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U.S. GOVERNMENT
INFORMATION
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Federal Register

2–13–04 Friday
Vol. 69 No. 30 Feb. 13, 2004

Pages 7105–7346

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Contents

Federal Register

Vol. 69, No. 30

Friday, February 13, 2004

Agriculture Department
See Foreign Agricultural Service
See Forest Service
See Rural Utilities Service

Air Force Department
NOTICES
Meetings:
Scientific Advisory Board, 7207

Army Department
NOTICES
Environmental statements; availability, etc.:
Fort Benning, GA; Digital Multi-Purpose Range Complex, 7207–7208

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Centers for Disease Control and Prevention
RULES
Foreign quarantine:
Embargo of birds (Class: Aves) from specified Southeast Asian countries, 7165–7166
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7227–7229

Centers for Medicare & Medicaid Services
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7229–7231
Medicare:
Hospital wage index classification; one-time appeal process; correction, 7339–7345

Children and Families Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7231–7234

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
Washington, 7192
Meetings; Sunshine Act, 7192

Coast Guard
NOTICES
Meetings:
National Offshore Safety Advisory Committee, 7245–7246

Commerce Department
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7192–7193

Commission of Fine Arts
NOTICES
Meetings, 7207

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 7190–7192

Defense Department
See Air Force Department
See Army Department
See Navy Department

Education Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7209
Meetings:
Federal Interagency Coordinating Council, 7209–7210

Employment and Training Administration
NOTICES
Environmental statements; availability, etc.:
Little Rock, AK; Job Corps Center construction, 7261–7262

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 7262–7263

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Electricity export and import authorizations, permits, etc.:
Emera Energy Services, Inc., 7210
Meetings:
Environmental Management Site-Specific Advisory Board—
Idaho National Engineering and Environmental Laboratory, ID, 7210–7211
Rocky Flats, CO, 7211
Presidential permit applications:
Citizens Communications Co. et al., 7211–7212

Environmental Protection Agency
RULES
Air programs; State authority delegations:
Oregon, 7148–7156
Washington, 7135–7148
Air quality implementation plans; approval and promulgation; various States:
Florida, 7127–7133
Maryland, 7133–7135
Civil monetary penalties; inflation adjustment, 7121–7127
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Thifensulfuron methyl, 7161–7164

Water supply:
National primary and secondary drinking water regulations—
Coliforms and E. coli detection; Colitag method approval, 7156–7161
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Florida, 7185
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7213–7214
Environmental statements; availability, etc.:
Agency statements; comment availability, 7214–7215
Agency statements; weekly receipts, 7215–7216
Grants, State and local assistance:
Air pollution control programs—
Oregon; maintenance of effort reduction, 7216–7217

Executive Office of the President
See Trade Representative, Office of United States

Federal Aviation Administration
RULES
Airworthiness directives:
Bombardier, 7111–7113
Eurocopter France, 7113–7114
PROPOSED RULES
Airworthiness directives:
Airbus, 7176–7179, 7181–7183
Boeing, 7174–7176
Bombardier, 7170–7174, 7179–7181
NOTICES
Exemption petitions; summary and disposition, 7280–7281
Passenger facility charges; applications, etc.:
Cyril E. King Airport, VI, 7281
San Angelo Regional Airport/Mathis Field, TX, 7281–7282

Federal Communications Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7217–7219
Common carrier services:
24 GHz service licenses auction; reserve prices or minimum opening bids, etc., 7219–7224
Meetings:
North American Numbering Council, 7224–7225

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
Various States, 7166–7169
NOTICES
Disaster and emergency areas:
Maine, 7246
Ohio, 7246–7247

Federal Energy Regulatory Commission
NOTICES
Meetings:
California Independent System Operator Corp., 7212–7213
Natural Gas Interchangeability, 7213

Federal Highway Administration
RULES
Transportation Equity Act for 21st Century; implementation:
Contract administration; miscellaneous, obsolete, or redundant regulations removed, 7116–7119

Federal Railroad Administration
RULES
Railroad safety:
Locomotive horns use at highway-rail grade crossings; requirement for sounding, 7169

Federal Reserve System
NOTICES
Banks and bank holding companies:
Formations, acquisitions, and mergers, 7225

Federal Trade Commission
PROPOSED RULES
Telemarketing sales rule:
National Do-Not-Call Registry; seller and telemarketer compliance requirements; comment request, 7329–7333
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7225–7227
Meetings; Sunshine Act, 7227

Fine Arts Commission
See Commission of Fine Arts

Fish and Wildlife Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Multistate Conservation Program; priority list, 7247–7250

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Trenbolone and estradiol, 7115–7116
Biological products:
Bacterial vaccines and toxoids; efficacy review implementation
Correction, 7114–7115

Foreign Agricultural Service
NOTICES
Trade adjustment assistance; applications, petitions, etc.:
Arizona shrimp producers, 7189
Michigan Fish Producers' Association, 7189

Forest Service
NOTICES
Environmental statements; notice of intent:
Caribou-Targhee National Forest, ID, 7189–7190

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7227

Poverty income guidelines; annual update, 7335–7338

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
NOTICES
Meetings:
Homeland Security Science and Technology Advisory Committee, 7245

Housing and Urban Development Department
PROPOSED RULES
Mortgage and loan insurance programs:
Single family mortgage insurance—
Nonprofit organizations participation, 7323–7328
NOTICES
Grants and cooperative agreements; availability, etc.:
Homeless assistance; excess and surplus Federal properties, 7289–7321

Indian Affairs Bureau
NOTICES
Environmental statements; availability, etc.:
Cordova Oil Spill Response Facility, AK; construction, 7250

Industry and Security Bureau
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7193

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Minerals Management Service
See National Park Service
See Reclamation Bureau
NOTICES
Committees; establishment, renewal, termination, etc.:
Outer Continental Shelf Scientific Committee, 7247

Internal Revenue Service
PROPOSED RULES
Income taxes:
Taxable stock transactions; information reporting requirements; cross-reference; correction, 7183–7184
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7285–7288

International Trade Administration
NOTICES
Antidumping:
Freshwater crawfish tail meat from—
China, 7193–7197
Non-frozen apple juice concentrate from—
China, 7197–7200
Preserved mushrooms from—
China, 7200
Structural steel beams from—
Korea, 7200–7202
Countervailing duties:
Carbon and alloy steel wire rod from—
Canada, 7202–7203

Labor Department
See Employment and Training Administration
See Employment Standards Administration
See Labor Statistics Bureau
See Occupational Safety and Health Administration

Labor Statistics Bureau
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7264

Minerals Management Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7250–7253

National Highway Traffic Safety Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7282

National Institutes of Health
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7234–7237
Inventions, Government-owned; availability for licensing, 7237–7238
Meetings:
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 7238–7239
National Institute of Nursing Research, 7239
Scientific Review Center, 7239–7241
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Apogee Ventures, Inc., 7242
Kosan Biosciences, Inc., 7243
MacroGenics, Inc., 7242
Reports and guidance documents; availability, etc.:
Drugs for which pediatric studies are needed; list, 7243–7244

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
Caribbean, Gulf, and South Atlantic fisheries—
King mackerel and reef fish; meetings, 7187–7188
Offshore marine aquaculture; meetings, 7185–7186
Vermilion snapper, 7186–7187
West Coast States and Western Pacific fisheries—
Pelagic fisheries; public hearings, 7188
NOTICES
Permits:
Endangered and threatened species, 7203–7205

National Park Service
NOTICES
Environmental statements; availability, etc.:
Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, TX, 7253
Environmental statements; notice of intent:
Denali National Park and Preserve, AK, 7253–7254
Meetings:
Aniakchak National Monument Subsistence Resource Commission, 7254–7255
Boston Harbor Islands Advisory Council, 7255
Cape Cod National Seashore Advisory Commission, 7256
Concessions Management Advisory Board, 7256
Lake Clark National Park Subsistence Resource Commission, 7256–7257
White House Preservation Committee, 7257
National Register of Historic Places:
Pending nominations, 7257–7259

Native American human remains, funerary objects; inventory, repatriation, etc.:
University of Nevada-Reno, Anthropology Research Museum, NV, 7259–7260

Navy Department
NOTICES
Inventions, Government-owned; availability for licensing, 7208

Occupational Safety and Health Administration
PROPOSED RULES
Construction safety and health standards:
Crane and Derrick Negotiated Rulemaking Advisory Committee—
Meetings, 7184–7185
NOTICES
Meetings:
Maritime Advisory Committee for Occupational Safety and Health, 7264–7265

Office of United States Trade Representative
See Trade Representative, Office of United States

Pension Benefit Guaranty Corporation
RULES
Ethical conduct of employees; CFR part removed, 7120–7121
Single-employer plans:
Allocation of assets—
Interest assumptions for valuing and paying benefits, 7119–7120
NOTICES
Multiemployer plans:
Interest rates and assumptions, 7265–7266

Personnel Management Office
RULES
Prevailing rate systems, 7105
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7266–7267

Reclamation Bureau
NOTICES
Central Valley Project Improvement Act:
Water management plans—
Corning Water District et al., 7260
Environmental statements; availability, etc.:
Lake Berryessa Visitor Services Plan, Napa County, CA; hearings, 7261

Research and Special Programs Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 7283

Rural Utilities Service
RULES
Electric loans:
Construction and procurement; standard contract forms; revision, 7105–7111

Securities and Exchange Commission
NOTICES
Investment Company Act of 1940:
Nationwide Life Insurance Co. et al., 7267–7270
Meetings; Sunshine Act, 7271
Public Utility Holding Company Act of 1935 filings, 7271–7273
Self-regulatory organizations; proposed rule changes:
Fixed Income Clearing Corp., 7273–7274
Inet Futures Exchange, LLC, 7274–7275
Options Clearing Corp., 7275–7277
Pacific Exchange, Inc., 7277–7278

State Department
NOTICES
Environmental statements; availability, etc.:
Antarctic activities of more than minor or transitory impact; comprehensive evaluations—
Czech Republic et al., 7278
Grants and cooperative agreements; availability, etc.:
2005 World Exposition—
U.S. pavilion/exhibition; development, organization, and management, 7278–7280

Substance Abuse and Mental Health Services Administration
NOTICES
Meetings:
Women's Services Advisory Committee, 7244–7245

Surface Transportation Board
NOTICES
Railroad services abandonment:
Boston & Maine Corp. et al., 7284–7285
Kershaw Sunnyside Ranches, Inc., 7283–7284

Trade Representative, Office of United States
NOTICES
Meetings:
Trade and Environment Policy Advisory Committee, 7280

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration
See Research and Special Programs Administration
See Surface Transportation Board

Treasury Department
See Internal Revenue Service

Separate Parts In This Issue

Part II
Housing and Urban Development Department, 7289–7321

Part III
Housing and Urban Development Department, 7323–7328

Part IV
Federal Trade Commission, 7329–7333

Part V
Health and Human Services Department, 7335–7338

Part VI
Health and Human Services Department, Centers for Medicare & Medicaid Services, 7339–7345

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
532 7105

7 CFR
1724 7105
1726 7105
1755 7105

14 CFR
39 (2 documents) 7111, 7113

Proposed Rules:
39 (5 documents) ... 7170, 7174, 7176, 7179, 7181

16 CFR

Proposed Rules:
310 7330

21 CFR
201 7114
522 7115
610 7114

23 CFR
140 7116
200 7116
630 7116
633 7116
635 7116
640 7116

24 CFR

Proposed Rules:
200 7324
203 7324
291 7324

26 CFR

Proposed Rules:
1 7183

29 CFR
4022 7119
4044 7119
4904 7120

Proposed Rules:
1926 7184

40 CFR
19 7121
27 7121
52 (2 documents) 7127, 7133
60 (2 documents) 7135, 7148
141 7156
180 7161

Proposed Rules:
52 7185

42 CFR
71 7165

44 CFR
64 7166

49 CFR
222 7169
229 7169

50 CFR

Proposed Rules:
622 (3 documents) 7185, 7186, 7187
660 7188

Rules and Regulations

Federal Register
Vol. 69, No. 30
Friday, February 13, 2004

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AK06

Prevailing Rate Systems; Change in the Survey Month for the Bureau of Reclamation Mid-Pacific Region Survey

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule to change the timing of annual wage surveys conducted by the Bureau of Reclamation (BOR), Department of the Interior, to determine prevailing rates of pay for supervisors of negotiated rate wage employees in the Bureau's Mid-Pacific Region.

EFFECTIVE DATE: This regulation is effective on January 31, 2004.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez at (202) 606–2838; FAX at (202) 606–4264; or e-mail at *pay-performance-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: On October 31, 2003, the Office of Personnel Management (OPM) published a proposed rule (68 FR 62027) to change the timing of annual wage surveys conducted by the Bureau of Reclamation (BOR), Department of the Interior (DOI), to determine prevailing rates of pay for supervisors of negotiated rate wage employees in the Bureau's Mid-Pacific Region. The proposed rule had a 30-day comment period, during which we received no comments. Currently, BOR conducts wage surveys in the region in October each year. Wage surveys will be conducted in the future in February.

DOI asked OPM to change the survey month for local wage surveys in the Mid-Pacific Region because February represents the best timing in relation to wage adjustments in the surveyed local private enterprise establishments and would improve the quality of data BOR collects during local wage surveys in this special wage area. Local private industry establishments surveyed by BOR in the Mid-Pacific Region typically make their wage adjustments effective in January of each year. BOR will conduct wage surveys in February in the Mid-Pacific Region beginning in calendar year 2004. Since DOI implements the results of the wage surveys in the month following the survey month, wage adjustments for supervisors of negotiated rate wage employees in the Mid-Pacific Region will become effective in March. Thus, they will more closely coincide with local prevailing rates.

Regulatory Flexibility Act

I certify that this regulation would not have a significant economic impact on a substantial number of small entities because it would affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Kay Coles James,

Director.

■ Accordingly, the Office of Personnel Management proposes to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

§ 532.285 [Amended]

■ 2. In § 532.285 paragraph (d), amend the special wage area listing for the Mid-Pacific Region by removing from beginning month of survey ''October'' and adding in its place ''February.''

[FR Doc. 04–3252 Filed 2–12–04; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Parts 1724, 1726, and 1755

RIN 0572–AB67

Revision of Electric Program Standard Contract Forms

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) is amending its regulations to revise its standard forms of contracts that borrowers are required to use when contracting for construction and procurement, that are or will be financed by loans made or guaranteed by RUS, in accordance with applicable RUS regulations. RUS is updating, consolidating, and streamlining these standard forms of contracts. These changes are being made to improve the usefulness of the standard forms of contract and to make it easier for RUS borrowers to utilize these standard forms of contract.

DATES: This rule will become effective on March 15, 2004.

FOR FURTHER INFORMATION CONTACT: Fred J. Gatchell, Deputy Director, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, Stop 1569, 1400 Independence Ave., SW., Washington, DC 20250–1569. Telephone: (202) 720–1398. FAX: (202) 720–7491. E-mail: *Fred.Gatchell@usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 12372

This rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. See the final rule related notice entitled, ''Department Programs and Activities Excluded from Executive Order 12372,'' (50 FR 47034) advising that RUS loans and loan guarantees were not covered by Executive Order 12372.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all State and local laws and regulations that are in conflict with this rule will be preempted; no retroactive effect will be given to this rule; and in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)) administrative appeal procedures, if any, must be exhausted before an action against the Department or its agencies may be initiated.

Regulatory Flexibility Act Certification

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Rural Utilities Service is not required by 5 U.S.C. 551 *et seq.* or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

National Environmental Policy Act Certification

The Administrator of RUS has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this rule is listed in the Catalog of Federal Domestic Assistance Programs under number 10.850, Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402–9325, telephone number (202) 512–1800.

Information Collection and Recordkeeping Requirements

The reporting and recordkeeping requirements contained in this rule have been approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) under OMB control number 0572–0107.

Unfunded Mandates

This rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

Background

The standard loan agreement between RUS and its electric borrowers provides that, in accordance with applicable RUS regulations, the borrower shall use standard forms of contracts promulgated by RUS for construction, procurement, engineering services, and architectural services financed by a loan made or guaranteed by RUS. RUS also provides forms of contracts which serve as guidance to borrowers and which borrowers may use at their discretion. RUS is updating, consolidating, and streamlining the standard forms of contracts used for construction and procurement. The forms affected are:

Primary Contract Forms

1. RUS Form 198, Rev. 2–95, Equipment Contract. This form is used for equipment purchases.
2. RUS Form 200, Rev. 2–95, Construction Contract—Generating. This form is used for generating plant construction or for the furnishing and installation of major items of equipment.
3. RUS Form 201, Rev. 2–95, Right-of-Way Clearing Contract. This form is used for distribution line right-of-way clearing work which is to be performed separate from line construction.
4. RUS Form 203, Rev. 2–95, Transmission System Right-of-Way Clearing Contract. This form is used for transmission right-of-way clearing work which is to be performed separate from line construction.
5. RUS Form 257, Rev. 2–95, Contract to Construct Buildings. This form is used to construct headquarters buildings and other structure construction.
6. RUS Form 764, Rev. 2–95, Substation and Switching Station Erection Contract. This form is used to construct substations and switching stations.
7. RUS Form 786, Rev. 2–95, Electric System Communications and Control Equipment Contract. This form is used for delivery and installation of equipment for system communications.
8. RUS Form 790, Rev. 2–95, Distribution Line Extension Construction Contract (Labor and Materials). This form is used for limited distribution construction accounted for under work order procedure.
9. RUS Form 792, Rev. 2–95, Distribution Line Extension Construction Contract (Labor Only). This form is used for limited distribution construction accounted for under work order procedure.
10. RUS Form 830, Rev. 2–95, Electric System Construction Contract (Labor and Materials). This form is used for distribution and transmission line project construction.
11. RUS Form 831, Rev. 2–95, Electric Transmission Construction Contract (Labor and Materials). This form is used for transmission line project construction.

Secondary Contract Forms

1. RUS Form 168b, Rev. 2–95, Contractor's Bond. This form is used to obtain a surety bond and is included in RUS Forms 200, 201, 203, 257, 764, 786, 790, 792, 830, and 831.
2. RUS Form 168c, Rev. 2–95, Contractor's Bond (less than $1 million). This form is used in lieu of RUS Form 168b to obtain a surety bond when contractor's surety has accepted a Small Business Administration guarantee.
3. RUS Form 180, Rev. 2–95, Construction Contract Amendment. This form is used to amend distribution line construction contracts.
4. RUS Form 181, Rev. 2–95, Certificate of Completion, Contract Construction for Buildings. This form is used for the closeout of RUS Form 257.
5. RUS Form 187, Rev. 2–95, Certificate of Completion, Contract Construction. This form is used for the closeout of and is included in RUS Forms 200, 203, 764, 786, 830, and 831.
6. RUS Form 213, Rev. 11–99, Certificate (''Buy American''). This form is used to document compliance with the ''Buy American'' requirement.
7. RUS Form 224, Rev. 2–95, Waiver and Release of Lien. This form is used for the closeout of and is included in RUS Forms 200, 203, 764, 786, 830, and 831.
8. RUS Form 231, Rev. 2–95, Certificate of Contractor. This form is used for the closeout of and is included in RUS Forms 200, 203, 764, 786, 830, and 831.
9. RUS Form 238, Rev. 2–95, Construction or Equipment Contract Amendment. This form is used to amend contracts except distribution line construction contracts.
10. RUS Form 251, Rev. 2–95, Material Receipt. This form is used to document receipt of owner furnished materials and is included in RUS Forms 764, 830, and 831.
11. RUS Form 254, Rev. 2–95, Construction Inventory. This form is used for the closeout of RUS Forms 203, 764, 830, and 831.
12. RUS Form 307, Rev. 2–95, Bid Bond. This form is used to obtain a bid

bond and is included in RUS Forms 200, 203, 257, 764, 830, and 831.

13. RUS Form 792b, Rev. 2–95, Certificate of Construction and Indemnity Agreement. This form is used for the closeout of and is included in RUS Forms 201, 790, 792.

14. RUS Form 792c, Rev. 2–95, Supplemental Contract for Additional Project. This form is used to amend and is included in RUS Forms 201, 790, 792.

Guidance Forms

1. RUS Form 172, Rev. 9–58, Certificate of Inspection, Contract Construction. This form is used to notify RUS that construction is ready for inspection.

2. RUS Form 173, Rev. 3–55, Materials Contract. This form is used for distribution, transmission, and general plant material purchases.

3. RUS Form 274, Rev. 6–81, Bidder's Qualifications. This form is used to document bidder's qualifications.

4. RUS Form 282, Rev. 11–53, Subcontract. This form is used for subcontracting.

5. RUS Form 458, Rev. 3–55, Materials Contract. This form is used to obtain generation plant material and equipment purchases not requiring acceptance tests at the project site.

Major Changes

The revisions to the listed contract forms include:

1. Eliminate unneeded forms. This includes merging the Form 181 into the Form 187, merging the Form 180 and 792c into the Form 238, merging the Form 201, 203, and 764 into the Form 830, and eliminating Forms 180, 181, 201, 203, 764 and 792c. We are also eliminating infrequently used guidance forms (Forms 172, 173, 274, 282, and 458.)

2. Make forms suitable for ''subject to'' or ''not subject to'' RUS approval. This includes merging the Form 831 into the Form 830 and eliminating Form 831.

3. Make construction contract forms suitable for ''labor only'' or ''labor and material.'' This includes merging the Form 792 into the Form 790 and eliminating Form 792.

4. Standardize tables and information pages and incorporate them as separate attachments. RUS is planning to publish the ''Construction Assembly Units'' pages as a separate bulletin. This would allow the borrower to include in its bid package only those construction assembly unit pages that are relevant to a particular project.

5. Maximize consistency among forms. This includes standardizing common provisions and terminology, and adding a ''Notice and Instructions to Bidders'' to forms not having one. This also includes restructuring the Form 198, Equipment Contract, to a ''proposal'' and ''acceptance'' format (like the other forms), and adding certain provisions, such as insurance and protection to persons and property, applicable to work performed at the project site, such as technical assistance during installation.

6. Add a provision regarding assignment of the contract to RUS for security purposes.

7. Update and clarify certain contract provisions in the forms. This includes:

a. Clarify that the contractor (not the owner or engineer) is solely responsible for the means and methods of construction and for the supervision of the contractor's employees.

b. Delete the reference to a ''Supervisor'' appointed by RUS.

c. Delete the reference to the loan contract and owner's access to funding.

d. Delete the option for eliminating retainage after the contract is 50 percent complete.

e. Update the ''Buy American'' and ''Civil Rights'' requirements.

f. Eliminating gender specific terms such as him, his, and materialmen.

Comments

RUS published an Advanced Notice of Proposed Rulemaking in the **Federal Register** on September 16, 1998, at 63 FR 49503. Comments were received from two distribution borrowers and two power supply borrowers. RUS also published a Notice of Proposed Rulemaking in the **Federal Register** on July 2, 2002, at 67 FR 44396. Comments were received from one distribution borrower, one power supply borrower, and two engineering consultants. RUS reviewed and considered all comments. Several of the comments are addressed herein. Commenters requested that RUS:

• Add a liquidated damages clause to the Forms 198 and 200. This comment has been incorporated.

• Allow electronic reproduction for all or part of the forms. This comment has been incorporated. RUS has removed many of the tables contained in the forms and made them optional attachments which may be modified (electronically or otherwise) as needed. RUS is also allowing exact electronic reproduction of the contract forms. This change is also being made to 7 CFR 1724, Electric Engineering, Architectural Services and Design Policies and Procedures.

• Modify the closeout and accounting requirements for certain types of contract forms. RUS has determined that it will not make this suggested change. RUS believes that the existing requirements are a reasonable balance between ease of use and accountability.

• Include certification forms concerning lobbying and debarment. RUS has included a certification form for debarment. RUS has determined that a lobbying form is not needed in the contract forms.

• Eliminate the requirement to include owner furnished materials under the contractor's bond for certain contracts. RUS has determined that it will not make this suggested change. RUS believes that the existing bonding requirements are necessary for protection of the borrower's and the government's financial interests.

• Add or modify a number of contract provisions to define or clarify the contractor's obligations. RUS has modified the contract provisions as appropriate to clarify the contractor's obligations.

• Clarify the nature of Form 830. Form 830 is called a ''Lump Sum'' contract, but the document refers to a ''Proposal on Unit Basis'' (Article I, Section 5). This comment has been incorporated by revising the subtitle of the Form 830 to read ''Project Construction.''

• Expand the ''Discrepancy in Unit Prices'' section (Notice & Instructions to Bidders, Item 15) to include multiplication as well as addition. This comment has been incorporated.

• Add a statement regarding new equipment and materials to Article I, Section 4. This comment has been incorporated and we have combined Sections 2 and 4.

• Add a provision that observation or testing by the Owner does not relieve the Bidder of its obligations under the contract. This comment has been incorporated.

• Add a provision to the warranty concerning warranty of work repaired or replaced under the warranty. This comment has been incorporated.

• Change payment terms to allow the Owner to determine the number of elapsed days before payment is due to the Bidder. In the interest of fairness to both parties to the contract, RUS has determined that it will not make this suggested change.

• Revise payment terms on ''1 Lot'' contracts. Since projects of this type are not common under this standard form of contract, RUS has determined that it will not make this suggested change.

• Add ''grazing land'' to the protection provision concerning ''cultivated lands.'' This comment has been incorporated.

• Add a provision for contract termination for Owner's convenience. In

the interest of fairness to both parties to the contract, RUS has determined that it will not make this suggested change.

