

withholding any portion of the information and show why the information is a trade secret or commercial or financial information that is privileged or confidential.

Because CBP wished to continue its practice of not requiring business submitters of commercial information to designate such information as protected from disclosure, it published an interim rule in the **Federal Register** (68 FR 47453) on August 11, 2003, as CBP Decision 03-02 that amended Part 103 of the CBP regulations by adding a new § 103.35 to subpart C. New § 103.35 adopted Treasury's established disclosure procedure that had been followed by Customs since 1987 to assure the trading community that the transfer of Customs from Treasury to DHS would not affect the treatment of commercial information that business submitters provide to CBP.

The comment period for the interim regulations closed on October 10, 2003. No comments were received from the public in response to the interim rule, and CBP is now adopting the interim rule as a final rule without change.

#### Signing Authority

This final rule is being issued in accordance with 19 CFR 0.2(a) pertaining to the authority of the Secretary of the Department of Homeland Security, or his or her designee, to issue Customs regulations that are not related to customs revenue functions.

#### Regulatory Flexibility Act and Executive Order 12866

As discussed above, these regulations were published as an interim rule on August 11, 2003. Because no notice of proposed rulemaking was required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. Further, this document does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

#### List of Subjects in 19 CFR Part 103

Administrative practice and procedure, Confidential commercial information, Freedom of Information, Reporting and recordkeeping requirements.

#### Amendments to the Regulations

■ For the reasons set forth above, the interim rule amending part 103 of title 19 of the Code of Federal Regulations (19 CFR part 103), which was published in the **Federal Register** at 68 FR 47453 on August 11, 2003, is adopted as a final rule without change.

Dated: September 8, 2006.

**Deborah J. Spero,**

*Acting Commissioner, Customs and Border Protection.*

[FR Doc. E6-15225 Filed 9-13-06; 8:45 am]

BILLING CODE 9111-14-P

## 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; Withdrawal

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

**ACTION:** Direct final rule; withdrawal.

**SUMMARY:** The Health Resources and Services Administration (HRSA) and the Food and Drug Administration (FDA) published in the **Federal Register** of May 12, 2006 (71 FR 27606), a direct final rule to amend the regulations to consider as part of an organ those blood vessels recovered with the organ that are intended for use in organ transplantation; and to exclude such blood vessels from the definition of human cells, tissues, and cellular and tissue-based products. The comment period closed July 26, 2006. HRSA and FDA are withdrawing the direct final rule because FDA received significant adverse comment. The agencies will consider the comments received under our usual procedures for notice and comment in connection with the notice of proposed rulemaking that was published as a companion to the direct final rule (71 FR 27649).

**DATES:** The direct final rule published on May 12, 2006 (71 FR 27606), is withdrawn effective September 14, 2006.

#### FOR FURTHER INFORMATION CONTACT:

*For information regarding FDA's rule:* Pamela Pope, Center for Biologics Evaluation and Research (HFM-17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852-1448, 301-827-6210.

*For information regarding HRSA's rule:* Jim Burdick, Division of Transplantation, Healthcare

Systems Bureau, Health Resources and Services Administration, 5600 Fishers Lane, room 12C-06, Rockville, MD 20857, 301-443-7577.

**SUPPLEMENTARY INFORMATION:** HRSA and FDA published a direct final rule in the **Federal Register** of May 12, 2006 (71 FR 27606), to amend the regulations to consider as part of an organ those blood vessels recovered with the organ that are intended for use in organ transplantation (HRSA regulation); and to exclude such blood vessels from the definition of human cells, tissues, and cellular and tissue-based products (FDA regulation).

HRSA and FDA received significant adverse comment in response to the direct final rule. Therefore, the direct final rule is being withdrawn. HRSA and FDA intend to finalize the proposed rule after considering comments.

**Authority:** Therefore, under the Public Health Service Act and under authority delegated to the Commissioner of Food and Drugs and to the Administrator, Health Resources and Services Administration, the direct final rule published on May 12, 2006 (71 FR 27606), is withdrawn.

Dated: September 6, 2006.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. 06-7644 Filed 9-13-06; 8:45 am]

BILLING CODE 4160-01-S

## POSTAL SERVICE

### 39 CFR Parts 111 and 958

#### Post Office Box and Caller Service

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This final rule transfers responsibility for final agency decisions in connection with Post Office™ box termination, caller service termination, and denial of service appeals from the Judicial Officer Department to the vice president and Consumer Advocate.

**DATES:** *Effective Date:* September 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony F. Alverno, Chief Counsel, Customer Programs, 202-268-2997.

