

and Reporting Points, 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.

### The Rule

This amendment to 14 CFR part 71 revises Class E airspace at Cordova, Alaska. This Class E airspace is revised to accommodate aircraft executing SIAPs at the airport and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for Instrument Flight Rule (IFR) operations at Cordova Airport, Cordova, Alaska.

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.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Cordova Airport and represents the FAA’s continuing effort to safely and efficiently use the navigable airspace.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the 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; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 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 6002 Class E airspace Designated as Surface Areas.*

\* \* \* \* \*

#### AAL AK E2 Cordova, AK [Revised]

Cordova, Merle K. (Mudhole) Smith Airport, AK

(Lat. 60°29’31” N., Long. 145°28’40” W.)  
Glacier River Non-Directional Beacon (NDB)  
(Lat. 60°29’56” N., Long. 145°28’28” W.)

Within a 4.1-mile radius of the Merle K. (Mudhole) Smith Airport and within 2 miles each side of the 115° bearing from the Glacier River NDB extending from the 4.1-mile radius to 6 miles southeast of the airport, and within 2 miles each side of the 124° bearing from the Glacier River NDB extending from the 4.1-mile radius to 10.4 miles southeast of the airport, and within 3.2 miles northwest and 2.1 miles southeast of the 222° bearing from the Glacier River NDB extending from the 4.1-mile radius to 10 miles southwest of the airport, excluding that airspace north of a line from Lat. 60°31’03” N., Long. 145°20’59” W. to Lat. 60°32’45” N., Long. 145°33’43” W.

\* \* \* \* \*

*Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### AAL AK E5 Cordova, AK [Revised]

Cordova, Merle K. (Mudhole) Smith Airport, AK

(Lat. 60°29’31” N., long. 145°28’40” W.)  
Glacier River NDB  
(Lat. 60°29’56” N., long. 145°28’28” W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Merle K. (Mudhole) Smith Airport, and within 4 miles each side of the 222° bearing from the Glacier River NDB extending from the 6.6-mile radius to 20 miles southwest of the airport; and that

airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the airport and within 6 miles each side of the 115° bearing from the Glacier River NDB extending from the 30-mile radius to 45 miles east of the airport, excluding that airspace within Control Area 1487L and more than 12 miles from the shoreline.

\* \* \* \* \*

Issued in Anchorage, AK, on September 1, 2005.

**Joseph Rollins,**

*Acting Director, Alaska Flight Services Area Office.*

[FR Doc. 05–18154 Filed 9–12–05; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF STATE

### 22 CFR Part 51

**RIN 1400–AC11**

**[Public Notice: 5186]**

### New Passport Amendment Policy

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the passport regulations to abolish the U.S. passport amendment process, except for the convenience of the U.S. Government, and broadens the reasons for issuing a replacement passport at no additional cost to the applicant. The rule also adds unpaid fees as a ground for invalidating a passport.

**DATES:** This rule will become effective on September 26, 2005.

**FOR FURTHER INFORMATION CONTACT:** Sharon Palmer-Royston, Office of Passport Policy, Planning and Advisory Services, Bureau of Consular Affairs, telephone 202–663–2662.

### SUPPLEMENTARY INFORMATION:

#### Analysis of Comments

The proposed rule was published on February 18, 2005. Comments were accepted from the public for 45 days. We received only 2 comments in response to the portion of the proposed rule that we are now publishing in final. Neither comment objected to the proposed change in the amendment process. Rather, both comments asked for greater detail as to how the new procedures will work. The process is discussed below. The comments are available for review at <http://www.travel.state.gov>, under the passport section, or at the State Department reading room.

#### Rule Change

This rule was originally published in the **Federal Register** on February 18,

2005 (70 FR 8305), as a proposed rule entitled "Electronic Passport" (RIN 1400-AB93) that included changes to the passport regulations needed due to the pending introduction of the electronic passport. This final rule separates the portions of the proposed regulation on passport amendments, replacement passports and unpaid fees from the portions of the proposed regulation that related exclusively to electronic passports. We separated them because a large volume of comments were received with respect to the introduction of the sections of the rule relating exclusively to the electronic passport, which the Department needs time to consider carefully. We do not believe, however, that there is any need to delay making the changes in passport amendment policy and the rules for invalidation of a passport planned in the proposed rule. In addition to deleting the portions of the proposed regulations relating exclusively to the electronic passport, the final rule includes a few minor changes in wording, but does not alter the substance of the proposed rule.

### Regulatory Changes

#### *Passport Amendments and Extensions Discontinued*

By this rule, the Department discontinues the general practice of amending passports to correct or change data elements relating to the bearer or to the passport's validity period. This will improve document security by presenting all personal information only on one page, the passport data page. Moreover, in the future, the Department plans to issue U.S. passports with an electronic chip as an additional security feature. Once programmed, the chip cannot be edited. In order to protect the security of the electronic passport, the passport data page and the electronic chip would contain the same information.