• Add a provision concerning Owner's right to duplicate and use drawings and other technical data furnished under the contract. Since the contract form does not specifically request drawings and other technical data, RUS has determined that it will not make this suggested change. If the Owner or Engineer requests such information, details concerning the Owner's right to duplicate and use such information should be included in such a request.

• In Form 257, Buildings, remove references to ''unit prices'' and ''de-energize.'' This comment has been incorporated.

• In Form 198, Equipment Contract, revise the ''Due Diligence'' provision concerning knowledge of the site. This comment has been incorporated.

• RUS should specify when contracts require RUS approval. RUS has determined that it will not make this suggested change. The Owner is to insert this information into the standard form.

• Eliminate the requirement for bid bonds for small projects. RUS has determined that it will not make this suggested change. A bid bond (or check) is equally important for a small project as for a large project.

• Remove the cost of ''Owner Furnished Materials'' from ''labor only'' contracts. RUS has determined that it will not make this suggested change. However, if a borrower can demonstrate a reasonable benefit and adequate material control, we will consider allowing a borrower to remove the cost of owner furnished material from the cost of the contract on a case-by-case basis.

• Eliminate the requirement to include ''Owner Furnished Materials'' under the Contractor's Bond. RUS has determined that it will not make this suggested change. Since the contractor has control of the Owner Furnished Materials, it is important to have the protection of the Contractor's Bond for the full amount of the contract.

• Include a provision to prevent the Contractor for changing the Owner for salvaged materials reused in the line construction. RUS has determined that it will not make this suggested change. With proper material control, this should not be an issue.

• Clarify whether the Form 830, Project Construction Contract, will include a provision concerning salvage and reuse of the Owner's material. RUS has determined that it will not make this suggested change. With proper material control, this should not be an issue.

• Clarify whether a Form 254, Construction Inventory, is needed with a Form 830, Project Construction Contract. Form 254 is required for a Form 830 contract by § 1726.403.

• Include a provision for assessing damages for late performance by the contractor in the Form 790, Non-Site Specific Construction Contract. RUS has determined that it will not make this suggested change. The borrower has adequate remedies under the law.

• Clarify the remedy for Contractor's failure to pay material suppliers and subcontractors. RUS has determined that it will not make this suggested change. The borrower has adequate remedies under the law.

• Change the engineer's certification in Form 187, Certificate of Completion, from ''in all respects in strict compliance'' to ''in compliance'' with the contract. This comment has been incorporated.

• Allow an ''Hourly Labor and Equipment Rate Schedule'' in the contract forms. RUS has determined that it will not make this suggested change.

• Add a ''Third Year'' option to the Form 790, Non-Site Specific Construction Contract. This comment has been incorporated by changing the form to allow the borrower to insert an option of up to four years.

• Correct various editorial and reference inconsistencies. This comment has been incorporated by making these corrections as applicable.

One commenter suggested that by eliminating Form 274, Bidder's Qualifications, RUS is not encouraging prequalification of bidders. On the contrary, RUS requires prequalification of bidders (*see* 7 CFR 1726.23) for all contracts. RUS is eliminating the Form 274 because RUS believes that the substance of the bidder's qualification is more important than the form used. Borrowers and engineers may use whatever form or format they feel is appropriate for obtaining bidder's qualifications.

Other Changes

In addition to the modifications of the contract forms and the associated changes in 7 CFR 1726, RUS is making several other minor changes and corrections to 7 CFR 1726. For example, § 1726.125(b), which covers approval by RUS of plans and specifications for generating facilities, is being removed because this topic is now covered in 7 CFR 1724, Electric Engineering, Architectural Services and Design Policies and Procedures. Since some of the electric program contract forms are also used in the RUS telecommunications program, RUS is changing the list of forms in 7 CFR 1755. RUS is also removing the reference to year 2000 compliance since this is no longer relevant.

List of Subjects

7 CFR Part 1724

Electric power, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

7 CFR Part 1726

Electric power, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

7 CFR Part 1755

Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telecommunications.

■ For reasons set forth in the preamble, RUS amends 7 CFR chapter XVII as follows:

PART 1724—ELECTRIC ENGINEERING, ARCHITECTURAL SERVICES AND DESIGN POLICIES AND PROCEDURES

■ 1. The authority citation for part 1724 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

Subpart F—RUS Contract Forms

■ 2. Amend § 1724.71 by revising paragraph (b) to read as follows:

§ 1724.71 Borrower contractual obligations.

* * * * *

(b) *Compliance.* If a borrower is required by this part or by its loan agreement with RUS to use a listed standard form of contract, the borrower shall use the listed contract form in the format available from RUS, either paper or electronic format. Exact electronic reproduction is acceptable. The approved RUS standard forms of contract shall not be retyped, changed, modified, or altered in any manner not specifically authorized in this part or approved by RUS in writing on a case-by-case basis. Any modifications approved by RUS on a case-by-case basis must be clearly shown so as to indicate the modification difference from the standard form of contract.

* * * * *

PART 1726—ELECTRIC SYSTEM CONSTRUCTION POLICIES AND PROCEDURES

■ 3. The authority citation for part 1726 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

Subpart A—General

■ 4. Revise § 1726.20 to read as follows:

§ 1726.20 Standards and specifications.

All materials, equipment, and construction must meet the minimum requirements of all applicable RUS standards and specifications. (See part 1728 of this chapter, Electric Standards and Specifications for Materials and Construction, which is applicable regardless of the source of funding.)

■ 5. Revise § 1726.24 by revising paragraph (b)(1) to read as follows:

§ 1726.24 Standard forms of contracts for borrowers.

* * * * *

(b) * * *

(1) *Contract forms.* The borrower must use RUS Form 238, Construction or Equipment Contract Amendment, for any change or addition in any contract for construction or equipment.

* * * * *

■ 6. Revise § 1726.25 to read as follows:

§ 1726.25 Subcontracts.

Subcontracts are not subject to RUS approval and need not be submitted to RUS unless specifically requested by RUS on a case by case basis.

■ 7. Amend § 1726.27 by revising paragraphs (a) and (b) to read as follows:

§ 1726.27 Contractor's bonds.

(a) RUS Form 168b, Contractor's Bond, shall be used when a contractor's bond is required by RUS Forms 200, 257, 786, 790, or 830 unless the contractor's surety has accepted a Small Business Administration guarantee and the contract is for $1 million or less.

(b) RUS Form 168c, Contractor's Bond, shall be used when a contractor's bond is required by RUS Forms 200, 257, 786, 790, or 830 and the contractor's surety has accepted a Small Business Administration guarantee and the contract is for $1 million or less.

* * * * *

Subpart B—Distribution Facilities

■ 8. Amend § 1726.50 by revising paragraph (a)(2) to read as follows:

§ 1726.50 Distribution line materials and equipment.

(a) * * *

(2) The borrower may, in its discretion, use RUS Form 198, Equipment Contract, or a written purchase order for purchases of equipment of less than $500,000 and for all materials.

* * * * *

■ 9. Amend § 1726.51 by revising paragraph (a) to read as follows:

§ 1726.51 Distribution line construction.

(a) *Contract forms.* The borrower must use RUS Form 790, or 830, as outlined in this paragraph (a), for distribution line construction, except for minor modifications or improvements.

(1) The borrower may use RUS Form 790, Electric System Construction Contract—Non-Site Specific Construction, under the following circumstances:

(i) For contracts for which the borrower supplies all materials and equipment; or

(ii) For non-site specific construction contracts accounted for under the work order procedure; or

(iii) If neither paragraph (a)(1)(i) or (a)(1)(ii) of this section are applicable, the borrower may use RUS Form 790 for contracts, up to a cumulative total of $250,000 or one percent of net utility plant (NUP), whichever is greater, per calendar year of distribution line construction, exclusive of the cost of owner furnished materials and equipment.

(2) The borrower must use RUS Form 830, Electric System Construction Contract—Project Construction, for all other distribution line construction.

* * * * *

Subpart C—Substation and Transmission Facilities

■ 10. Amend § 1726.76 by revising paragraph (a)(2) to read as follows:

§ 1726.76 Substation and transmission line materials and equipment.

(a) * * *

(2) The borrower may, in its discretion, use RUS Form 198, Equipment Contract, or a written purchase order for purchases of equipment of less than $500,000 and for all materials.

* * * * *

■ 11. Amend § 1726.77 by revising paragraph (a) to read as follows:

§ 1726.77 Substation and transmission line construction.

(a) *Contract forms.* The borrower must use RUS Form 830, Electric System Construction Contract—Project Construction, for construction of substations, except for minor modifications or improvements.

* * * * *

Subpart D—Generation Facilities

■ 12. Amend § 1726.125 by removing paragraph (b) and redesignating paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

Subpart F—General Plant

■ 13. Amend § 1726.175 by revising paragraph (a) to read as follows:

§ 1726.175 General plant materials.

* * * * *

(a) *Contract forms.* The borrower may, in its discretion, use RUS Form 198, Equipment Contract, or a written purchase order.

* * * * *

Subpart H—Modifications to RUS Standard Contract Forms

■ 14. Amend § 1726.250 by revising it to read as follows:

§ 1726.250 General.

RUS provides standard forms of contract for the procurement of materials, equipment, and construction and for contract amendments and various related forms for use by RUS borrowers. See § 1726.304 for a listing of these forms and how to obtain them. The standard forms of contract shall be used by the borrowers in accordance with the provisions of this part. RUS will give prior approval to certain modifications to these forms without changing the applicable requirements for RUS approval. Such approved modifications are set forth in this subpart. These are the only modifications given prior RUS approval.

■ 15. Amend § 1726.252 revising paragraph (a) and removing paragraph (d) to read as follows:

§ 1726.252 Prior approved contract modification related to liability for special and consequential damages.

* * * * *

(a) Insert new paragraphs in the ''Notice and Instructions to Bidders'' as follows:

''Proposals are invited on the basis of alternative Liability Clause Numbers 1 and 2. The Owner will determine on which Liability Clause basis the award will be made. Any other liability clauses in the proposal or any other modifications will be considered not responsive and unacceptable. These Liability Clauses are defined as follows:

Liability Clause Number 1. This will include unmodified all of the standard

terms and conditions of the form of contract furnished by the Owner and attached hereto.

Liability Clause Number 2. This will include the following paragraph, in addition to all of the standard terms and conditions, otherwise unmodified, of the form of contract furnished by the Owner and attached hereto:

'Except for the Bidder's willful delay or refusal to perform the contract in accordance with its terms, the Bidder's liability to the Owner for special or consequential damages on account of breach of this contract shall not exceed in total an amount equal to ____ percent [the borrower will insert an appropriate percentage between 0 and 100 percent, inclusive] of the contract price.' ''

* * * * *

§ 1726.254 [Removed and Reserved]

■ 16. Remove and reserve § 1726.254.

■ 17. Amend § 1726.255 by revising paragraph (c) and removing paragraphs (d) and (e) to read as follows:

§ 1726.255 Prior approved contract modification related to indemnification.

* * * * *

(c) If the alternative indemnification provision in paragraph (a) or (b) of this section is chosen by the borrower, the language of paragraph (a) or (b) of this section would be inserted in lieu of paragraph (i) of the section indicated in the RUS standard construction contract forms as follows:

(1) RUS Form 198, Equipment Contract, article IV, section 1(d).

(2) RUS Form 200, Construction Contract—Generating, article IV, section 1(d).

(3) RUS Form 257, Contract to Construct Buildings, article IV, section 1(d).

(4) RUS Form 786, Electric System Communications and Control Equipment Contract, article IV, section 1(d).

(5) RUS Form 790, Electric System Construction Contract—Non-Site Specific Construction, article IV, section 1(g).

(6) RUS Form 830, Electric System Construction Contract—Project Construction, article IV, section 1(g).

Subpart I—RUS Standard Forms

■ 18. Amend § 1726.301 by revising paragraph (b) to read as follows:

§ 1726.301 Borrower contractual obligations.

* * * * *

(b) *Compliance.* If a borrower is required by this part or by its loan agreement with RUS to use a listed standard form of contract, the borrower shall use the listed contract form in the format available from RUS, either paper or electronic format. Exact electronic reproduction is acceptable. The approved RUS standard forms of contract shall not be retyped, changed, modified, or altered in any manner not specifically authorized in this part or approved by RUS in writing on a case-by-case basis. Any modifications approved by RUS on a case-by-case basis must be clearly shown so as to indicate the modification difference from the standard form of contract.

* * * * *

■ 19. Amend § 1726.302 by revising paragraph (b) to read as follows:

§ 1726.302 Notice and publication of listed contract forms.

* * * * *

(b) *Availability.* Listed standard forms of contract are available from: Rural Utilities Service, Program Development and Regulatory Analysis, U.S. Department of Agriculture, Stop 1522, 1400 Independence Avenue, SW., Washington DC 20250–1522, telephone number (202) 720–8674. The listed standard forms of contract are also available on the RUS Web site at: *http://www.usda.gov/rus/electric/forms/index.htm.* The listed standard forms of contract can be found in § 1724.304(c), List of Required Contract Forms.

■ 20. Amend § 1726.304 by revising paragraph (c) and (d) to read as follows:

§ 1726.304 List of electric program standard contract forms.

* * * * *

(c) List of required contract forms.

(1) RUS Form 168b, Rev. 2–04, Contractor's Bond. This form is used to obtain a surety bond and is used with RUS Forms 200, 257, 786, 790, and 830.

(2) RUS Form 168c, Rev. 2–04, Contractor's Bond (less than $1 million). This form is used in lieu of RUS Form 168b to obtain a surety bond when contractor's surety has accepted a Small Business Administration guarantee.

(3) RUS Form 187, Rev. 2–04, Certificate of Completion, Contract Construction. This form is used for the closeout of RUS Forms 200, 257, 786, and 830.

(4) RUS Form 198, Rev. 2–04, Equipment Contract. This form is used for equipment purchases.

(5) RUS Form 200, Rev. 2–04, Construction Contract—Generating. This form is used for generating plant construction or for the furnishing and installation of major items of equipment.

(6) RUS Form 213, Rev. 2–04, Certificate (''Buy American''). This form is used to document compliance with the ''Buy American'' requirement.

(7) RUS Form 224, Rev. 2–04, Waiver and Release of Lien. This form is used for the closeout of RUS Forms 198, 200, 257, 786, 790, and 830.

(8) RUS Form 231, Rev. 2–04, Certificate of Contractor. This form is used for the closeout of RUS Forms 198, 200, 257, 786, 790, and 830.

(9) RUS Form 238, Rev. 2–04, Construction or Equipment Contract Amendment. This form is used for amendments.

(10) RUS Form 254, Rev. 2–04, Construction Inventory. This form is used for the closeout of RUS Form 830. Minor electronic modifications are acceptable for RUS Form 254.

(11) RUS Form 257, Rev. 2–04, Contract to Construct Buildings. This form is used to construct headquarters buildings and other structure construction.

(12) RUS Form 307, Rev. 2–04, Bid Bond. This form is used to obtain a bid bond.

(13) RUS Form 786, Rev. 2–04, Electric System Communications and Control Equipment Contract (including installation). This form is used for delivery and installation of equipment for system communications.

(14) RUS Form 790, Rev. 2–04, Electric System Construction Contract—Non-Site Specific Construction. This form is used for limited distribution construction accounted for under work order procedure.

(15) RUS Form 792b, Rev. 2–04, Certificate of Construction and Indemnity Agreement. This form is used for the closeout of RUS Form 790.

(16) RUS Form 830, Rev. 2–04, Electric System Construction Contract—Project Construction. This form is used for distribution and transmission line project construction.

(d) List of guidance contract forms. RUS does not currently publish any guidance forms for electric borrowers.

Subpart J—Contract Closeout

■ 21. Amend § 1726.401 by removing the introductory text.

■ 22. Amend § 1726.403 by revising the introductory text and paragraph (c) to read as follows:

§ 1726.403 Project construction contract closeout.

This section is applicable to contracts executed on RUS Forms 200, 257, 786, and 830.

* * * * *

(c) *Closeout documents.* (1) Upon satisfactory completion of construction (including all changes and corrections

by the contractor), the borrower (acting through its architect or engineer, if applicable) will obtain executed copies of the following documents:

(i) RUS Form 187, Certificate of Completion, Contract Construction.

(ii) RUS Form 213, ''Buy American'' certificate.

(iii) RUS Form 224, Waiver and Release of Lien, from each manufacturer, supplier, and contractor which has furnished material or services or both in connection with the construction.

(iv) RUS Form 231, Certificate of Contractor.

(v) RUS Form 254, Construction Inventory, including all supporting documents, such as RUS Forms 254a–c, construction change orders, and amendments for contracts executed on RUS Form 830.

(vi) Certification by the project architect or engineer in accordance with § 1726.403(a), if applicable.

(vii) Final design documents, as outlined in part 1724 of this chapter.

(2) *Distribution of closeout documents.* (i) The borrower will retain one copy of each of the documents identified in paragraph (c)(1) of this section in accordance with applicable RUS requirements regarding retention of records.

(ii) For contracts subject to RUS approval, the borrower will submit the following closeout documents for RUS approval (through the GFR except for generation projects):

(A) RUS Form 187, Certificate of Completion, Contract Construction.

(B) RUS Form 231, Certificate of Contractor.

(C) RUS Form 254, Construction Inventory, including all supporting documents, such as RUS Forms 254a–c and construction change orders, for contracts executed on RUS Form 830.

(iii) For contracts not subject to RUS approval, the closeout is not subject to RUS approval. The borrower will send one copy of RUS Form 187 to RUS for information prior to or in conjunction with the applicable RUS Form 219, Inventory of Work Orders. The remaining closeout documents need not be sent to RUS unless specifically requested by RUS.

* * * * *

■ 23. Amend § 1726.404 by revising the introductory text to read as follows:

§ 1726.404 Non-site specific construction contract closeout.

This section is applicable to contracts executed on RUS Form 790.

* * * * *

PART 1755—TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT, AND CONSTRUCTION

■ 24. The authority citation for part 1755 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

■ 25. Amend § 1755.30 by revising paragraphs (c)(4) through (c)(8), (c)(12) through (c)(14), (c)(17), and (c)(24) to read as follows:

§ 1755.30 List of telecommunications standard contract forms.

* * * * *

(c) * * *

(4) RUS Form 168b, issued 2–04, Contractor's Bond.

(5) RUS Form 168c, issued 2–04, Contractor's Bond.

(6) RUS Form 181a, issued 3–66, Certificate of Completion (Force Account Construction).

(7) RUS Form 187, issued 2–04, Certificate of Completion, Contract Construction.

(8) RUS Form 213, issued 2–04, Certificate (Buy American).

* * * * *

(12) RUS Form 224, issued 2–04, Waiver and Release of Lien.

(13) RUS Form 231, issued 2–04, Certificate of Contractor.

(14) RUS Form 238, issued 2–04, Construction or Equipment Contract Amendment.

* * * * *

(17) RUS Form 257, issued 2–04, Contract to Construct Buildings.

* * * * *

(24) RUS Form 307, issued 2–04, Bid Bond.

* * * * *

Dated: January 30, 2004.

Hilda Gay Legg,

Administrator, Rural Utilities Service.

[FR Doc. 04–3115 Filed 2–12–04; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–11–AD; Amendment 39–13459; AD 2004–03–15]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–102, –103, –106, –201, –202 –301, –311, and –315 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 airplanes, that currently requires a one-time inspection to detect chafing of electrical wires in the cable trough below the cabin floor; repair, if necessary; installation of additional tie-mounts and tie-wraps; and application of sealant to rivet heads. This amendment requires adding an additional modification of the electrical wires in certain sections. The actions specified by this AD are intended to prevent chafing of electrical wires, which could result in an uncommanded shutdown of an engine during flight. This action is intended to address the identified unsafe condition.

DATES: Effective March 19, 2004.

The incorporation by reference of a certain publication, as listed in the regulations, is approved by the Director of the Federal Register as of March 19, 2004.

The incorporation by reference of a certain other publication, as listed in the regulations, was approved previously by the Director of the Federal Register as of October 27, 1998 (63 FR 50501), September 22, 1998).

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Westbury, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Douglas G. Wagner, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Westbury, New York, New York 11581; telephone (516) 228–7306; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 99–21–09, amendment 39–11352 (64 FR 54199, October 6, 1999), which is applicable to certain Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 airplanes, was published in the **Federal Register** on October 20, 2003

(68 FR 59892). The action proposed to continue to require a one-time inspection to detect chafing of electrical wires in the cable trough below the cabin floor; repair, if necessary; installation of additional tie-mounts and tie-wraps; and application of sealant to rivet heads. The action also proposed to add an additional modification of the electrical wires in certain sections.

Comment

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter notes that the proposed AD specifies accomplishment of the modification (including a general visual inspection and any applicable repair) per Part III, paragraphs 1 through 9 and 12 through 20, of the Accomplishment Instructions of Bombardier Service Bulletin 8–53–80, Revision A, dated July 25, 2000. The commenter states that operators may have already accomplished the actions per the original issue of the service bulletin (Bombardier Service Bulletin 8–53–80, dated December 22, 1999). The commenter adds that the only difference between the original issue and Revision A is that the number of work hours was not specified in the original issue. The commenter asks that the proposed AD be changed to give credit for using the original issue of the service bulletin. We agree with the commenter and have changed this final rule accordingly.

Conclusion

After careful review of the available data, including the comment noted above, we have determined that air safety and the public interest require the adoption of the rule with the change previously described. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 173 airplanes of U.S. registry that will be affected by this AD.

The actions that are currently required by AD 99–21–09 take between 80 and 100 work hours per airplane (depending on the airplane model) to accomplish, at an average labor rate of $65 per work hour. Required parts are provided by the manufacturer at no cost to the operator. Based on these figures, the cost impact of the currently required actions is estimated to be between $5,200 and $6,500 per airplane.

The additional modification that is required in this AD action will take about 10 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Required parts will be provided by the manufacturer at no cost to the operator. Based on these figures, the cost impact of the required modification on U.S. operators is estimated to be $112,450, or $650 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (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) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by removing amendment 39–11352 (64 FR 54199, October 6, 1999), and by adding a new airworthiness directive (AD), amendment 39–13459, to read as follows:

2004–03–15 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39–13459. Docket 2002–NM–11–AD. Supersedes AD 99–21–09, Amendment 39–11352.

Applicability: Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 airplanes; serial numbers 3 through 540 inclusive, excluding serial number 462; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing of electrical wires, which could result in an uncommanded shutdown of an engine during flight, accomplish the following:

Restatement of Requirements of AD 99–21–09

One-Time Inspection, Corrective Action, and Modification

(a) Perform a one-time general visual inspection to detect chafing of electrical wires in the cable trough below the cabin floor; install additional tie-mounts and tie-wraps; and apply sealant to rivet heads (reference Bombardier Modification 8/2705); in accordance with Bombardier Service Bulletin S.B. 8–53–66, dated March 27, 1998, at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable. If any chafing is detected during the inspection required by this paragraph, prior to further flight, repair in accordance with the service bulletin.

Note 1: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(1) For airplanes having serial numbers 3 through 519 inclusive, excluding serial number 462: Inspect within 36 months after October 27, 1998 (the effective date of AD 98–20–14, amendment 39–10781).

(2) For airplanes having serial numbers 520 through 540 inclusive: Inspect within 36 months after November 10, 1999 (the effective date of AD 99–21–09, amendment 39–11352, which superseded AD 98–20–14),

or at the next ''C'' check, whichever occurs first.

New Requirements of This AD

Modification

(b) For all airplanes: Within 36 months after the effective date of this AD; modify the electrical wires in the cable trough below the cabin floor at Sections X510.00 to X580.50 (including a general visual inspection and any applicable repair) per Part III, paragraphs 1 through 9 and 12 through 20, of the Accomplishment Instructions of Bombardier Service Bulletin 8–53–80, Revision 'A', dated July 25, 2000. Any applicable repair must be done before further flight. Accomplishment of these actions before the effective date of this AD per Bombardier Service Bulletin 8–53–80, dated December 22, 1999, is considered acceptable for compliance with the actions required by this paragraph.

Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, New York Aircraft Certification Office, FAA is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(d) The actions shall be done in accordance with Bombardier Service Bulletin S.B. 8–53–66, dated March 27, 1998; and Bombardier Service Bulletin 8–53–80, Revision 'A', dated July 25, 2000; as applicable.

(1) The incorporation by reference of Bombardier Service Bulletin 8–53–80, Revision 'A', dated July 25, 2000; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Bombardier Service Bulletin S.B. 8–53–66, dated March 27, 1998; was approved previously by the Director of the Federal Register as of October 27, 1998 (63 FR 50501, September 22, 1998).

(3) Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Westbury, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 2: The subject of this AD is addressed in Canadian airworthiness directive CF–1998–08R2, dated July 10, 2000.

Effective Date

(e) This amendment becomes effective on March 19, 2004.

Issued in Renton, Washington, on January 29, 2004.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–2576 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–SW–45–AD; Amendment 39–13471; AD 2004–03–27]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for the specified Eurocopter France (Eurocopter) model helicopters that requires inspecting the bevel gear for a crack using a borescope. This amendment is prompted by a crack that was detected on a bevel gear during a main gearbox teardown inspection. The actions specified by this AD are intended to prevent failure of the bevel gear, loss of torque to the main rotor system, and subsequent loss of control of the helicopter.

DATES: Effective March 19, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 19, 2004.

