

**List of Subjects in CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

**PART 71—[AMENDED]**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, is proposed to be amended as follow:

*Paragraph 6002 Class E airspace areas designated as a surface area for an airport.*

\* \* \* \* \*

**ANE ME E2 Bar Harbor, ME**

Hancock County-Bar Harbor Airport, ME  
(Lat. 44°26'59" N long. 68°21'41" W)

Within a 4.2-mile radius of the Hancock County-Bar Harbor Airport and within 2.7 miles each side of a 204° bearing from the airport, extending from the 4.2-mile radius to 6.2 miles southwest of the airport and within 2.7 miles each side of a 024° bearing from the airport, extending from the 4.2-mile radius to 6.2 miles northeast of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Issued in Jamaica, New York, on April 26, 2005.

**John G. McCartney,**

*Acting Area Director, Eastern Terminal Operations.*

[FR Doc. 05–8928 Filed 5–4–05; 8:45 am]

BILLING CODE 4910–13–M

**DEPARTMENT OF COMMERCE****Bureau of Economic Analysis****15 CFR Part 801**

**RIN 0691–AA59**

[Docket No. 050406094–5094–01]

**International Services Surveys: Cancellation of Five Annual Surveys**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Economic Analysis (BEA) plans to amend its regulations to remove the reporting requirements for five annual surveys covering international trade in services. The five annual surveys that would be discontinued are: BE–36, BE–47, BE–48, BE–82, and BE–93. BEA proposed to discontinue these surveys because they have been replaced by quarterly surveys that collect essentially the same information.

**DATES:** Comments on this proposed rule will receive consideration if submitted in writing on or before 5 p.m., July 5, 2005.

**ADDRESSES:** You may submit comments, identified by RIN 0691–AA59, and referencing the agency name (Bureau of Economic Analysis), by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- E-mail: [Obie.Whichard@bea.gov](mailto:Obie.Whichard@bea.gov).

- Fax: Office of the Chief, International Investment Division, (202) 606–5318.

- Mail: Office of the Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230.

- Hand Delivery/Courier: U.S. Department of Commerce, Bureau of Economic Analysis (BE–50), Shipping and Receiving Section, Room M–100, 1441 L Street, NW., Washington, DC 20005.

Public Inspection: Comments may be inspected at BEA's offices, 1441 L Street, NW., Room 7006, between 8:30 a.m. and 5 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Obie G. Whichard, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9890.

**SUPPLEMENTARY INFORMATION:** This proposed rule would amend 15 CFR Part 801 by revising Section 801.9(b) to remove the reporting requirements for five annual surveys that collect data covering international trade in services. The five surveys are:

BE–36, Foreign Airline Operators' Revenues and Expenses in the United States.

BE–47, Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons.

BE–48, Annual Survey of Reinsurance and Other Insurance Transactions by

U.S. Insurance Companies with Foreign Persons.

BE–82, Annual Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons.

BE–93, Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons.

The Department of Commerce invites the general public and other Federal agencies to comment on the cancellation of the reporting requirements for these surveys.

The Department is proposing to remove the reporting requirements for these five annual surveys because the information collected is now being collected on four separate quarterly surveys. Specifically, the BE–9, Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States, replaces the BE–36 survey; the BE–25, Quarterly Survey of Transactions Between U.S. and Unaffiliated Foreign Persons in Selected Services and in Intangible Assets, replaces the BE–47 and BE–93 surveys; the BE–45, Quarterly Survey of Insurance Transactions with U.S. Insurance Companies with Foreign Persons, replaces the BE–48 survey; and the BE–85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons, replaces the BE–82 survey. BEA began collecting data on these quarterly surveys in 2004.

**Executive Order 12866**

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

**Executive Order 13132**

This proposed rule does not contain policies with Federalism implications as that term is defined in E.O. 13132.

**Regulatory Flexibility Act**

The five annual surveys referenced above currently do not have a significant economic impact on a substantial number of small entities. Although the number of small entities that are affected by this rulemaking is unknown because this type of information is not tracked by BEA, the five surveys that BEA proposes to remove excludes most small entities from mandatory reporting. Most small entities would not be required to report the information collected in these surveys because they do not meet the reporting threshold. The BE–36 is required to be filed by U.S. offices, agents, or other representatives of

foreign airlines operating in the United States with total annual covered revenues or total annual covered expenses incurred in the United States of \$500,000 or more. The BE-47 survey is required to be filed by each U.S. person (other than U.S. Government agencies) if, for all countries and all projects combined, the gross value of new contracts received or gross operating revenues with unaffiliated foreign persons is \$1 million or more. The BE-48 annual survey is required to be filed by U.S. persons who have engaged in reinsurance transactions with foreign persons, or who have received premiums from, or paid losses to, foreign persons in the capacity of primary insurers, in excess of \$2 million. The BE-82 survey is required to be filed by U.S. persons who are financial services providers or intermediaries, or whose consolidated U.S. enterprise includes a separately organized subsidiary or part that is a financial services provider or intermediary and who had transactions (either sales or purchases) directly with unaffiliated foreign persons in all financial services combined in excess of \$10 million during the fiscal year covered by the survey. The BE-93 is required to be filed by U.S. persons who have entered into agreements with unaffiliated foreign persons to buy, sell, or use intangible assets or proprietary rights, excluding oil royalties and other natural resources (mining) royalties. A U.S. person is required to report if total receipts or total payments for these agreements are in excess of \$2 million in the reporting year.

