

DEPARTMENT OF THE TREASURY**17 CFR Part 420****Large Position Reporting***CFR Correction*

In Title 17 of the Code of Federal Regulations, part 240 to end, revised as of April 1, 2005, on page 1015, § 420.3 is corrected by revising paragraphs (c)(1), (2), and (3) to read as follows:

§ 420.3 Reporting.

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(c)(1) In response to a notice issued under paragraph (a) of this section requesting large position information, a reporting entity with a reportable position that equals or exceeds the specified large position threshold stated in the notice shall compile and report the amounts of the reporting entity's reportable position in the order specified, as follows:

(i) Net trading position, and each of the following items that together comprise the net trading position:

(A) Cash/immediate net settled positions,

(B) Net when-issued positions for to-be-issued and reopened issues,

(C) Net forward settling positions, including next-day settling,

(D) Net positions in futures contracts requiring delivery of the specific security, and

(E) Net holdings of STRIPS principal components of the specific security;

(ii) Gross financing position and each of the following items that comprise the gross financing position:

(A) Securities received through reverse repurchase agreements by maturity classification:

(1) Overnight and open, and

(2) Term (report the total dollar amount of the outstanding contracts, summing across maturity dates), and

(B) Securities received through bonds borrowed, and as collateral for financial derivatives and other financial transactions.

(iii) Net fails position; and

(iv) Total reportable position.

(2) The large position report must include the following two additional memorandum items:

(i) The total gross par amounts of securities delivered through:

(A) Repurchase agreements by maturity classification:

(1) Overnight and open, and

(2) Term (report the total dollar amount of the outstanding contracts, summing across maturity dates), and

(B) Securities loaned, and as collateral for financial derivatives and other securities transactions.

(ii) The gross par amount of "fails to deliver" in the security. This total must also be included in Net Fails Position, Line 3.

(3) An illustration of a sample report is contained in Appendix B.

Each of the net trading position components shall be netted and reported as a positive number (long position), a negative number (short position), which should be shown in parenthesis, or zero (flat position). The total net trading position shall also be reported as the applicable positive or negative number (or zero). Each of the components of the gross financing position shall be reported. The total gross financing position, which is the sum of the gross financing position components, shall also be reported. The net fails position should be reported as a single entry. If the amount of the net fails position is zero or less, report zero. The total reportable position, which is the sum of the net trading position, gross financing position, and net fails position, must be reported. Each component of Memorandum 1 shall be reported. The total of Memorandum 1, which is the sum of its components, shall also be reported. Memorandum 2, which is the gross par amount of fails to deliver, shall also be reported. All of these positions should be reported in the order specified above. All position amounts should be reported on a trade date basis and at par in millions of dollars.

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[FR Doc. 05-55520 Filed 12-9-05; 8:45 am]

BILLING CODE 1505-01-D**DEPARTMENT OF DEFENSE****Office of the Secretary****32 CFR Part 285****[0790-ZA05]****DoD Freedom of Information Act (FOIA) Program (DoDD 5400.7)****AGENCY:** Department of Defense.**ACTION:** Final rule.

SUMMARY: This rule conforms to the requirements of the Electronic Freedom of Information Act Amendments of 1996. It promotes public trust by making the maximum amount of information available to the public, in both hard copy and electronic formats, on the operation and activities of the

Department of Defense, consistent with DoD responsibility to protect national security and other DoD interests as provided by applicable law. It also allows a requester to obtain Agency records from the Department of Defense that are available through other public information services without invoking the FOIA.

EFFECTIVE DATE: This rule is effective October 28, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. David W. Maier, 703-695-6428.

SUPPLEMENTARY INFORMATION:**Executive Order 12866**

This regulatory action is not a significant regulatory action, as defined by Executive Order 12866.

Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This regulatory action will not have a significant adverse impact on a substantial number of small entities.

Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104-4)

This regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of \$100 million or more in any one year.

Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35)

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

Federalism (Executive Order 13132)

This regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects 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.

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. Chapter 6)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule implements the Freedom of Information Act (5 U.S.C. 552), a statute concerning the release of Federal Government records, and does not economically impact Federal Government relations with the private sector.

Section 202, Public Law 104-4, "Unfunded Mandates Reform Act"

It has been determined that this rule does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

List of Subjects in 32 CFR Part 285

Freedom of information.

■ Accordingly, 32 CFR part 285 is revised to read as follows:

PART 285—DOD FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

Sec.

- 285.1 Purpose.
- 285.2 Applicability and scope.
- 285.3 Policy.
- 285.4 Responsibilities.
- 285.5 Information requirements.

Authority: 5 U.S.C. 552.