ADDRESSES: The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Uday Garadi, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193–0110, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to Eurocopter Model AS332C, L, and L1 helicopters was published in the **Federal Register** on December 31, 2002 (67 FR 79893). That action proposed to require inspecting the bevel gear for cracks using a borescope within 50 hours TIS, and thereafter at intervals not to exceed 150 hours TIS, for bevel gears with more than 6,600 hours TIS. If a crack was found in the bevel gear, it was proposed that replacing the bevel gear would be required. However, before the final rule was published, we discovered that certain part-numbered bevel gears were omitted from the applicability and one was incorrectly stated in that previous proposal. Also, the manufacturer revised the service information to introduce the new inspection interval of 1,000 cycles for helicopter operations involving a torque application frequency of more than 4 cycles per hour for helicopters that conduct external load operations involving more frequent torque applications. Additionally, we inadvertently included Model AS332C1 helicopters in the ''Applicability'' section of the proposal—those model helicopters are not on the U.S. Registry. Finally, the DGAC issued a revised AD for helicopters operated in France. Therefore, we reopened the comment period by publishing a supplemental notice of proposed rulemaking on September 18, 2003 (68 FR 54686). That action:

- Corrected the basic bevel gear part number (P/N) stated in the ''Applicability'' of the proposal to state ''332A32–2181–00'';
- Added bevel gear P/Ns 332A32–2181–01 and –08 to the ''Applicability'';
- Deleted the Model AS332C1 helicopters from the ''Applicability'';
- Incorporated the latest Eurocopter Alert Telex and referenced the latest DGAC AD;
- Proposed requiring the repetitive inspection at intervals not to exceed 150 hours TIS or 1,000 torque cycles, whichever occurs first; and
- Excluded from the ''Applicability'' any main gearbox (regardless of the P/N of the main reduction gear module or bevel gear) overhauled after December 31, 2002, and any P/N inspected in accordance with AS332 letter to Repair Stations No. 183 or repaired in accordance with Repair Sheet (F.R.) 332A32–2181–ZA or 331A32–3110–ZA.

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter Model AS332C, C1, L, and L1 helicopters. The DGAC advises that borescope inspections of the bevel gear are necessary to detect cracks.

Eurocopter has issued Alert Telex No. 05.00.58 R2, dated February 3, 2003, which indicates that as a result of metal particles found on the chip detector of the main gearbox sump on a helicopter, further investigation has revealed a longitudinal crack that grows lengthwise in the shaft, up to the

combiner gear, in the bevel gear where the ring retains the pinion toe bearing. The alert telex specifies inspecting the bevel gear for cracks using a borescope, pending the result of the investigation into the cause of the fatigue crack initiation currently being conducted in France. The DGAC classified this alert telex as mandatory and issued AD 2002–424–081(A) R2, dated March 19, 2003, to ensure the continued airworthiness of these helicopters in France.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that this AD will affect 4 helicopters of U.S. registry, and the required actions will take approximately 4 work hours for the inspections and 16 work hours to replace the bevel gear, if necessary, at an average labor rate of $65 per work hour. Required parts will cost approximately $31,372. Based on these figures, we estimate the total cost impact of the AD on U.S. operators to be $130,688, assuming that upon the first inspection a crack is detected and the bevel gear will need to be replaced.

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (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) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2002–SW–45–AD Eurocopter France: Amendment 39–13471. Docket No. 2002–SW–45–AD.

Applicability: Model AS332C, L, and L1 helicopters, with main gearbox bevel gear (bevel gear), part numbers (P/N) 332A32–2027–00 or 332A32–2026–00, containing bevel gears, P/N 332A32–2181–00, –01, –02, –03, or –04, or 331A32–3110–07, –08, –09, or –19, installed, certificated in any category. This AD does not apply to:

- Main gearboxes that were overhauled after December 31, 2002;
- Parts inspected in accordance with AS332 letter to Repair Stations No. 183; or
- Parts repaired in accordance with Repair Sheet (F.R.) 332A32–2181–ZA or 331A32–3110–ZA.

Compliance: Required as indicated, unless accomplished previously.

To detect a bevel gear crack and prevent failure of the bevel gear, loss of torque to the main rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) For bevel gears that have more than 6,600 hours time-in-service (TIS), within 50 hours TIS and thereafter at intervals not to exceed 150 hours TIS, or at intervals not to exceed 1,000 frequent torque variation cycles, whichever occurs first, inspect for a crack using a borescope in accordance with the Operational Procedure, paragraph 2.B.1. and 2.B.2. of Eurocopter Telex No. 05.00.58 R2, dated February 3, 2003. A frequent torque variation cycle is each landing or external load operation beginning at the point when there are 4 or more landings, or 4 or more external load operations, or any combination of 4 or more landings and external load operations in any 60 minute time period, and ending when any combination of landings and external load operations is less than 4 in any 60 minute time period.

(b) If a crack is found in the bevel gear, before further flight, replace the bevel gear with an airworthy bevel gear.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Safety Management Group, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

(d) The inspection and replacement, if necessary, shall be done in accordance with Eurocopter Telex No. 05.00.58 R2, dated February 3, 2003. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

(e) This amendment becomes effective on March 19, 2004.

Note: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 2002–424–081(A) R2, dated March 19, 2003.

Issued in Fort Worth, Texas, on January 30, 2004.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 04–2782 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201 and 610

[Docket No. 1980N–0208]

Biological Products; Bacterial Vaccines and Toxoids; Implementation of Efficacy Review; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule and final order; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule and final order that appeared in the **Federal Register** of January 5, 2004 (69 FR 255). The document amended the biologics regulations and categorized certain biological products licensed before July 1, 1972, based on their safety, effectiveness, and labeling. The document was published with some typographical errors in the reference section. This document corrects those errors.

DATES: Effective February 13, 2004.

FOR FURTHER INFORMATION CONTACT: Astrid Szeto, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION: In FR Doc. 03–32255, appearing on page 255, in the

Federal Register of January 5, 2004, the following corrections are made:

1. On page 265, in the third column, the second reference is corrected to read ''Lois M. Joellenbeck, Lee L. Zwanziger, Jane S. Durch, and Brian L. Strom, Editors, Committee to Assess the Safety and Efficacy of the Anthrax Vaccine, Medical Follow-Up Agency, The National Academies Press, Washington, DC, April 2002, *http://www.nap.edu/catalog/10310.html* (FDA has verified the Web site address, but we are not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register**).''

2. On page 266, in the first column, the third reference is corrected to read ''Fellows, P. F., M. K. Linscott, B. E. Ivins, M. L. M. Pitt, C. A. Rossi, P. H. Gibbs and A. M. Friedlander, 'Efficacy of a Human Anthrax Vaccine in Guinea Pigs, Rabbits, and Rhesus Macaques Against Challenge by Bacillus Anthracis Isolates of Diverse Geographical Origin,' *Vaccine*, 19(23/24):3241–3247, 2001.''

3. On page 266, in the first column, the fourth reference is corrected to read ''Ivins, B. E., P. F. Fellows, M. L. M. Pitt, J. E. Estep, S. L. Welkos, P. L. Worsham and A. M. Friedlander, 'Efficacy of a Standard Human Anthrax Vaccine Against Bacillus Anthracis Aerosol Spore Challenge in Rhesus Monkeys,' *Salisbury Medical Bulletin* 87(Suppl.):125–126, 1996.''

4. On page 266, in the first column, the fifth reference is corrected to read ''Ivins, B. E.; M. L. M. Pitt; P. F. Fellows; J. W. Farchaus; G. E. Benner; D. M. Waag; S. F. Little; G. W. Anderson, Jr.; P. H. Gibbs; and A. M. Friedlander, 'Comparative Efficacy of Experimental Anthrax Vaccine Candidates Against Inhalation Anthrax in Rhesus Macaques,' *Vaccine*, 16(11/12):1141–1148, 1998.''

5. On page 266, in the first column, the seventh reference is corrected to read ''Wright, G. G.; Green, T. W.; and Kanode, Jr., R. G., 'Studies on Immunity in Anthrax: V. Immunizing Activity of Alum-Precipitated Protective Antigen,' *Journal of Immunology*, 73:387–391, 1954.''

6. On page 266, in the first column, the tenth reference is corrected to read '''Guidance for Industry: How to Complete the Vaccine Adverse Event Reporting System Form (VAERS–1)', September 1998, *http://www.fda.gov/cber/gdlns/vaers–1.pdf*. (FDA has verified the Web site address, but we are not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register**).''

7. On page 266, in the first column, the eleventh reference is corrected to read '''Estimated Vaccination Coverage With 3+DTP Among Children 19–35 Months of Age by Race/Ethnicity,' and by State and Immunization Action Plan Area—U.S., National Immunization Survey, Q3/2000 - Q2/2001, *http://www.cdc.gov/nip/coverage/NIS/00–01/tab19–3dpt__race__iap.htm*. (FDA has verified the Web site address, but we are not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register**).''

8. On page 266, in the second column, the twelfth reference is corrected to read ''Protecting Our Kids: What Is Causing the Current Shortage in Childhood Vaccines?—Testimony Before the Committee on Governmental Affairs, United States Senate, June 12, 2002, *http://www.cdc.gov/nip/news/testimonies/vac-shortages-walt–6–12–2002.htm*. (FDA has verified the Web site address, but we are not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register**).''

Dated: February 5, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–3135 Filed 2–12–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Trenbolone and Estradiol

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 a supplemental abbreviated new animal drug application (ANADA) filed by Ivy Laboratories, Division of Ivy Animal Health, Inc. The supplemental ANADA provides for the addition of tylosin tartrate to an approved subcutaneous implant containing trenbolone and estradiol used for increased rate of weight gain and improved feed efficiency in feedlot steers.

DATES: This rule is effective February 13, 2004.

FOR FURTHER INFORMATION CONTACT: Eric S. Dubbin, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0232, e-mail: *edubbin@cvm.fda.gov*.

SUPPLEMENTARY INFORMATION: Ivy Laboratories, Division of Ivy Animal Health, Inc., 8857 Bond St., Overland Park, KS 66214, filed a supplement to ANADA 200–346 for COMPONENT TE–200 (trenbolone acetate and estradiol) with TYLAN, a subcutaneous implant used for increased rate of weight gain and improved feed efficiency in steers fed in confinement for slaughter. The supplemental ANADA provides for the addition of a pellet containing 29 milligrams tylosin tartrate to the approved implant. The supplemental application is approved as of January 9, 2004, and the regulations are amended in 21 CFR 522.2477 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(c)(2)(F)(iii)), this approval qualifies for 3 years of marketing exclusivity beginning.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. Section 522.2477 is amended by adding paragraph (d)(1)(i)(E) to read as follows:

§ 522.2477 Trenbolone acetate and estradiol.

* * * * *

(d) * * *

(1) * * *

(i) * * *

(E) 200 mg trenbolone acetate and 20 mg estradiol (one implant consisting of 11 pellets, each of 10 pellets containing 20 mg trenbolone acetate and 2 mg estradiol, and 1 pellet containing 29 mg tylosin tartrate) per implant dose.

* * * * *

Dated: January 30, 2004.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 04–3134 Filed 2–12–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 140, 200, 630, 633, 635 and 640

RIN 2125–AF01

Contract Administration; Removal of Miscellaneous Obsolete or Redundant Regulations

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: Through this final rule the FHWA will remove several regulations that have been superseded by legislation. We are removing sections related to construction engineering costs, administration of Direct Federal Construction Contracts, Interstate maintenance guidance, and the Certification Acceptance program. The changes reflect applicable provisions of title 23, United States Code, as amended by legislation, and avoid any possible redundancy or conflict with other regulations.

DATES: This rule is effective February 13, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Balis, Office of Program Administration, HIPA–30, (202) 493–7302, or Mr. Michael Harkins, Office of the Chief Counsel, (202) 366–4928, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded by using a computer, modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's Home page at: *http://www.archives.gov* and the Government Printing Office's Web site at: *http://www.gpo.gov.*

Background

Over time various legislative or policy changes have made sections of title 23 of the Code of Federal Regulations (CFR) obsolete. This rulemaking will remove several regulations that have become obsolete or redundant as a result of various surface transportation statutes and other pertinent laws. Specifically, we believe that the following regulations must be removed or amended as described in the following section-by-section analysis.

Section-by-Section Discussion

Part 140 Subpart B, Construction Engineering Costs

Section 1305 of the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178, 112 Stat. 107, June 9, 1998, as amended) repealed former 23 U.S.C. 106(c), which contained the 15 percent limitation previously established for Federal-aid reimbursement of construction engineering costs. The limitation for Federal-aid reimbursement of construction engineering costs was established by section 1018(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102–240, 105 Stat. 1914, December 18, 1991).

On July 22, 1993, the FHWA amended 23 CFR part 140 to conform with section 1018 of the ISTEA. However, section 1305 of the TEA–21 amended 23 U.S.C. 106 by deleting 23 U.S.C. 106(c), ''Limitation on Estimates for Construction Engineering,'' and substituting a new 23 U.S.C. 106(c), ''Assumption by States of Responsibilities of the Secretary.'' Therefore, 23 CFR 140, Subpart B, is revised to remove the limitation on construction engineering costs.

However, this subpart is not necessary in order for a State to recover these costs. We have determined that 23 CFR 1.11 allows for the reimbursement of ''directly attributable and properly allocable'' engineering costs incurred by a State or local transportation department for specific highway construction projects. For State or local transportation departments that have chosen to include construction engineering costs with other overhead costs, section 1212(a) of the TEA–21 amended 23 U.S.C. 302(b) to allow reimbursement of indirect costs through a cost allocation plan approved by the FHWA. Therefore we believe that 23 CFR part 140, Subpart B, is no longer necessary, and may be removed without adversely impacting the ability of the FHWA or the State or local transportation departments to carry out the Federal-aid Highway Program (FAHP).

Part 200, Title VI Program and Related Statutes—Implementation and Review Procedures

This subpart is revised to conform with the removal of Part 640, Certification Acceptance. Section 200.13 is removed.

Part 630, Subpart B, Plans, Specifications and Estimates

This subpart is revised to conform with the removal of Part 640, Certification Acceptance. Section 630.203 is revised.

Part 633, Subpart A, Federal-Aid Construction Contracts (Other Than Appalachian Contracts)

This subpart is revised to conform with the removal of Part 640, Certification Acceptance. Section 633.102(c) is removed and reserved.

Part 633, Subpart C, Direct Federal Construction Contracts

Prior to 1984, Federal procurement was done using one of two procedures. The military followed the Defense Acquisition Regulations (DAR) while civilian agencies followed the Federal Procurement Regulations (FPR).

In the Office of Federal Procurement Policy Act of 1974 (Pub. L. 93–400, 88 Stat. 796, August 30, 1974), the Congress ordered that a unified procurement system be developed for the Federal government. The Federal Acquisition Regulations System (FARS) was implemented in 1984. The FHWA is required to comply with FARS when the agency directly procures highway-related design or construction services.

The FHWA issued 23 CFR 633, Subpart C, on June 24, 1974, at 39 FR 22418. This subpart deals primarily with supplementary language for the Standard Form 19A (Labor Standards Provisions) which is an obsolete FPR form. Labor Standards provisions are now covered by FARS clauses in 48 CFR 52.222. Additionally, the remaining requirements contained in Subpart C are covered by current FARS clauses.

Therefore, 23 CFR part 633, subpart C, and Appendix A to subpart C are removed to avoid any conflict with the FARS.

Part 635, Subpart A, Contract Procedures

This subpart is revised to conform with the removal of part 640, Certification Acceptance. Sections 635.103 and 635.124 are amended.

Part 635, Subpart B, Force Account Construction

This subpart is revised to conform with the removal of part 640, Certification Acceptance. Section 635.202 is amended.

Part 635, Subpart C, Physical Construction Authorization

This subpart is revised to conform with the removal of part 640, Certification Acceptance. Section 635.303 is amended.

Part 635, Subpart D, General Material Requirements

This subpart is revised to conform with the removal of part 640, Certification Acceptance. Section 635.405 is amended.

Part 635, Subpart E, Interstate Maintenance Guidelines

Section 1306(a) of the TEA–21 removed 23 U.S.C. 109(m) which contained the requirement for Interstate maintenance guidelines. Additionally, TEA–21, section 1107 revised 23 U.S.C. 119 to create the Interstate Maintenance Program. Section 116 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95–599, 92 Stat. 2689), codified as 23 U.S.C. 109(m) and 119(b), required the FHWA to issue guidelines that would ensure the Interstate System was being maintained appropriately. The legislation also required that we receive an annual certification from each State transportation department that the Interstate highways within the State were being maintained. However, sections 1306(a) and 1107 of the TEA–21 eliminated the requirements for both Interstate Maintenance guidelines and the annual certification; therefore, 23 CFR part 635, subpart E, is now obsolete and is removed from the regulations. The removal of the Interstate maintenance guidelines and annual certification does not change the States' responsibility for maintenance under 23 CFR 1.27, nor does it affect the FHWA's role in ensuring that adequate maintenance is being performed.

Part 640, Certification Acceptance

Section 1601 of the TEA–21 eliminated the certification acceptance program implemented by this part; therefore, part 640 is removed from the regulation without adverse impact to the FAHP. For conformity within 23 CFR, references to the certification acceptance program are removed from 23 CFR 200.13, 23 CFR 630.203, 23 CFR 633.102(c), 23 CFR 635.103, 635.124(b), 635.202, 635.303, and 635.405.

Rulemaking Analyses and Notices

Under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)), an agency may waive the prior notice and opportunity for public comment requirements if it finds, for good cause, that the requirements are impracticable, unnecessary, or contrary to the public interest. The issuance of this rule without prior notice and opportunity for public comment is based on the good cause exception in 5 U.S.C. 553(b)(3)(B). Seeking public comment is unnecessary and contrary to the public interest. This action is merely a ministerial action to remove obsolete regulations from the CFR and the removal of these regulations will have no substantive impact. Therefore, the FHWA does not anticipate receiving meaningful comments on a proposal to remove these provisions from the CFR. Prior notice is therefore unnecessary, and it would be contrary to the public interest to delay unnecessarily this effort to eliminate outdated rules. Furthermore, the FHWA believes that because the underlying statutory authority for these regulations no longer exist, we are eliminating any confusion that may be caused by their existence in the CFR.

The APA also allows agencies, upon finding of good cause, to make a rule effective immediately upon publication (5 U.S.C. 533(d)(3)). For the same reasons discussed above, the agency believes good cause exists for making this action effective immediately upon publication.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

We have determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 nor is it significant within the meaning of Department of Transportation regulatory policies and procedures. We anticipate that the economic impact of this rulemaking will be minimal. The removal of 23 CFR part 140, subpart B, and 23 CFR part 633, subpart C, eliminates redundancy and the removal of part 635, subpart E, and 23 CFR part 640 conforms with TEA–21. For conformity within the regulations, obsolete references to 23 CFR part 640 are removed from 23 CFR parts 200, 630, 633, and 635.

This final rule will not adversely affect, in a material way, any sector of the economy. In addition, these changes will not interfere with any action taken or planned by another agency and will not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (RFA) of 1980 (5 U.S.C. 601–612), we have evaluated the effects of this action on small entities and have determined that the action will not have a significant economic impact on a substantial number of small entities. Deletion of these regulations will eliminate redundancy and possible conflicts within the regulations. Administration of Federal-aid highway construction projects by small entities will not be affected by the deletions. For these reasons, we certify that this action would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Assessment

This rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48, March 22, 1995) as it will not result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector (2 U.S.C. 1532). This rule simply deletes obsolete and redundant regulatory provisions.

Executive Order 13132, Federalism

The FHWA has analyzed this rule in accordance with the principles and criteria of Executive Order 13132, dated August 4, 1999. We have determined that this action will not have a substantial direct effect on the States. Since this rule is intended only to remove obsolete or redundant regulations from title 23 of the Code of Federal Regulations, we have determined that this rule does not have federalism implications.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et. seq.*), the FHWA must obtain approval from the Office of Management and Budget (OMB) for each collection of information we conduct, sponsor, or require through regulations. Since we do not seek to collect any information

through this rule, the requirements of the PRA do not apply.

National Environmental Policy Act

We have analyzed this action for the purposes of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and have determined that it would not have any effect on the quality of the environment.

Executive Order 13175 (Tribal Consultation)

We have analyzed this rule under Executive Order 13175, dated November 6, 2000, and we believe that our action will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use dated May 18, 2001. We have determined that this rule is not a significant energy action under that order since it is not a significant regulatory action under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution or use of energy. Therefore, a Statement of Energy Effects is not required.

Executive Order 12988 (Civil Justice Reform)

This rule meets the applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not economically significant and does not concern an environmental risk to health or safety that might disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

This rule will not result in a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway planning and construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You can use the RIN contained in the heading of this document to cross reference this action with the Unified Agenda.

List of Subjects

23 CFR Part 140

Bonds, Claims, Grant programs—transportation, Highways and roads, Railroads.

23 CFR Part 200

Civil rights, Highways and roads.

23 CFR Part 630

Bonds, Government contracts, Grant programs—transportation, Highways and roads, Reporting and recordkeeping requirements.

23 CFR Part 633

Government contracts, Grant programs—transportation, Highways and roads.

23 CFR Part 635

Grant programs—transportation, Highways and roads, Reporting and recordkeeping requirements.

23 CFR Part 640

Government procurement, Grant programs—transportation, Highways and roads.

Issued on: February 6, 2004.

Mary E. Peters,

Federal Highway Administrator.

■ Under the authority of title 23, United States Code, and as discussed in the preamble, the FHWA amends, title 23, Code of Federal Regulations, parts 140, 200, 630, 633, 635, and 640 to read as follows:

PART 140—[AMENDED]

■ 1. The authority citation for part 140 continues to read as follows:

Authority: 23 U.S.C. 101(e), 106, 109(e), 114(a), 120(g), 121, 122, 130, and 315; and 49 CFR 1.48(b).

Subpart B—[Removed and Reserved]

■ 2. Remove and reserve part 140, subpart B.

PART 200—[AMENDED]

■ 3. The authority citation for part 200 continues to read as follows:

Authority: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to 2000d–4; Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601–3619; 42 U.S.C. 4601 to 4655; 23 U.S.C. 109(h); 23 U.S.C. 324.

§ 200.13 [Removed]

■ 4. Remove § 200.13.

PART 630—[AMENDED]

■ 5. The authority citation for part 630 continues to read as follows:

Authority: 23 U.S.C. 106, 109, 315, 320, 402(a); 23 CFR 1.32; and 49 CFR 1.48(b).

■ 6. Revise § 630.203 to read as follows:

§ 630.203 Applicability.

The provisions of this regulation apply to all highway construction projects financed in whole or in part with Federal-aid highway funds and to be undertaken by a State or political subdivision.

PART 633—[AMENDED]

■ 7. The authority citation for part 633 continues to read as follows:

Authority: 23 U.S.C. 114 and 315; 49 CFR 1.48.

§ 633.102 [Amended]

■ 8. In § 633.102, remove and reserve paragraph (c).

Subpart C to Part 633—[Removed]

■ 9. Remove subpart C to part 633 and Appendix A to subpart C of part 633.

PART 635—[AMENDED]

■ 10. The authority citation for part 635 continues to read as follows:

Authority: 23 U.S.C. 101(note), 109, 112, 113, 114, 116, 119, 128, and 315; 31 U.S.C. 6505; 42 U.S.C. 3334, 4601 *et seq.*; Sec. 1041 (a), Pub. L. 102–240, 105 Stat. 1914; 23 CFR 1.32; 49 CFR 1.48(b)

■ 11. Revise § 635.103 to read as follows:

§ 635.103 Applicability.

The policies, requirements, and procedures prescribed in this subpart shall apply to all Federal-aid highway projects.

■ 12. Revise paragraph (b) of § 635.124 to read as follows:

§ 635.124 Participation in contract claim awards and settlements.

* * * * *

(b) The FHWA shall be made aware by the STD of the details of the claim at an early stage so that coordination of efforts can be satisfactorily accomplished. It is expected that STDs will diligently pursue the satisfactory resolution of claims within a reasonable period of time. Claims arising on exempt non-NHS projects should be processed in accordance with the State's approved Stewardship Plan.

* * * * *

■ 13. Revise § 635.202 to read as follows:

§ 635.202 Applicability.

This subpart applies to all Federal-aid and other highway construction projects financed in whole or in part with Federal funds and to be constructed by a State transportation department or a subdivision thereof in pursuant of agreements between any other State transportation department and the Federal Highway Administration (FHWA).

■ 14. Revise § 635.303 to read as follows:

§ 635.303 Applicability.

The provisions of this subpart are applicable to all Federal-aid highway construction projects.

■ 15. Revise § 635.405 to read as follows:

§ 635.405 Applicability.

The requirements and procedures prescribed in this subpart apply to all contracts relating to Federal-aid highway projects.

Subpart E to Part 635—[Removed]

■ 16. Remove subpart E to part 635.

PART 640—[REMOVED]

■ 17. Remove part 640.

[FR Doc. 04–3273 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–22–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in March 2004. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

EFFECTIVE DATE: March 1, 2004.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to Part 4022).

Accordingly, this amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during March 2004, (2) adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during March 2004, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during March 2004.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 4.10 percent for the first 20 years following the valuation date and 5.00 percent thereafter. These interest assumptions are unchanged from those in effect for February 2004.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 3.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent a decrease (from those in effect for February 2004) of 0.25 percent for the period during which a benefit is in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during March 2004, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 125, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
125	3–1–04	4–1–04	3.00	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 125, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix C to Part 4022—Lump Sum Interest Rates For Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
125	3–1–04	4–1–04	3.00	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occuring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*	*	*		*	
March 2004	.0410	1–20	.0500	>20	N/A	N/A

Issued in Washington, DC, on this 10th day of February 2004.

