

other forms of information technology. Send comments or any other aspects of the collections of information to NMFS (see ADDRESSES) and by email to *David.Rostker@omb.eop.gov*, or faxed to 202-385-7285.

Notwithstanding any other provisions of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

*Small Entity Compliance Guide*

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide was prepared for the HMS FMP final rule. This guide is posted on the NMFS SWR website (<http://swr.nmfs.noaa.gov>) and a hard copy will be sent to all interested parties upon request (see FOR FURTHER INFORMATION CONTACT).

**List of Subjects in 15 CFR Part 902**

Reporting and recordkeeping requirements.

Dated: October 28, 2005.

**John Oliver,**  
Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 15 CFR chapter IX, part 902, is amended as follows:

**15 CFR Chapter IX**

**PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS**

1. The authority citation for part 902 continues to read as follows:

**Authority:** 44 U.S.C. 3501 *et seq.*

■ 2. In § 902.1, the table in paragraph (b) under 50 CFR is amended by adding a new entry for § 660.704 to read as follows:

**§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.**

\* \* \* \* \*

(b) Display.

CFR part or section where the information collection requirement is located	Current OMB control number (All numbers begin with 0648-)
* * * *	*
50 CFR	
* * * *	*
660.704	-0361
* * * *	*

[FR Doc. 05-21873 Filed 11-4-05; 8:45 am]  
BILLING CODE 3510-22-S

**FEDERAL TRADE COMMISSION**

**16 CFR Part 3**

**Consent Agreement Settlements; Corrections**

**AGENCY:** Federal Trade Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** The Federal Trade Commission published a document in the **Federal Register** on April 3, 2001 (66 FR 17622), that, *inter alia*, revised § 3.25(c) of the Commission Rules of Practice by adding a new sentence, and by adding a new clause to an existing sentence, and made those revisions effective on May 18, 2001. The Commission subsequently published a document in the **Federal Register** on December 12, 2001 (66 FR 64142), that, *inter alia*, further revised § 3.25(c), and made those revisions effective on December 12, 2001. Inadvertently, however, the December 12, 2001 document did not include in its depiction of § 3.25(c), as revised, the new sentence and new clause added by the April 3, 2001 document. This document corrects § 3.25(c) by re-adding the new sentence and the new clause originally added by the April 3, 2001 document.

**DATES:** Effective on May 18, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Donald S. Clark, Secretary of the Commission, at (202) 326-2514.

**SUPPLEMENTARY INFORMATION:** This is a summary of the FTC's Erratum.

**List of Subjects in 16 CFR Part 3**

Administrative practice and procedure, Claims, Equal Access to Justice, Lawyers.

■ Accordingly, 16 CFR part 3 is corrected by making the following correcting amendment:

**PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS**

■ 1. The authority citation for Part 3 continues to read as follows:

**Authority:** 15 U.S.C. 46, unless otherwise noted.

■ 2. Revise § 3.25(c) to read as follows:

**§ 3.25 Consent agreement settlements.**

\* \* \* \* \*

(c) If the proposed consent agreement accompanying the motion has also been executed by complaint counsel and approved by the appropriate Bureau Director, and the matter is still pending before an Administrative Law Judge, the Secretary shall issue an order withdrawing from adjudication those portions of the matter that the proposal would resolve and all proceedings before the Administrative Law Judge shall be stayed with respect to such portions, pending a determination by the Commission pursuant to paragraph (f) of this section. If the matter is pending before the Commission, the Commission in its discretion may, on motion, issue an order withdrawing from adjudication those portions of the matter that a proposed consent agreement would resolve for the purpose of considering the proposed consent agreement.

