4. Section 211.94 is amended by adding paragraph (e) to read as follows:

§ 211.94 Drug product containers and closures.

* * * * *

(e) Medical gas containers and closures must meet the following requirements:

(1) Except as provided in paragraph (e)(2) of this section, cryogenic containers or high-pressure cylinders used at any time to hold a liquid or compressed industrial gas may not be subsequently used to hold any type of liquid or compressed medical gas.

(2) The prohibition in paragraph (e)(1) of this section does not apply to any cryogenic container or high-pressure cylinder that was once used to hold a liquid or compressed industrial gas if the container or cylinder:

(i) Was converted to use for holding a liquid or compressed medical gas in accordance with standard industry practice before [effective date of final regulation]; and

(ii) Is used solely to hold a liquid or compressed medical gas on and after [effective date of final regulation] and is in compliance with all other applicable requirements.

(3) Portable cryogenic medical gas containers that are not manufactured with permanent gas use outlet connections (e.g., those that have been silver-brazed) must have gas-specific use outlet connections that are attached to the valve body so that they cannot be readily removed or replaced (without making the valve inoperable and preventing the containers' use) except by the manufacturer. For the purposes of this paragraph, the term ''manufacturer'' includes any individual or firm that fills high-pressure medical gas cylinders or cryogenic medical gas containers by any of the following methods: Liquid to liquid, liquid to gas, or gas to gas. For the purposes of paragraphs (e)(3) and (e)(4) of this section, a ''portable cryogenic medical gas container'' is one that is capable of being transported and is intended to be attached to a medical gas supply system within a hospital, health care entity, nursing home, other facility, or home health care setting. The term does not include small cryogenic gas containers for use by individual patients or portable liquid oxygen units when distributed empty, as defined at § 868.5655 of this chapter.

(4) *Label and color requirements.* (i) Each portable cryogenic medical gas container must be conspicuously marked with a 360° wraparound label identifying its contents.

(A) The label must identify the medical gas held in the container by the gas' standard name, as designated in paragraph (e)(5) of this section.

(B) The standard name must be printed on the label in one of the following ways:

(*1*) Using lettering that appears in the standard color designated for the gas in paragraph (e)(5) of this section and that is printed against a white background, or

(*2*) Using lettering that appears in white against a background that is painted in the standard color for the gas as designated in paragraph (e)(5) of this section.

(C) The lettering for the name of the gas on the label must be at least 2 3/4 inches high.

(D) The name of the gas must be printed continuously around the label and be capable of being read around the entire container.

(E) The label must be on the sidewall of the container, as close to the top of the container as possible but below the top weld seam.

(F) The label must be affixed to the container so that it cannot be easily detached or worn, and in a manner that does not interfere with other labeling.

(G) If the shoulder portion of a portable cryogenic medical gas container is colored, the color used must be that designated in paragraph (e)(5) of this section for the gas held within the container.

(ii) High-pressure medical gas cylinders must be identified with FDA-designated standard colors according to the following:

(A) Non-aluminum high-pressure medical gas cylinders must be colored in whole in the standard color designated in paragraph (e)(5) of this section for the gas contained in the cylinder.

(B) Aluminum high-pressure medical gas cylinders must be colored on the shoulder portion of the cylinder in the standard color designated in paragraph (e)(5) of this section for the gas contained in the cylinder.

(C) The materials used for coloring must be reasonably resistant to fading, durable when exposed to atmospheric conditions, and not readily soluble in water after they have been applied and properly dried or cured.

(D) High-pressure medical gas cylinders containing a blend or combination of medical gases must be colored with the standard colors of each component gas, as designated in paragraph (e)(5) of this section. Each such color must be visible when viewed from the top of the cylinder and must appear in rough proportion to the fraction of the gas it represents in the combination or mixture.

(5) The standard names and colors required to identify medical gases under paragraph (e)(4) of this section are:

Standard Name	Standard Color
Medical Air	Yellow
Medical Carbon Dioxide	Gray
Medical Helium	Brown
Medical Nitrogen	Black
Medical Nitrous Oxide	Blue
Medical Oxygen	Green
Mixture or Blend of Medical Gases	Standard colors for each component

5. Section 211.125 is amended by adding a sentence to the end of paragraph (c) to read as follows:

§ 211.125 Labeling issuance.