Joseph H. Grant,

Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation.

[FR Doc. 04–3244 Filed 2–12–04; 8:45 am]

BILLING CODE 7708–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4904

RIN 1212–AA99

Ethical Conduct of Employees

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation is removing its regulations on the ethical conduct of employees (Part 4904). The standards of ethical conduct issued by the Office of Government Ethics provide guidance for PBGC employees on this subject.

EFFECTIVE DATE: February 13, 2004.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or Thomas H. Gabriel, Attorney, Office of the General Counsel, PBGC, 1200 K Street, NW., Washington, DC 20005–4026; 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: On August 7, 1992 (57 FR 35006), the Office of Government Ethics published a final rule on Standards of Ethical Conduct for Employees of the Executive Branch. The OGE standards (5 CFR part 2635), which took effect on February 3, 1993, establish uniform ethical conduct standards applicable to all executive branch personnel.

When OGE published the standards, it stated that although most existing individual agency standards of conduct would be superseded when the standards took effect, an agency's standards dealing with outside employment would be preserved for one year or until the agency issued a supplemental regulation, whichever occurred first. (The time period was subsequently extended, but has now expired for the PBGC.)

On January 14, 1993 (58 FR 4318), the PBGC issued a final rule that amended its regulations on the Ethical Conduct of

Employees (subpart A of 29 CFR part 2602) by removing all provisions other than those dealing with outside employment. These outside employment provisions, which are now codified at 29 CFR part 4904, have been superseded by OGE's government-wide regulations. Accordingly, the PBGC is removing part 4904 from its regulations.

Because this rule involves agency management and personnel (5 U.S.C. 553(a)(2)), general notice of proposed rulemaking and a delayed effective date are not required (5 U.S.C. 553(b), (d)).

Because no general notice of proposed rulemaking is required, the Regulatory Flexibility Act does not apply (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 4904

Conflict of interests, Government employees, Penalties, Political activities (Government employees), Production and disclosure of information, Testimony.

■ For the reasons set forth above, 29 CFR chapter XL is amended as follows:

PART 4904—ETHICAL CONDUCT OF EMPLOYEES

■ 1. The authority citation for part 4904 continues to read as follows:

Authority: 29 U.S.C. 1302(b); E.O. 11222, 30 FR 6469; 5 CFR 735.104.

PART 4904—[REMOVED]

■ 2. Part 4904 is removed.

Issued in Washington, DC this 10th day of February, 2004.

Steven A. Kandarian,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 04–3246 Filed 2–12–04; 8:45 am]

BILLING CODE 7708–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 19 and 27

[FRL–7623–5]

Civil Monetary Penalty Inflation Adjustment Rule

AGENCY: Environmental Protection Agency (EPA)

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (''EPA'') is issuing this final Civil Monetary Penalty Inflation Adjustment Rule, as mandated by the Debt Collection Improvement Act of 1996, to adjust EPA's civil monetary penalties (''CMPs'') for inflation on a periodic basis. The Agency is required to review its penalties at least once every four years and to adjust them as necessary for inflation according to a formula specified in the statute. A complete version of Table 1 from the regulatory text, which lists all of the EPA's civil monetary penalty authorities, appears near the end of this rule.

EFFECTIVE DATE: March 15, 2004.

FOR FURTHER INFORMATION CONTACT: David Abdalla, Office of Regulatory Enforcement, Special Litigation and Projects Division, Mail Code 2248A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–2413.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 note, (''DCIA''), each federal agency is required to issue regulations adjusting for inflation the maximum civil monetary penalties that can be imposed pursuant to such agency's statutes. The purpose of these adjustments is to maintain the deterrent effect of CMPs and to further the policy goals of the laws. The DCIA requires adjustments to be made at least once every four years following the initial adjustment. The EPA's initial adjustment to each CMP was published in the **Federal Register** on December 31, 1996, at (61 FR 69360) and became effective on January 30, 1997.

This rule adjusts the amount for each type of CMP that EPA has jurisdiction to impose in accordance with these statutory requirements. It does so by revising the table contained in 40 CFR 19.4. The table identifies the statutes that provide EPA with CMP authority and sets out the inflation-adjusted maximum penalty that EPA may impose pursuant to each statutory provision. This rule also revises the effective date provisions of 40 CFR 19.2 to make the penalty amounts set forth in 40 CFR 19.4 apply to all applicable violations that occur after the effective date of this rule.

The DCIA requires that the adjustment reflect the percentage increase in the Consumer Price Index between June of the calendar year preceding the adjustment and June of the calendar year in which the amount was last set or adjusted. The DCIA defines the Consumer Price Index as the Consumer Price Index for all urban consumers published by the Department of Labor (''CPI–U''). As the initial adjustment was made and published on December 31, 1996, the inflation adjustment for the CMPs set forth in this rule was calculated by comparing the CPI–U for June 1996 (156.7) with the CPI–U for June 2003 (183.7), resulting in an inflation adjustment of 17.23 percent. In addition, the DCIA's rounding rules require that an increase be rounded to the nearest multiple of: $10 in the case of penalties less than or equal to $100; $100 in the case of penalties greater than $100 but less than or equal to $1,000; $1,000 in the case of penalties greater than $1,000 but less than or equal to $10,000; $5,000 in the case of penalties greater than $10,000 but less than or equal to $100,000; $10,000 in the case of penalties greater than $100,000 but less than or equal to $200,000; and $25,000 in the case of penalties greater than $200,000.

The amount of each CMP was multiplied by 17.23 percent (the inflation adjustment) and the resulting increase amount was rounded up or down according to the rounding requirements of the statute. Certain CMPs were adjusted for the first time and were increased by only 10 percent without being subject to the rounding procedures as required by the DCIA. The table below shows the inflation-adjusted CMPs and includes only the CMPs as of the effective date of this rule. EPA intends to readjust these amounts in the year 2008 and every four years thereafter, assuming there are no further changes to the mandate imposed by the DCIA.

On June 18, 2002, the EPA published a direct final rule and a parallel proposed rule in the **Federal Register** (67 FR 41343). The direct final rule would have amended the Civil Monetary Penalty Inflation Adjustment Rule, as mandated by the DCIA, to adjust EPA's civil monetary penalties for inflation. EPA stated in the direct final rule that if we received adverse comment by July 18, 2002, EPA would publish a timely notice of withdrawal on or before the August 19, 2002 effective date, and then address that comment in a subsequent final action based on the parallel proposal published at (67 FR 41363). EPA subsequently received one adverse comment on the direct final rule from the General Accounting Office (''GAO''), which asserted that EPA had misinterpreted the rounding formula provided in the DCIA. Accordingly, EPA withdrew the direct final rule on August 19, 2002 (67 FR 53743).

The formula for the amount of the penalty adjustment is prescribed by Congress in the DCIA and these changes are not subject to the exercise of discretion by EPA. However the

rounding requirement of the statute is subject to different interpretations. Some agencies rounded the increase based on the amount of the current penalty before adjustment, while other agencies have rounded the increase based on the amount of the increase resulting from the CPI percentage calculation. Still other agencies first added the CPI increase to the amount of the current penalty and then rounded the total based on the amount of the increased penalty. The penalties in EPA's direct final rule were rounded based on the amount of the increase resulting from the CPI percentage increase because this approach appears to achieve the intent of the DCIA by steadily tracking the CPI over time. However, the GAO's adverse comment asserts that a strict reading of the DCIA requires rounding the CPI increase based on the amount of the current penalty before adjustment.

On July 3, 2003, EPA published a proposed rule that appeared in the **Federal Register** at (68 FR 39882), entitled ''Civil Monetary Penalty Inflation Adjustment Rule,'' as mandated by the Debt Collection Improvement Act of 1996, to adjust EPA's civil monetary penalties for inflation on a periodic basis. EPA subsequently published a technical correction in the **Federal Register** on August 4, 2003 at (68 FR 45788) to correct errors in the language of the proposal that mistakenly referred to the proposed effective date as July 3, 2003. EPA proposed to adopt GAO's interpretation of the DCIA rounding rules and, thus, proposed to round the CPI increases in the proposed rule based on the amount of the current penalty before adjustment.

In accordance with the DCIA, EPA's proposed rule used the CPI–U from June 2002 to calculate the penalty adjustments. EPA also stated in the proposal that it intends to use this formula for calculating future adjustments to the CMPs and will not provide additional comment periods at the time future adjustments are made. EPA received comments on the proposed rule from two commenters.

One commenter supported the ''greatest legal increase possible'' to discourage polluters from treating the fines as just a ''cost of doing business.'' This final rule enables EPA to impose the maximum fines provided under the law, but is not intended to address when a maximum fine is appropriate. Instead, EPA makes that decision on a case-by-case basis, and considers numerous factors in determining the appropriate penalty in each case, including the gravity of the violation and the extent to which the violator gained an economic benefit as a result of violating the law.

Another commenter argued that any ambiguity in the rounding requirement of the statute was due to a ''scrivener's error.'' This commenter supported an interpretation that penalties be rounded based on the amount of the increase resulting from the CPI adjustment, rather than the amount of the penalty. However, we determined after carefully considering GAO's comment and examining the practices of other agencies, that following the plain meaning of the statutory language is appropriate. As GAO's adverse comment states ''[n]othing in the plain language of the statute, nor the legislative history, permits an agency to use the size of the increase to determine the appropriate category of rounding.'' This commenter also noted that EPA had not published this second round of adjustments within four years of the initial adjustments as set forth in the statute. EPA's earlier direct final rulemaking was delayed due to EPA's need to analyze and reconcile the potential ambiguities arising from the statutory language including review of other agencies rulemakings under DCIA and discussions with other agencies regarding their approaches to interpreting the DCIA. Prior to GAO's involvement in the process, no federal agency had assumed a leadership in providing guidance on how the DCIA rounding rule should be implemented. Since the time that GAO became involved in the process, including the submission of its adverse comment on EPA's direct final rule, EPA has worked with GAO and other agencies to resolve the appropriate interpretation of the statutory language. Finally, the commenter also suggested that all of the penalties should be adjusted from their original base and not their adjusted base. The statute does not provide for a return to the original base penalty in calculating the adjustment but provides that the adjustment ''shall be determined by increasing the maximum civil penalty * * * by the cost-of-living adjustment.''

As discussed above, EPA's proposed rule used the CPI–U from June 2002 because EPA proposed the rule in 2003. However, since EPA is issuing the final rule in 2004 and DCIA requires EPA to use the CPI–U for June of the calendar year preceding the adjustment, the penalty adjustments in this final rule use the CPI–U for June 2003 which result in an inflation adjustment of 17.23 percent rather than the 14.8 percent adjustment in the proposed rule. Thus, to derive the CMPs for this final rule, the amount of each CMP was multiplied by 17.23 percent and the resulting increase was rounded according to the rounding rules of DCIA as EPA proposed and is adopting in this final rule. As a result of using the June 2003 CPI–U, some of the adjusted CMPs in this final rule are different than those in the July 2003 proposed rule. However, this difference results solely from the requirement in DCIA to use the June 2003 CPI–U and application of the same rounding rules that EPA proposed in July 2003.

Under 5 U.S.C. 553(b)(B), EPA finds that there is good cause to promulgate this rule without providing for further public comment even though the rule uses a CPI–U value different than the CPI–U value used in the proposal. EPA already provided an opportunity for public comment on the rounding rules that EPA has used in this final rule and the DCIA requires that an agency use the CPI–U from June of the year prior to the adjustment. Therefore, further public comment is unnecessary because EPA has no discretion to do other than to use the June 2003 CPI–U.

Statutory and Executive Order Review

Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, [58 FR 51,735 (October 4, 1993)] the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of $100 million or more or 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;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866, and is therefore not subject to review by the Office of Management and Budget.

Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Burden means the total time, effort, financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

Regulatory Flexibility Act

The Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as (1) a small business as defined in the Small Business Administration regulations at 13 CFR Part 121; (2) a small governmental jurisdiction that is a government of a city, county, town school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. EPA is required by the DCIA to adjust civil monetary penalties for inflation. The formula for the amount of the penalty adjustment is prescribed by Congress and is not subject to the exercise of discretion by EPA. EPA's action implements this statutory mandate and does not substantively alter the existing regulatory framework. This rule does not affect mechanisms already in place, including statutory provisions and EPA policies, that address the special circumstances of small entities when assessing penalties in enforcement actions.

Although this rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. Small entities may be affected by this rule only if the federal government finds them in violation and seeks monetary penalties. EPA's media penalty policies generally take into account an entity's ''ability to pay'' in determining the amount of a penalty. Additionally, the final amount of any civil penalty assessed against a violator remains committed to the discretion of the federal judge or administrative law judge hearing a particular case.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures to state, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed a small government agency plan under section 203 of the UMRA. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

This rule contains no federal mandates (under the regulatory provisions of Title II of the UMRA) for state, local, or tribal governments or the private sector because the rule implements mandate(s) specifically and explicitly set forth by the Congress without the exercise of any policy discretion by EPA. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments.

Executive Order 13132: Federalism

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in executive Order 13132. Thus, Executive Order 13132 does not apply to this rule.

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' As this rule will not have substantial direct effects on tribal

governments, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, Executive Order 13175 does not apply to this rule.

Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. Because this action does not involve technical standards, EPA did not consider the use of any voluntary consensus standards under the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note).

Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. Because this action does not involve technical standards, EPA did not consider the use of any voluntary consensus standards under the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note).

Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

This action does not require any special considerations under Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).

Congressional Review Act

The Congressional Review Act, 5 U.S.C. § 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 19

Environmental protection, Administrative practice and procedure, Penalties.

40 CFR Part 27

Administrative practice and procedure, Assessments, False claims, False statements, Penalties.

Dated: February 8, 2004.

Michael O. Leavitt,

Administrator, Environmental Protection Agency.

■ For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

■ 1. Revise part 19 to read as follows:

PART 19—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

Sec.
19.1 Applicability.
19.2 Effective Date.
19.3 [Reserved].
19.4 Penalty Adjustment and Table.

Authority: Pub. L. 101–410, 28 U.S.C. 2461 note; Pub. L. 104–134, 31 U.S.C. 3701 note.

§ 19.1 Applicability.

This part applies to each statutory provision under the laws administered by the Environmental Protection Agency concerning the maximum civil monetary penalty which may be assessed in either civil judicial or administrative proceedings.

§ 19.2 Effective Date.

The increased penalty amounts set forth in this part apply to all violations under the applicable statutes and regulations which occur after March 15, 2004.

§ 19.3 [Reserved].

§ 19.4 Penalty Adjustment and Table.

The adjusted statutory penalty provisions and their maximum applicable amounts are set out in Table 1. The last column in the table provides the newly effective maximum penalty amounts.

TABLE 1 OF SECTION 19.4.—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. code citation	Civil monetary penalty description	Penalties effective between January 30, 1997 and March 15, 2004	New maximum penalty amount
7 U.S.C. 136l.(a)(1)	FEDERAL INSECTICIDE, FUNGICIDE, & RODENTICIDE ACT CIVIL PENALTY—GENERAL—COMMERCIAL APPLICATORS, ETC.	$5,500	$6,500
7 U.S.C. 136l.(a)(2)	FEDERAL INSECTICIDE, FUNGICIDE, & RODENTICIDE ACT CIVIL PENALTY—PRIVATE APPLICATORS—FIRST AND SUBSEQUENT OFFENSES OR VIOLATIONS.	$550/$1000	$650/$1,200
15 U.S.C. 2615(a)	TOXIC SUBSTANCES CONTROL ACT CIVIL PENALTY	$27,500	$32,500
15 U.S.C. 2647(a)	ASBESTOS HAZARD EMERGENCY RESPONSE ACT CIVIL PENALTY	$5,500	$6,500
15 U.S.C. 2647(g)	ASBESTOS HAZARD EMERGENCY RESPONSE ACT—CONTRACTOR VIOLATIONS.	$5000	$5,500
31 U.S.C. 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM.	$5,500	$6,500
31 U.S.C. 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT.	$5,500	$6,500
33 U.S.C. 1319(d)	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY	$27,500	$32,500
33 U.S.C. 1319(g)(2)(A)	CLEAN WATER ACT VIOLATION/ADMINISTRATIVE PENALTY PER VIOLATION AND MAXIMUM.	$11,000/$27,500	$11,000/$32,500
33 U.S.C. 1319(g)(2)(B)	CLEAN WATER ACT VIOLATION/ADMINISTRATIVE PENALTY PER VIOLATION AND MAXIMUM.	$11,000/ $137,500.	$11,000/ $157,500
33 U.S.C. 1321(b)(6)(B)(I)	CLEAN WATER ACT VIOLATION/ADMIN PENALTY OF SEC 311(b)(3)&(j) PER VIOLATION AND MAXIMUM.	$11,000/$27,500	$11,000/$32,500
33 U.S.C. 1321(b)(6)(B)(ii)	CLEAN WATER ACT VIOLATION/ADMIN PENALTY OF SEC 311(b)(3)&(j) PER VIOLATION AND MAXIMUM.	$11,000/ $137,500.	$11,000/ $157,500
33 U.S.C. 1321(b)(7)(A)	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY OF SEC 311(b)(3)—PER VIOLATION PER DAY OR PER BARREL OR UNIT.	$27,500 or $1,100 per barrel or unit.	$32,500 or $1,100 per barrell or unit
33 U.S.C. 1321(b)(7)(B)	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY OF SEC 311(c)&(e)(1)(B).	$27,500	$32,500
33 U.S.C. 1321(b)(7)(C)	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY OF SEC 311(j).	$27,500	$32,500
33 U.S.C. 1321(b)(7)(D)	CLEAN WATER ACT VIOLATION/MINIMUM CIVIL JUDICIAL PENALTY OF SEC 311(b)(3)—PER VIOLATION OR PER BARREL/UNIT.	$110,000 or $3,300 per barrel or unit.	$130,000 or $4,300 per barrel or unit.
33 U.S.C. 1414b(d)	MARINE PROTECTION, RESEARCH & SANCTUARIES ACT VIOL SEC 104b(d).	$660	$760
33 U.S.C. 1415(a)	MARINE PROTECTION RESEARCH AND SANCTUARIES ACT VIOLATIONS—FIRST & SUBSEQUENT VIOLATIONS.	$55,000/ $137,500.	$65,000/ $157,500
42 U.S.C. 300g–3(b)	SAFE DRINKING WATER ACT/CIVIL JUDICIAL PENALTY OF SEC 1414(b).	$27,500	$32,500
42 U.S.C. 300g–3(c)	SAFE DRINKING WATER ACT/CIVIL JUDICIAL PENALTY OF SEC 1414(c).	$27,500	$32,500
42 U.S.C. 300g–3(g)(3)(A)	SAFE DRINKING WATER ACT/CIVIL JUDICIAL PENALTY OF SEC 1414(g)(3)(a).	$27,500	$32,500
42 U.S.C. 300g–3(g)(3)(B)	SAFE DRINKING WATER ACT/ MAXIMUM ADMINISTRATIVE PENALTIES PER SEC 1414(g)(3)(B).	$5,000/$25,000	$6,000/$27,500
42 U.S.C. 300g–3(g)(3)(C)	SAFE DRINKING WATER ACT/THRESHOLD REQUIRING CIVIL JUDICIAL ACTION PER SEC 1414(g)(3)(C).	$25,000	$27,500
42 U.S.C. 300h–2(b)(1)	SDWA/CIVIL JUDICIAL PENALTY/VIOLATIONS OF REQS—UNDERGROUND INJECTION CONTROL (UIC).	$27,500	$32,500
42 U.S.C. 300h–2(c)(1)	SDWA/CIVIL ADMIN PENALTY/VIOLATIONS OF UIC REQS—PER VIOLATION AND MAXIMUM.	$11,000/ $137,500.	$11,000/ $157,500
42 U.S.C.300h–2(c)(2)	SDWA/CIVIL ADMIN PENALTY/VIOLATIONS OF UIC REQS—PER VIOLATION AND MAXIMUM.	$5,500/$137,500	$6,500/$157,500
42 U.S.C. 300h–3(c)(1)	SDWA/VIOLATION/OPERATION OF NEW UNDERGROUND INJECTION WELL.	$5,500	$6,500
42 U.S.C. 300h–3(c)(2)	SDWA/WILLFUL VIOLATION/OPERATION OF NEW UNDERGROUND INJECTION WELL.	$11,000	$11,000
42 U.S.C. 300i(b)	SDWA/FAILURE TO COMPLY WITH IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER.	$15,000	$16,500
42 U.S.C. 300i–1(c)	SDWA/ATTEMPTING TO OR TAMPERING WITH PUBLIC WATER SYSTEM/CIVIL JUDICIAL PENALTY.	$22,000/$55,000	$100,000/ $1,000,000
42 U.S.C. 300j(e)(2)	SDWA/FAILURE TO COMPLY W/ORDER ISSUED UNDER SEC. 1441(c)(1).	$2,750	$2,750
42 U.S.C. 300j–4(c)	SDWA/REFUSAL TO COMPLY WITH REQS. OF SEC. 1445(a) OR (b)	$27,500	$32,500
42 U.S.C. 300j–6(b)(2)	SDWA/FAILURE TO COMPLY WITH ADMIN. ORDER ISSUED TO FEDERAL FACILITY.	$25,000	$27,500
42 U.S.C. 300j–23(d)	SDWA/VIOLATIONS/SECTION 1463(b)—FIRST OFFENSE/REPEAT OFFENSE.	$5,500/$55,000	$6,500/$65,000

TABLE 1 OF SECTION 19.4.—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. code citation	Civil monetary penalty description	Penalties effective between January 30, 1997 and March 15, 2004	New maximum penalty amount
42 U.S.C. 4852d(b)(5)	RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992, SEC 1018—CIVIL PENALTY.	$11,000	$11,000
42 U.S.C. 4910(a)(2)	NOISE CONTROL ACT OF 1972—CIVIL PENALTY	$11,000	$11,000
42 U.S.C. 6928(a)(3)	RESOURCE CONSERVATION & RECOVERY ACT/VIOLATION SUBTITLE C ASSESSED PER ORDER.	$27,500	$32,500
42 U.S.C. 6928(c)	RES. CONS. & REC. ACT/CONTINUED NONCOMPLIANCE OF COMPLIANCE ORDER.	$27,500	$32,500
42 U.S.C. 6928(g)	RESOURCE CONSERVATION & RECOVERY ACT/VIOLATION SUBTITLE C.	$27,500	$32,500
42 U.S.C. 6928(h)(2)	RES. CONS. & REC. ACT/NONCOMPLIANCE OF CORRECTIVE ACTION ORDER.	$27,500	$32,500
42 U.S.C. 6934(e)	RES. CONS. & REC. ACT/NONCOMPLIANCE WITH SECTION 3013 ORDER.	$5,500	$6,500
42 U.S.C. 6973(b)	RES. CONS. & REC. ACT/VIOLATIONS OF ADMINISTRATIVE ORDER	$5,500	$6,500
42 U.S.C. 6991e(a)(3)	RES. CONS. & REC. ACT/NONCOMPLIANCE WITH UST ADMINISTRATIVE ORDER.	$27,500	$32,500
42 U.S.C. 6991e(d)(1)	RES. CONS. & REC. ACT/FAILURE TO NOTIFY OR FOR SUBMITTING FALSE INFORMATION.	$11,000	$11,000
42 U.S.C. 6991e(d)(2)	RCRA/VIOLATIONS OF SPECIFIED UST REGULATORY REQUIREMENTS.	$11,000	$11,000
42 U.S.C. 14304(a)(1)	BATTERY ACT VIOLATIONS	$10,000	$11,000
42 U.S.C. 14304(g)	BATTERY ACT/VIOLATIONS OF CORRECTIVE ACTION ORDERS	$10,000	$11,000
42 U.S.C. 7413(b)	CLEAN AIR ACT/VIOLATION/OWNERS & OPERATORS OF STATIONARY AIR POLLUTION SOURCES–JUDICIAL PENALTIES.	$27,500	$32,500
42 U.S.C. 7413 (d)(1)	CLEAN AIR ACT/VIOLATION/OWNERS & OPERATORS OF STATIONARY AIR POLLUTION SOURCES–ADMINISTRATIVE PENALTIES PER VIOLATION & MAX.	$27,500/ $220,000.	$32,500/ $270,000
42 U.S.C. 7413(d)(3)	CLEAN AIR ACT/MINOR VIOLATIONS/STATIONARY AIR POLLUTION SOURCES—FIELD CITATIONS.	$5,500	$6,500
42 U.S.C. 7524(a)	TAMPERING OR MANUFACTURE/SALE OF DEFEAT DEVICES IN VIOLATION OF 7522(a)(3)(A) OR (a)(3)(B)—BY PERSONS.	$2,750	$2,750
42 U.S.C. 7524(a)	VIOLATION OF 7522(a)(3)(A) OR (a)(3)(B)—BY MANUFACTURERS OR DEALERS; ALL VIOLATIONS OF 7522(a)(1),(2), (4),&(5) BY ANYONE.	$27,500	$32,500
42 U.S.C. 7524(c)	ADMINISTRATIVE PENALTIES AS SET IN 7524(a) & 7545(d) WITH A MAXIMUM ADMINISTRATIVE PENALTY.	$220,000	$270,000
42 U.S.C. 7545(d)	VIOLATIONS OF FUELS REGULATIONS	$27,500	$32,500
42 U.S.C. 9604(e)(5)(B)	SUPERFUND AMEND. & REAUTHORIZATION ACT/NONCOMPLIANCE W/REQUEST FOR INFO OR ACCESS.	$27,500	$32,500
42 U.S.C. 9606(b)(1)	SUPERFUND/WORK NOT PERFORMED W/IMMINENT, SUBSTANTIAL ENDANGERMENT.	$27,500	$32,500
42 U.S.C. 9609(a)&(b)	SUPERFUND/ADMIN. PENALTY VIOLATIONS UNDER 42 U.S.C. SECT. 9603, 9608, OR 9622.	$27,500	$32,500
42 U.S.C. 9609(b)	SUPERFUND/ADMIN. PENALTY VIOLATIONS—SUBSEQUENT	$82,500	$97,500
42 U.S.C. 9609(c)	SUPERFUND/CIVIL JUDICIAL PENALTY/VIOLATIONS OF SECT. 9603, 9608, 9622.	$27,500	$32,500
42 U.S.C. 9609(c)	SUPERFUND/CIVIL JUDICIAL PENALTY/SUBSEQUENT VIOLATIONS OF SECT. 9603, 9608, 9622.	$82,500	$97,500
42 U.S.C. 11045(a)&(b) (1),(2)&(3).	EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT CLASS I & II ADMINISTRATIVE AND CIVIL PENALTIES.	$27,500	$32,500
42 U.S.C. 11045(b) (2)&(3)	EPCRA CLASS I & II ADMINISTRATIVE AND CIVIL PENALTIES—SUBSEQUENT VIOLATIONS.	$82,500	$97,500
42 U.S.C. 11045(c)(1)	EPCRA CIVIL AND ADMINISTRATIVE REPORTING PENALTIES FOR VIOLATIONS OF SECTIONS 11022 OR 11023.	$27,500	$32,500
42 U.S.C. 11045(c)(2)	EPCRA CIVIL AND ADMINISTRATIVE REPORTING PENALTIES FOR VIOLATIONS OF SECTIONS 11021 OR 11043(b).	$11,000	$11,000
42 U.S.C. 11045(d)(1)	EPCRA—FRIVOLOUS TRADE SECRET CLAIMS—CIVIL AND ADMINISTRATIVE PENALTIES.	$27,500	$32,500

PART 27—[AMENDED]

■ 2. The authority citation for Part 27 continues to read as follows:

Authority: 31 U.S.C. 3801–3812; Pub. L. 101–410, 104 Stat. 890, 28 U.S.C. 2461 note; Pub L. 104–134, 110 Stat. 1321, 31 U.S.C. 3701 note.

