

By order of the Board of Governors of the Federal Reserve System, March 21, 2005.

**Jennifer J. Johnson,**  
*Secretary of the Board.*

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR CHAPTER III

#### Authority and Issuance

■ For the reasons set out in the joint preamble, the FDIC amends part 364 of chapter III of title 12 of the Code of Federal Regulations to read as follows:

### PART 364—STANDARDS FOR SAFETY AND SOUNDNESS

■ 1. The authority citation for part 364 is revised to read as follows:

**Authority:** 12 U.S.C. 1818 and 1819 (Tenth); 15 U.S.C. 1681b, 1681s, and 1681w.

■ 2. Revise the heading of Appendix B to read as follows:

#### Appendix B to Part 364—Interagency Guidelines Establishing Information Security Standards

\* \* \* \* \*

■ 3. Amend Appendix B to part 364 by adding a new Supplement A to the end of the appendix to read as set forth at the end of the common preamble.

Dated at Washington, DC, this 18th day of March, 2005.

By order of the Board of Directors.  
Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
*Executive Secretary.*

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

#### 12 CFR CHAPTER V

#### Authority and Issuance

■ For the reasons set out in the joint preamble, the OTS amends parts 568 and 570 of chapter V of title 12 of the Code of Federal Regulations to read as follows:

### PART 568—SECURITY PROCEDURES

■ 1. Revise the part heading for part 568 to read as shown above.

■ 2. Revise the authority citation for part 568 to read as follows:

**Authority:** 12 U.S.C. 1462a, 1463, 1464, 1467a, 1828, 1831p–1, 1881–1884; 15 U.S.C. 1681s and 1681w; 15 U.S.C. 6801 and 6805(b)(1).

■ 3. Amend § 568.5 by adding a new sentence after the final sentence to read as follows:

### § 568.5 Protection of customer information.

\* \* \* Supplement A to Appendix B to part 570 provides interpretive guidance.

### PART 570—SAFETY AND SOUNDNESS GUIDELINES AND COMPLIANCE PROCEDURES

■ 4. Revise the authority citation for part 570 to read as follows:

**Authority:** 12 U.S.C. 1462a, 1463, 1464, 1467a, 1828, 1831p–1, 1881–1884; 15 U.S.C. 1681s and 1681w; 15 U.S.C. 6801 and 6805(b)(1).

■ 5. Revise the heading of Appendix B to part 570 to read as follows:

#### Appendix B to Part 570—Interagency Guidelines Establishing Information Security Standards

\* \* \* \* \*

■ 6. Amend Appendix B to part 570 by adding a new Supplement A to the end of the appendix to read as set forth at the end of the common preamble.

Dated: March 8, 2005.

By the Office of Thrift Supervision.

**James E. Gilleran,**  
*Director.*

[FR Doc. 05–5980 Filed 3–28–05; 8:45 am]

**BILLING CODE** 4810–33–P; (25%); 6210–01–P; (25%); 6714–01–P; (25%); 6720–01–P (25%)

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2004–19911; Airspace Docket No. 04–ASO–20]

#### Establishment of Class E Airspace; Cocoa Beach Patrick AFB, FL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E4 airspace at Cocoa Beach Patrick AFB, FL. Class E4 airspace designated as an extension to Class D airspace is required when the control tower is open to contain existing Standard Instrument Approach Procedures (SIAPs) and other Instrument Flight Rules (IFR) operations at the airport. This action establishes a Class E4 airspace extension that is 6.8 miles wide and extends 7.3 miles northeast of the airport.

**EFFECTIVE DATE:** 0901 UTC, July 7, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Mark D. Ward, Manager, Airspace and Operations Branch, Eastern En Route and Oceanic Service Area, Federal

Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

#### SUPPLEMENTARY INFORMATION:

#### History

On January 21, 2005, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E4 airspace Cocoa Beach Patrick AFB, FL, (70 FR 3155). This action provides adequate Class E4 airspace for IFR operations at Cocoa Beach Patrick AFB. Class E airspace designations for airspace areas designated as an extension to a Class D airspace area are published in Paragraph 6004 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

#### The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E4 airspace and at Cocoa Beach Patrick AFB, FL.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

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

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

**§ 71.1 Amended**

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

*Paragraph 6004 Class E4 Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

\* \* \* \* \*

**ASO FL E4 Cocoa Beach Patrick AFB, FL [NEW]**

Cocoa Beach, Patrick Air Force Base, FL  
(Lat. 28°14'06" N, long. 80°36'36" W)

That airspace extending upward from the surface within 3.4 miles each side of the Patrick TACAN 034° radial, extending from the 5.3-mile radius to 7.3 miles northeast of the airport. This Class E airspace is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Issued in College Park, Georgia, on March 11, 2005.

**Mark D. Ward,**

*Acting Area Director, Air Traffic Division, Southern Region.*

[FR Doc. 05–6069 Filed 3–28–05; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 80**

[Docket No. 2005N–0077]

**Color Additive Certification; Increase in Fees for Certification Services**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Interim final rule; opportunity for public comment.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing an interim final rule to amend the color additive regulations by increasing the

fees for certification services. The change in fees will allow FDA to continue to maintain an adequate color certification program as required by the Federal Food, Drug, and Cosmetic Act (the act). The fees are intended to recover the full costs of operation of FDA's color certification program.

**DATES:** The interim final rule is effective April 28, 2005. Submit written or electronic comments by May 31, 2005.

**ADDRESSES:** You may submit comments, identified by Docket No. 2005N–0077 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. 2005N–0077 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 (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**Instructions:** All submissions received must include the agency name and Docket No(s). 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 “Opportunity for Public Comment” 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(s), 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:** Robert MacLeod, Division of Budget Execution (HFA–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–887–3923; and Theodor J. Dougherty, Division of Accounting (HFA–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–5032.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

FDA is increasing the fees provided for in the agency's regulations for certifying color additives. This modification is necessary because of a general increase in all costs of operating the certification program.

The fee schedule for color additive certification is designed to cover all the costs involved in certifying batches of color additives. This includes both the cost of specific tests required by the regulations and the general costs associated with the certification program, such as costs of accounting, reviewing data, issuing certificates, and conducting research and establishment inspections.

Section 721(e) of the act (21 U.S.C. 379(e)) requires that fees necessary to provide, maintain, and equip an adequate color additive certification program be specified in agency regulations. The current fee schedule specified in the regulations became effective in 1994. Since 1994, the costs of the certification program significantly increased as a result of escalating staff payroll, rent and facility charges, as well as general operational expenses including equipment.

As is evidenced by the increased costs incurred since 1994, the current fee schedule is insufficient to provide, equip, and maintain an adequate certification service. Therefore, an immediate increase is necessary. All cost estimates are described in the “2003 Color Certification Fee Study.” A copy of this document is on file at the Division of Dockets Management (see **ADDRESSES**).

**II. Effective Date**

The agency is issuing this amendment as an interim final rule effective (see **DATES**). The establishment of fees necessary to provide, equip, and maintain an adequate certification service for colors has been mandated by Congress under section 721(e) of the act. As certification services are provided to industry directly by FDA, the setting of a fee schedule to pay for these services is a matter particularly within the purview and expertise of the agency. The fees established by this regulation have been based on cost accounting methods using data compiled by the agency. Increasing the fees by \$0.05 per pound will ensure the viability of the certification program and offset the increased costs of maintaining this program. The fee for straight colors including lakes will be \$0.35 per pound (a \$0.05 per pound increase) with a minimum fee of \$224. There are similar increases in fees for repacks of certified