Since few small businesses are subject to mandatory reporting, the elimination of the five annual surveys should have a negligible impact on those businesses. Therefore, the Chief Counsel for Regulation certified that this proposed rule will not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

The surveys that would be discontinued by this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act under the following OMB control numbers: 0608-0013 (BE-36 survey), 0608-0015 (BE-47 survey), 0608-0016 (BE-48 survey), 0608-0017 (BE-93 survey), and 0608-0063 (BE-82 survey). OMB approved the quarterly surveys under the following OMB control numbers: 0608-0068 (BE-9 survey); 0608-0067 (BE-25 survey); 0608-0066 (BE-45 survey); and 0608-0065 (BE-85 survey).

#### List of Subjects in 15 CFR Part 801

International transactions, Economic statistics, Foreign trade, Penalties, Reporting and recordkeeping requirements.

Dated: March 30, 2005.

**Rosemary D. Marcuss,**

*Acting Director, Bureau of Economic Analysis.*

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR Part 801, as follows:

#### PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

1. The authority citation for 15 CFR Part 801 continues to read as follows:

**Authority:** 5 U.S.C. 301; 15 U.S.C. 4908; 22 U.S.C. 3101-3108; and E.O. 11961, 3 CFR, 1977 Comp., p. 86, as amended by E.O. 12318, 3 CFR, 1981 Comp., p. 173, and E.O. 12518, 3 CFR, 1985 Comp., p. 348.

2. Section 801.9(b) is revised to read as follows:

##### **§ 801.9 Reports required.**

\* \* \* \* \*

(b) *Annual surveys.* (1) BE-29, Foreign Ocean Carriers' Expenses in the United States:

(i) *Who must report.* A BE-29 report is required from U.S. agents on behalf of foreign ocean carriers transporting freight or passengers to or from the United States. U.S. agents are steamship agents and other persons representing foreign carriers in arranging ocean transportation of freight and cargo between U.S. and foreign ports and in arranging port services in the United States. Foreign carriers are foreign persons that own or operate ocean going vessels calling at U.S. ports, including VLCC tankers discharging petroleum offshore to pipelines and lighter vessels destined for U.S. ports. They include carriers who own or who operate their own or chartered (United States or foreign-flag) vessels. They also include foreign subsidiaries of U.S. companies operating their own or chartered vessels as carriers for their own accounts. Where the vessels under foreign registry are operated directly by a U.S. carrier for its own account, the operations of such vessels should be reported on Form BE-30, Ocean Freight Revenues and Foreign Expenses of United States Carriers. The Bureau of Economic Analysis may, in lieu of BE-29 reports required from foreign carriers' U.S. agents, accept consolidated reports from foreign governments covering the operations of their national shipping concerns when, in the Bureau's

discretion, such consolidated reports would provide the required information. Where such reports are accepted, the individual reports from foreign carriers' U.S. agents will not be required.

(ii) *Exemption.* Any U.S. person otherwise required to report is exempted from reporting if the total number of port calls by foreign vessels handled in the reporting period is less than forty or total covered expenses are less than \$250,000. For example, if an agent handled less than 40 port calls in a calendar year, the agent is exempted from reporting. If the agent handled 40 or more calls, the agent must report unless covered expenses for all foreign carriers handled by the agent were less than \$250,000. The determination of whether a U.S. person is exempt may be based on the judgment of knowledgeable persons who can identify reportable transactions without conducting a detailed manual records search.

(2) BE-22, Annual Survey of Selected Services Transactions With Unaffiliated Foreign Persons:

(i) *Who must report—(A) Mandatory reporting.* A BE-22 report is required from each U.S. person who had transactions (either sales or purchases) in excess of \$1,000,000 with unaffiliated foreign persons in any of the covered services during the U.S. person's fiscal year. The determination of whether a U.S. person is subject to this mandatory reporting requirement may be judgmental, that is, based on the judgment of knowledgeable persons in a company who can identify reportable transactions on a recall basis, with a reasonable degree of certainty without conducting a detailed manual records search.

(B) *Voluntary reporting.* If, during the U.S. person's fiscal year, the U.S. person's total transactions (either sales or purchases) in any of the covered services is \$1,000,000 or less, the U.S. person is requested to provide an estimate of the total for each type of service. Provision of this information is voluntary. The estimates may be judgmental, that is, based on recall, without conducting a detailed manual records search.