■ 3. Section 27.3 is amended by revising paragraphs (a)(1)(iv) and (b)(1)(ii) to read as follows:

§ 27.3 Basis for civil penalties and assessments.

(a) * * *

(1) * * *

(iv) Is for payment for the provision of property or services which the person has not provided as claimed, shall be

subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $6,500 [1] for each such claim [The regulatory penalty provisions of this part effective on January 30, 1997 remain in effect for any violation of law occurring between January 30, 1997 and March 15, 2004.

* * * * *

(b) * * *

(1) * * *

(ii) Contains, or is accompanied by, an express certification or affirmation of the truthfulness and accuracy of the contents of the statement, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than 6,500 [2] for each such statement.

* * * * *

[FR Doc. 04–3231 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–P

[1] As adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, 104 Stat. 890), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134, 110 Stat. 1321).

[2] As adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, 104 Stat. 890), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134, 110 Stat. 1321).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–91–200323(a); FRL–7622–1]

Approval and Promulgation of Implementation Plans; Florida: Southeast Florida Area Maintenance Plan Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving revisions to the State Implementation Plan (SIP) submitted by the Florida Department of Environmental Protection (FDEP) on December 20, 2002. This SIP revision satisfies the requirement of the Clean Air Act (CAA) for the second 10-year update for the Southeast Florida area (Dade, Broward, and Palm Beach Counties) 1-hour ozone maintenance plan. For transportation purposes, EPA is also finalizing its adequacy determination of the new Motor Vehicle Emissions Budgets (MVEBs) for the year 2015. EPA has determined that the MVEBs for the year 2015 contained in this SIP revision are adequate for transportation conformity purposes.

DATES: This direct final rule is effective April 13, 2004 without further notice, unless EPA receives adverse comment by March 15, 2004. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be submitted by mail to: Heidi LeSane, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in Part I.B.1. through 3 of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Heidi LeSane, Air, Pesticides & Toxics Management Division, Air Planning Branch, Regulatory Development Section, U.S. Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Mrs. LeSane's phone number is 404–562–9035. She can also be reached via electronic mail at *lesane.heidi@epa.gov* or Lynorae Benjamin, Air, Pesticides & Toxics Management Division, Air Planning Branch, Air Quality Modeling & Transportation Section, U.S. Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Benjamin's phone number is 404–562–9040. She can also be reached via electronic mail at *benjamin.lynorae@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. How Can I Get Copies of This Document and Other Related Information?

1. The Regional Office has established an official public rulemaking file available for inspection at the Regional Office. EPA has established an official public rulemaking file for this action under FL–91. The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public viewing at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 9 to 3:30, excluding Federal holidays.

2. Copies of the State submittal and EPA's technical support document are also available for public inspection during normal business hours, by appointment, at the State Air Agency. Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400.

3. Electronic Access. You may access this **Federal Register** document electronically through the Regulation.gov Web site located at *http://www.regulations.gov* where you can find, review, and submit comments on Federal rules that have been published in the **Federal Register**, the Government's legal newspaper, and are open for comment.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing at the EPA Regional Office, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

B. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text ''Public comment on proposed rulemaking FL–91'' in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD–ROM you submit, and in any cover letter accompanying the disk or CD–ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to *lesane.heidi@epa.gov*. Please include the text ''Public comment on proposed rulemaking FL–91''in the subject line. EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

ii. *Regulation.gov.* Your use of Regulation.gov is an alternative method of submitting electronic comments to EPA. Go directly to Regulations.gov at *http://www.regulations.gov*, then select Environmental Protection Agency at the top of the page and use the go button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

iii. *Disk or CD–ROM.* You may submit comments on a disk or CD–ROM that you mail to the mailing address identified in Section 2, directly below. These electronic submissions will be accepted in WordPerfect, Word or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send your comments to: Heidi LeSane, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Please include the text ''Public comment on proposed rulemaking FL–91'' in the subject line on the first page of your comment.

3. *By Hand Delivery or Courier.* Deliver your comments to: Heidi LeSane, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, 12th floor, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 9 to 3:30 excluding Federal holidays.

C. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically to EPA. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD–ROM, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD–ROM, mark the outside of the disk or CD–ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

D. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate regional file/rulemaking identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. Background

The air quality maintenance plan is a requirement of the 1990 CAA for nonattainment areas that come into compliance with the national ambient air quality standard (NAAQS). The Southeast Florida area (Dade, Broward, and Palm Beach Counties) were not in compliance with the 1-hour ozone air quality standard until 1990, when air quality measurements showed compliance with the standard. The State subsequently requested that EPA redesignate these counties as attainment/maintenance for the 1-hour ozone standard. Included with this request was a 10-year air quality maintenance plan covering the years 1995 to 2005. This plan was developed in accordance with the appropriate guidelines. The EPA published approval of this plan on February 24, 1995, and it became effective on April 25, 1995 (60 FR 10325).

Subsequent revisions to this maintenance plan were made. The Florida Department of Environmental Protection (FDEP) revised the original plan to update emissions inventories reflecting more accurate emission estimates, to define specific MVEBs, to remove emissions reduction credits attributable to the motor vehicle inspection program (MVIP) (66 FR 40137), and to provide sub-area MVEBs for the three maintenance counties in Southeast Florida (63 FR 56568). The current plan was approved by EPA on August 2, 2001, and became effective on September 4, 2001 (66 FR 40137).

III. Analysis of State's Submittal

On December 20, 2002, the FDEP submitted revisions to Florida SIP to provide a 10-year extension to the maintenance plan as required by section 175A(b) of the CAA as amended in 1990. The underlying strategy of the

maintenance plan is to maintain compliance with the 1-hour ozone standard by assuring that current and future emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_X) remain at or below attainment year emission levels. The estimated emissions of ozone precursors (*i.e.*,VOC and NO_X) for the three counties for the Southeast Florida area during the 1990 ozone season are provided in the following table. Projected VOC and NO_X emissions for 2005 and 2015 are also provided.

VOLATILE ORGANIC COMPOUNDS

[tons per day]

VOC	Category	1990 base year	2005	2015
Dade	Stationary Point	11.5	6.0	7.1
	Stationary Area	161.0	104.2	121.5
	On-Road Mobile	177.7	59.7	32.7
	Non-Road Mobile	49.6	38.4	30.3
	Biogenic	211.3	211.3	211.3
Total	n/a	611	419.6	402.9
Safety Margin	Calculated as 1990 base-year minus projected year total.	n/a	191.4	208.1
Broward	Stationary Point	15.2	4.7	5.3
	Stationary Area	55.6	71.1	82.7
	On-Road Mobile	132.2	52.9	29.1
	Non-Road Mobile	36.6	25.9	18.8
	Biogenic	174.5	174.5	174.5
Total	n/a	414.1	329.1	310.4
Safety Margin	Calculated as 1990 base-year minus projected year total.	n/a	85	103.7
Palm Beach	Stationary Point	1.3	2.0	2.3
	Stationary Area	84.1	77.7	89.3
	On-Road Mobile	99.1	39.6	22.8
	Non-Road Mobile	43.9	30.4	22.3
	Biogenic	399.6	399.6	399.6
Total		628	549.3	536.3
Safety Margin	Calculated as 1990 base-year minus projected year total.	n/a	78.7	91.7
Overall Total	n/a	1653.1	1297.9	1249.5
Total Safety Margin	n/a	n/a	355.1	403.5

NITROGEN OXIDE

[tons per day]

NO_X	Category	1990 base year	2005	2015
Dade	Stationary Point	41.3	40.9	50.7
	Stationary Area	12.5	8.7	9.6
	On-Road Mobile	157.3	102.0	42.1
	Non-Road Mobile	57.3	67.4	56.2
	Biogenic	3.0	3.0	3.0
Total	n/a	271.4	222.0	161.6
Safety Margin	Calculated as 1990 base-year minus projected year total.	n/a	49.4	109.8
Broward	Stationary Point	109.2	51.5	62.5
	Stationary Area	6.9	8.3	9.0
	On-Road Mobile	117.0	90.4	37.4
	Non-Road Mobile	41.9	49.6	39.9
	Biogenic	1.8	1.8	1.8

NITROGEN OXIDE—Continued

[tons per day]

NO_X	Category	1990 base year	2005	2015
Total	n/a	276.8	201.6	150.6
Safety Margin	Calculated as 1990 base-year minus projected year total.	n/a	75.2	126.2
Palm Beach	Stationary Point	37.8	28.1	33.6
	Stationary Area	4.2	5.6	6.0
	On-Road Mobile	87.7	67.7	29.3
	Non-Road Mobile	41.7	49.3	39.4
	Biogenic	2.4	2.4	2.4
Total	n/a	173.8	153.1	110.7
Safety Margin	Calculated as 1990 base-year minus projected year total.	n/a	20.7	63.1
Overall Total	n/a	722.0	576.7	422.8
Total Safety Margin	n/a	n/a	145.3	299.1

This SIP revision satisfies the requirement of the CAA for the second 10-year update for the Southeast Florida area 1-hour ozone maintenance plan. Changes to the current maintenance plan include revisions to the emissions inventory for both on-road and non-road mobile sources, reflecting improved methodologies contained in the MOBILE6 and NONROAD emission models. New emissions data for both the base year (attainment year) and the projected years (2005 and 2015) are calculated.

IV. Finalization of MVEBs Adequacy Determination for Transportation Conformity Purposes

The second 10-year update for the Southeast Florida area 1-hour ozone maintenance plan also contains updated MVEBs in support of the transportation conformity process. These updated MVEBs are defined for volatile organic compounds (VOC) and nitrogen oxides (NO_X) for each county in the Southeast Florida maintenance area. The updated budgets for 2005 replace the previous MVEBs contained in the first maintenance plan, which were based on an older emissions estimate using MOBILE5 emission factors for on-road motor vehicles. Additionally, this maintenance plan update provides new MVEBs for the year 2015.

The availability of the SIP with MVEBs for 2015 was placed on EPA's adequacy Web page on January 7, 2003. No request for this SIP submittal or adverse comments were received by the end of the public comment period on February 7, 2003. In this action, EPA finds the 2015 MVEBs adequate for transportation conformity, and is approving the MVEBs for 2005 and 2015. Note, since the 2005 MVEBs are replacing existing 2005 MVEBs, these budgets are not subject to EPA's adequacy process. This is because EPA generally will not review the adequacy of a budget from a submitted SIP that revises an existing approved SIP with budgets for the same year and CAA requirement (68 FR 38974).

Under the CAA, States are required to submit, at various times, control strategy SIPs and maintenance plans in ozone areas. These control strategy SIPs (*e.g.* reasonable further progress SIPs and attainment demonstration SIPs) and maintenance plans create MVEBs for criteria pollutants and/or their precursors to address pollution from cars and trucks. The MVEBs are the portion of the total allowable emissions that is allocated to highway and transit vehicle use and emissions. The MVEBs serve as a ceiling on emissions from an area's planned transportation system. The MVEB concept is further explained in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62188). The preamble also describes how to establish the MVEBs in the SIP and revise the MVEBs.

Under section 176(c) of the CAA, new transportation projects, such as the construction of new highways, must ''conform'' to (*e.g.* be consistent with) the part of the State's air quality plan that addresses pollution from cars and trucks. ''Conformity'' to the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. If a transportation plan does not ''conform,'' most projects that would expand the capacity of roadways cannot go forward. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and assuring conformity of such transportation activities to a SIP.

When reviewing submitted ''control strategy'' SIPs or maintenance plans containing MVEBs, EPA must affirmatively find the MVEBs contained therein are ''adequate'' for use in determining transportation conformity. Once EPA affirmatively finds the submitted MVEBs are adequate for transportation conformity purposes, that MVEB can be used by the State and Federal agencies in determining whether proposed transportation projects ''conform'' to the State implementation plan as required by section 176(c) of the Clean Air Act. EPA's substantive criteria for determining ''adequacy'' of MVEBs are set out in 40 CFR 93.118(e)(4).

EPA's process for determining ''adequacy'' consists of three basic steps: public notification of a SIP submission, a public comment period, and EPA's adequacy finding. This process for determining the adequacy of submitted SIP MVEBs is set out in EPA's May 14, 1999 guidance, ''Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision''. This guidance is incorporated into EPA's June 30, 2003, EPA proposed rulemaking entitled ''Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes'' (68 FR

38974). EPA follows this guidance in making its adequacy determination.

Specific emissions budget is defined for VOC and NO_X for the Southeast Florida area in the Florida submittal. Pursuant to 40 CFR 93.124(d), Southeast Florida has elected to allocate subarea budgets for each of the counties for the purpose of transportation conformity. The specific MVEBs for Dade County in 2005 and 2015 are 74.6 tpd for VOC and 127.5 tpd for NO_X. Broward County's MVEB for 2005 and 2015 are 66.1 tpd for VOC and 113 tpd for NO_X. Palm Beach County's MVEB for 2005 and 2015 are 49.5 tpd for VOC and 84.6 tpd for NO_X. With this allocation, each county must demonstrate conformity to the county-specific subarea budgets. The chart below provides a summary of the county-specific subarea budgets.

MVEB

[Tons per day]

County	Pollutant	2005	2015
Dade	VOC	74.6	74.6
	NO_X	127.5	127.5
Broward	VOC	66.1	66.1
	NO_X	113.0	113.0
Palm Beach	VOC	49.5	49.5
	NO_X	84.6	84.6
	VOC	190.2	190.2
Total	NO_X	325.1	325.1

The MVEBs are defined for each Southeast Florida county, for 2005 and 2015, in the State's submittal. The values, for both years, are equal to the 2005 on-road mobile source projected level of emissions plus a buffer of 25 percent. This buffer, which is an allocation from the safety margin, accounts for uncertainty in the projections and is available because of significant reductions of VOC and NO_X that have occurred, and are projected to occur, primarily from mobile sources. The MVEBs are constrained in each of the budget years to assure that the total emissions (*i.e.*, all source categories) do not exceed the 1990 attainment year emissions. In no case are the projected total emissions from mobile sources for any year, greater than the attainment year emissions totals for either VOC or NO_X.

Under 40 CFR 93.101, the term *safety margin* is the difference between the attainment level (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The attainment level of emissions is the level of emissions during one of the years in which the area met the air quality health standard. The safety margin credit can be allocated to the transportation sector, however the total emission level must stay below the attainment level.

SAFETY MARGINS

[Tons per day]

VOC	2005	2015	NO_X	2005	2015
Dade					
Safety Margin	191.4	208.1	Safety Margin	49.4	109.8
Allocation to MVEB	14.9	41.9	Allocation to MVEB	25.5	85.4
Remaining Safety Margin after partial allocation	176.5	166.2	Remaining Safety Margin after partial allocation	23.9	24.4
Broward					
Safety Margin	85	103.7	Safety Margin	75.2	126.2
Allocation to MVEB	13.2	37	Allocation to MVEB	22.6	75.6
Remaining Safety Margin after partial allocation	71.8	66.7	Remaining Safety Margin after partial allocation	52.6	50.6
Palm Beach					
Safety Margin	78.6	91.6	Safety Margin	20.7	63.1
Allocation to MVEB	9.9	26.7	Allocation to MVEB	16.9	55.3
Remaining Safety Margin after partial allocation	68.7	64.9	Remaining Safety Margin after partial allocation	3.8	7.8

V. Final Action

EPA is approving the second 10-year update for the Southeast Florida area 1-hour ozone maintenance plan. In this action, EPA also finds the 2015 MVEBs adequate for transportation conformity purposes and is approving the MVEBs for 2005 and 2015. EPA's adequacy determination for the 2015 MVEBs is based on EPA's finding that the substantive criteria for determining adequacy of a MVEB, under 40 CFR 93.118(e)(4), have been met. The MVEBs will be available for use upon the effective date of this action. The MVEBs, based on the on-road mobile sources, are to be used by the local metropolitan planning organizations and transportation authorities to assure that transportation plans, programs, and projects are consistent with, and conform to, the long term maintenance of acceptable air quality in the Southeast Florida area.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed

rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective April 13, 2004 without further notice unless the Agency receives adverse comments by March 15, 2004.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on April 13, 2004 and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

VI. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 13, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 26, 2004.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

■ Part 52 of chapter I, title 40, *Code of Federal Regulations,* is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart K—Florida

■ 2. Section 52.520 (e), is amended by revising the entry for ''Revision to Maintenance Plan for Southeast Florida Area'' to read as follows:

§ 52.520 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED FLORIDA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Federal Register notice	Explanation
Revision to Maintenance Plan for Southeast Florida Area.	December 20, 2002	February 13, 2004	[Insert citation of publication]	10 year update.
* * *	*	*	*	*

[FR Doc. 04–3074 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD151–3107; FRL–7623–4]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2005 ROP Plan for the Baltimore Severe 1-Hour Ozone Nonattainment Area: Revisions to the Plan's Emissions Inventories and Motor Vehicle Emissions Budgets to Reflect MOBILE6

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Maryland. These revisions amend the Baltimore severe 1-hour ozone nonattainment area's (the Baltimore area's) rate-of-progress (ROP) plan for 2005. These revisions update the plan's emission inventories and motor vehicle emissions budgets (MVEBs) to reflect the use of MOBILE6 while continuing to demonstrate that the ROP requirement for 2005 will be met. The revisions also amend the contingency measures associated with the 2005 ROP plan. These revisions are being approved in accordance with the Clean Air Act (the Act).

EFFECTIVE DATE: February 13, 2004.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Martin Kotsch, (215) 814–3335, or by e-mail at *Kotsch.Martin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On December 30, 2003 (68 FR 75191), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. The NPR proposed approval of revisions to the Baltimore area's ROP plan for 2005. The revisions update the plan's mobile emissions inventories and 2005 MVEBs to reflect the use of MOBILE6, an updated model for calculating mobile emissions of ozone precursors. The NPR also proposed approval of revisions which amend the contingency measures associated with the Baltimore area's 2005 ROP plan. These SIP revisions were proposed under a procedure called parallel processing, whereby EPA proposes a rulemaking action concurrently with a state's procedures for amending its SIP. The State's proposed SIP revisions were submitted to EPA on November 3, 2003, by the Maryland Department of the Environment (MDE). On December 30, 2003 (68 FR 75191), EPA proposed approval of Maryland's November 3, 2003, submittal. No comments were received during the public comment period on EPA's December 30, 2003, proposal. The MDE formally submitted the final SIP revisions on December 23, 2003. That final submittal had no substantive changes from the proposed version submitted on November 3, 2003. A detailed description of Maryland's submittal and EPA's rationale for its proposed approval were presented in the December 30, 2003, NPR and will not be restated in their entirety here.

II. Summary of SIP Revisions

Maryland's December 23, 2003, SIP revisions consist of revised 1990 and 2005 motor vehicle emissions inventories and 2005 MVEBs calculated using the MOBILE6 motor vehicle emissions model. Consistent with EPA's ''Policy Guidance on the Use of MOBILE6 for SIP Development and Transportation Conformity,'' MDE has demonstrated that the new levels of motor vehicle emissions calculated using MOBILE6 continue to demonstrate the required ROP for the Baltimore area by 2005. In addition to the revised motor vehicle emissions, MDE reallocated some of the contingency measures established in prior SIP revisions to the control measures portion of the 2005 ROP plan. EPA guidance allows States an additional year to adopt new contingency measures to replace those reallocated to the control measures portion of the plan. The State of Maryland's December 23, 2003, SIP revision submittal includes an enforceable commitment to replace those contingency measures reallocated to the control measures portion of the plan and to submit an updated plan reflecting these additional contingency measures by October 31, 2004.

The revised mobile inventories and MVEBs being approved for the Baltimore area's 2005 ROP Plan are shown in tons per day (tpd) in Tables 1 and 2, respectively.

TABLE 1.—MOTOR VEHICLE EMISSIONS INVENTORIES IN THE BALTIMORE AREA'S 2005 ROP PLAN

Nonattainment area	1990	2005		
	VOC (tpd)	NO_X (tpd)	VOC (tpd)	NO_X (tpd)
Baltimore	165.14	228.21	55.3	146.9

TABLE 2.—MOTOR VEHICLE EMISSIONS BUDGETS IN THE BALTIMORE AREA'S 2005 ROP PLAN

Nonattainment area	2005 ROP Plan	
	VOC (tpd)	NO_X (tpd)
Baltimore	55.3	144.5

EPA approved new 2005 MOBILE6-based MVEBs for the Baltimore area's 1-hour ozone attainment demonstration on October 27, 2003 (68 FR 61106). Those MVEBs became effective on November 26, 2003. The approved 2005 attainment plan MVEBs budgets are 55.3 tons per day of VOC and 146.9 tons per day of NO_X. The 2005 MVEBs of the 2005 ROP plan, as shown above in Table 2, are less than the MVEBs in the approved attainment demonstration. These more restrictive MVEBs, contained in the ROP plan, will become the applicable MVEBs to be used in transportation conformity demonstrations for the year 2005 for the Baltimore area.

III. Final Action

EPA is taking final action to approve the SIP revisions submitted by the State of Maryland on December 23, 2003. These revisions amend the 1990 and 2005 motor vehicle emissions inventories and 2005 MVEBs of the 2005 ROP plan for the Baltimore severe 1-hour ozone nonattainment area to reflect the use of MOBILE6. The revisions submitted on December 23, 2003, also amend the contingency measures associated with the 2005 ROP plan. These revisions include an enforceable commitment to replace those contingency measures reallocated to the control measures portion of the plan and to submit these additional contingency measures by October 31, 2004.

These SIP revisions were proposed under a procedure called parallel processing, whereby EPA proposes a rulemaking action concurrently with a state's procedures for amending its SIP. The State's proposed SIP revisions were submitted to EPA on November 3, 2003, by the Maryland Department of the Environment (MDE). On December 30, 2003 (68 FR 75191), EPA proposed approval of Maryland's November 3, 2003, submittal. No comments were received during the public comment period on EPA's December 30, 2003, proposal. The MDE formally submitted the final SIP revisions on December 23, 2003. EPA has evaluated Maryland's final SIP revisions submitted on December 23, 2003, and finds that no substantive changes were made from the proposed SIP revisions submitted on November 3, 2003.

IV. Good Cause for the Final Rule To Be Effective Upon Publication

This action shall be effective on publication pursuant to 5 U.S.C. 553(d)(1). On February 4, 2004, the current Transportation Improvement Program (TIP) for the Baltimore ozone nonattainment area lapsed. This lapse means that the Baltimore ozone nonattainment area is subject to restrictions for the Federal funding of certain transportation projects until and unless a new TIP is approved. A new TIP has been developed which includes the required analyses to demonstrate conformity with the new MOBILE6-based motor vehicle emissions budgets (MVEBs) that are the subject of this final action. However, these MOBILE6-based MVEBs must be effective before that new TIP can be formally reviewed by EPA and approved by the Federal Highway Administration (FHWA). EPA, therefore, finds good cause to make this final rule approving the new MOBILE6-based MVEBs effective upon publication to minimize the period of time the Baltimore ozone nonattainment area is under a transportation conformity lapse.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 13, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to approve SIP revisions to the 1-hour ozone ROP plan for the Baltimore area which revise the 1990 and 2005 motor vehicle emissions inventories and 2005 motor vehicle emissions budgets to reflect the use of MOBILE6 may not be challenged later in proceedings to enforce their requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 6, 2004.

