has previously approved a similar proposal by another self-regulatory organization.[7]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–Amex–2005–024) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Jonathan G. Katz,

Secretary.

[FR Doc. 05–18550 Filed 9–16–05; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number PS–ACE100–2005–10038]

Policy on Bonded Joints and Structures—Technical Issues and Certification Considerations

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of policy statement.

SUMMARY: This notice announces the issuance of a Federal Aviation Administration (FAA) policy for certification of bonded structures. This notice is necessary to advise the public, especially manufacturers of normal, and acrobatic category airplanes, and commuter category airplanes and their suppliers, that the FAA has adopted a policy on bonded joints and structures.

DATES: Policy statement PS–ACE100–2005–10038 was issued by the Manager of the Small Airplane Directorate on September 2, 2005.

How to Obtain Copies: A paper copy of policy statement may be obtained by writing to the following: Small Airplane Directorate, Standards Office (ACE–110), Aircraft Certification Service, Federal Aviation Administration, 901 Locust Street, Room 301, Kansas City, MO 64106. The policy statement will also be available on the Internet at the following address *http://www.faa.gov/regulations_policies/.*

FOR FURTHER INFORMATION CONTACT: Lester Cheng, Federal Aviation Administration, Small Airplane Directorate, Regulations & Policy, ACE–111, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone: (316) 946–4111; fax: 816–4090; e-mail: *lester.cheng@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

We announced the availability of the policy statement on May 27, 2005 (70 FR 30829). We revised the policy in response to the comments, and the policy has been adopted.

Issued in Kansas City, Missouri on September 12, 2005.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–18504 Filed 9–16–05; 8:45am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–05–21436]

Highway Safety Programs; Conforming Products List of Screening Devices to Measure Alcohol in Bodily Fluids

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This Notice amends and updates the list of devices that conform to the Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

EFFECTIVE DATE: September 19, 2005.

FOR FURTHER INFORMATION CONTACT: Dr. James F. Frank, Office of Research and Technology, Behavioral Research Division (NTI–131), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366–5593.

SUPPLEMENTARY INFORMATION: On August 2, 1994, NHTSA published Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids (59 FR 39382). These specifications established performance criteria and methods for testing alcohol screening devices to measure alcohol content. The specifications support State laws that target youthful offenders (e.g., ''zero tolerance'' laws) and the Department of Transportation's workplace alcohol testing program. NHTSA published its first Conforming Products List (CPL) for screening devices on December 2, 1994 (59 FR 61923, with corrections on December 16, 1994 in 59 FR 65128), identifying the devices that meet NHTSA's Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids. Five (5) devices appeared on that first list. Thereafter, NHTSA amended the CPL on August 15, 1995 (60 FR 42214) and on May 4, 2001 (66 FR 22639), adding seven (7) devices to the CPL in those two (2) actions.

Since the publication of the last CPL, NHTSA has evaluated additional devices at the Volpe National Transportation Systems Center (VNTSC) in Cambridge, Massachusetts, resulting in the following changes to the CPL.

(1) AK Solutions, Inc. of Palisades Park, New Jersey submitted seven (7) different electronic screening devices for testing, all of which use a semi-conductor sensor. Their trade names are: (a) ''Alcoscan AL–2500''; (b) ''AlcoChecker''; (c) ''AlcoKey''; (d) ''AlcoMate''; (e) ''AlcoMate Pro''; (f) ''Alcoscan AL–5000''; and (g) Alcoscan AL–6000. All of these devices meet the NHTSA Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

(2) Guth Laboratories, Inc. of Harrisburg, Pennsylvania submitted for testing the ''Alcotector WAT89EC–1'' screening device, an electronic device that uses a fuel cell sensor and has a digital display. This device meets the NHTSA Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

(3) Q–3 Innovations, Inc. of Independence, Iowa submitted for testing the ''Alcohawk® Precision,'' an electronic screening device that uses a semiconductor sensor and has a digital display. This device meets the NHTSA Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

(4) Q–3 Innovations, Inc. certified that it also sells the ''Alcohawk® Elite,'' which is the same technical device as the ''Alcohawk® Precision,'' and has only cosmetic differences not related to the alcohol-measuring capability of the device. Hence, the ''Alcohawk® Elite'' will also be listed on the CPL. Q–3 Innovations, Inc. also sells the ''Alcohawk® ABI'', which is the same device as the ''ABI'' manufactured by Han International Co., Ltd. of Seoul, Korea. As the Han ''ABI'' already appears on the CPL, and Han International has certified that the ''Alcohawk® ABI'' is the same device, the ''Alcohawk® ABI'' will also be listed on the CPL. Finally, Q–3 Innovations sells the ''Alcohawk® PRO'', also manufactured by Han International. This device was previously submitted by AK Solutions, Inc. and approved for inclusion on the CPL. While Han International continues to manufacture the device, it is now sold as the ''Alcohawk® PRO'' by Q–3 Innovations,

[7] *See* Securities Exchange Act Release No. 28731 (January 2, 1991), 56 FR 906 (January 9, 1991) (SR–NASD–90–61).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

Inc. Hence, the ''Alcohawk® PRO'' will also be added to the CPL.