§ 285.1 Purpose.

This part:

- (a) Updates policies and responsibilities for implementing the DoD Freedom of Information Act (FOIA) Program under 5 U.S.C. 552.
- (b) Continues to authorize DoD 5400.7-R¹ to implement the FOIA Program.
- (c) Continues to delegate authorities and responsibilities for the effective administration of the FOIA program.

§ 285.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

(b) National Security Agency/Central Security Service records are subject to this part unless the records are exempt under section 6 of the Public Law 86-36 (1959), codified at section 402 note of title 50, United States Code (U.S.C.). The records of the Defense Intelligence Agency, National Reconnaissance Office, and the National Geospatial-Intelligence Agency are also subject to this part unless the records are exempt under 10 U.S.C. 424, 50 U.S.C. 403-5e, 10 U.S.C. 455, or other applicable law.

§ 285.3 Policy.

It is DoD policy to:

(a) Promote public trust by making the maximum amount of information available to the public, in both hard copy and electronic formats, on the operation and activities of the Department of Defense, consistent with DoD responsibility to protect national security and other sensitive DoD information as provided by applicable law.

(b) Allow a requester to obtain Agency records from the Department of Defense that are available through other public information services without invoking the FOIA.

(c) Make available, under the procedures established by DoD 5400.7-R, Agency records requested by a member of the public who explicitly or implicitly cites the FOIA.

(d) Answer promptly all other requests for Agency information and records under established procedures and practices.

(e) Release Agency records to the public unless those records are exempt from disclosure as outlined in 5 U.S.C. 552.

(f) Process requests by individuals for access to records about themselves contained in a Privacy Act system of records under procedures set forth in DoD 5400.11-R² and procedures outlined in this part, as amplified by DoD 5400.7-R.

§ 285.4 Responsibilities.

(a) The Director, Administration and Management (DA&M) shall:

(1) Serve as the appellate authority for appeals to decisions of respective Initial Denial Authorities within OSD, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the DoD Field Activities, and select Defense Agencies as listed in DoD 5400.7-R. The DA&M may delegate this responsibility to an appropriate member of the DA&M or Washington Headquarters (WHS) staff.

(2) Prepare and maintain a DoD issuance and other discretionary information to ensure timely and reasonably uniform implementation of the FOIA in the Department of Defense.

(b) The Director, Washington Headquarters Services, under the DA&M, shall:

(1) Direct and administer the DoD FOIA Program to ensure compliance with policies and procedures that govern the administration of the program.

(2) Administer the FOIA Program, inclusive of training, for the OSD, the Chairman of the Joint Chiefs of Staff

and, as an exception to DoD Directive 5100.3³, the Combatant Commands.

(c) The General Counsel of the Department of Defense shall provide uniformity in the legal interpretation of this part; ensure affected legal advisors, public affairs officers, and legislative affairs officers are aware of releases through litigation channels which may be of significant public, media, or Congressional interest, or of interest to senior DoD officials; and establish procedures to centralize processing pursuant to litigation.

(d) The Under Secretary of Defense for Intelligence shall establish uniform procedures regarding the declassification of national security information made pursuant to requests invoking the FOIA.

(e) The Heads of the DoD Components shall:

(1) Internally administer the DoD FOIA Program and publish any instructions necessary for the internal administration of this part within a DoD Component that are not prescribed by this part or by other issuances of the DA&M in the **Federal Register**.

(2) Ensure respective chains of command, affected legal advisors, public affairs officers and legislative affairs officers are aware of releases through the FOIA, inclusive of releases through litigation channels, which may be of significant public, media, or Congressional interest, or of interest to senior DoD officials.

(3) Conduct training on the provisions of this part and 5 U.S.C. 552 and DoD 5400.7-R for officials and employees who implement the FOIA.

(4) Submit the Annual Report prescribed in Chapter 7 of DoD 5400.7-R.

(5) Make the records specified in 5 U.S.C. 552(a)(2) unless such records are published and copies are offered for sale, available for public inspection and copying in an appropriate facility or facilities, according to rules published in the **Federal Register**.

(6) Maintain and make current indices of all 5 U.S.C. 552(a)(2) records available for public inspection and copying.

§ 285.5 Information requirements.

The reporting requirements in Chapter 7 of DoD 5400.7-R have been assigned Report Control Symbol DD-DA&M(A)1365.

¹ Copies may be obtained at <http://www.dtic.mil/whs/directives/>.

² See footnote 1 to § 285.1(b).

³ See footnote 1 to § 285.1(b).

Dated: December 6, 2005.

