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 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...