Under this rule, when important information contained on the data page of a passport, for example, the bearer's name or the passport validity period, is changed, instead of manually amending the passport to reflect the new information, the Department will cancel the passport and issue a replacement. Issuance of a replacement will mean that the data page will reflect the correct personal information of the passport bearer and the correct validity period, and, in the case of an electronic passport, that the information will be identical to the information on the electronic chip. However, the rule reserves the possibility of amending a passport for the convenience of the U.S.

Government in a small number of cases where it would be impossible or inadvisable to issue a replacement, such as when a passport must be limited in validity for direct return to the United States.

#### *Application for Replacement Passport*

Pursuant to Title 22 of the United States Code, Section 211a *et seq.* and E.O. 11295, 31 FR 10603 (Aug. 5, 1966), the Secretary has broad authority to issue regulations governing the issuance of passports. There is no statutory requirement to permit amendments to passports, as opposed to requiring that a new passport be issued when personal, or other, information changes. The Secretary has in the past exercised regulatory discretion to permit amendments. The current regulations in Section 51.20 of Title 22, Code of Federal Regulations (CFR) requires that an application for a passport or for an amendment of a passport shall be completed upon such forms as prescribed by the Department. An applicant for a passport amendment uses a specified application form. This rule will delete, in the first sentence of section 51.20, the words "an amendment," to reflect the decision to discontinue amendments.

Section 51.64 of Title 22, CFR sets out the requirements for replacement of a passport at no cost. This rule will add new categories of such passports. The Department encourages U.S. citizens to keep their U.S. passports up to date as a document of identity. Doing so will help prevent unexpected problems that may occur when the identity shown on their passport does not match other identity materials. To encourage individuals to maintain passports that accurately reflect their current names and to alleviate some of the cost burden, an individual whose name has changed, as for example, through marriage or by court order, within the first year of validity of a new passport will be able to return the passport, along with a completed application, new photographs and proof of the personal information change for replacement with a full validity passport at no additional cost. This rule will also allow issuance at no cost of a replacement passport, for the balance of its period of validity, of a passport needed by law enforcement or the judiciary for evidentiary purposes.

Nearly all passports applied for abroad, except limited validity emergency passports, are printed in the United States. Applicants for limited validity emergency passports must pay the fees that are charged for a full-validity passport. This amendment

provides that those who have been issued a one-year validity passport for emergency travel may apply for a full-validity replacement passport within one year of the issuance of the limited passport for no additional cost.

#### *New Ground for Invalidating a Passport*

Under this rule, if full payment of all applicable passport fees is not presented, as for example when a check is returned or a credit card charge is disputed after issuance of a passport, the Department, in addition to taking action to collect the delinquent fees under 22 CFR part 34 and the Federal Claims Collection Act, may send the delinquent bearer a letter to the bearer's last available address notifying him or her that the passport has been invalidated because the applicable fees have not been received. An invalidated passport cannot be used for travel.

#### *Administrative Procedure Act*

The Department is publishing this rule as a final rule, after publishing a proposed rule, allowing a 45-day provision for public comments, and consideration of all comments received. The Department provided for a shorter comment period than the 60 days suggested by Section 6(a) of E.O. 12866 because we believed 45 days would provide the public with a meaningful opportunity to comment while advancing important national security and foreign policy goals. In order to protect the security of U.S. borders, it is essential that the Department put the no amendment policy into effect as soon as possible.

#### *Regulatory Flexibility Act/Executive Order 13272: Small Business*

These final regulations are hereby certified as not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 601-612, and Executive Order 13272, section 3(b).

#### *The Small Business Regulatory Enforcement Fairness Act of 1996*

This final rule is not a major rule, as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104-121. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with

foreign based companies in domestic and export markets.

*The Unfunded Mandates Reform Act of 1995*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UFMA), Public Law 104-4, 109 Stat. 48, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of \$100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure nor will it significantly or uniquely affect small governments.

*Executive Orders 12372 and 13132: Federalism*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Nor will the rule have federalism implications warranting the application of Executive Orders No. 12372 and No. 13132.

*Executive Order 12866: Regulatory Review*

The Department of State has reviewed this final rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866 and has determined that the benefits of the proposed regulation justify its costs. The Department does not consider the proposed rule to be an economically significant regulatory action within the scope of section 3(f)(1) of the Executive Order since it is not likely to have an annual effect on the economy of \$100 million or more or to adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. However, because the proposed rule from which this final rule is derived does have important policy implications and involves a critical component of upgrading border security for the United States, this final rule has been provided to the Office of Management and Budget (OMB) for review.