**SUPPLEMENTARY INFORMATION:** At present, if a postmaster denies a customer's application for Post Office box or caller service or terminates a customer's Post Office box or caller service, the postmaster must issue a written letter explaining his or her decision and include a copy of the

relevant regulations relating to the customer's appeal rights. If the customer appeals, his or her appeal letter is forwarded to the Judicial Officer Department. In the event of an appeal, a Postal Service™ attorney must consult with the postmaster or Post Office box clerk and prepare an answer to the customer's petition. In most cases, the Postal Service counsel files a summary judgment motion with the answer. The summary judgment motion often includes a declaration from the postmaster. After the answer summary judgment motion is filed, the customer is given a chance to reply. Thereafter, the administrative law judge (ALJ) renders a decision on the motion. If the ALJ decides that summary judgment is not warranted, a hearing is scheduled. After the hearing, the ALJ decides the matter on the merits. If the ALJ grants summary judgment, the customer is given the opportunity to appeal to the judicial officer. In the event of an appeal to that level, the law department prepares a written response to the appeal. Alternatively, if the ALJ decides in favor of the customer, the law department may file an appeal.

Considerable resources can be spent on a single case. Many of these costs can be avoided if the appeals process is changed. Also, the appeal process should move more swiftly if handled by postal management.

The Postal Service is transferring responsibility for adjudication of appeals from the Judicial Officer Department to a Postal Service management level official. There is no statutory requirement that Post Office box or caller service termination decisions or application denials be subject to a formal administrative hearing before an ALJ. Moreover, past decisions by the Judicial Officer Department have held there is no right to a Post Office box.

The legal basis for changing procedures is grounded in the *Postal Reorganization Act*, which provides that the Postal Service is authorized to adopt, amend, and repeal such rules and regulations as it deems necessary. Further, the responsibilities of the judicial officer do not require review of any particular controversy. Rather, the act provides that [t]he judicial officer shall perform such quasi-judicial duties \* \* \* as the Postmaster General may designate" (39 U.S.C. 204).

In lieu of granting a right of appeal to the Judicial Officer Department, the vice president and Consumer Advocate will be given decision-making power to review and decide Post Office box and caller service appeals. This will be more efficient, give the consumer expeditious

resolution, and save the Postal Service considerable professional and labor time and travel expense. The Consumer Advocate is a neutral and impartial arbiter of consumer claims and is already the final arbiter for appeals of domestic and international indemnity claims for loss or damage (*Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)®* 609.6 and *International Mail Manual* 931.3) and for appeals of local handling of complaints and inquiries about postal products, services or employees (DMM 608.6.1).

Any pending actions filed with the recorder's office before the effective date will be handled under the regulations in effect on the date the appeal was received.

**List of Subjects in 39 CFR Parts 111 and 958**

Administrative practice and procedure.

■ For the reasons set out in this document, the Postal Service removes 39 CFR part 958 and adopts the following amendments to the DMM, which is incorporated by reference in the CFR. See 39 CFR 111.1.

■ Accordingly, 39 CFR part 111 is amended as follows:

**PART 111—[AMENDED]**

1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

**PART 958—[REMOVED AND RESERVED]**

■ 2. Remove and reserve Part 958.

■ 3. Revise the following sections of Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), as follows:

*Mailing Standards of the United States Postal Service, Domestic Mail Manual*

\* \* \* \* \*

**500 Additional Mailing Services**

\* \* \* \* \*

**508 Recipient Services**

\* \* \* \* \*

**4.0 Post Office Box Service**

\* \* \* \* \*

**4.9 Service Refusal or Termination**

\* \* \* \* \*

**4.9.3 Customer Appeal**

The applicant or box customer may file a petition appealing the postmaster's

determination to refuse or terminate service within 20 calendar days after notice as specified in the postmaster's determination. The filing of a petition prevents the postmaster's determination from taking effect and transfers the case to the USPS Consumer Advocate. The Consumer Advocate's decision constitutes the final agency decision.

\* \* \* \* \*

**5.0 Caller Service**

\* \* \* \* \*

**5.7 Service Refusal or Termination**

\* \* \* \* \*

**5.7.3 Customer Appeal**

The applicant or caller may file a petition opposing the postmaster's determination to refuse or terminate service within 20 calendar days after notice, as specified in the postmaster's determination. The filing of a petition prevents the postmaster's determination from taking effect and transfers the case to the USPS Consumer Advocate. The Consumer Advocate's decision constitutes the final agency decision.

\* \* \* \* \*

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. E6–15111 Filed 9–13–06; 8:45 am]

**BILLING CODE 7710–12–P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**43 CFR Part 2560**

[WO–350–1410–00–24 1A]

**RIN 1004–AD60**

**Alaska Native Veteran Allotments**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Land Management (BLM) is amending its regulations governing Alaska Native veteran allotments. The existing regulations allowed certain Alaska Native veterans another opportunity to apply for a Native allotment under the repealed Native Allotment Act of 1906. This final rule will remove the requirement that veteran applicants must have posted the land by marking all corners on the ground with their name and address prior to filing an application with BLM. This change to the regulations will make the processing of Alaska Native veteran allotments more like that of allotments adjudicated under the 1906 act.