Richard J. Kampf,

Acting Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart V—Maryland

■ 2. Section 52.1076 is amended by adding paragraph (n) to read as follows:

§ 52.1076 Control strategy plans for attainment and rate-of-progress plan: ozone.

* * * * *

(n) EPA approves revisions to the Maryland State Implementation Plan for Post-1996 Rate of Progress (ROP) Plans for the Baltimore severe 1-hour ozone nonattainment area. These revisions were submitted by the Secretary of the Maryland Department of the Environment on December 23, 2003 and consist of the following:

(1) Revisions to the base year 1990 emissions inventory which reflect the use of the MOBILE6 motor vehicle emissions model. These revisions establish motor vehicle emissions inventories for 1990 of 165.14 tons per day of volatile organic compounds (VOC) and 228.21 tons per day of oxides of nitrogen (NO_X).

(2) Revisions to the year 2005 motor vehicle emissions budgets (MVEBs) for transportation conformity purposes, reflecting the use of the MOBILE6 motor vehicle emissions model. These revisions establish a motor vehicle emissions budget of 55 tons per day of volatile organic compounds (VOC) and 144.5 tons per day of oxides of nitrogen (NO_X). EPA approved new 2005 MOBILE6-based MVEBs for the Baltimore area's 1-hour ozone attainment demonstration on October 27, 2003 (68 FR 61106). Those MVEBs became effective on November 26, 2003. The approved 2005 attainment plan MVEBs budgets are 55.3 tons per day of VOC and 146.9 tons per day of NO_X. The MVEBs of the 2005 ROP plan are less than the MVEBs in the approved attainment demonstration. These more restrictive MVEBs, contained in the ROP plan, are the applicable MVEBs to be used in transportation conformity demonstrations for the year 2005 for the Baltimore area.

(3) Revisions to the 2005 ROP plan to reallocate some of the contingency measures established in prior SIP revisions to the control measures portion of the plan. EPA guidance allows states an additional year to adopt new contingency measures to replace those reallocated to the control measures portion of the plan. The State of Maryland's December 23, 2003 SIP revision submittal includes an enforceable commitment to replace those contingency measures reallocated to the control measures portion of the 2005 ROP plan and to submit these additional contingency measures by October 31, 2004.

[FR Doc. 04–3224 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL–7623–2]

Delegation of Authority to the Washington State Department of Ecology, Benton Clean Air Authority, Northwest Air Pollution Authority, Olympic Regional Clean Air Agency, Puget Sound Clean Air Agency, Spokane County Air Pollution Control Authority, Southwest Clean Air Agency, and Yakima Regional Clean Air Authority for New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority; technical amendment.

SUMMARY: The Washington State Department of Ecology (Ecology), Benton Clean Air Authority (BCAA), Northwest Air Pollution Authority (NWAPA), Olympic Regional Clean Air Agency (ORCAA), Puget Sound Clean Air Agency (PSCAA), Spokane County Air Pollution Control Authority (SCAPCA), Southwest Clean Air Agency (SWCAA), and Yakima Regional Clean Air Authority (YRCAA) have submitted requests for delegation of EPA authority for implementation and enforcement of New Source Performance Standards (NSPS). The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated to these agencies. EPA has reviewed the updated regulations and determined that these State and local air agencies have adequate and effective procedures for the implementation and enforcement of these Federal NSPS standards. This action informs the public of delegations to the above-mentioned State and local air agencies.

EPA is also making a technical amendment to update the names and addresses of the State and local air agencies that have delegation of NSPS standards in Washington and to update the informational table that shows which NSPS standards have been delegated to State and local agencies in Washington. This is a nonregulatory action.

DATES: This rule is effective on February 13, 2004. The dates of delegation can be found in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Copies of information relating to this action, including the letters requesting and granting delegation, are available for inspection during normal business hours at the

following locations: EPA Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101. Copies are also available at the offices of Ecology and the local air authorities in Washington at the addresses identified below in the revisions to 40 CFR 60.4(b)(WW).

FOR FURTHER INFORMATION CONTACT: Lucita Valiere, EPA Region 10, Office of Air Quality (OAQ–107), (206) 553–8087.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 111 of the Clean Air Act (CAA), EPA is authorized to establish new source performance standards (NSPS), which impose Federal technology-based requirements on new and modified stationary sources of pollution. EPA has developed NSPS standards for numerous source categories, which are published at 40 CFR parts 60 and 62. Although EPA has responsibility for implementing and enforcing the NSPS regulations, section 111(c) authorizes EPA to delegate primary implementation and enforcement responsibility to State and local agencies that develop and submit to EPA procedures for implementing and enforcing the NSPS where EPA determines that such procedures are adequate. Even where EPA has delegated primary responsibility for the NSPS to a State or local agency, however, EPA retains concurrent authority to enforce the NSPS. *See* CAA sections 111(c)(2) and 113.

Ecology, BCAA, ORCAA, NWAPA, PSCAA, SCAPCA and SWCAA have had delegation of various NSPS for more than a decade. YRCAA had delegation of early NSPS standards in the 1970s, but has not requested delegation of new or revised standards since that time. In the last two years, all of these Washington agencies requested delegation based on implementation of State or local rules that adopt by reference more current Federal NSPS. EPA approved these requests because these agencies meet the requirements for delegation.

The delegations discussed today are for new and revised NSPS effective on or before the dates specified below and in the table at the end of this notice. These dates vary by State or local agency and NSPS subpart.

II. Terms of Delegations

A. Delegation Letters

1. Ecology

The delegation of the Federal NSPS to Ecology and the local air agencies is subject to the terms and conditions contained in the letters from EPA granting the delegation. The letter from EPA granting delegation of the identified NSPS standards to Ecology reads as follows. Note that the version of Attachment A reprinted below is a revised version that accompanied that letter from EPA granting delegation to YRCAA and shows the most current delegation status for Washington air authorities.

February 5, 2003

Reply To Attn Of: OAQ—107

Ms. Mary E. Burg,

Program Manager, Air Quality Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504–7600

Re: Clarification of Previously Updated Delegation of Authority for New Source Performance Standards

Dear Ms. Burg: The purpose of this letter is to make minor clarifications and corrections to clarify and correct the Environmental Protection Agency, Region 10's (EPA) delegation of authority to the Washington State Department of Ecology (Ecology) for implementing and enforcing New Source Performance Standards, 40 CFR part 60 (NSPS). EPA's November 20, 2001, delegation letter contained minor errors and inconsistencies. Today's letter replaces EPA's November 20th letter, and should be your only reference for your current NSPS delegation.

This letter is in response to Ecology's September 5, 2001, request for updated delegation of authority to implement and enforce the NSPS. EPA has determined that your regulations continue to provide adequate and effective procedures for implementing and enforcing the NSPS. Accordingly, EPA hereby approves your request for an updated delegation of authority to implement and enforce the NSPS.

Ecology's updated delegation of authority covers standards of performance promulgated and revised as of the dates specified in WAC–173–400–115, filed on August 15, 2001 and effective on September 15, 2001. Attachment A contains an updated list of NSPS subparts delegated to Ecology. New or revised NSPS which become effective after the dates cited in the table are not delegated to your agency; these remain the responsibility of EPA.

Consistent with EPA guidance, we are not delegating authorities under 40 CFR part 60 that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency. Moreover, some sections of 40 CFR part 60 specifically indicate that the authority may not be delegated to State and local agencies. Attachment B identifies authorities that are excluded from this delegation based on these legal and policy criteria.

With delegation, Ecology becomes the primary implementation and enforcement authority for these delegated NSPS standards. You will be the recipient of all notifications and reports and be the point of contact for questions and compliance issues. Although EPA looks to you as the lead for implementing the delegated NSPS, we retain authority to enforce any applicable emission standard or requirement. EPA will request notifications and reports from sources, if needed.

This delegation is subject to all Federal law and regulations as well as EPA policy, guidance, and determinations issued pursuant to 40 CFR part 60. The following summarizes the conditions and limitations of your delegation:

1. Enforcement of these standards in your jurisdiction will be the primary responsibility of your agency. Nevertheless, EPA may exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act with respect to sources which are subject to the NSPS.

2. If both a State or local regulation and a Federal regulation apply to the same source, both must be complied with, regardless of whether the one is more stringent than the other.

3. The EPA Administrator delegates to the Region 10, Office of Air Quality, Director the authority to delegate the NSPS to any State or local agency. The State or local agency that receives delegation from EPA Region 10 does not have the Federally-recognized authority to further delegate the NSPS.

4. If the Region 10, Office of Air Quality, Director determines that your agency's procedure for implementing or enforcing the NSPS is inadequate or is not being effectively carried out, this delegation may be revoked in whole or in part by written notice of the revocation. Any such revocation will be effective as of the date specified in the notice.

5. A new request for delegation will be required for any standard not included in this delegation and any standards promulgated or revised after the effective date of the Federal rules adopted in your regulation. Implementation and enforcement of new or revised standards will remain the sole responsibility of EPA, until your agency revises your regulations and submits and obtains approval of a new delegation request.

a. Acceptance of this delegation does not commit your agency to request or accept delegation of future NSPS standards and requirements.

b. EPA encourages your agency to update your NSPS delegation on an annual basis. This could coincide with the updating of the adoption by reference of NSPS standards, which is important for maintaining EPA approval of your title V operating permit program.

6. Your agency and EPA should communicate sufficiently to guarantee that each is fully informed and current regarding interpretation of regulations (including any unique questions about applicability) and the compliance status of subject sources in your jurisdiction.

a. Any records or reports provided to or otherwise obtained by your agency should be made available to EPA upon request.

b. In accordance with 40 CFR 60.9, the availability to the public of information provided to, or otherwise obtained by EPA in connection with this delegation shall be governed by 40 CFR part 2.

7. Implementation and enforcement of the delegated NSPS is subject to the current Compliance Assurance Agreement for Air Quality, signed by both the State and local agencies. This clearly defines roles and responsibilities, including timely and appropriate enforcement response and the maintenance of the Aerometric Information Retrieval System/Aerometric Facility Subsystem (AIRS/AFS).

8. Your agency will work with owners and operators of affected facilities subject to an NSPS to ensure all required information is submitted to your agency. Your assistance is requested to ensure that this information—including excess emission reports and summaries—is submitted to EPA upon request.

9. Your agency will ensure that all relevant source information, notification, and report information is entered into the AIRS/AFS database system in order to meet your record keeping and reporting requirements.

a. The AIR/AFS reporting elements for ''source information'' that your agency is expected to provide include, but are not limited to:

i. Identification of source
ii. Pollutants regulated
iii. Applicability of subparts
iv. Permit number for specific source or sub-unit
v. Dates of most recent NSPS compliance inspections
vi. Compliance status

b. The AIR/AFS reporting elements for ''notification and report information'' that your agency is expected to provide includes, but are not limited to:

i. Notification of commencement of construction or reconstruction
ii. Notification of anticipated and actual start-up
iii. Notification of any physical change to an existing facility that may increase the emission rate of any air pollutant to which the standard applies
iv. Notification of when continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by 40 CFR 60.8 in lieu of Method 9 observation data, as allowed by 40 CFR 60.11(e)(5)
v. Reports of performance testing results

10. Your agency will require affected facilities to utilize the methods specified in 40 CFR part 60 in performing source tests pursuant to the regulations. *See* 40 CFR 60.8.

11. Approval of ''major changes,'' equivalent methods, alternative methods, and shorter sampling times or volumes is not delegated to your agency. Such approvals remain the responsibility of EPA. Approval of ''minor'' or ''intermediate'' changes to test methods and ''minor'' or ''intermediate'' changes to monitoring is delegated to your agency. Definitions and examples of ''major changes,'' ''intermediate changes'' and ''minor changes'' are provided at the end of Attachment B.

Your agency must ensure adequate documentation of any changes to testing and monitoring methods so that periodic review by EPA can confirm that this authority is being exercised correctly. Your agency is expected to provide EPA all approvals of minor and intermediate changes in testing and monitoring methods, procedures, and equipment in your Annual Summary, as agreed upon in the current Compliance Assurance Agreement.

12. Your agency's delegation to implement and enforce NSPS does not extend to sources or activities located in Indian Country, as defined in 18 U.S.C.1151. Consistent with previous Federal program approvals or delegations, EPA will continue to implement the NSPS in Indian Country in Washington because your agency did not adequately demonstrate authority over sources and activities located within the exterior boundaries of Indian reservations and other areas of Indian Country. The one exception is within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the Puyallup Tribe of Indians Settlement Act of 1989, 25 U.S.C. 1773, Congress explicitly provided State and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area. After consulting with the Puyallup Tribe of Indians, EPA's delegation in this agreement applies to sources and activities on non-trust lands within the 1873 Survey Area. Therefore, your agency will implement and enforce the Federal NSPS requirements on these non-trust lands of the 1873 Survey Area.

13. Wherever the Washington Energy Facility Site Evaluation Council (EFSEC) has authority over specific sources, local and State authorities are not delegated the authority to implement and enforce the applicable subparts to those specific sources. However, EFSEC has not requested an updated delegation. Therefore, EPA retains the authority to implement and enforce the NSPS over these specific sources.

14. As discussed above, EPA guidance does not permit delegation to a State or local agency of authorities under 40 CFR part 60 that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency. In addition, some sections of 40 CFR part 60 specifically indicate that the authority may not be delegated.

Attachment B identifies authorities that are excluded from this delegation based on these legal and policy criteria.

15. As a reminder, the restriction in RCW 43.05 on Ecology's issuance of civil penalties does not apply to the NSPS program.

A notice announcing this delegation will be published in the **Federal Register** in the near future. The notice will inform sources in your jurisdiction that all reports pursuant to the Federal NSPS should be submitted to your agency only, effective immediately. Since this delegation is effective immediately, there is no requirement that your agency notify EPA of your acceptance. Unless EPA receives a written Notice of Objection within 10 days of the receipt of this letter, it will be deemed that your agency has accepted all terms of this delegation. If you have any questions, please contact Jeff KenKnight at (206) 553–6641 or Lucita Valiere at (206) 553–8087.

Sincerely,

Betty Wiese,

Acting Director, Office of Air Quality.

Attachments:

A. Updated list of NSPS subparts delegated to Washington air agencies
B. NSPS authorities excluded from delegation

ATTACHMENT A.—NSPS SUBPARTS DELEGATED TO WASHINGTON AIR AGENCIES

[Please refer to Attachment B for a list of specific subsections within the identified subparts that are excluded from this delegation]

Subpart [1]	Washington							
	Ecology [2]	BCAA [3]	NWAPA [4]	ORCAA [5]	PSCAA [6]	SCAPCA [7]	SWCAA [8]	YRCAA [9]
A General Provisions	X	X	X	X	X	X	X	X
B Adoption and Submittal of State Plans for Designated Facilities	.....	.....	.....	.....	.....	.....	.....	.....
C Emission Guidelines and Compliance Times	.....	.....	.....	.....	.....	.....	.....	.....
Cb Large Municipal Waste Combustors that are Constructed on or before September 20, 1994 (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....
Cc Municipal Solid Waste Landfills (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....
Cd Sulfuric Acid Production Units (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....

ATTACHMENT A.—NSPS SUBPARTS DELEGATED TO WASHINGTON AIR AGENCIES—Continued

[Please refer to Attachment B for a list of specific subsections within the identified subparts that are excluded from this delegation]

Subpart [1]	Washington							
	Ecology [2]	BCAA [3]	NWAPA [4]	ORCAA [5]	PSCAA [6]	SCAPCA [7]	SWCAA [8]	YRCAA [9]
Ce Hospital/Medical/Infectious Waste Incinerators (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....
D Fossil-Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971	X	X	X	X	X	X	X	X
Da Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978	X	X	X	X	X	X	X	X
Db Industrial-Commercial-Institutional Steam Generating Units	X	X	X	X	X	X	X	X
Dc Small Industrial-Commercial-Institutional Steam Generating Units	X	X	X	X	X	X	X	X
E Incinerators	X	X	X	X	X	X	X	X
Ea Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994	X	X	X	X	X	X	X	X
Eb Large Municipal Waste Combustors for which Cnstruction is Commenced after September 20, 1994 or for which Modification or Reconstruction is Commenced after June 19, 1996	X	X	X	X	X	X	X	X
Ec Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996	X	X	X	X	X	X	X	X
F Portland Cement Plants	X	X	X	X	X	X	X	X
G Nitric Acid Plants	X	X	X	X	X	X	X	X
H Sulfuric Acid Plants	X	X	X	X	X	X	X	X
I Hot Mix Asphalt Facilities	X	X	X	X	X	X	X	X
J Petroleum Refineries	X	X	X	X	X	X	X	X
K Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973 and prior to May 19, 1978	X	X	X	X	X	X	X	X
Ka Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978 and prior to July 23, 1984	X	X	X	X	X	X	X	X
Kb VOC Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984	X	X	X	X	X	X	X	X
L Secondary Lead Smelters	X	X	X	X	X	X	X	X
M Secondary Brass and Bronze Production Plants	X	X	X	X	X	X	X	X
N Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973	X	X	X	X	X	X	X	X
Na Secondary Emissions from Basic Oxygen Process Steel-making Facilities for which Construction is Commenced after January 20, 1983	X	X	X	X	X	X	X	X
O Sewage Treatment Plants	X	X	X	X	X	X	X	X
P Primary Copper Smelters	X	X	X	X	X	X	X	X
Q Primary Zinc Smelters	X	X	X	X	X	X	X	X
R Primary Lead Smelters	X	X	X	X	X	X	X	X
S Primary Aluminum Reduction Plants [10]	X							
T Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	X	X	X	X	X	X	X	X
U Phosphate Fertilizer Industry: Superphosphoric Acid Plants	X	X	X	X	X	X	X	X
V Phosphate Fertilizer Industry: Diammonium Phosphate Plants	X	X	X	X	X	X	X	X
W Phosphate Fertilizer Industry: Triple Superphosphate Plants	X	X	X	X	X	X	X	X
X Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X	X	X	X	X	X	X	X

ATTACHMENT A.—NSPS SUBPARTS DELEGATED TO WASHINGTON AIR AGENCIES—Continued

[Please refer to Attachment B for a list of specific subsections within the identified subparts that are excluded from this delegation]

Subpart [1]	Washington							
	Ecology [2]	BCAA [3]	NWAPA [4]	ORCAA [5]	PSCAA [6]	SCAPCA [7]	SWCAA [8]	YRCAA [9]
Y Coal Preparation Plants	X	X	X	X	X	X	X	X
Z Ferroalloy Production Facilities	X	X	X	X	X	X	X	X
AA Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974 and on or before August 17, 1983	X	X	X	X	X	X	X	X
AAa Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 7, 1983	X	X	X	X	X	X	X	X
BB Kraft Pulp Mills [11]	X							
CC Glass Manufacturing Plants	X	X	X	X	X	X	X	X
DD Grain Elevators	X	X	X	X	X	X	X	X
EE Surface Coating of Metal Furniture	X	X	X	X	X	X	X	X
GG Stationary Gas Turbines	X	X	X	X	X	X	X	X
HH Lime Manufacturing Plants	X	X	X	X	X	X	X	X
KK Lead-Acid Battery Manufacturing Plants	X	X	X	X	X	X	X	X
LL Metallic Mineral Processing Plants	X	X	X	X	X	X	X	X
MM Automobile and Light Duty Truck Surface Coating Operations	X	X	X	X	X	X	X	X
NN Phosphate Rock Plants	X	X	X	X	X	X	X	X
PP Ammonium Sulfate Manufacture	X	X	X	X	X	X	X	X
QQ Graphic Arts Industry: Publication Rotogravure Printing	X	X	X	X	X	X	X	X
RR Pressure Sensitive Tape and Label Surface Coating Standards	X	X	X	X	X	X	X	X
SS Industrial Surface Coating: Large Appliances	X	X	X	X	X	X	X	X
TT Metal Coil Surface Coating	X	X	X	X	X	X	X	X
UU Asphalt Processing and Asphalt Roof Manufacture	X	X	X	X	X	X	X	X
VV Equipment Leaks of VOC in Synthetic Organic Chemical Manufacturing Industry	X	X	X	X	X	X	X	X
WW Beverage Can Surface Coating Industry	X	X	X	X	X	X	X	X
XX Bulk Gasoline Terminals	X	X	X	X	X	X	X	X
AAA New Residential Wood Heaters	.....	.....	.....	.....	.....	.....	.....	.....
BBB Rubber Tire Manufacturing Industry	X	X	X	X	X	X	X	X
DDD VOC Emissions from Polymer Manufacturing Industry	X	X	X	X	X	X	X	X
FFF Flexible Vinyl and Urethane Coating and Printing	X	X	X	X	X	X	X	X
GGG Equipment Leaks of VOC in Petroleum Refineries	X	X	X	X	X	X	X	X
HHH Synthetic Fiber Production Facilities	X	X	X	X	X	X	X	X
III VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes	X	X	X	X	X	X	X	X
JJJ Petroleum Dry Cleaners	X	X	X	X	X	X	X	X
KKK Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	X	X	X	X	X	X	X	X
LLL Onshore Natural Gas Processing:SO2 Emissions	X	X	X	X	X	X	X	X
NNN VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Distillation Operations	X	X	X	X	X	X	X	X
OOO Nonmetallic Mineral Processing Plants	.....	.....	X	.....	X	.....	X	.....
PPP Wool Fiberglass Insulation Manufacturing Plants	X	X	X	X	X	X	X	X
QQQ VOC Emissions from Petroleum Refinery Wastewater Systems	X	X	X	X	X	X	X	X
RRR VOCs from Synthetic Organic Chemical Manufacturing Industry Reactor Processes	X	X	X	X	X	X	X	X
SSS Magnetic Tape Coating Facilities	X	X	X	X	X	X	X	X
TTT Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines	X	X	X	X	X	X	X	X
UUU Calciners and Dryers in Mineral Industries	X	X	X	X	X	X	X	X

ATTACHMENT A.—NSPS SUBPARTS DELEGATED TO WASHINGTON AIR AGENCIES—Continued

[Please refer to Attachment B for a list of specific subsections within the identified subparts that are excluded from this delegation]

Subpart [1]	Washington							
	Ecology [2]	BCAA [3]	NWAPA [4]	ORCAA [5]	PSCAA [6]	SCAPCA [7]	SWCAA [8]	YRCAA [9]
VVV Polymeric Coating of Supporting Substrates Facilities	X	X	X	X	X	X	X	X
WWW Municipal Solid Waste Landfills	X	X	X	X	X	X	X	X
AAAA Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001	X	X	.....	X	X	X	.....	X
BBBB Small Municipal Waste Combustion Units Constructed on or before August 30, 1999 (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....
CCCC Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001	X	X	.....	X	X	X	.....	X
DDDD Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999 (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....

[1] Any authority within any subpart of this part that is not delegable, is not delegated.

[2] Washington State Department of Ecology, for 40 CFR 60.17(h)(1), (h)(2), (h)(3) and 40 CFR part 60, subpart AAAA, as in effect on June 6, 2001; for 40 CFR part 60, subpart CCCC, as in effect on June 1, 2001; and for all other NSPS delegated, as in effect February 20, 2001.

[3] Benton Clean Air Authority, for 40 CFR 60.17(h)(1), (h)(2), (h)(3) and 40 CFR part 60, subpart AAAA, as in effect on June 6, 2001; for 40 CFR part 60, subpart CCCC, as in effect on June 1, 2001; and for all other NSPS delegated, as in effect February 20, 2001.

[4] Northwest Air Pollution Authority, for all NSPS delegated, as in effect on July 1, 2000.

[5] Olympic Regional Clean Air Authority, for 40 CFR 60.17(h)(1), (h)(2), (h)(3) and 40 CFR part 60, subpart AAAA, as in effect on June 6, 2001; for 40 CFR part 60, subpart CCCC, as in effect on June 1, 2001; and for all other NSPS delegated, as in effect February 20, 2001.

[6] Puget Sound Clean Air Authority, for all NSPS delegated, as in effect on July 1, 2002.

[7] Spokane County Air Pollution Control Authority, for 40 CFR 60.17(h)(1), (h)(2), (h)(3) and 40 CFR part 60, subpart AAAA, as in effect on June 6, 2001; for 40 CFR part 60, subpart CCCC, as in effect on June 1, 2001; and for all other NSPS delegated, as in effect February 20, 2001.

[8] Southwest Clean Air Agency, for all NSPS delegated, as in effect on July 1, 2000.

[9] Yakima County Clean Air Authority, for 40 CFR 60.17(h)(1), (h)(2), (h)(3) and 40 CFR part 60, subpart AAAA, as in effect on June 6, 2001; for 40 CFR part 60, subpart CCCC, as in effect on June 1, 2001; and for all other NSPS delegated, as in effect February 20, 2001.

[10] Subpart S of this part is not delegated to local agencies in Washington because the Washington State Department of Ecology retains sole authority to regulate Primary Aluminum Plants, pursuant to Washington Administrative Code 173–415–010.

[11] Subpart BB of this part is not delegated to local agencies in Washington because the Washington State Department of Ecology retains sole authority to regulate Kraft and Sulfite Pulping Mills, pursuant to Washington State Administrative Code 173–405–012 and 173–410–012.

Attachment B—NSPS Authorities Excluded From Delegation

EPA guidance permits delegation to a State or local agency of all the EPA Administrator's authorities under 40 CFR part 60 except those that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency. In addition, some sections of 40 CFR part 60 specifically indicate that the authority may not be delegated. Listed below are authorities that are excluded from this delegation based on the legal and policy criteria discussed above.