\* \* \* \* \*

**Donald S. Clark,**  
Secretary.

[FR Doc. 05-22162 Filed 11-4-05; 8:45 am]  
BILLING CODE 6750-01-P

**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Part 232**

[Release Nos. 33-8633; 34-52708; 35-28053; 39-2440; IC-27139]

RIN 3235-AG96

**Adoption of Updated EDGAR Filer Manual**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (the Commission) is adopting revisions to the Electronic Data Gathering, Analysis, and Retrieval System (EDGAR) Filer Manual, Volume II: "EDGAR Filing" to reflect updates to the EDGAR system. The revisions are being made primarily to support the amended rules and forms adopted by the Commission to address the use of Form S-8, Form 8-K, and Form 20-F by

Shell Companies and the changes necessary to support the Securities Offering Reform, which will modify and advance significantly the registration, communications, and offering processes under the Securities Act of 1933. The revisions to the Filer Manual reflect changes within Filer Manual, Volume II: "EDGAR Filing," Version 2 (November 2005). The updated manual will be incorporated by reference into the Code of Federal Regulations. EDGAR Filer Manual, Volume I: "General Information," Version 1 (September 2005) and Volume III: "N-SAR Supplement," Version 1 (September 2005) have not been changed.

**DATES:** *Effective Date:* November 7, 2005. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of November 7, 2005.

**FOR FURTHER INFORMATION CONTACT:** In the Office of Information Technology, Rick Heroux, at (202) 551-8800; for questions concerning the Division of Corporation Finance filings, in the Division of Corporation Finance, Herbert Scholl, Office Chief, EDGAR and Information Analysis, at (202) 942-2940; for questions concerning the Division of Investment Management filings, in the Division of Investment Management, Ruth Armfield Sanders, Senior Special Counsel, at (202) 551-6989; and, in the Office of Filings and Information Services, Barbara Stance, at (202) 551-7209.

**SUPPLEMENTARY INFORMATION:** Today we are adopting an updated EDGAR Filer Manual (Filer Manual), Volume II: "EDGAR Filing." The Filer Manual describes the technical formatting requirements for the preparation and submission of electronic filings through the EDGAR system.<sup>1</sup> It also describes the requirements for filing using EDGARLink<sup>2</sup> and the Online Forms/XML Web site.

The Filer Manual contains all the technical specifications for filers to submit filings using the EDGAR system. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.<sup>3</sup> Filers should consult the Filer Manual in conjunction with our rules

governing mandated electronic filing when preparing documents for electronic submission.<sup>4</sup>

The revisions are being made primarily to support the following rules adopted by the Commission:

(1) Use of Form S-8, Form 8-K, and Form 20-F by Shell Companies

Changes to incorporate this rule include:

- Add new 8-K Item 5.06 "Change in Shell Company Status."
- Add new submission header field "Shell Company" to Forms 10-K, 10-KSB, and 20-F to allow filers to indicate if they meet the shell company criteria as specified in the rule.

(2) Securities Offering Reform

Changes to incorporate this rule include:

- Allow eligible well-known seasoned issuers to register unspecified amounts of different specified types of securities on Form S-3 or Form F-3 registration statements using new EDGAR submission form types S-3ASR and F-3ASR, which are immediately effective upon filing (*i.e.*, automatic shelf registration). Include submission header field to allow issuers using an automatic shelf registration statement to

indicate whether the filing fees are paid in advance or on a "pay-as-you-go" basis on the shelf registration statement.

- Allow eligible well-known seasoned issuers to add additional securities or classes of securities and eligible majority-owned subsidiaries as additional registrants after an automatic shelf registration statement is effective using new submission form type POSASR. Include a submission header field to allow issuers using an automatic shelf registration statement to indicate whether the filing fees are paid in advance or on a "pay-as-you-go" basis on the shelf registration statement.

- Allow well-known seasoned issuers to file a prospectus supplement (submission form types 424B1, 424B2, 424B3, 424B4, 424B5, and 424B7) that includes a calculation of registration fee table. Add new submission header field to allow a well-known seasoned issuer to indicate whether the filing fees are paid in advance or on a "pay-as-you-go" basis.

- Allow all issuers to indicate that a prospectus supplement is being filed late using new submission form type 424(b)(8). Well-known seasoned issuers can include a calculation of registration fee table in the filing. Include a submission header field to allow a well-known seasoned issuer to indicate whether the filing fees are paid in advance or on a "pay-as-you-go" basis.

