

**FOR FURTHER INFORMATION CONTACT:** For questions of a general or regulatory nature, contact the Regulatory Policy Division, telephone: (202) 482-2440. For program information on declarations, reports, advance notifications, chemical determinations, recordkeeping, inspections and facility agreements, contact the Treaty Compliance Division, Office of Nonproliferation and Treaty Compliance, telephone: (703) 605-4400; for legal questions, contact Rochelle Woodard, Office of the Chief Counsel for Industry and Security, telephone: (202) 482-5301.

**SUPPLEMENTARY INFORMATION:** Under section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA), the Bureau of Industry and Security (BIS) is required to periodically review all rules issued by the agency that have or will have a significant economic impact upon a substantial number of small entities. The purpose of the review is to determine whether these rules should be continued without change or whether they should be amended or rescinded to minimize any significant economic impact of the rules upon a substantial number of small entities.

As part of this review, BIS is also required to publish each year in the **Federal Register** a list of the rules that have a significant economic impact on a substantial number of small entities and that, therefore, must be reviewed pursuant to section 610 of the RFA during the succeeding twelve months. The list should include a brief description of each rule, identify the need for and legal basis of each rule, and invite public comment concerning the economic impact of each rule on small entities.

Pursuant to the Department of Commerce's plan for compliance with section 610 of the RFA, BIS undertook a review in 2005 of all rules promulgated during the period between April 1996 and October 2000 that had a significant economic impact on a substantial number of small entities. This review produced only one rule that was subject to a section 610 review: the Chemical Weapons Convention Regulations (CWCR), published in interim form on December 30, 1999 (15 CFR Parts 710-729).

#### **Background on the Chemical Weapons Convention Regulations (CWCR)**

The CWCR implement the provisions of the Chemical Weapons Convention Implementation Act of 1998 (CWCIA) (22 U.S.C. 6701 *et seq.*), which was enacted on October 21, 1998, to implement the Chemical Weapons Convention (CWC). The CWC, which

entered into force on April 29, 1997, is an arms control treaty that bans the development, production, stockpiling or use of chemical weapons, and prohibits States Parties to the CWC from assisting or encouraging anyone to engage in a prohibited activity. The CWC provides for declaration and inspection of all States Parties' chemical weapons and chemical weapon production facilities, and oversees the destruction of such weapons and facilities. It also establishes a comprehensive verification scheme and requires the declaration and inspection of facilities that produce, process or consume certain "scheduled" chemicals or unscheduled discrete organic chemicals, many of which have significant commercial applications.

The CWCIA authorizes the United States to require the U.S. chemical industry and other private entities to submit declarations, notifications and other reports and also to provide access for on-site inspections conducted by inspectors sent by the Organization for the Prohibition of Chemical Weapons (OPCW). Executive Order (E.O.) 13128 delegates authority to the Department of Commerce to promulgate regulations, obtain and execute warrants, provide assistance to certain facilities, and carry out appropriate functions to implement the CWC, consistent with the Act.

The December 30, 1999, CWCR interim rule established the compliance requirements of the CWC, as mandated by the provisions of the CWCIA. The interim CWCR set forth the declaration, reporting and inspection requirements for U.S. industry and U.S. persons, as well as the responsibilities of the U.S. Government and BIS in implementing and enforcing the CWC domestically. On December 7, 2004, BIS published a proposed rule that would revise the CWCR to reflect changes to declaration and reporting requirements, clarify certain inspection provisions in the CWCR, and revise other sections of the CWCR that were affected by decisions made by the Organization for the Prohibition of Chemical Weapons (OPCW), the international organization responsible for the implementation and enforcement of the CWC.

#### **Conduct of Review and Request for Comments**

In conducting its review, the Department will consider the following factors:

- (1) The continued need for the rule;
- (2) The nature of complaints or comments received concerning the rule from the public;
- (3) The complexity of the rule;
- (4) The extent to which the rule overlaps, duplicates or conflicts with

other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

In order to consider these factors and to minimize any significant economic impact of the rule on a substantial number of small entities, the Department solicits comments on the economic impact of the CWCR on small entities.

As mentioned above, BIS published proposed revisions to the CWCR on December 7, 2004 (69 FR 70753), and requested comments on the proposed rule. The comment period for the proposed rule closed on February 7, 2005. BIS is currently reviewing those comments and incorporating any responses into the final CWCR. The comments that are submitted in response to this notice will be considered by BIS, in addition to those previously provided on the December 7, 2004, proposed rule, and BIS will address these comments in any forthcoming final rule. Therefore, comments that were submitted to BIS in response to the December 7, 2004, CWCR proposed rule need not be re-submitted in response to this request for comments. In this notice, BIS is seeking comments on the Chemical Weapons Convention regulations only with regard to the factors to be considered under section 610 of the RFA.