(C) Any U.S. person receiving a BE-22 survey form from BEA must complete all relevant parts of the form and return the form to BEA. A person that is not subject to the mandatory reporting requirement in paragraph (b)(2)(i)(A) of this section and is not filing information on a voluntary basis must only complete the "Determination of reporting status" and the "Certification" sections of the survey. This requirement is necessary to ensure

compliance with the reporting requirements and efficient administration of the survey by eliminating unnecessary followup contact.

(ii) *Covered services.* The covered services are: Advertising services; auxiliary insurance services (by non-insurance companies only); educational and training services; financial services (purchases only by non-financial services providers); medical services, inpatient (receipts only); medical services, other than inpatient (receipts only); merchandising services (receipts only); mining services; disbursements to fund news-gathering costs of broadcasters; disbursements to fund news-gathering costs of print media; disbursements to fund production costs of motion pictures; disbursements to fund production costs of broadcast program material other than news; disbursements to maintain government tourism and business promotion offices; disbursements for sales promotion and representation; disbursements to participate in foreign trade shows (purchases only); other trade-related services; performing arts, sports, and other live performances, presentations, and events; primary insurance premiums (payments only); primary insurance losses recovered; sale or purchase of rights to natural resources, and lease bonus payments; use or lease of rights to natural resources, excluding lease bonus payments; waste treatment and depollution services; and other private services (language translation services; salvage services; security services; account collection services; satellite photography and remote sensing/satellite imagery services; space transport (includes satellite launches, transport of goods and people for scientific experiments, and space passenger transport); and transcription services).

\* \* \* \* \*

[FR Doc. 05-8976 Filed 5-4-05; 8:45 am]

BILLING CODE 3510-06-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 101

[Docket No. 2004N-0382]

RIN 0910-ZA23

#### Food Labeling: Safe Handling Statements: Labeling of Shell Eggs

AGENCY: Food and Drug Administration, HHS.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to amend the agency's food labeling regulations to permit the egg industry to place the safe handling statement for shell eggs on the inside lid of egg cartons if the statement "Keep Refrigerated" appears on the principal display panel (PDP) or information panel. This proposed rule, if finalized, will provide the industry greater flexibility in the placement of safe handling instructions on egg cartons, while continuing to provide consumers with this important information. This proposed action is in response to numerous requests from the egg industry.

**DATES:** Submit written or electronic comments by July 19, 2005. See section VII for the proposed effective date of a final rule based on this proposal.

**ADDRESSES:** You may submit comments, identified by [Docket No. 2004N-0382], by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Agency Web site: <http://www.fda.gov/dockets/ecomments>. Follow the instructions for submitting comments on the agency Web site.
- E-mail: [fdadockets@oc.fda.gov](mailto:fdadockets@oc.fda.gov). Include [Docket No. 2004N-0382] in the subject line of your e-mail message.
- FAX: 301-827-6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD-ROM submissions]: Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**Instructions:** All submissions received must include the agency name and Docket No. or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to <http://www.fda.gov/ohrms/dockets/default.htm>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.fda.gov/ohrms/dockets/default.htm> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Catalina Ferre-Hockensmith, Center for Food Safety and Applied Nutrition (HFS-820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301-436-2371.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

###### A. Safe Handling Labeling of Shell Eggs

In the **Federal Register** of December 5, 2000 (65 FR 76092), FDA published a final rule entitled "Food Labeling, Safe Handling Statements, Labeling of Shell Eggs; Refrigeration of Shell Eggs Held for Retail Distribution" (hereinafter referred to as the "shell egg labeling regulation"), which established a labeling regulation in § 101.17(h) (21 CFR 101.17(h)) that requires the egg industry to place a safe handling statement on cartons of shell eggs that have not been treated to destroy *Salmonella* microorganisms. The regulation also requires retail establishments to store and display shell eggs under refrigeration. FDA issued that rule because of the number of outbreaks of foodborne illnesses and deaths caused by *Salmonella* Enteritidis (SE) that are associated with the consumption of shell eggs. Safe handling statements help consumers take measures to protect themselves from illness or death associated with consumption of shell eggs that have not been treated to destroy *Salmonella*. Refrigeration of shell eggs that have not been treated to destroy *Salmonella* helps prevent the growth of SE.

###### B. Placement and Prominence of FDA's Safe Handling Statement

Section 403(f) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343(f)) requires that mandatory label information be placed on the label with such conspicuousness as to render it likely to be read and understood by ordinary individuals under customary conditions of use. Accordingly, the shell egg labeling regulation requires the safe handling statement to appear either on the PDP or on the information panel of egg cartons.

FDA regulations define the PDP for packaged food as "the part of a label that is most likely to be displayed, presented, shown, or examined by a consumer under customary conditions of display for retail sale" (§ 101.1). For egg cartons, the top is usually the PDP. The information panel for packaged food generally is defined by § 101.2(a) as that part of the label that is immediately contiguous and to the right of the PDP, with the following exceptions. If the