*Executive Order 12988: Civil Justice Reform*

The Department has reviewed the regulations in light of sections 3(a) and 3(b)(2) of Executive Order No. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

*The Paperwork Reduction Act of 1995*

In conjunction with the proposed rule, the Department determined that the portion of the proposed rule contained in this final rule contains collection of information requirements for the purposes of the PRA. The Department sought and received emergency six-month approvals from OMB for the use of four information collections. The Department is currently seeking three-year extensions of the OMB emergency approvals. The extensions are the subject of separate **Federal Register** notices and requests for public comment.

Two of the four collections involve existing forms that were already scheduled for PRA renewal in 2005. The Department has revised and updated the instructions associated with existing information collections number 1405-0004 (DS-11, Application for a U.S. Passport) and 1405-0020 (DS-82, Application for a U.S. Passport by Mail). Among other changes, the revisions notify applicants that a passport may be invalidated for lack of payment of the requisite fees.

The Department is also introducing two new collections of information. One of the new collections will introduce a new form, DS-5504 (U.S. Passport Re-application Form), to permit application for a replacement full-validity passport within one year of passport issuance based on a change of name, incorrect data, or the emergency issuance abroad of a one-year full-fee passport. The other new collection (DS-4085, Application for Additional Visa Pages) will replace existing information collection number 1405-0007, which relates to Form DS-19. Form DS-19 is currently used to apply for amendment of a U.S. passport or request issuance of extra visa pages. Because passport amendments no longer will be made under the proposed rule, Form DS-19 will be discontinued. In its place, Form DS-4085 will be introduced solely to enable holders of a valid U.S. passport to request that extra visa pages be added to the passport.

**List of Subjects in 22 CFR Part 51**

Administrative practice and procedure, Drug traffic control, Passports and visas.

■ Accordingly, for the reasons set forth in the preamble, 22 CFR Chapter I is amended as follows:

**PART 51—[AMENDED]**

■ 1. The authority citation for part 51 continues to read as follows:

**Authority:** 22 U.S.C. 211a, 213, 2651a, 2671(d)(3), 2714 and 3926; 31 U.S.C. 9701;

E.O. 11295, 3 CFR, 1966-1970 Comp., p 570; sec. 236, Public Law 106-113, 113 Stat. 1501A-430; 18 U.S.C. 1621(a)(2).

■ 2. Section 51.4 is amended by revising paragraph (f) and adding paragraph (h)(3) to read as follows:

**§ 51.4 Validity of passports.**

\* \* \* \* \*

(f) *Limitation of validity.* The Secretary may limit a passport's validity period to less than the normal validity period. The bearer of a limited passport may apply for a replacement passport, using the proper application, and submitting the limited passport, applicable fees, photos and additional documentation, if required, to support the issuance of a replacement passport.

\* \* \* \* \*

(h) \* \* \*

(3) The Department has sent a written notice to the bearer at the bearer's last known address that the passport has been invalidated because the Department has not received the applicable fees.

\* \* \* \* \*

■ 3-4. The first sentence of § 51.20 is revised to read as follows:

**§ 51.20 General.**

An application for a passport, a replacement passport, extra visa pages, or other passport related service must be completed upon such forms as the Department may prescribe.

\* \* \* \* \*

■ 5. Section 51.32 is revised to read as follows:

**§ 51.32 Passport Amendments.**

Except for the convenience of the U.S. Government, no passport will be amended.

■ 6. Section 51.64 is revised to read as follows:

**§ 51.64 Replacement Passports.**

A passport issuing office may issue a replacement passport for the following reasons without payment of applicable fees:

(a) To correct an error or rectify a mistake of the Department.

(b) When the bearer has changed his or her name or other personal identifier listed on the data page of the passport, and applies for a replacement passport within one year of the date of the passport's original issuance.

(c) When the bearer of an emergency full fee passport issued for a limited validity period applies for a full validity passport within one year of the date of the passport's original issuance.

(d) When a passport is retained by law enforcement or the judiciary for

evidentiary purposes and the bearer is still eligible to have a passport.

■ 7. Section 51.66(a) is revised to read as follows:

**§ 51.66 Expedited passport processing.**

(a) Within the United States, an applicant for a passport service (including issuance, replacement or the addition of visa pages) may request expedited processing by a Passport Agency. All requests by applicants for in-person services at a Passport Agency shall be considered requests for expedited processing, unless the Department has determined that the applicant is required to apply at a Passport Agency.

\* \* \* \* \*

■ 8. The title of part 51, subpart E is revised to read as follows:

**Subpart E—Limitations on Issuance or Use of Passports**

\* \* \* \* \*

Dated: September 6, 2005.