- Allow an issuer to file a free writing prospectus (FWP) using new submission form type FWP. Include new submission header fields to indicate the filing is made pursuant to Rule 163, Rule 433, or both. Include new submission header "First Issuing Entity Filing" checkbox to indicate that the FWP is the first filing for an asset-backed security issuing entity.

- Allow filers to indicate on submission form type 425 whether the communications also is being filed pursuant to Rule 433, Rule 163, or both.
- Add new submission header fields to submission form types 10-K, 10-KT, and 20-F for filers to indicate if they are well-known seasoned issuers.

- Add new submission header fields to submission form types 10-K, 10-KT, and 20-F for filers, other than investment companies, to indicate that they are not required to file reports pursuant to Section 13 and Section 15(d) of the Securities Exchange Act of 1934.

- Rescind Forms F-2 and S-2 as these forms were eliminated effective December 1, 2005.

For EDGAR Release 9.2, the EDGARLink software and submission templates 1, 2, and 3 will be updated to support the aforementioned forms and

<sup>4</sup> See Release Nos. 33-6977 (February 23, 1993) [58 FR 14628], IC-19284 (February 23, 1993) [58 FR 14848], 35-25746 (February 23, 1993) [58 FR 14999], and 33-6980 (February 23, 1993) [58 FR 15009] in which we comprehensively discuss the rules we adopted to govern mandated electronic filing. See also Release No. 33-7122 (December 19, 1994) [59 FR 67752], in which we made the EDGAR rules final and applicable to all domestic registrants; Release No. 33-7427 (July 1, 1997) [62 FR 36450], in which we adopted minor amendments to the EDGAR rules; Release No. 33-7472 (October 24, 1997) [62 FR 58647], in which we announced that, as of January 1, 1998, we would not accept in paper filings that we require filers to submit electronically; Release No. 34-40934 (January 12, 1999) [64 FR 2843], in which we made mandatory the electronic filing of Form 13F; Release No. 33-7684 (May 17, 1999) [64 FR 27888], in which we adopted amendments to implement the first stage of EDGAR modernization; Release No. 33-7855 (April 24, 2000) [65 FR 24788], in which we implemented EDGAR Release 7.0; Release No. 33-7999 (August 7, 2001) [66 FR 42941], in which we implemented EDGAR Release 7.5; Release No. 33-8007 (September 24, 2001) [66 FR 49829], in which we implemented EDGAR Release 8.0; Release No. 33-8224 (April 30, 2003) [66 FR 24345], in which we implemented EDGAR Release 8.5; Release Nos. 33-8255 (July 22, 2003) [68 FR 44876] and 33-8255A (September 4, 2003) [68 FR 53289] in which we implemented EDGAR Release 8.6; Release No. 33-8409 (April 19, 2004) [69 FR 21954] in which we implemented EDGAR Release 8.7; Release No. 33-8454 (August 6, 2004) [69 FR 49803] in which we implemented EDGAR Release 8.8; Release No. 33-8528 (February 3, 2005) [70 FR 6573] in which we implemented EDGAR Release 8.10; and Release No. 33-8573 (May 19, 2005) [70 FR 30899] in which we implemented EDGAR Release 9.0; and Release No. 33-8612 (September 21, 2005) [70 FR 57130] in which the Commission granted the authorization to publish the release adopting the reorganized EDGAR Filer Manual.

<sup>1</sup> We originally adopted the Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33-6986 (April 1, 1993) [58 FR 18638]. The Commission granted the authorization to publish the release adopting the reorganized EDGAR Filer Manual. Release No. 33-8612 (September 21, 2005) [70 FR 57130].

<sup>2</sup> This is the filer assistance software we provide filers filing on the EDGAR system.

<sup>3</sup> See Rule 301 of Regulation S-T (17 CFR 232.301).

submission form type changes. It is highly recommended that filers download, install, and use the new EDGARLink software and submission templates to ensure that submissions will be processed successfully. Previous versions of the templates may not work properly. Notice of the update has previously been provided on the EDGAR Filing Web site and on the Commission's public Web site. The discrete updates are reflected on the EDGAR Filing Web site and in the updated Filer Manual Volume II.

