

seeds, fruits, and other plant parts capable of propagation, except *Mahonia* cuttings for decorative purposes.

(ii) All seed-propagated plants of the *Berberis* species and varieties designated as rust-resistant in § 301.38–2(a)(1) of this subpart that are of less than 2 years' growth, and any seeds, fruits, and other plant parts capable of propagation from such plants.

(2) *Restricted movement.* The following regulated articles may be moved interstate into or through a protected area with a certificate issued and attached in accordance with §§ 301.38–5 and 301.38–7 of this subpart:

(i) Seed-propagated plants of at least 2 years' growth, clonally propagated plants of any age, seeds, fruits, and other plant parts capable of propagation of the *Berberis* species and varieties designated as rust-resistant in § 301.38–2(a)(1) of this subpart;

(ii) Plants, seeds, fruits, and other plant parts capable of propagation of the *Mahoberberis* and *Mahonia* species and varieties designated as rust-resistant in § 301.38–2(a)(2) of this subpart.

\* \* \* \* \*

Done in Washington, DC, this 30th day of January 2006.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 06–1008 Filed 2–2–06; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### 12 CFR Part 30

[Docket No. 05–07]

## FEDERAL RESERVE SYSTEM

#### 12 CFR 208 and 225

[Docket No. OP–1155]

## FEDERAL DEPOSIT INSURANCE CORPORATION

#### 12 CFR Part 364

## DEPARTMENT OF TREASURY

### Office of Thrift Supervision

#### 12 CFR Parts 568 and 570

[No. 2005–11]

RIN 1550–AB97

### Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice; Correction

**AGENCIES:** Office of the Comptroller of the Currency, Treasury (OCC); Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); Office of Thrift Supervision, Treasury (OTS).

**ACTION:** Interpretive guidance and OTS final rule; correction.

**SUMMARY:** The OCC, Board, FDIC and OTS published in the **Federal Register** on March 29, 2005 interpretive guidance on the Gramm-Leach-Bliley Act (GLBA) and the Interagency Guidelines Establishing Information Security Standards (Security Guidelines). In footnote six of the interpretive guidance, the Federal Trade Commission (“FTC”) citation reads 12 CFR part 314 whereas it should read 16 CFR part 314.

**DATES:** Effective February 3, 2006.

**FOR FURTHER INFORMATION CONTACT:** OCC: Aida Plaza Carter, Director, Bank Information Technology, (202) 874–4740; Amy Friend, Assistant Chief Counsel, (202) 874–5200; or Deborah Katz, Senior Counsel, Legislative and Regulatory Activities Division, (202) 874–5090, at 250 E Street, SW., Washington, DC 20219.

Board: Donna L. Parker, Supervisory Financial Analyst, Division of Banking Supervision & Regulation, (202) 452–2614; or Joshua H. Kaplan, Attorney, Legal Division, (202) 452–2249, at 20th and C Streets, NW., Washington, DC 20551.

FDIC: Jeffrey M. Kopchik, Senior Policy Analyst, Division of Supervision and Consumer Protection, (202) 898–3872; Kathryn M. Weatherby, Examiner Specialist, Division of Supervision and Consumer Protection, (202) 898–6793; or Robert Lee, Counsel, Legal Division, (202) 898–8803, at 550 17th Street, NW., Washington, DC 20429.

OTS: Lewis C. Angel, Program Manager, (202) 906–5645; Glenn Gimble, Senior Project Manager, Consumer Protection and Specialized Programs, (202) 906–7158; or Richard Bennett, Counsel, Regulations and Legislation Division, (202) 906–7409, at 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** The OCC, Board, FDIC, and OTS published a document in the **Federal Register** of March 29, 2005 (70 FR 15736), the “Interagency Guidance on Response to Programs for Unauthorized Access to Customer information and Customer Notice”. There was an error in footnote 6 of the interpretive guidance regarding the Federal Trade Commission citation. It reads 12 CFR part 314 whereas it should read 16 CFR part 314.

### List of Subjects

#### 12 CFR Part 30

Banks, banking, Consumer protection, National banks, Privacy, Reporting and recordkeeping requirements.

#### 12 CFR Part 208

Banks, banking, Consumer protection, Information, Privacy, Reporting and recordkeeping requirements.

#### 12 CFR Part 225

Banks, banking, Holding companies, Reporting and recordkeeping requirements.

#### 12 CFR Part 364

Administrative practice and procedure, Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Safety and Soundness.

#### 12 CFR Part 568

Consumer protection, Privacy, Reporting and recordkeeping requirements, Savings associations, Security measures.

#### 12 CFR Part 570

Accounting, Administrative practice and procedure, Bank deposit insurance, Consumer protection, Holding companies, Privacy, Reporting and recordkeeping requirements, Safety and soundness, Savings associations.