**Maura Harty,**

*Assistant Secretary for Consular Affairs,  
Department of State.*

[FR Doc. 05-18108 Filed 9-12-05; 8:45 am]

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**DEPARTMENT OF LABOR**

**Occupational Safety and Health  
Administration**

**29 CFR Part 1910**

[Docket No. S-023A]

RIN 1218-AC08

**Updating OSHA Standards Based On  
National Consensus Standards;  
General, Incorporation by Reference;  
Hazardous Materials, Flammable and  
Combustible Liquids; General  
Environmental Controls, Temporary  
Labor Camps; Hand and Portable  
Powered Tools and Other Hand-Held  
Equipment, Guarding of Portable  
Powered Tools; Welding, Cutting and  
Brazing, Arc Welding and Cutting;  
Special Industries, Sawmills**

**AGENCY:** Occupational Safety and Health  
Administration (OSHA); Labor.

**ACTION:** Final rule.

**SUMMARY:** OSHA is issuing this final rule to delete from OSHA standards three references to national consensus standards and two references to industry standards that are outdated. Deleting these references will not reduce employee protections. By eliminating the outdated references,

however, OSHA will clarify employer obligations under the applicable OSHA standards and reduce administrative burdens on employers and OSHA. These revisions are part of OSHA's overall effort to update OSHA standards that reference, or that include language taken directly from, outdated consensus standards.

**DATES:** This final rule will become effective on November 14, 2005.

**ADDRESSES:** In accordance with 28 U.S.C. 2112(a), the Agency designates the Associate Solicitor of Labor for Occupational Safety and Health, Office of the Solicitor of Labor, Room S-4004, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, to receive petitions for review of the final rule.

**FOR FURTHER INFORMATION CONTACT:** For general information and press inquiries contact Mr. Kevin Ropp, Director, OSHA Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-1999. For technical inquiries contact Mr. Lee Smith, Director, Office of Safety Systems, Room N-3609, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2255 or fax (202) 693-1663. Copies of this **Federal Register** notice are available from the OSHA Office of Publications, Room N-3101, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-1888. Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are available at OSHA's Web page at <http://www.osha.gov>.

**SUPPLEMENTARY INFORMATION:** References to comments in the rulemaking record are found throughout the text of the preamble. Comments are identified by an assigned exhibit number as follows: "Ex. 4-3" means Exhibit 4-3 in Docket S-023A. A list of the exhibits and copies of the exhibits are available in the OSHA Docket Office under Docket S-023A and at OSHA's homepage.

**Background**

On November 24, 2004, OSHA published a notice in the **Federal Register** announcing its overall project to update OSHA standards that are based on national consensus standards (69 FR 68283). The notice explained the reasons for the project and the regulatory approaches OSHA plans to use to implement the project, including notice and comment rulemaking, direct final rulemaking, and technical amendments. To review the eleven

comments received on this notice, most of which were supportive, see Docket S-023 at <http://dockets.osha.gov>. OSHA appreciates these comments and will welcome additional comments as it proceeds with the overall update project.

On the same day, OSHA also published in the **Federal Register** a direct final rule (69 FR 68712) and a companion proposed rule (69 FR 68706) to delete three references to national consensus standards and two references to industry standards that are outdated. OSHA announced that the direct final rule would become effective on February 22, 2005, unless the Agency received a significant adverse comment before the comment period closed.

OSHA received five comments on the direct final rule and companion proposed rule. OSHA considers one of the comments to be significantly adverse. On February 18, 2005, OSHA published a notice withdrawing the direct final rule (70 FR 8291). OSHA is treating the five comments as comments to the proposed rule, and considered all of the comments in publishing this final rule.

**Discussion of Changes**

OSHA explained in detail its decision to revoke each of the references at issue in the direct final and companion proposed rules published in the **Federal Register** on November 24, 2004 (69 FR 68706, 68712), and OSHA incorporates those discussions in this final rule. The five references are to consensus or industry standards issued over 35 years ago, and in one case over 60 years ago. Some are no longer available to the public through the issuing Standards Development Organization (SDO). Three of the references have been withdrawn by their issuing SDOs and not replaced. In proposing the revocations, OSHA found that the changes would enhance employee safety by eliminating confusion and clarifying employer obligations. OSHA also determined that the revocations would not result in additional costs to employers, and may even produce cost savings.

The Agency carefully considered all comments received. After review of the comments, OSHA continues to find that revoking the five references is appropriate.

*29 CFR 1910.106(b)(1)(iii)(a)(2):*  
OSHA is revoking from its standard for flammable and combustible liquids American Petroleum Institute Standard No. 12A, Specification for Oil Storage Tanks with Riveted Shells, Seventh Edition, September 1951 (API 12A). OSHA included API 12A in the standard to provide employers with one