L.M. Bynum,

*Alternate OSD Federal Register Liaison
Officer, DoD.*

[FR Doc. 05-23880 Filed 12-9-05; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD 11-05-035]

Drawbridge Operation Regulations; Sacramento River, Isleton, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eleventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the CA-160 Highway Drawbridge across the Sacramento River, mile 18.7, at Isleton, CA. This deviation allows Caltrans to perform single leaf operation of the drawbridge with a 12-hour advance notification to the Rio Vista drawbridge. The temporary deviation is necessary to repair essential operating machinery.

DATES: This deviation is effective from 7 a.m. January 9, 2006 through 6 p.m. on February 17, 2006.

ADDRESSES: Materials referred to in this document are available for inspection or copying at Commander (dpw), Eleventh Coast Guard District, Building 50-3, Coast Guard Island, Alameda, CA 94501-5100, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (510) 437-3515. Commander (dpw), Eleventh Coast Guard District, maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT:

David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, telephone (510) 437-3516.

SUPPLEMENTARY INFORMATION: The California Department of Transportation has requested to temporarily change the operating procedures for the CA-160 Highway Drawbridge, mile 18.7, Sacramento River, at Isleton, CA, to allow single leaf operation, with a 12-hour advance notice to the Rio Vista Drawbridge, from 7 a.m. January 9, 2006 through 6 p.m. on February 17, 2006, to repair essential operating machinery. The drawbridge provides unlimited vertical clearance in the full open-to-navigation position, and 15 ft. vertical

clearance above Mean High Water when closed. As required by 33 CFR 117.189, the drawbridge opens on signal from approaching vessels from 6 a.m. to 10 p.m. May 1 through October 31 and from 9 a.m. to 5 p.m. November 1 through April 30. At all other times the draw shall open if at least 4-hours advance notice is given.

Numerous waterway users were consulted prior to the determination. It was determined that potential navigational impacts will be reduced if the repairs are performed November through March when there is less recreational boating traffic. The Coast Guard approved the deviation effective from 7 a.m. January 9, 2006 through 6 p.m. on February 17, 2006.

During these times, single leaf operation of the drawspan will be permitted, with a 12-hour advance notice.

The drawspan shall resume normal operation at the conclusion of the essential repair work. Mariners should contact the Rio Vista Drawbridge on VHF-FM Channel 16 or by telephone at (707) 374-2134, in advance, to determine conditions at the bridge and to make passing arrangements.

In the event of an emergency, the bridge owner would require 15-hour advance notice to open both leaves of the bridge. Vessels that can safely pass through the closed drawbridge may continue to do so at any time.

In accordance with 33 CFR 117.35(c), this work shall be performed with all due speed to return the drawbridge to normal operation as soon as possible. This deviation from the operating regulations is approved under the provisions of 33 CFR 117.35.

Dated: November 22, 2005.

Kevin J. Eldridge,

*Rear Admiral, U. S. Coast Guard,
Commander, Eleventh Coast Guard District.*

[FR Doc. 05-23889 Filed 12-9-05; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2004-TX-0001; FRL-8007-5]

Approval and Promulgation of Implementation Plans; Texas; Memoranda of Understanding Between Texas Department of Transportation and the Texas Commission on Environmental Quality

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a State Implementation Plan (SIP) revision submitted by the Texas Commission on Environmental Quality (TCEQ) on August 15, 2002. This SIP revision approves the adoption by reference of a Memorandum of Understanding (MOU) between the TCEQ and the Texas Department of Transportation (TxDOT). The MOU is adopted into the Texas rule at 30 TAC, Chapter 7, Section 119 (Section 7.119). This MOU concerns the coordination of environmental reviews associated with transportation projects. The adoption by reference of this MOU will streamline coordination between the TCEQ and TxDOT by consolidating separate MOUs currently in the air and water regulations. This action is important to satisfy the need of the Commission and TxDOT to coordinate regulatory programs and to ensure that overlapping areas of responsibility are clarified. This approval will make the MOU revised regulations Federally enforceable.

DATES: This rule is effective on February 10, 2006 without further notice, unless EPA receives adverse comment by January 11, 2006. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2004-TX-0001, by one of the following methods:

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

- EPA Region 6 "Contact Us" Web site: <http://epa.gov/region6/r6coment.htm>. Please click on "6PD" (Multimedia) and select "Air" before submitting comments.

- E-mail: Mr. Thomas Diggs at diggs.thomas@epa.gov. Please also send a copy by e-mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

- Fax: Mr. Thomas Diggs, Chief, Air Planning Section (6PD-L), at fax number 214-665-7263.

- Mail: Mr. Thomas Diggs, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733.

- Hand or Courier Delivery: Mr. Thomas Diggs, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. Such deliveries are accepted only