Along with adoption of the Filer Manual, we are amending Rule 301 of Regulation S-T to provide for the incorporation by reference into the Code of Federal Regulations of today's revisions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

You may obtain paper copies of the updated Filer Manual at the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street, NE., Room 1580, Washington, DC 20549. We will post electronic format copies on the Commission's Web site; the address for the Filer Manual is <http://www.sec.gov/info/edgar.shtml>. You may also obtain copies from Thomson Financial, the paper document contractor for the Commission, at (800) 638-8241.

Since the Filer Manual relates solely to agency procedures or practice, publication for notice and comment is not required under the Administrative Procedure Act (APA).<sup>5</sup> It follows that the requirements of the Regulatory Flexibility Act<sup>6</sup> do not apply.

The effective date for the updated Filer Manual and the rule amendments is November 7, 2005. In accordance with the APA,<sup>7</sup> we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The EDGAR system upgrade to Release 9.2 is scheduled to become available on November 7, 2005. The Commission believes that it is necessary to coordinate the effectiveness of the updated Filer Manual with the scheduled system upgrade.

#### Statutory Basis

We are adopting the amendments to Regulation S-T under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,<sup>8</sup> Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of

1934,<sup>9</sup> Section 20 of the Public Utility Holding Company Act of 1935,<sup>10</sup> Section 319 of the Trust Indenture Act of 1939,<sup>11</sup> and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.<sup>12</sup>

#### List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

#### Text of the Amendment

■ In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is amended as follows:

#### PART 232—REGULATION S-T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The authority citation for Part 232 continues to read in part as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll(d), 79t(a), 80a-8, 80a-29, 80a-30, 80a-37, and 7201 *et seq.*; and 18 U.S.C. 1350.

\* \* \* \* \*

■ 2. Section 232.301 is revised to read as follows:

#### § 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the EDGAR Filer Manual, Volume I: "General Information," Version 1 (September 2005). The requirements for filing on EDGAR are set forth in the EDGAR Filer Manual, Volume II: "EDGAR Filing," Version 2 (November 2005). Additional provisions applicable to Form N-SAR filers are set forth in the EDGAR Filer Manual, Volume III: "N-SAR Supplement," Version 1 (September 2005). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street, NE., Room

1580, Washington, DC 20549 or by calling Thomson Financial at (800) 638-8241. Electronic copies are available on the Commission's Web site. The address for the Filer Manual is <http://www.sec.gov/info/edgar.shtml>. You can also photocopy the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Dated: November 1, 2005.

By the Commission.

Jonathan G. Katz,  
Secretary.

[FR Doc. 05-22085 Filed 11-4-05; 8:45 am]

BILLING CODE 8010-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 520

#### Oral Dosage Form New Animal Drugs; Tetracycline Hydrochloride Soluble Powder

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Cross Vetpharm Group Ltd. The ANADA provides for use of tetracycline hydrochloride soluble powder in the drinking water of calves, swine, chickens, and turkeys for the treatment and control of various bacterial infections.

**DATES:** This rule is effective November 7, 2005.

**FOR FURTHER INFORMATION CONTACT:** John K. Harshman, Center for Veterinary Medicine (HFV-104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240-276-9808, e-mail: [john.harshman@fda.gov](mailto:john.harshman@fda.gov).

**SUPPLEMENTARY INFORMATION:** Cross Vetpharm Group Ltd., Broomhill Rd., Tallaght, Dublin 24, Ireland, filed ANADA 200-374 that provides for use of TETRAMED 324 HCA (tetracycline hydrochloride), a soluble powder used in the drinking water of calves, swine, chickens, and turkeys for the treatment and control of various bacterial infections. Cross Vetpharm Group Ltd.'s

<sup>5</sup> 5 U.S.C. 553(b).

<sup>6</sup> 5 U.S.C. 601-612.

<sup>7</sup> 5 U.S.C. 553(d)(3).

<sup>8</sup> 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

<sup>9</sup> 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78w, and 78ll.

<sup>10</sup> 15 U.S.C. 79t.

<sup>11</sup> 15 U.S.C. 77sss.

<sup>12</sup> 15 U.S.C. 80a-8, 80a-29, 80a-30, and 80a-37.