* * * * *

(c) * * * Labeling reconciliation is also waived for 360° wraparound labels on portable cryogenic medical gas containers.

Dated: November 21, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 06–3370 Filed 4–7–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–146384–05]

RIN 1545–BF02

Application of Section 338 to Insurance Companies

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulation.

SUMMARY: In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations that provide guidance under section 197 that apply to the treatment of certain insurance contracts assumed in an assumption reinsurance transaction and section 338 that apply to a deemed sale or acquisition of an insurance company's assets pursuant to an election under section 338 of the Internal Revenue Code, to a sale or acquisition of an insurance trade or

business subject to section 1060, and to the acquisition of insurance contracts through assumption reinsurance. The text of those regulations also serve as the text of these proposed regulations.

DATES: Written or electronic comments, and a request for a public hearing, must be received by July 10, 2006.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–138879–05), room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–138879–05), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or sent electronically, via the IRS Internet site at *http://www.irs.gov/regs* or via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS and REG–146384–05).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulation, Mark J. Weiss, (202) 622–7790, concerning submissions of comments, Richard Hurst, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

Temporary Regulations in the Rules and Regulations section of this issue of the **Federal Register** amend 26 CFR part 1 relating to section 338. The temporary regulations add §§ 1.197–2T(g)(5)(ii), 1.338–11T(d), and 1.338–11T(e). The texts of those regulations also serve as the text of these proposed regulations. The preamble to the temporary regulations explain the amendments included in these proposed regulations.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. Further, it is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these regulations do not have a substantial economic impact because they merely provide guidance about the operation of the tax law in the context of acquisitions of insurance companies and businesses. Moreover, they are expected to apply predominantly to transactions involving larger businesses. Accordingly, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight copies) that are submitted timely to the IRS. Alternatively, taxpayers may submit comments electronically via the IRS Internet site at *http://www.irs.gov/regs* or via the Federal eRulemaking Portal at *http://www.regulations.gov.* The IRS and Treasury Department request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by any person who timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place of the hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Mark J. Weiss of the Office of Associate Chief Counsel (Corporate). Other personnel from Treasury and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 continues to read, in part, as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.197–2 also issued under 26 U.S.C. 197. * * *

Section 1.338–11 also issued under 26 U.S.C. 338. * * *

Par. 2. Section 1.197–2 is amended by revising paragraph (g)(5)(ii) to read as follows:

§ 1.197–2T Amortization of goodwill and certain other intangibles (temporary).

* * * * *

(g) * * *

(5)(ii) [The text of the proposed § 1.197–2(g)(5) is the same as the text for § 1.197–2T(g)(5) published elsewhere in this issue of the **Federal Register**].

* * * * *

Par. 3. Section 1.338–1 is amended by redesignating existing paragraph (b)(2)(vii) as paragraph (b)(2)(viii) and adding new paragraph (b)(2)(vii) to read as follows:

§ 1.338–1 General principles; status of old target and new target.

* * * * *

(b) * * *

(2) * * *

(vii) [The text of the proposed § 1.338–1(b)(2)(vii) is the same as the text for § 1.338–1T(b)(2)(vii) published elsewhere in this issue of the **Federal Register**].

* * * * *

Par. 4. Section 1.338–11 is amended by revising paragraphs (d) and (e) to read as follows:

§ 1.338–11 Effect of section 338 election on insurance company targets.

* * * * *

(d) *Reserve increases by new target after the deemed asset sale.*

[The text of the proposed § 1.338–11(d) is the same as the text for § 1.338–11T(d) published elsewhere in this issue of the **Federal Register**].

(e) *Effect of section 338 election on section 846(e) election.*

[The text of the proposed § 1.338–11(e) is the same as the text for § 1.338–11T(e) published elsewhere in this issue of the **Federal Register**].

* * * * *

Par. 5. Section 1.846–2 as amended by adding new paragraph (d) to read is follows:

§ 1.846–2 Election by taxpayer to use its own historical loss payment pattern.

* * * * *

(d) *Effect of section 338 election on section 846(e) election.*

[The text of the proposed § 1.846–2(d) is the same as the text for § 1.846–2T(d) published elsewhere in this issue of the **Federal Register**].

