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Issued in Renton, Washington, on February 28, 2006.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 06-2236 Filed 3-9-06; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 162

##### Leases and Permits

###### *CFR Correction*

In Title 25 of the Code of Federal Regulations, revised as of April 1, 2005, on page 435, part 162 is corrected by reinstating §§ 162.622 and 162.623 to read as follows:

#### **§ 162.622 Can BIA take emergency action if the leased premises are threatened with immediate and significant harm?**

If a tenant or any other party causes or threatens to cause immediate and significant harm to the leased premises during the term of a lease, we will take appropriate emergency action. Emergency action may include judicial action seeking immediate cessation of the activity resulting in or threatening the harm. Reasonable efforts will be made to notify the Indian landowners, either before or after the emergency action is taken.

#### **§ 162.623 What will BIA do if a tenant holds over after the expiration or cancellation of a lease?**

If a tenant remains in possession after the expiration or cancellation of a lease, we will treat the unauthorized use as a trespass. Unless we have reason to believe that the tenant is engaged in negotiations with the Indian landowners to obtain a new lease, we will take action to recover possession on behalf of the Indian landowners, and pursue any additional remedies available under applicable law.

[FR Doc. 06-55509 Filed 3-9-06; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

##### Income Taxes

###### *CFR Correction*

In Title 26 of the Code of Federal Regulations, part 1 (§ 1.1551 to end), revised as of April 1, 2005, on page 526, in § 1.6696-1, paragraph (b), the third sentence is corrected by removing “rifed”, and adding in its place, “Thus, the claim may be prepared by the preparer’s employer or by other persons. In all cases, however, the claim for credit or refund shall contain the information specified in paragraph (d) of this section and, as required in that paragraph, shall be verified”.

[FR Doc. 06-55511 Filed 3-9-06; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**32 CFR Parts 59, 62b, 73, 158, 190, 216, 221, 224, 229, 238, 248, 252, 258, 261, 271, 336, 345, 347, 371, 378, and 388**

[DOD-2006-OS-0042]

#### Removal of Parts

**AGENCY:** Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** The Department of Defense is removing several CFR parts from Chapter I, Office of the Secretary of Defense. This administrative action removes obsolete information from the Code of Federal Regulations and notifies readers of the availability of the current DoD documents that contain the information being removed.

**DATES:** This rule is effective March 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** L. Bynum 703-696-6970.

**SUPPLEMENTARY INFORMATION:** The chart below identifies the status of the parts being removed. All documents with a current date status may be found as a DoD Directive (D), DoD Instruction (I), or Administrative Instruction (AI) on the Washington Headquarters Services Web site at <http://www.dtic.mil/whs/directives/>. Where “removed” is indicated, the applicable DoD document has been removed from the DoD Directives System.

Part No.	Document No.	Canceled by
59 .....	Voluntary Military Pay Allotments .....	DoDD 7330.1.
62b .....	Drunk and Drugged Driving by DoD .....	DoDD 1010.7.
	DoD Personnel .....	
73 .....	Training Simulators and Devices .....	DoDD 1430.13.
158 .....	Guidelines for Systematic Declassification Review of Classified Information in Permanently Valuable DoD Records.	Removed 1/14/04.
190 .....	Natural Resources Management Program .....	Removed 7/20/04.
216 .....	Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education.	DoDD 1322.13.
221 .....	Participation in the National Practitioner Data Bank (NPDB) .....	DoDD 6025.13.
224 .....	DoD Committee Management Program .....	DoDD 5105.18.
229 .....	Protection of Archaeological Resources: Uniform Regulations .....	Removed 6/21/04.
238 .....	Armed Forces Community Relations .....	DoDI 5410.19.
248 .....	Department of Defense Periodicals .....	Removed 12/15/95.
252 .....	Department of Defense Offshore Military Activities Program .....	Removed 1/13/05.
258 .....	Cooperation with Allies in Research and Development of Defense Equipment .....	DoDD 2010.6.
261 .....	Armed Services Military Club and Package Stores .....	DoDD 1015.2.
271 .....	Obtaining Information from Financial Institutions .....	Duplicate of Part 275.
336 .....	Publications of Proposed and Adopted Regulations Affecting the Public .....	AI 102.
345 .....	Department of Defense Section 6 Schools .....	DoDD 1342.20.
347 .....	Department of Defense Dependents Schools .....	DoDD 1342.20.
371 .....	Defense Prisoner of War/Missing in Action Office (DPMO) .....	DoDD 5110.10.
378 .....	Assistant to the Secretary of Defense for Intelligence Oversight .....	DoDD 5148.11.
388 .....	Ballistic Missile Defense Organization .....	DoDD 5134.09.

**List of Subjects****32 CFR Part 59**

Military personnel, Wages.

**32 CFR Part 62b**

Alcohol abuse, Drug abuse, Government employees, Highway safety, Military personnel.

**32 CFR Part 73**

Armed forces, Education, Government procurement.

**32 CFR Part 158**

Classified information.