Statutory Authorities:

Section 111(h)(3) of Clean Air Act.	*Equivalency Determinations*—Approval of alternatives to any design, equipment, work practice, or operational standard [*e.g.*, 40 CFR 60.114(a) and 60.302(d)(3)] is accomplished through the rulemaking process and is adopted as a change to the individual subpart. This authority may not be delegated.
Section 111(j) of Clean Air Act.	*Innovative Technology Waivers*—Innovative technology waivers must be adopted as site-specific amendments to the individual subpart. The authority to grant waivers is not delegated. However, agencies may be delegated the authority to enforce any waivers granted by the EPA.

General Provisions Authorities:

Section	Authorities
60.8(b)(2), 60.8(b)(3) (partial limitation).	Approval of ''Major Change to Test Methods'' (See below for definition and examples). (**Note:** Any references to the authority in section 60.8(b) are reminders of the provisions of section 60.8 and are not separate authorities which can be delegated.)
60.9	Availability of Information Procedure for EPA—not applicable to State/local agencies.
60.11(b) (partial limitation)	Approval of ''Major Change to Test Methods''—alternative to ''Method 9'' test method.
60.11(e)(7), 60.11(e)(8)	Approval of Alternative Opacity Standard.

Section	Authorities
60.13(a) (partial limitation)	Approval of ''Major Change to Monitoring'' (See below for definition and examples)—specification of continuous monitoring systems requirements.
60.13(d)(2) (partial limitation).	Approval of ''Major Change to Monitoring''—continuous opacity monitoring systems.
60.13(g)(1)	Approval of installation of fewer monitoring systems when one affected facility/source vents through more than one point (this is a major change to monitoring).
60.13(i) (partial limitation)	Approval of ''Major Change to Monitoring''.

Specific Subpart Authorities (the following list does not include approving alternative standards or major changes to test methods or monitoring, which are discussed above):

Section	Authorities
	Note: Subpart B and Subparts C, Cb, Cc, Cd, Ce— Use of term ''Administrator'' in these subparts refers only to EPA Administrator.
	Note: Subparts C, Cb, Cc, Cd, Ce—These subparts are emission guidelines and compliance times for large municipal waste combustors, municipal solid waste landfills, sulfuric acid production units, and hospital/medical/infectious waste units. They are the basis for State control plans developed in accordance with Sections 111(d) and 129 of the Clean Air Act. Enforcement of these subparts require submission of a plan to EPA for approval.
	Subpart Da—Fossil Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971.
60.45a	Approval of emerging technology.
	Subpart Db—Industrial-Commercial-Institutional Steam Generating Units.
60.44b(f)	Approval of site-specific nitrogen oxide limit for sources combusting byproduct/waste or hazardous waste with natural gas or oil.
60.44b(g)	Approval of waiver of nitrogen oxide limit for sources burning hazardous waste with natural gas or oil.
60.49b(a)(4)	Approval of emerging technology.
	Subpart Dc—Small Industrial-Commercial-Institutional Steam Generating Units.
60.48c(a)(4)	Approval of emerging technology.
	Subpart Ec—Hospital/Medical/Infectious Waste Incinerators for Which Construction Is Commenced After June 20, 1996.
60.56c(i)	Alternative site-specific operating parameters.
Plus	Any other approval of alternative compliance demonstration (specifically restricted by 60.51c(i), therefore not limited to ''major changes'').
	Subpart J—Petroleum Refineries.
60.105(a)(13)(iii)	Alternative monitoring methods.
60.106(i)(12)	Alternative method of determining compliance.
	Subpart Ka—Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984.
60.114a	Alternative means of limiting emissions.
	Subpart Kb—Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
60.111b(f)(4)	Alternative maximum true vapor pressure.
60.114b	Alternative means of limiting emissions.
60.116b(e)(3)(iii)	Alternative measure of vapor pressure.
60.116b(e)(3)(iv)	Alternative calculation of vapor pressure.
60.116b(f)(2)(iii)	Alternative measure of vapor pressure.
	Subpart O—Sewage Treatment Plans.
60.153(e)	Plan for monitoring and recording incinerator and control device operation parameters.
	Subpart S—Primary Aluminum Plants.
60.194(d)	Alternative testing requirements (less frequently).
	Note: Washington law gives Ecology sole authority to regulate Kraft and Sulfite Mills (WAC 173–405–012 and 173–410–012) on a State-wide basis. Therefore, local agencies in Washington are not delegated Subpart S.
	Subpart BB—Kraft Pulp Mills.
	Note: Washington law gives Ecology sole authority to regulate Primary Aluminum Plants (WAC 173–415–010) on a State-wide basis. Therefore, local agencies in Washington are not delegated subpart BB.
	Subpart DD—Grain Elevators.
60.302(d)(3)	Alternative particulate matter emission controls.
	Subpart EE—Surface Coating of Metal Furniture.
60.313(c)(1)(i)(B)	Alternative transfer efficiencies.
	Subpart GG—Stationary Gas Turbines.
60.332(a)(3)	Development of customized factors—fuel nitrogen content.
60.335(f)(1)	Development of customized factors—adjusting nitrogen oxides emission level based on ambient air conditions.
	Subpart MM—Automobile and Light Duty Truck Surface Coating Operations.
60.393(c)(1)(i)(C)	Approval of alternative transfer coefficients.
60.398	Innovative Technology Waivers.
	Subpart RR—Pressure Sensitive Tape and Label Surface Coating Operations.
60.446(c)	Approval of testing of representative number of stacks rather than all stacks.
	Subpart SS—Industrial Surface Coating: Large Appliances.
60.453(b)	Alternative procedures for estimating transfer efficiencies, volume of coating.
60.456(d)	Approval of testing of representative number of stacks rather than all stacks.
	Subpart TT—Metal Coil Surface Coating.
60.466(d)	Approval of testing of representative number of stacks rather than all stacks.

Section	Authorities
	Subpart UU—Asphalt Processing and Asphalt Roofing Manufacture.
60.472(b)(5)	Refers to 60.474(g).
60.474(g)	Alternative opacity standard.
	Subpart VV—Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
60.482–1(c)(2)	Approval of alternative/equivalent means of emission limitation.
60.484	Approval of alternative/equivalent means of emission limitation.
	Subpart WW—Beverage Can Surface Coating Industry Alternative Method for Determining Fraction of VOC Emitted.
60.493(b)(2)(i)(A), 60.496(c)	Shorter sampling times and approval of testing of representative number of stacks rather than all stacks.
	Subpart XX—Bulk Gasoline Terminals.
60.502(e)(6)	Approval of alternative procedures for gasoline tank truck loading.
	Subpart AAA—New Residential Wood Heaters.
	Note: Entire Subpart AAA may not be delegated. (Wood Heater Program is administered entirely by EPA HQ. States can create rules that impose additional requirements for wood-burning appliances as part of their SIPs.)
	Subpart BBB—Rubber Tire Manufacturing Industry.
60.543(c)(2)(ii)(B)	Approval of alternative test method—determining fraction of VOC at affected facility.
	Subpart DDD—Volatile Organic Compound Emissions (VOC) From the Polymer Manufacturing Industry.
60.562–2(c)	Approval of alternative method of emission limitation.
	Subpart GGG—Equipment Leaks of VOC in Petroleum Refineries.
60.592(c)	Approval of alternative method of emission limitation.
	Subpart III—VOC Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
60.613(f)	Demonstration of compliance for use of other control devices.
	Subpart JJJ—Petroleum Dry Cleaners.
60.623	Equivalent equipment and procedures.
	Subpart KKK—Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.
60.632(c)	Alternative means of emission limitation.
60.634	Alternative means of emission limitation.
	Subpart NNN—VOC Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
60.663(f)	Demonstration of compliance for use of other control devices.
	Subpart QQQ—VOC Emissions From Petroleum Refinery Wastewater Systems.
60.694	Permission to use alternative means of emission limitation.
	Subpart RRR—VOC Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
60.703(e)	Approval of use of control devices not described in regulation.
	Subpart SSS—Magnetic Tape Coating Facilities.
60.711(a)(16)	Alternative temporary enclosure.
60.713(b)(1)(i)	Approval of measured value for RS_i.
60.713(b)(1)(ii)	Approval of measurement techniques.
60.713(b)(5)(i)	Approval of total enclosure.
60.713(d)	Necessary operating specifications.
60.715(a)	Plant coating formulation data equivalent to Method 24.
60.716	Alternative means of limiting emissions.
	Subpart TTT—Industrial Surface Coating: Surface Coating of Plastic Parts of Business Machines.
60.723(b)(1)	Alternative test method—other than Method 24.
60.723(b)(2)(i)(C)	Alternative transfer efficiencies.
60.723(b)(2)(iv)	Determination of compliance—facilities using add-on controls.
60.724(e)	Alternative recordkeeping and reporting—facilities using add-on controls.
60.725(b)	Alternative test methods—to determine VOC content of coating.
	Subpart VVV—Polymeric Coatings of Supporting Substrates Facilities.
60.743(a)(3)(v)(A)	Approval of measured value for RS_i.
60.743(a)(3)(v)(B)	Approval of measured value for RS_i.
60.743(e)	Approval of use of control device other than absorber, condenser, incinerator.
60.745(a)	Approval of coating formulation data equivalent to Method 24.
60.746 (also as referred to by 60.743(b)(1)).	Permission to use alternative means of emission limitation.
	Subpart WWW—Municipal Solid Waste Landfills.
60.752(b)(2)(i)(C), (D) and 60.759(a).	Approval of alternative collection and control system design plan.
60.754(a)(5)	Approval of alternative methods for determining NMOC concentration or a site-specific k.
60.756(d)	Approval of monitoring methods for operators seeking to comply with standards using something other than an open flare or an enclosed combustor.
60.756(e)	Approval of monitoring methods for operators installing alternative collection systems.
	Subpart CCCC—New Commercial and Industrial Solid Waste Incineration Units.
60.2025	Approval of petition for exemption.
60.2100(b)(2)	Approval to continue operation.
60.2115	Approval of petition for specific operating parameters.
Also: (60.2110)	Approval of alternatives to the emission limitations in Table 1 and operating limits established under 60.2110.
	Note: Subparts BBBB and DDDD are guidelines, not standards.
	Additionally, EPA does not delegate any authority for which sections of 40 CFR part 60 specifically indicate that the authority may not be delegated.

Changes to Monitoring and Test Methods (based on definitions in 40 CFR 63.91(a), which are also used for purposes of delegation under 40 CFR part 60 as provided in ''How To Review and Issue Clean Air Act Applicability Determinations and Alternative Monitoring: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants,'' February 1999):

Intermediate change to monitoring means a modification to federally required monitoring involving ''proven technology'' (generally accepted by the scientific community as equivalent or better) that is applied on a site-specific basis and that may have the potential to decrease the stringency of the compliance and enforcement measures for the relevant standard. Though site-specific, an intermediate decrease may set a national precedent for a source category and may ultimately result in a revision to the federally required monitoring. Examples of intermediate changes to monitoring include, but are not limited to:

(1) Use of a continuous emission monitoring system (CEMS) in lieu of a parameter monitoring approach;

(2) Decreased frequency for non-continuous parameter monitoring or physical inspections;

(3) Changes to quality control requirements for parameter monitoring; and

(4) Use of an electronic data reduction system in lieu of manual data reduction.

Intermediate change to a test method means a within-method modification to a federally enforceable test method involving ''proven technology'' (generally accepted by the scientific community as equivalent or better) that is applied on a site-specific basis and that may have the potential to decrease the stringency of the associated emission limitation or standard. Though site-specific, an intermediate change may set a national precedent for a source category and may ultimately result in a revision to the federally enforceable test method. In order to be approved, an intermediate change must be validated according to EPA Method 301 (Part 63, Appendix A) to demonstrate that it provides equal or improved accuracy and precision. Examples of intermediate changes to a test method include, but are not limited to:

(1) Modifications to a test method's sampling procedure including substitution of sampling equipment that has been demonstrated for a particular sample matrix, and use of a different impinger absorbing solution;

(2) Changes in sample recovery procedures and analytical techniques, such as changes to sample holding times and use of a different analytical finish with proven capability for the analyte of interest; and

(3) ''Combining'' a federally required method with another proven method for application to processes emitting multiple pollutants.

Major change to monitoring means a modification to federally required monitoring that uses ''unproven technology or procedures'' (not generally accepted by the scientific community) or is an entirely new method (sometimes necessary when the required monitoring is unsuitable). A major change to monitoring may be site-specific or may apply to one or more source categories and will almost always set a national precedent. Examples of major changes to monitoring include, but are not limited to:

(1) Use of a new monitoring approach developed to apply to a control technology not contemplated in the applicable regulation;

(2) Use of a predictive emission monitoring system (PEMS) in place of a required continuous emission monitoring system (CEMS);

(3) Use of alternative calibration procedures that do not involve calibration gases or test cells;

(4) Use of an analytical technology that differs from that specified by a performance specification;

(5) Decreased monitoring frequency for a continuous emission monitoring system, continuous opacity monitoring system, predictive emission monitoring system, or continuous parameter monitoring system;

(6) Decreased monitoring frequency for a leak detection and repair program; and

(7) Use of alternative averaging times for reporting purposes.

Major change to recordkeeping/reporting means:

(1) A modification to federally required recordkeeping or reporting that:

(i) May decrease the stringency of the required compliance and enforcement measures for the relevant standards;

(ii) May have national significance (*e.g.*, might affect implementation of the applicable regulation for other affected sources, might set a national precedent); or

(iii) Is not site-specific.

(2) Examples of major changes to recordkeeping and reporting include, but are not limited to:

(i) Decreases in the record retention for all records;

(ii) Waiver of all or most recordkeeping or reporting requirements;

(iii) Major changes to the contents of reports; or

(iv) Decreases in the reliability of recordkeeping or reporting (*e.g.*, manual recording of monitoring data instead of required automated or electronic recording, or paper reports where electronic reporting may have been required).

Major change to test method means a modification to a federally enforceable test method that uses ''unproven technology or procedures'' (not generally accepted by the scientific community) or is an entirely new method (sometimes necessary when the required test method is unsuitable). A major change to a test method may be site-specific, or may apply to one or more sources or source categories, and will almost always set a national precedent. In order to be approved, a major change must be validated according to EPA Method 301 (Part 63, Appendix A). Examples of major changes to a test method include, but are not limited to:

(1) Use of an unproven analytical finish;

(2) Use of a method developed to fill a test method gap;

(3) Use of a new test method developed to apply to a control technology not contemplated in the applicable regulation; and

(4) Combining two or more sampling/analytical methods (at least one unproven) into one for application to processes emitting multiple pollutants.

Minor change to monitoring means:

(1) A modification to federally required monitoring that:

(i) Does not decrease the stringency of the compliance and enforcement measures for the relevant standard;

(ii) Has no national significance (*e.g.*, does not affect implementation of the applicable regulation for other affected sources, does not set a national precedent, and individually does not result in a revision to the monitoring requirements); and

(iii) Is site-specific, made to reflect or accommodate the operational characteristics, physical constraints, or safety concerns of an affected source.

(2) Examples of minor changes to monitoring include, but are not limited to:

(i) Modifications to a sampling procedure, such as use of an improved sample conditioning system to reduce maintenance requirements;

(ii) Increased monitoring frequency; and

(iii) Modification of the environmental shelter to moderate temperature fluctuation and thus protect the analytical instrumentation.

Minor change to recordkeeping/reporting means:

(1) A modification to federally required recordkeeping or reporting that:

(i) Does not decrease the stringency of the compliance and enforcement measures for the relevant standards;

(ii) Has no national significance (*e.g.*, does not affect implementation of the applicable regulation for other affected sources, does not set a national precedent, and individually does not result in a revision to the recordkeeping or reporting requirement); and

(iii) Is site-specific.

(2) Examples of minor changes to recordkeeping or reporting include, but are not limited to:

(i) Changes to recordkeeping necessitated by alternatives to monitoring;

(ii) Increased frequency of recordkeeping or reporting, or increased record retention periods;

(iii) Increased reliability in the form of recording monitoring data, *e.g.,* electronic or automatic recording as opposed to manual recording of monitoring data;

(iv) Changes related to compliance extensions granted pursuant to Sec. 63.6(i);

(v) Changes to recordkeeping for good cause shown for a fixed short duration, *e.g.*, facility shutdown;

(vi) Changes to recordkeeping or reporting that are clearly redundant with equivalent recordkeeping/reporting requirements; and

(vii) Decreases in the frequency of reporting for area sources to no less than once a year for good cause shown, or for major sources to no less than twice a year as required by title V, for good cause shown.

Minor change to test method means:

(1) A modification to a federally enforceable test method that:

(i) Does not decrease the stringency of the emission limitation or standard;

(ii) Has no national significance (*e.g.,* does not affect implementation of the applicable regulation for other affected sources, does not set a national precedent, and individually does not result in a revision to the test method); and

(iii) Is site-specific, made to reflect or accommodate the operational characteristics, physical constraints, or safety concerns of an affected source.

(2) Examples of minor changes to a test method include, but are not limited to:

(i) Field adjustments in a test method's sampling procedure, such as a modified sampling traverse or location to avoid interference from an obstruction in the stack, increasing the sampling time or volume, use of additional impingers for a high moisture situation, accepting particulate emission results for a test run that was conducted with a lower than specified temperature, substitution of a material in the sampling train that has been demonstrated to be more inert for the sample matrix; and

(ii) Changes in recovery and analytical techniques such as a change in quality control/quality assurance requirements needed to adjust for analysis of a certain sample matrix.

Note: The authority to approve decreases in sampling times and volumes when necessitated by process variables has typically been delegated in conjunction with the minor changes to test methods, but these types of changes are not included within the scope of minor changes. *See* Memorandum from John S. Seitz, Director OAQPS, Delegation of 40 CFR part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies, July 10, 1998.

2. Local Air Authorities

The terms and conditions of the letters delegating authority to BCAA, NWAPA, ORCAA, PSCAA, SCAPCA, SWCAA, and YRCAA including Attachments A and B to the letters, are the same in the Ecology delegation letter with the following exceptions:

a. The NSPS delegated and the dates of the NSPS that are delegated vary. Attachment A to the Ecology letter identifies the NSPS subparts delegated to each agency and the date of the NSPS.

b. Only PSCAA, along with Ecology, has delegation of authority over sources and activities on non-trust land within the 1873 Survey Area of the Puyallup Indian Reservation.

c. Based on an opinion letter from an attorney for PSCAA, EPA has determined that the restriction on the issuance of civil penalties in Chapter 43.05 of the Revised Code of Washington (RCW), often referred to as ''House Bill 1010,'' does not apply to local air authorities in Washington.

Copies of the delegation letters can be obtained by contacting EPA at the address above.

B. Effective Date of Delegations

The letters granting delegation to these State and local air agencies specify that the updated delegations of the identified NSPS are effective November 20, 2001 for Ecology, BCAA, and SWCAA; February 5, 2002 for ORCAA; February 5, 2003, for NWAPA, PSCAA, and SCAPCA; and December 15, 2003, 2003, for YRCAA. The letters specified that the delegations were effective immediately as of the signature date of the letters and that if the recipient agency did not agree to the terms of the delegation, they could submit a written Notice of Objection within 10 days of the receipt of the letter and EPA would withdraw delegation. No agency submitted a Notice of Objection.

C. Submission of Notices and Reports

All reports required to be submitted to EPA pursuant to the Federal NSPS from sources located within Washington, except for sources in Indian Country [1] and sources regulated by the EFSEC, should be submitted to Ecology or the local agency that has delegation for the relevant NSPS standard at the address set forth in 40 CFR 60.4(b)(WW). All reports required to be submitted pursuant to the Federal NSPS from sources located in Indian Country in Washington and sources regulated by the EFSEC should be submitted to EPA Region 10, Director, Office of Air Quality, OAQ–107, 1200 Sixth Avenue, Seattle, WA 98101.

III. Conclusion

EPA is notifying the public of recent updates to NSPS delegations for Ecology, BCAA, NWAPA, ORCAA, PSCAA, SCAPCA, SWCAA, and YRCAA. These actions are already final and were granted by letters from the Director, Office of Air Quality, EPA, Region 10, to the air program directors at Ecology, BCAA, NWAPA, ORCAA, PSCAA, SCAPCA, SWCAA, and YRCAA. These delegations are subject to all EPA policy, guidance and determinations issued pursuant to 40 CFR Part 60 and to the conditions in the letters granting the delegation.

The table in paragraph 40 CFR 60.4(b)(WW)(ix) is being revised to show the specific NSPS subparts delegated to each Washington air agency. The names and addresses of the delegated Washington State and local air agencies are also being revised to reflect current information.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). The Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a

[1] As discussed in the delegation letters for Ecology and PSCAA, Ecology and PSCAA have delegation of the identified NSPS for sources located on non-trust lands within the 1873 Survey Area of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Therefore, these sources should send all required NSPS notices to Ecology or PSCAA, as appropriate.

copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 13, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 60

Administrative practice and procedure, Air pollution control, Aluminum, Ammonium sulfate plants, Batteries, Beverages, Carbon monoxide, Cement industry, Chemicals, Coal, Copper, Dry cleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Grains, Graphic arts industry, Heaters, Household appliances, Insulation, Intergovernmental relations, Iron, Labeling, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide, Paper and paper products industry, Particulate matter, Paving and roofing materials, Petroleum, Phosphate, Plastics materials and synthetics, Polymers, Reporting and recordkeeping requirements, Sewage disposal, Steel, Sulfur oxides, Sulfuric acid plants, Tires, Urethane, Vinyl, Volatile organic compounds, Waste treatment and disposal, Zinc.

Dated: January 29, 2004.

L. John Iani,

Regional Administrator, Region 10.

■ Part 60, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 60—[AMENDED]

■ 1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart A—General Provisions

■ 2. Section 60.4 is amended by revising paragraph (b)(WW) to read as follows:

§ 60.4 Addresses.

* * * * *

(b) * * *

(WW) *State of Washington.* (i) Washington State Department of Ecology (Ecology), P.O. Box 47600, Olympia, WA 98504–7600, *http://www.ecy.wa.gov/*

(ii) Benton Clean Air Authority (BCAA), 650 George Washington Way, Richland, WA 99352–4289, *http://www.bcaa.net/*

(iii) Northwest Air Pollution Control Authority (NWAPA), 1600 South Second St., Mount Vernon, WA 98273–5202, *http://www.nwair.org/*

(iv) Olympic Regional Clean Air Agency (ORCAA), 909 Sleater-Kinney Road S.E., Suite 1, Lacey, WA 98503–1128, *http://www.orcaa.org/*

(v) Puget Sound Clean Air Agency (PSCAA), 110 Union Street, Suite 500, Seattle, WA 98101–2038, *http://www.pscleanair.org/*

(vi) Spokane County Air Pollution Control Authority (SCAPCA), West 1101 College, Suite 403, Spokane, WA 99201, *http://www.scapca.org/*

(vii) Southwest Clean Air Agency (SWCAA), 1308 NE. 134th St., Vancouver, WA 98685–2747, *http://www.swcleanair.org/*

(viii) Yakima Regional Clean Air Authority (YRCAA), 6 South 2nd Street, Suite 1016, Yakima, WA 98901, *http://co.yakima.wa.us/cleanair/default.htm*

(ix) The following table lists the delegation status of the New Source Performance Standards for the State of Washington. An ''X'' indicates the subpart has been delegated, subject to all the conditions and limitations set forth in Federal law and the letters granting delegation. Some authorities cannot be delegated and are retained by EPA. Refer to the letters granting delegation for a discussion of these retained authorities. The dates noted at the end of the table indicate the effective dates of Federal rules that have been delegated. Authority for implementing and enforcing any amendments made to these rules after these effective dates are not delegated.