**Department of the Treasury**  
**Office of the Comptroller of the**  
**Currency**  
**12 CFR Chapter I**

**Authority and Issuance**

■ For the reasons set out in the joint preamble, the OCC corrects part 30 of chapter I of title 12 of the Code of Federal Regulations by making the following correcting amendments:

**PART 30—SAFETY AND SOUNDNESS STANDARDS**

■ 1. The authority citation for part 30 continues to read as follows:

**Authority:** 12 U.S.C. 93a, 371, 1818, 1831p, 3102(b); 15 U.S.C. 1681s, 1681w, 6801, 6805(b)(1).

**Appendix B to Part 30—[Amended]**

■ 2. In Supplement A to Appendix B, amend footnote 6 by removing “12 CFR part 314” and adding in its place “16 CFR part 314”.

**Federal Reserve System**

**12 CFR Chapter II**

**Authority and Issuance**

■ For the reasons set out in the joint preamble, the Board corrects parts 208 and 225 of chapter II of title 12 of the Code of Federal Regulations by making the following correcting amendments:

**PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)**

■ 3. The authority citation for part 208 continues to read as follows:

**Authority:** 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1820(d)(9), 1823(j), 1828(o), 1831, 1831o, 1831p–1, 1831r–1, 1831w, 1831x, 1835a, 1882, 2901–2907, 3105, 3310, 3331–3351, and 3906–3909, 15 U.S.C. 78b, 781(b), 781(g), 781(i), 78o–4(c)(5), 78q, 78q–1, 78w, 1681s, 1681w, 6801 and 6805; 31 U.S.C. 5318, 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

**Appendix D–2 to Part 208—[Amended]**

■ 4. In Supplement A to Appendix D–2, amend footnote 6 by removing “12 CFR part 314” and adding in its place “16 CFR part 314”.

**PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)**

■ 5. The authority citation for 12 CFR part 225 continues to read as follows:

**Authority:** 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p–1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331–3351, 3906,

3907, and 3909; 15 U.S.C. 1681s, 1681w, 6801 and 6805.

**Appendix F to Part 225—[Amended]**

■ 6. In Supplement A to Appendix F, amend footnote 6 by removing “12 CFR part 314” and adding in its place “16 CFR part 314”.

**Federal Deposit Insurance Corporation**

**12 CFR Chapter III**

**Authority and Issuance**

■ For reasons set out in the joint preamble, the FDIC corrects part 364 of chapter III of title 12 of the Code of Federal Regulations by making the following correcting amendments:

**PART 364—STANDARDS FOR SAFETY AND SOUNDNESS**

■ 7. The authority citation for part 364 continues to read as follows:

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

**Appendix B to Part 364—[Amended]**

■ 8. In Supplement A to Appendix B, amend footnote 6 by removing “12 CFR part 314” and adding in its place “16 CFR part 316”.

**Department of the Treasury**

**Office of Thrift Supervision**

**12 CFR Chapter V**

**Authority and Issuance**

■ For reasons set out in the joint preamble the OTS corrects part 570 of chapter V of title 12 of the Code of Federal Regulations by making the following correcting amendment to read as follows”

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

■ 9. The authority citation for part 570 continues 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).

**Appendix B to Part 570—[Amended]**

■ 10. In Supplement A to Appendix B, amend footnote 6 by removing “12 CFR part 314” and adding in its place “16 CFR part 314”.

Dated: January 24, 2006.

**Julie L. Williams,**

*First Senior Deputy Comptroller and Chief Counsel.*

By order of the Board of Governors of the Federal Reserve System, January 17, 2006.

**Jennifer J. Johnson,**

*Secretary of the Board.*

Dated at Washington, DC, this 31st day January, 2006.

**Robert E. Feldman,**

*Executive Secretary.*

Dated: January 30, 2006.

**Deborah Dakin,**

*Senior Deputy Chief Counsel.*

[FR Doc. 06–1009 Filed 2–2–06; 8:45 am]

**BILLING CODE 4810–33–P; 6210–01–P; 6714–10–P; 6720–01–P**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**14 CFR Part 212**

[Docket No. OST–2002–11741]

**RIN 2105–AD38**

**Charter Rules for Foreign Direct Air Carriers**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Department is amending its charter regulations by adding definitions of sixth- and seventh-freedom charters to the definitions section of 14 CFR Part 212, and by requiring foreign air carrier applicants for charter authority to provide updated reciprocity statements and operational data relative to its homeland-U.S. services.

**DATES:** The rule shall become effective April 4, 2006.

**FOR FURTHER INFORMATION CONTACT:** Brian Hedberg, Office of International Aviation (X–40), U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590; (202) 366–7783.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 21, 2005, the Department of Transportation issued a Notice of Proposed Rulemaking (NPRM) [70 FR 3158, January 21, 2005] which proposed to (1) Clarify the definition of “fifth freedom charter” by adding definitions of “sixth- and seventh-freedom charters” in § 212.2; (2) modify OST Form 4540 (Foreign Air Carrier Application for Statement of Authorization) by requiring updated reciprocity statements by foreign air carriers seeking a statement of