Dated: July 15, 2005.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc. 05-14441 Filed 7-20-05; 8:45 am]

**BILLING CODE 3510-33-P**

## **FEDERAL MEDIATION AND CONCILIATION SERVICE**

### **29 CFR Part 1404**

#### **Proposed Changes to Arbitration Policies, Functions, and Procedures**

**AGENCY:** Federal Mediation and Conciliation Service.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects § 1404.5(b) and to add revisions to § 1404.5(d)(7) in a proposed rule published in the **Federal Register** of July 7, 2005 (70 FR 39209), regarding Arbitration Policies, Functions and Procedures. The corrections clarify the Proof of Qualification needed to be on the Roster in § 1404.5(b) and adds the

non-payment of the annual listing fee in § 1404.5(d)(7).

**FOR FURTHER INFORMATION CONTACT:**

Maria A. Fried, General Counsel and Federal Register Liaison, FMCS, 2100 K Street, NW., Washington, DC 20427. Telephone (202) 606-5444; Fax (202) 606-5345.

**Correction**

In proposed rule FR Doc. 05-11362, beginning on page 39209 in the issue on July 7, 2005, make the following corrections to § 1404.5(b) and (d)(7).

On page 39211, in the first column, correctly revise § 1404.5(b) to read as follows:

(b) *Proof of Qualification.* The qualifications listed in (a) of this section are preferably demonstrated by the submission of five recent arbitration awards prepared by the applicant while serving as an impartial arbitrator of record chosen by the parties to labor relations disputes arising under collective bargaining agreements, or the successful completion of the FMCS labor arbitrator training course within the five years immediately preceding the date of application plus two awards as described above, and the submission of information demonstrating extensive and recent experience in collective bargaining, including at least the position or title held, duties or responsibilities, the name and location of the company or organization, and the dates of employment.

On page 39211, in the center column, correctly revise § 1404.5(d)(7) to read as follows:

(d) \* \* \*

(7) Has been in an inactive status pursuant to § 1404.6 for longer than two years and has not paid the annual listing fee.

Dated: July 15, 2005.

**Maria A. Fried,**

*General Counsel and Federal Register Contact.*

[FR Doc. 05-14347 Filed 7-20-05; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Department of the Army**

**32 CFR Part 504**

RIN 0702-AA49

**Obtaining Information From Financial Institutions**

**AGENCY:** Department of the Army, DoD.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** The Department of the Army proposes to revise its regulation concerning obtaining information from financial institutions. The regulation prescribes policies for the Department of the Army to obtain information on a customer's financial records from financial institutions.

**DATES:** Comments submitted to the address below on or before September 19, 2005, will be considered.

**ADDRESSES:** You may submit comments, identified by 32 CFR Part 504 and RIN 0702-AA49 in the subject line, by any of the following methods:

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

- E-mail: [james.crumley@hqda-aoc.army.pentagon.mil](mailto:james.crumley@hqda-aoc.army.pentagon.mil). Include 32 CFR Part 504 and RIN 0702-AA49 in the subject line of the message.

- Mail: Headquarters, Department of the Army, Office of the Provost Marshal General, ATTN: DAPM-MPD-LE, 2800 Army Pentagon, Washington, DC 20310-2800.

**FOR FURTHER INFORMATION CONTACT:** James Crumley (703) 692-6721.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

This rule has previously been published. The Administrative Procedure Act, as amended by the Freedom of Information Act requires that certain policies and procedures and other information concerning the Department of the Army be published in the **Federal Register**. The policies and procedures covered by this regulation fall into that category.

**B. Regulatory Flexibility Act**

The Department of the Army has determined that the Regulatory Flexibility Act does not apply because the proposed rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

**C. Unfunded Mandates Reform Act**

The Department of the Army has determined that the Unfunded Mandates Reform Act does not apply because the proposed rule does not include a mandate that may result in estimated costs to State, local or tribal governments in the aggregate, or the private sector, of \$100 million or more.

**D. National Environmental Policy Act**

The Department of the Army has determined that the National Environmental Policy Act does not apply because the proposed rule does

not have an adverse impact on the environment.

**E. Paperwork Reduction Act**

The Department of the Army has determined that the Paperwork Reduction Act does not apply because the proposed rule does not involve collection of information from the public.

**F. Executive Order 12630 (Government Actions and Interference With Constitutionally Protected Property Rights)**

The Department of the Army has determined that Executive Order 12630 does not apply because the proposed rule does not impair private property rights.

**G. Executive Order 12866 (Regulatory Planning and Review)**

The Department of the Army has determined that according to the criteria defined in Executive Order 12866 this proposed rule is not a significant regulatory action. As such, the proposed rule is not subject to Office of Management and Budget review under section 6(a)(3) of the Executive Order.

**H. Executive Order 13045 (Protection of Children From Environmental Health Risk and Safety Risks)**

The Department of the Army has determined that according to the criteria defined in Executive Order 13045 this proposed rule does not apply.

**I. Executive Order 13132 (Federalism)**

The Department of the Army has determined that according to the criteria defined in Executive Order 13132 this proposed rule does not apply because it will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

**Jeffery B. Porter,**

*Chief, Law Enforcement Policy and Oversight Section.*

**List of Subjects in 32 CFR Part 504**

Banks, Banking, Business, Investigations, Law enforcement, Military law, Privacy.

For reasons stated in the preamble the Department of the Army proposes to revise part 504 to subchapter A of title 32 to read as follows:

**PART 504—OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS**

Sec.  
504.1 General.