rmepub/index.jsp>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in Regional Materials in EDOCKET or in hard copy at the Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 200, Denver, Colorado 80202-2466. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Amy Platt, Environmental Protection Agency, Region 8, (303) 312-6449, [platt.amy@epa.gov](mailto:platt.amy@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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##### Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

- (i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.
- (ii) The words *EPA*, *we*, *us* or *our* mean or refer to the United States Environmental Protection Agency.
- (iii) The initials *SIP* mean or refer to State Implementation Plan.
- (iv) The words *State* or *ND* mean the State of North Dakota, unless the context indicates otherwise.