(5) Seju Co., of Korea submitted the ''Safe-Slim'' handheld, electronic screening device that uses a semi-conductor sensor. It meets the NHTSA Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

All of the above devices are being added to the CPL with this publication.

(6) When NHTSA published the CPL on May 4, 2001, it added the ''Alcohol √'' manufactured by Akers Laboratories, Inc. After that date, Akers Laboratories, Inc. changed its name to Akers Biosciences, Inc. and continued distributing a device that NHTSA understood to be the same device tested and approved for listing on the CPL in May, 2001. The Akers device listed on the CPL is no longer manufactured. Accordingly, the ''Alcohol √'' is being removed from the CPL with this publication. No other Akers device currently is approved for inclusion on the CPL.

In addition to the above changes, NHTSA is making the following housekeeping changes to the CPL:

(7) OraSure Technologies, Inc. of Bethlehem, Pennsylvania continues to manufacture the Q.E.D. A150 Saliva Alcohol Test. On the previous CPL, NHTSA listed STC Technologies, Inc. as a manufacturer of the same device. STC Technologies, Inc. changed its name to OraSure Technologies, Inc. OraSure Technologies, Inc. has certified that no unexpired devices called the Q.E.D. A150 Saliva Alcohol Test and sold under the STC Technologies, Inc label exist in the marketplace. Hence, NHTSA is removing the name STC Technologies, Inc. from the CPL.

(8) Alco Check International, Inc. of Hudsonville, Michigan has certified that the ''Alco Screen 3000'' is no longer in service, was sold under a private label for only a very brief period of time, and none has been serviced for at least five years. Accordingly, the manufacturer concurs with the removal of the device from the CPL.

(9) Sound Off, Inc. of Hudsonville, Michigan has certified that the ''Alco Screen 1000'' is no longer in service, was sold under a private label for only a very brief period of time, and none has been serviced for at least five years. Accordingly, the manufacturer concurs with the removal of the device from the CPL.

(10) PAS Systems International, Inc. of Fredericksburg, Virginia has certified that the ''PAS IIIa'' device has not been manufactured for more than five years, and no instruments have been returned for service or calibration during the past five years. Accordingly, the manufacturer concurs with the removal of the device from the CPL.

(11) Varian Inc. of Lake Forest, California acquired the ''On-Site Alcohol'' saliva-alcohol screening device previously owned by Roche Diagnostics Systems. Varian, Inc. has certified that the ''On-Site Alcohol'' device they are selling is identical to the device previously sold by Roche. Accordingly, this CPL will list the Varian, Inc. ''On-Site Alcohol'' saliva-alcohol screening device. The Roche Diagnostics device will be removed from the CPL. The Roche device had a shelf-life of one year, and Varian began selling the device more than one year ago. Therefore, any of these devices that might exist in the marketplace has expired, warranting removal of the Roche Diagnostics device from the CPL.

Consistent with paragraphs (1) through (11) above, NHTSA amends the Conforming Products List of Screening Devices to Measure Alcohol in Bodily Fluids to read as follows:

CONFORMING PRODUCTS LIST OF ALCOHOL SCREENING DEVICES

Manufacturer	Device(s)
AK Solutions, Inc., Palisades Park, NJ [1]	Alcoscan AL–2500.
	AlcoChecker.
	AlcoKey.
	EAlcoMate.
	AlcoMate Pro.
	Alcoscan AL–5000.
	Alcoscan AL–6000.
Alco Check International, Hudsonville, MI	Alco Check 3000 D.O.T.
	Alco Check 9000.
Chematics, Inc., North Webster, IN	ALCO-SCREEN 02™. [2]
Guth Laboratories, Inc., Harrisburg, PA	Alco Tector Mark X.
	Mark X Alcohol Checker.
	Alcotector WAT89EC–1.
Han International Co., Ltd., Seoul, Korea [3]	A.B.I. (Alcohol Breath Indicator).
OraSure Technologies, Inc., Bethlehem, PA	Q.E.D. A150 Saliva Alcohol Test.
PAS Systems International, Inc., Fredericksburg, VA	PAS Vr.
Q3 Innovations, Inc., Independence, IA [4]	Alcohawk® Precision.
	Alcohawk® Elite.
	Alcohawk® ABI.
	Alcohawk® PRO.
Repco Marketing, Inc., Raleigh, NC	Alco Tec III.
Seju Co. of Taejeon, Korea	Safe-Slim.
Sound Off, Inc., Hudsonville, MI	Digitox D.O.T.
Varian, Inc., Lake Forest, CA	Q.E.D. A150 Saliva Alcohol Test. [5]

The devices manufactured by Chematics, Inc., OraSure Technologies, Inc., and Varian, Inc. are all single-use, disposable saliva alcohol test devices. All of the other devices listed on the CPL are electronic breath testers. The device called the ''Alcotector WAT89EC–1'' manufactured by Guth Laboratories, Inc. and the PAS Vr device manufactured by PAS Systems International, Inc. use fuel-cell sensors, whereas all other electronic devices listed on the CPL use semi-conductor sensors.