* * * * *

Par. 6. Section 1.846–4 is amended by:

1. The section heading is revised.

2. Redesignating the existing text as paragraph (a).

3. Adding new paragraph (b).

The revision and addition read as follows:

§ 1.846–4 Effective dates.

* * * * *

(b) *Section 338 election.*

[The text of the proposed § 1.846–4(b) is the same as the text for § 1.846–4T(b)

published elsewhere in this issue of the **Federal Register**].

* * * * *

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 06–3321 Filed 4–7–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–06–024]

RIN 1625–AA08

Special Local Regulations for Marine Events; Rappahannock River, Essex County, Westmoreland County, Layton, VA; Correction

AGENCY: Coast Guard, DHS.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the preamble to a proposed rule published in the **Federal Register** of April 3, 2006, regarding a temporary special local regulation for ''2006 Rappahannock River Boaters Association Spring and Fall Radar Shootout'', power boat races to be held on the waters of the Rappahannock River near Layton, VA. This correction changes the date by which comments and related material must reach the Coast Guard, from June 2, 2006 to May 3, 2006. The change is necessary because the June 2 date does not allow adequate time to issue a final rule before June 3, 2006, the date of the first event affected by the proposed rule.

FOR FURTHER INFORMATION CONTACT: Dennis Sens, Marine Events Coordinator, Fifth Coast Guard District, at (757) 398–6204.

Correction

In proposed rule FR Doc. E6–4788, beginning on page 16525 in the issue of April 3, 2006, make the following correction in the **DATES** section. On page 16525 in the second column, change ''June 2, 2006'' to ''May 3, 2006.''

Dated: April 4, 2006.

S.G. Venckus,

Chief, Office of Regulations and Administrative Law.

[FR Doc. E6–5208 Filed 4–7–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2005–0015; FRL–7779–7]

RIN 2070–AJ18

Perfluoroalkyl Sulfonates; Proposed Significant New Use Rule; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the public comment period established for the Proposed Significant New Use Rule for Perfluoroalkyl Sulfonates in the **Federal Register** issued on March 10, 2006 (71 FR 12311) (FRL–7740–6). In that proposed rule, EPA proposed to amend a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) to include certain perfluoroalkyl sulfonates (PFAS) substances. EPA proposed to amend the PFAS SNUR at 40 CFR 721.9582 by adding a new Table 3 containing the remaining PFAS chemicals on the TSCA Inventory that are not already regulated by the SNUR. EPA believes that action is necessary because these chemical substances may be hazardous to human health and the environment. The required notice will provide EPA the opportunity to evaluate intended significant new uses and associated activities before they occur and, if necessary, to prohibit or limit those uses or activities.

DATES: Comments must be received on or before May 10, 2006.

ADDRESSES: Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** document of March 10, 2006 (71 FR 12311).

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Amy Breedlove, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–9823; e-mail address: *breedlove.amy@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

The Agency included in the proposed rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under the **FOR FURTHER INFORMATION CONTACT**.

II. What Action is EPA taking?

This document extends the public comment period established in the **Federal Register** issued on March 10, 2006 (71 FR 12311). In that document, EPA proposed to amend a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) to include certain perfluoroalkyl sulfonates (PFAS) substances. EPA proposed to amend the PFAS SNUR at 40 CFR 721.9582 by adding a new Table 3 containing the remaining PFAS chemicals on the TSCA Inventory that are not already regulated by the SNUR. EPA is hereby extending the comment period, which was set to end on April 10, 2006, to May 10, 2006.

III. What is the Agency's Authority for Taking this Action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by promulgating a rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). These factors include the projected production volume of a chemical substance; the extent to which a use changes or increases the type, form, magnitude, or duration of exposure to the substance; and the reasonably anticipated manner of producing, processing, distributing, or disposing of the substance. EPA construes the statute to allow consideration of any other relevant factors, in addition to those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, and promulgates a SNUR, section 5(a)(1)(B) of TSCA requires persons to submit a Significant New Use Notice (SNUN) to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use.

IV. Do Any Statutory and Executive Order Reviews Apply to this Action?

No. This action is not a rulemaking, it merely extends the date by which public comments on a proposed rule must be submitted to EPA on a proposed rule that previously published