**32 CFR Part 190**

Armed forces, Federal buildings and facilities, Natural resources.

**32 CFR Part 216**

Armed forces, Armed forces reserves, Colleges and universities, Education.

**32 CFR Part 221**

Health professions, Reporting and recordkeeping requirements.

**32 CFR Part 224**

Advisory committees.

**32 CFR Part 229**

Administrative practice and procedure, Historic preservation, Indians—lands, Penalties, Public lands, Reporting and recordkeeping requirements.

**32 CFR Part 238**

Armed forces, Intergovernmental relations.

**32 CFR Part 248**

Armed forces, Government publications.

**32 CFR Part 252**

Armed forces, Continental shelf.

**32 CFR Part 258**

Foreign relations, National defense, Research.

**32 CFR Part 261**

Alcohol and alcoholic beverages, Armed forces, Concessions, Federal buildings and facilities.

**32 CFR Part 271**

Banks, banking, Credit, Privacy.

**32 CFR Part 336**

Administrative practice and procedure.

**32 CFR Parts 345 and 347**

Elementary and secondary education, Organization and functions (Government agencies).

**32 CFR Parts 371, 378, and 388**

Organization and functions (Government agencies).

**PARTS 59, 62b, 73, 158, 190, 216, 221, 224, 229, 238, 248, 252, 258, 261, 271, 336, 345, 347, 371, 378, and 388—[REMOVED]**

■ Accordingly, by the authority of 10 U.S.C. 301, 32 CFR parts 59, 62b, 73, 158, 190, 216, 221, 224, 229, 238, 248, 252, 258, 261, 271, 336, 345, 347, 371, 378, and 388 are removed.

Dated: March 6, 2006.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 06–2310 Filed 3–9–06; 8:45 am]

**BILLING CODE 5001–08–P**

**DEPARTMENT OF COMMERCE****Patent and Trademark Office****37 CFR Part 1**

**[Docket No. 2004–P–038]**

**RIN 0651–AB79**

**Changes To Implement the Patent Search Fee Refund Provisions of the Consolidated Appropriations Act, 2005**

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Final rule.

**SUMMARY:** Among other changes to patent and trademark fees, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), splits the patent application filing fee into a separate filing fee, search fee and examination fee. The Consolidated Appropriations Act also provides that the United States Patent and Trademark Office (Office) may refund part or all of the excess claims fee and the search fee in certain situations. This final rule revises the rules of practice to implement the provisions for refunding the search fee for applicants who file a written declaration of express abandonment before an examination has been made of the application.

**DATES:** *Effective Date:* March 10, 2006.

*Applicability Date:* The changes in this final rule apply to any patent application filed under 35 U.S.C. 111(a) on or after December 8, 2004, in which a petition under 37 CFR 1.138(d) to expressly abandon the application was filed on or after March 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** Robert W. Bahr, Senior Patent Attorney, Office of the Deputy Commissioner for

Patent Examination Policy, by telephone at (571) 272–8800, by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, or by facsimile to (571) 273–7735, marked to the attention of Robert W. Bahr.

**SUPPLEMENTARY INFORMATION:** Among other changes, the Consolidated Appropriations Act (section 801 of Division B) provides that 35 U.S.C. 41(a), (b), and (d) shall be administered in a manner that revises patent application fees (35 U.S.C. 41(a)) and patent maintenance fees (35 U.S.C. 41(b)), and provides for a separate filing fee (35 U.S.C. 41(a)), search fee (35 U.S.C. 41(d)(1)), and examination fee (35 U.S.C. 41(a)(3)) during fiscal years 2005 and 2006. The Consolidated Appropriations Act also provides that the Office may, by regulation, provide for a refund of: (1) Any part of the excess claims fee specified in 35 U.S.C. 41(a)(2) for any claim that is canceled before an examination on the merits has been made of the application under 35 U.S.C. 131; (2) any part of the search fee for any applicant who files a written declaration of express abandonment as prescribed by the Office before an examination has been made of the application under 35 U.S.C. 131; and (3) any part of the search fee for any applicant who provides a search report that meets the conditions prescribed by the Office. This final rule revises the rules of practice to implement the provision for a refund of the search fee for any applicant who files a written declaration of express abandonment as prescribed by the Office before an examination has been made of the application under 35 U.S.C. 131, and the provision for a refund of the excess claims fee for any claim that is canceled before an examination on the merits has been made of the application under 35 U.S.C. 131.

**Discussion of Specific Rules**

Title 37 of the Code of Federal Regulations, Part 1, is amended as follows:

*Section 1.138:* Section 1.138(c) is amended to change “section” (*i.e.*, § 1.138) to “paragraph” (*i.e.*, § 1.138(c)) to clarify that a petition to expressly abandon an application to avoid publication of an application is filed under § 1.138(c) (rather than § 1.138).

Section 1.138 is also amended to include a new paragraph (d), which implements the provision in 35 U.S.C. 41(d)(1)(D) that the Office may provide for a refund of any part of the search fee “for any applicant who files a written declaration of express abandonment as prescribed by the Director before an