[1] The AlcoMate was manufactured by Han International of Seoul, Korea, but marketed and sold in the U.S. by AK Solutions.

[2] While the ALCO-SCREEN 02™ saliva-alcohol screening device manufactured by Chematics, Inc. passed the requirements of the Model Specifications when tested at 40 °C (104 °F), the manufacturer has indicated that the device cannot exceed storage temperatures of 27 ° (80 °F). Instructions to this effect are stated on all packaging accompanying the device. Accordingly, the device should not be stored at temperatures above 27 °C (80 °F). If the device is stored at or below 27 °C (80 °F) and used at higher temperatures (*i.e.*, within a minute), the device meets the Model Specifications and the results persist for 10–15 minutes. If the device is stored at or below 27 °C (80 °F) and equilibrated at 40 °C (104 °F) for an hour prior to sample application, the device fails to meet the Model Specifications. Storage at temperatures above 27 °C (80 °F), for even brief periods of time, may result in false negative readings.

[3] Han International does not market or sell devices directly in the U. S. market. Other devices manufactured by Han International are listed under AK Solutions, Inc. and Q–3 Innovations, Inc.

[4] The AlcoHawk ABI is the same device as that listed under Han International as the ''ABI'' and is manufactured for Q–3 Innovations by Han International. The Alcohawk PRO is the same device as the AlcoMate marketed and sold by AK Solutions, and also manufactured by Han International.

[5] While this device passed all of the requirements of the Model Specifications, readings should be taken only after the time specified by the manufacturer. For valid readings, the user should follow the manufacturer's instructions. Readings should be taken one (1) minute after a sample is introduced at or above 30 °C (86 °F); readings should be taken after two (2) minutes at 18 °C–29 °C (64.4 °–84.2 °F); and readings should be taken after five (5) minutes when testing at temperatures at or below 17 °C (62.6 °F). If the reading is taken before five (5) minutes has elapsed under the cold conditions, the user is likely to obtain a reading that underestimates the actual saliva-alcohol level.

Issued on: September 13, 2005.

Marilena Amoni,

Associate Administrator for Program Development and Delivery.

[FR Doc. 05–18501 Filed 9–16–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Baker & Miller PLLC on behalf of the Kansas City Southern Railway Company (WB595–3—9/6/2005) for permission to use certain data from the Board's 2002–2004 Carload Waybill Samples. A copy of the requests may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Mac Frampton, (202) 565–1541.

Vernon A. Williams,

Secretary.

[FR Doc. 05–18568 Filed 9–16–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34732]

Union Pacific Railroad Company—Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF), pursuant to a modified written trackage rights agreement entered into between BNSF and Union Pacific Railroad Company (UP), submits this verified notice for an exemption of the modified written trackage rights agreement governing UP's existing overhead trackage rights over BNSF's line of railroad between MP 365.85 at UP Jct., WA, and MP 365.14 at Fish Lake, WA, approximately 0.70 miles, on BNSF's Spokane Subdivision (the Joint Trackage).[1] The modification of trackage rights relates to UP's assumption of maintenance functions for a particular segment of the Joint Trackage, except for signal maintenance which will continue to be the responsibility of BNSF. UP will continue to have rights to use the Joint Trackage as provided in the Agreement.

The transaction was scheduled to be consummated on September 6, 2005, and operations under this exemption were planned to begin on that date.

The purpose of this transaction is to modify the Agreement to change the maintenance obligations in order to promote operating and maintenance efficiencies and better align the parties' maintenance obligations relative to usage.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34732, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Sarah W. Bailiff, BNSF RAILWAY COMPANY, 2500 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161–0039.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–18413 Filed 9–16–05; 8:45 am]

BILLING CODE 4915–01–P

[1] UP acquired the nonexclusive right to use the Joint Trackage under an agreement dated January 27, 1972, by and between the Oregon-Washington Railroad & Navigation Company, and its lessees, UP and Burlington Northern Inc. (BNSF's predecessor in interest), as amended by a supplemental agreement dated May 6, 1982 (collectively, the Agreement).

DEPARTMENT OF THE TREASURY

Submission to OMB for Approval and Request for Comment for Form 1040 and Schedules A, B, C, C–EZ, D, D–1, E, EIC, F, H, J, R, and SE, Form 1040A and Schedules 1, 2, and 3, Form 1040EZ, Form 1040X, and All Attachments to These Forms

SUMMARY: The Department of the Treasury has submitted the public information collections described in this notice to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be received on or before October 19, 2005, to be assured of consideration.

ADDRESSES: Copies of the submission may be obtained by contacting the Internal Revenue Service by e-mail (*Glenn.P.Kirkland@irs.gov*) or by calling (202) 622–3428 (not a toll-free call).

Comments regarding this information collection should be addressed to OMB by e-mail (*Alexander_T._Hunt@omb.eop.gov*) or by paper mail to Desk Officer for the