NSPS SUBPARTS DELEGATED TO WASHINGTON AIR AGENCIES

Subpart [1]	Washington							
	Ecology [2]	BCAA [3]	NWAPA [4]	ORCAA [5]	PSCAA [6]	SCAPCA [7]	SWCAA [8]	YRCAA [9]
A General Provisions	X	X	X	X	X	X	X	X
B Adoption and Submittal of State Plans for Designated Facilities	.....	.....	.....	.....	.....	.....	.....	.....
C Emission Guidelines and Compliance Times	.....	.....	.....	.....	.....	.....	.....	.....
Cb Large Municipal Waste Combustors that are Constructed on or before September 20, 1994 (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....
Cc Municipal Solid Waste Landfills (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....
Cd Sulfuric Acid Production Units (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....
Ce Hospital/Medical/Infectious Waste Incinerators (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....
D Fossil-Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971	X	X	X	X	X	X	X	X
Da Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978	X	X	X	X	X	X	X	X

NSPS SUBPARTS DELEGATED TO WASHINGTON AIR AGENCIES—Continued

Subpart [1]	Washington							
	Ecology [2]	BCAA [3]	NWAPA [4]	ORCAA [5]	PSCAA [6]	SCAPCA [7]	SWCAA [8]	YRCAA [9]
Db Industrial-Commercial-Institutional Steam Generating Units	X	X	X	X	X	X	X	X
Dc Small Industrial-Commercial-Institutional Steam Generating Units	X	X	X	X	X	X	X	X
E Incinerators	X	X	X	X	X	X	X	X
Ea Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994	X	X	X	X	X	X	X	X
Eb Large Municipal Waste Combustors for which Construction is Commenced after September 20, 1994 or for which Modification or Reconstruction is Commenced after June 19, 1996	X	X	X	X	X	X	X	X
Ec Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996	X	X	X	X	X	X	X	X
F Portland Cement Plants	X	X	X	X	X	X	X	X
G Nitric Acid Plants	X	X	X	X	X	X	X	X
H Sulfuric Acid Plants	X	X	X	X	X	X	X	X
I Hot Mix Asphalt Facilities	X	X	X	X	X	X	X	X
J Petroleum Refineries	X	X	X	X	X	X	X	X
K Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973 and prior to May 19, 1978	X	X	X	X	X	X	X	X
Ka Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978 and prior to July 23, 1984	X	X	X	X	X	X	X	X
Kb VOC Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984	X	X	X	X	X	X	X	X
L Secondary Lead Smelters	X	X	X	X	X	X	X	X
M Secondary Brass and Bronze Production Plants	X	X	X	X	X	X	X	X
N Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973	X	X	X	X	X	X	X	X
Na Secondary Emissions from Basic Oxygen Process Steel-making Facilities for which Construction is Commenced after January 20, 1983	X	X	X	X	X	X	X	X
O Sewage Treatment Plants	X	X	X	X	X	X	X	X
P Primary Copper Smelters	X	X	X	X	X	X	X	X
Q Primary Zinc Smelters	X	X	X	X	X	X	X	X
R Primary Lead Smelters	X	X	X	X	X	X	X	X
S Primary Aluminum Reduction Plants [10]	X							
T Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	X	X	X	X	X	X	X	X
U Phosphate Fertilizer Industry: Superphosphoric Acid Plants	X	X	X	X	X	X	X	X
V Phosphate Fertilizer Industry: Diammonium Phosphate Plants	X	X	X	X	X	X	X	X
W Phosphate Fertilizer Industry: Triple Superphosphate Plants	X	X	X	X	X	X	X	X
X Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X	X	X	X	X	X	X	X
Y Coal Preparation Plants	X	X	X	X	X	X	X	X
Z Ferroalloy Production Facilities	X	X	X	X	X	X	X	X
AA Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974 and on or before August 17, 1983	X	X	X	X	X	X	X	X
AAa Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 7, 1983	X	X	X	X	X	X	X	X
BB Kraft Pulp Mills [11]	X							
CC Glass Manufacturing Plants	X	X	X	X	X	X	X	X

NSPS SUBPARTS DELEGATED TO WASHINGTON AIR AGENCIES—Continued

Subpart [1]	Washington							
	Ecology [2]	BCAA [3]	NWAPA [4]	ORCAA [5]	PSCAA [6]	SCAPCA [7]	SWCAA [8]	YRCAA [9]
DD Grain Elevators	X	X	X	X	X	X	X	X
EE Surface Coating of Metal Furniture	X	X	X	X	X	X	X	X
GG Stationary Gas Turbines	X	X	X	X	X	X	X	X
HH Lime Manufacturing Plants	X	X	X	X	X	X	X	X
KK Lead-Acid Battery Manufacturing Plants	X	X	X	X	X	X	X	X
LL Metallic Mineral Processing Plants	X	X	X	X	X	X	X	X
MM Automobile and Light Duty Truck Surface Coating Operations	X	X	X	X	X	X	X	X
NN Phosphate Rock Plants	X	X	X	X	X	X	X	X
PP Ammonium Sulfate Manufacture	X	X	X	X	X	X	X	X
QQ Graphic Arts Industry: Publication Rotogravure Printing	X	X	X	X	X	X	X	X
RR Pressure Sensitive Tape and Label Surface Coating Standards	X	X	X	X	X	X	X	X
SS Industrial Surface Coating: Large Appliances	X	X	X	X	X	X	X	X
TT Metal Coil Surface Coating	X	X	X	X	X	X	X	X
UU Asphalt Processing and Asphalt Roof Manufacture	X	X	X	X	X	X	X	X
VV Equipment Leaks of VOC in Synthetic Organic Chemical Manufacturing Industry	X	X	X	X	X	X	X	X
WW Beverage Can Surface Coating Industry	X	X	X	X	X	X	X	X
XX Bulk Gasoline Terminals	X	X	X	X	X	X	X	X
AAA New Residential Wood Heaters.								
BBB Rubber Tire Manufacturing Industry	X	X	X	X	X	X	X	X
DDD VOC Emissions from Polymer Manufacturing Industry	X	X	X	X	X	X	X	X
FFF Flexible Vinyl and Urethane Coating and Printing	X	X	X	X	X	X	X	X
GGG Equipment Leaks of VOC in Petroleum Refineries	X	X	X	X	X	X	X	X
HHH Synthetic Fiber Production Facilities	X	X	X	X	X	X	X	X
III VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes	X	X	X	X	X	X	X	X
JJJ Petroleum Dry Cleaners	X	X	X	X	X	X	X	X
KKK Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	X	X	X	X	X	X	X	X
LLL Onshore Natural Gas Processing: SO_2 Emissions	X	X	X	X	X	X	X	X
NNN VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Distillation Operations	X	X	X	X	X	X	X	X
OOO Nonmetallic Mineral Processing Plants	.....	.....	X	.....	X	.....	X	.....
PPP Wool Fiberglass Insulation Manufacturing Plants	X	X	X	X	X	X	X	X
QQQ VOC Emissions from Petroleum Refinery Wastewater Systems	X	X	X	X	X	X	X	X
RRR VOCs from Synthetic Organic Chemical Manufacturing Industry Reactor Processes	X	X	X	X	X	X	X	X
SSS Magnetic Tape Coating Facilities	X	X	X	X	X	X	X	X
TTT Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines	X	X	X	X	X	X	X	X
UUU Calciners and Dryers in Mineral Industries	X	X	X	X	X	X	X	X
VVV Polymeric Coating of Supporting Substrates Facilities	X	X	X	X	X	X	X	X
WWW Municipal Solid Waste Landfills	X	X	X	X	X	X	X	X
AAAA Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001	X	X	.....	X	X	X	.....	X
BBBB Small Municipal Waste Combustion Units Constructed on or before August 30, 1999 (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....

NSPS SUBPARTS DELEGATED TO WASHINGTON AIR AGENCIES—Continued

Subpart [1]	Washington							
	Ecology [2]	BCAA [3]	NWAPA [4]	ORCAA [5]	PSCAA [6]	SCAPCA [7]	SWCAA [8]	YRCAA [9]
CCCC Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November, 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001	X	X	.....	X	X	X	.....	X
DDDD Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999 (Emission Guidelines and Compliance Times)	.....	.....	.....	.....	.....	.....	.....	.....

[1] Any authority within any subpart of this part that is not delegable, is not delegated. Please refer to Attachment B to the delegation letters for a listing of the NSPS authorities excluded from delegation.

[2] Washington State Department of Ecology, for 40 CFR 60.17(h)(1), (h)(2), (h)(3) and 40 CFR part 60, subpart AAAA, as in effect on June 6, 2001; for 40 CFR part 60, subpart CCCC, as in effect on June 1, 2001; and for all other NSPS delegated, as in effect February 20, 2001.

[3] Benton Clean Air Authority, for 40 CFR 60.17(h)(1), (h)(2), (h)(3) and 40 CFR part 60, subpart AAAA, as in effect on June 6, 2001; for 40 CFR part 60, subpart CCCC, as in effect on June 1, 2001; and for all other NSPS delegated, as in effect February 20, 2001.

[4] Northwest Air Pollution Authority, for all NSPS delegated, as in effect on July 1, 2000.

[5] Olympic Regional Clean Air Authority, for 40 CFR 60.17(h)(1), (h)(2), (h)(3) and 40 CFR part 60, subpart AAAA, as in effect on June 6, 2001; for 40 CFR part 60, subpart CCCC, as in effect on June 1, 2001; and for all other NSPS delegated, as in effect February 20, 2001.

[6] Puget Sound Clean Air Authority, for all NSPS delegated, as in effect on July 1, 2002.

[7] Spokane County Air Pollution Control Authority, for 40 CFR 60.17(h)(1), (h)(2), (h)(3) and 40 CFR part 60, subpart AAAA, as in effect on June 6, 2001; for 40 CFR part 60, subpart CCCC, as in effect on June 1, 2001; and for all other NSPS delegated, as in effect February 20, 2001.

[8] Southwest Clean Air Agency, for all NSPS delegated, as in effect on July 1, 2000.

[9] Yakima Regional Clean Air Authority, for 40 CFR 60.17(h)(1), (h)(2), (h)(3) and 40 CFR part 60, subpart AAAA, as in effect on June 6, 2001; for 40 CFR part 60, subpart CCCC, as in effect on June 1, 2001; and for all other NSPS delegated, as in effect February 20, 2001.

[10] Subpart S of this part is not delegated to local agencies in Washington because the Washington State Department of Ecology retains sole authority to regulate Primary Aluminum Plants, pursuant to Washington Administrative Code 173–415–010.

[11] Subpart BB of this part is not delegated to local agencies in Washington because the Washington State Department of Ecology retains sole authority to regulate Kraft and Sulfite Pulping Mills, pursuant to Washington State Administrative Code 173–405–012 and 173–410–012.

* * * * *

[FR Doc. 04–3227 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL–7622–6]

Delegation of Authority to the Oregon Department of Environmental Quality for New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority; technical amendment.

SUMMARY: The Oregon Department of Environmental Quality (ODEQ) has submitted a request for an updated delegation of authority for implementation and enforcement of New Source Performance Standards (NSPS). The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated to ODEQ. EPA has reviewed ODEQ's updated regulations and determined that ODEQ has adequate and effective procedures for the implementation and enforcement of these Federal NSPS standards. This action informs the public of the updated delegation to ODEQ.

EPA is also making a technical amendment to update the addresses of delegated air agencies in Oregon. This is a nonregulatory action.

DATES: The amendments to update the addresses of delegated air agencies in Oregon will be effective on February 13, 2004. The letter granting delegation to ODEQ specifies that the updated delegation is effective December 15, 2003.

ADDRESSES: Copies of information relating to this action, including the letters requesting and granting delegation, are available for inspection during normal business hours at the following locations: EPA Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101. Copies are also available at ODEQ, 811 SW Sixth Avenue, Portland, OR 97204–1390.

FOR FURTHER INFORMATION CONTACT: Lucita Valiere, EPA Region 10, Office of Air Quality (OAQ–107), (206) 553–8087.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 111 of the Clean Air Act (CAA), EPA is authorized to establish new source performance standards (NSPS), which impose Federal technology-based requirements on new and modified stationary sources of pollution. EPA has developed NSPS standards for numerous source categories, which are published at 40 CFR parts 60 and 62. Although EPA has responsibility for implementing and enforcing the NSPS regulations, section 111(c) authorizes EPA to delegate primary implementation and enforcement responsibility to State and local agencies that develop and submit to EPA procedures for implementing and enforcing the NSPS where EPA determines that such procedures are adequate. Even where EPA has delegated primary responsibility for the NSPS to a State or local agency, however, EPA retains concurrent authority to enforce the NSPS. *See* CAA sections 111(c)(2) and 113.

ODEQ has had delegation of various NSPS since 1976. In letters dated March 10, 2003 and August 26, 2003, ODEQ requested an updated delegation based on implementation of State rules that adopt by reference more current Federal NSPS. EPA approved these requests because ODEQ meets the requirements for delegation. The delegation discussed today is for new and revised NSPS effective on or before July 1, 2002.

II. Terms of Delegations

A. Delegation Letter

The delegation of the Federal NSPS to ODEQ is subject to the terms and conditions contained in the following letter dated December 15, 2003 from EPA granting the delegation:

December 15, 2003.

Andrew Ginsburg, Air Quality Division Administrator, Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, OR 97204.

Re: Delegation of Authority for New Source Performance Standards

Dear Mr. Ginsburg: This letter is in response to your request for an updated delegation of authority to implement and enforce certain New Source Performance Standards, 40 CFR part 60 (NSPS), as described in your letters of March 10, 2003 and August 26, 2003.

The Environmental Protection Agency, Region 10 (EPA) has determined that your regulations provide adequate and effective procedures for implementing and enforcing the NSPS. Accordingly, effective today, EPA hereby approves your request for an updated delegation of authority to implement and enforce the NSPS, subject to the terms and conditions of this letter. Oregon Department of Environmental Quality's (ODEQ) delegation of authority covers standards of performance promulgated and revised as of July 1, 2002. Attachment A contains an updated list of NSPS subparts delegated to ODEQ. New and revised NSPS which become effective after July 1, 2002, are not delegated to ODEQ; these remain the responsibility of EPA.

Consistent with EPA guidance, we are not delegating authorities under 40 CFR part 60 that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency. Moreover, some sections of 40 CFR part 60 specifically indicate that the authority may not be delegated to State and local agencies. Attachment B identifies authorities that are excluded from this delegation based on these legal and policy criteria.

With delegation, ODEQ becomes the primary implementation and enforcement authority for these delegated NSPS standards within the State of Oregon, except within Lane County and Indian Country. You will be the recipient of all notifications and reports and be the point of contact for questions and compliance issues. Although EPA looks to you to as the lead for implementing the delegated NSPS, we retain authority to enforce any applicable emission standard or requirement. EPA will request notifications and reports from sources, if needed.

This delegation is subject to all Federal law and regulations as well as EPA policy, guidance, and determinations issued pursuant to 40 CFR part 60. The following summarizes the conditions and limitations of your delegation:

1. Enforcement of these standards in your jurisdiction will be the primary responsibility of your agency. Nevertheless, EPA may exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act with respect to sources which are subject to the NSPS.

2. If both a State or local regulation and a Federal regulation apply to the same source, both must be complied with, regardless of whether the one is more stringent than the other.

3. The EPA Administrator delegates to the Region 10, Office of Air Quality Director the authority to delegate the NSPS to any State or local agency. The State or local agency that receives delegation from EPA Region 10 does not have the Federally-recognized authority to further delegate the NSPS.

4. If the Region 10, Office of Air Quality Director determines that your agency's procedures for implementing or enforcing the NSPS are inadequate or are not being effectively carried out, this delegation may be revoked in whole or in part by written notice of the revocation. Any such revocation will be effective as of the date specified in the notice.

5. A new request for delegation will be required for any standard not included in this delegation and any standards promulgated or revised after July 1, 2002, the effective date of the Federal rules adopted in your regulation. Implementation and enforcement of new or revised standards will remain the sole responsibility of EPA, until your agency revises your regulations and submits and obtains approval of a new delegation request.

a. Acceptance of this delegation does not commit your agency to request or accept delegation of future NSPS standards and requirements.

b. EPA encourages your agency to update your NSPS delegation on an annual basis. This could coincide with the updating of the adoption by reference of the Federal NSPS standards, which is important for maintaining EPA approval of your title V operating permit program.

6. Your agency and EPA should communicate sufficiently to guarantee that each is fully informed and current regarding interpretation of regulations (including any unique questions about applicability) and the compliance status of subject sources in your jurisdiction.

a. Any records or reports provided to or otherwise obtained by your agency should be made available to EPA upon request.

b. In accordance with 40 CFR 60.9, the availability to the public of information provided to, or otherwise obtained by EPA in connection with this delegation shall be governed by 40 CFR part 2.

7. Implementation and enforcement of the delegated NSPS is subject to the current Compliance Assurance Agreement for Air Quality between EPA and ODEQ. This clearly defines roles and responsibilities, including timely and appropriate enforcement response and the maintenance of the Aerometric Information Retrieval System/Aerometric Facility Subsystem (AIRS/AFS).

8. Your agency will work with owners and operators of affected facilities subject to an NSPS to ensure all required information is submitted to your agency. Your assistance is requested to ensure that this information—including excess emission reports and summaries—is submitted to EPA upon request.

9. Your agency will ensure that all relevant source information and notification and report information is inputted into the AIRS/AFS database system in order to meet your record keeping and reporting requirements.

a. The AIR/AFS reporting elements for ''source information'' that your agency is expected to provide includes, but is not limited to:

i. Identification of source

ii. Pollutants regulated

iii. Applicability of subparts

iv. Permit number for specific source or sub-unit

v. Dates of most recent NSPS compliance inspections

vi. Compliance status

b. The AIR/AFS reporting elements for ''notification and report information'' that your agency is expected to provide includes, but is not limited to:

i. Notification of commencement of construction or reconstruction

ii. Notification of anticipated and actual start-up

iii. Notification of any physical change to an existing facility that may increase the emission rate of any air pollutant to which the standard applies

iv. Notification of when continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by 40 CFR 60.8 in lieu of Method 9 observation data, as allowed by 40 CFR 60.11(e)(5)

v. Reports of performance testing results

10. Your agency will require affected facilities to utilize the methods specified in 40 CFR part 60 in performing source tests pursuant to the regulations. See 40 CFR 60.8.

11. Approval of ''major changes,'' equivalent methods, alternative methods, and shorter sampling times or volumes is not delegated to your agency. Such approvals remain the responsibility of EPA. Approval of ''minor'' or ''intermediate'' changes to test methods and ''minor'' or ''intermediate'' changes to monitoring is delegated to your agency. Definitions and examples of ''major changes,'' ''intermediate changes'' and ''minor changes'' are provided at the end of Attachment B.

Your agency must ensure adequate documentation of any changes to testing and monitoring methods so that periodic review by EPA can confirm that this authority is being exercised properly. Your agency is expected to provide EPA all approvals of minor and intermediate changes in testing and monitoring methods, procedures, and equipment in your Annual Summary, as agreed upon in the current Compliance Assurance Agreement.

12. Your agency's delegation to implement and enforce NSPS does not extend to sources or activities located in Indian Country, as defined in 18 U.S.C.1151. Consistent with previous Federal program approvals or delegations, EPA will continue to implement the NSPS in Indian Country in Oregon because your agency did not adequately demonstrate authority over sources and activities located within the exterior boundaries of Indian reservations and in other areas of Indian Country.

13. Your agency's delegation to implement and enforce NSPS does not extend to sources or activities located in Lane County, Oregon. Lane Region Air Pollution Control Authority has authority to implement and enforce delegated NSPS within Lane County, as provided in 48 FR 8570 (March 1, 1983), as corrected by 48 FR 16740 (April 19, 1983).

14. As discussed above, EPA guidance does not permit delegation to a State or local agency of authorities under 40 CFR part 60 that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency. In addition, some sections of 40 CFR part 60 specifically indicate that the authority may not be delegated. Attachment B identifies authorities that are excluded from this delegation based on these legal and policy criteria.

15. Application of the five day notice provision in ORS 468.126(1) would disqualify ODEQ for delegation of the Federal NSPS. Accordingly, as provided in ORS 468.126(2)(e), the five day notice provision does not apply to OAR 340–238–0010 to -0100.

A notice announcing this delegation will be published in the **Federal Register** in the near future. The notice will inform sources in your jurisdiction that all reports pursuant to the Federal NSPS should be submitted to your agency only. Since this delegation is effective immediately, there is no requirement that your agency notify EPA of your acceptance. Unless EPA receives a written Notice of Objection within 10 days of the receipt of this letter, it will be deemed that your agency has accepted all terms of this delegation. If you have any questions, please contact Jeff KenKnight at (206) 553–6641 or Lucita Valiere at (206) 553–8087.

Sincerely,

Janis Hastings,

Acting Director, Office of Air Quality.

Attachments:

A. Updated list of NSPS subparts delegated to ODEQ.

B. NSPS authorities excluded from delegation.

cc: w/ attachment

Kathleen Craig, ODEQ

Jeff KenKnight, EPA

ATTACHMENT A.—NSPS SUBPARTS DELEGATED TO OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) [1]

[Please refer to Attachment B for a list of specific subsections within the identified subparts that are excluded from this delegation]

Part 60—Subparts [2]		Delegated
A	General Provisions	X
B	Adoption and Submittal of State Plans for Designated Facilities	
C	Emission Guidelines and Compliance Times	
Cb	Large Municipal Waste Combustors that are Constructed on or before September 20, 1994 (Emission Guidelines and Compliance Times).	
Cc	Municipal Solid Waste Landfills (Emission Guidelines and Compliance Times)	
Cd	Sulfuric Acid Production Units (Emission Guidelines and Compliance Times)	
Ce	Hospital/Medical/Infectious Waste Incinerators (Emission Guidelines and Compliance Times)	
D	Fossil-Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971	X
Da	Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978	X
Db	Industrial-Commercial-Institutional Steam Generating Units	X
Dc	Small Industrial-Commercial-Institutional Steam Generating Units	X
E	Incinerators	X
Ea	Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994.	X
Eb	Large Municipal Waste Combustors for which Construction Commenced after September 20, 1994 or for which Modification or Reconstruction is Commenced after June 19, 1996.	X
Ec	Hospital/Medical/Infectious Waste Incinerators forwhich Construction is Commenced after June 20, 1996	X
F	Portland Cement Plants	X
G	Nitric Acid Plants	X
H	Sulfuric Acid Plants	X
I	Hot Mix Asphalt Facilities	X
J	Petroleum Refineries	X
K	Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973 and prior to May 19, 1978.	X
Ka	Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978 and prior to July 23, 1984.	X
Kb	VOC Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.	X
L	Secondary Lead Smelters	X
M	Secondary Brass and Bronze Production Plants	X
N	Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973.	X
Na	Secondary Emissions from Basic Oxygen Process Steel-making Facilities for which Construction is Commenced after January 20, 1983.	X
O	Sewage Treatment Plants	X
P	Primary Copper Smelters	X
Q	Primary Zinc Smelters	X
R	Primary Lead Smelters	X
S	Primary Aluminum Reduction Plants	X
T	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	X
U	Phosphate Fertilizer Industry: Superphosphoric Acid Plants	X
V	Phosphate Fertilizer Industry: Diammonium Phosphate Plants	X
W	Phosphate Fertilizer Industry: Triple Superphosphate Plants	X
X	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X
Y	Coal Preparation Plants	X
Z	Ferroalloy Production Facilities	X
AA	Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974 and on or before August 17, 1983	X
AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 7, 1983.	X
BB	Kraft Pulp Mills	X

ATTACHMENT A.—NSPS SUBPARTS DELEGATED TO OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) [1]—Continued

[Please refer to Attachment B for a list of specific subsections within the identified subparts that are excluded from this delegation]

Part 60—Subparts [2]		Delegated
CC	Glass Manufacturing Plants	X
DD	Grain Elevators	X
EE	Surface Coating of Metal Furniture	X
GG	Stationary Gas Turbines	X
HH	Lime Manufacturing Plants	X
KK	Lead-Acid Battery Manufacturing Plants	X
LL	Metallic Mineral Processing Plants	X
MM	Automobile and Light Duty Truck Surface Coating Operations	X
NN	Phosphate Rock Plants	X
PP	Ammonium Sulfate Manufacture	X
QQ	Graphic Arts Industry: Publication Rotogravure Printing	X
RR	Pressure Sensitive Tape and Label Surface Coating Standards	X
SS	Industrial Surface Coating: Large Appliances	X
TT	Metal Coil Surface Coating	X
UU	Asphalt Processing and Asphalt Roof Manufacture	X
VV	Equipment Leaks of VOC in Synthetic Organic Chemical Manufacturing Industry	X
WW	Beverage Can Coating Industry	X
XX	Bulk Gasoline Terminals	X
AAA	New Residential Wood Heaters.	
BBB	Rubber Tire Manufacturing Industry	X
DDD	VOC Emissions from Polymer Manufacturing Industry	X
FFF	Flexible Vinyl and Urethane Coating and Printing	X
GGG	Equipment Leaks of VOC in Petroleum Refineries	X
HHH	Synthetic Fiber Production Facilities	X
III	VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes	X
JJJ	Petroleum Dry Cleaners	X
KKK	Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	X
LLL	Onshore Natural Gas Processing: SO2 Emissions	X
NNN	VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Distillation Operations	X
OOO	Nonmetallic Mineral Processing Plants [3]	X
PPP	Wool Fiberglass Insulation Manufacturing Plants	X
QQQ	VOC Emissions from Petroleum Refinery Wastewater Systems	X
RRR	VOCs from Synthetic Organic Chemical Manufacturing Industry Reactor Processes	X
SSS	Magnetic Tape Coating Facilities	X
TTT	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines	X
UUU	Calciners and Dryers in Mineral Industries	X
VVV	Polymeric Coating of Supporting Substrates Facilities	X
WWW	Municipal Solid Waste Landfills	X
AAAA	Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001.	X
BBBB	Small Municipal Waste Combustion Units Constructed on or before August 30, 1999 (Emission Guidelines and Compliance Times).	
CCCC	Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001.	X
DDDD	Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999 (Emission Guidelines and Compliance Times).	

[1] ODEQ's delegation of authority covers standards of performance promulgated and revised as of July 1, 2002. New and revised NSPS which become effective after July 1, 2002, are not delegated to ODEQ; these remain the responsibility of EPA.
[2] Any authority within any subpart of 40 CFR part 60 that is not delegable, is not delegated.
[3] At the request of ODEQ, subpart OOO is delegated for major sources only.

Attachment B.—NSPS Authorities Excluded From Delegation

EPA guidance permits delegation to a State or local agency of all the EPA Administrator's authorities under 40 CFR part 60 except those that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency. In addition, some sections of 40 CFR part 60 specifically indicate that the authority may not be delegated. Listed below are authorities that are excluded from this delegation based on the legal and policy criteria discussed above.

Statutory Authorities:

Section 111(h)(3) of Clean Air Act	*Equivalency Determinations*—Approval of alternatives to any design, equipment, work practice, or operational standard [*e.g.*, 40 CFR 60.114(a) and 60.302(d)(3)] is accomplished through the rulemaking process and is adopted as a change to the individual subpart. This authority may not be delegated.
Section 111(j) of Clean Air Act	*Innovative Technology Waivers*—Innovative technology waivers must be adopted as site-specific amendments to the individual subpart. The authority to grant waivers is not delegated. However, agencies may be delegated the authority to enforce any waivers granted by the EPA.

General Provisions Authorities:

Section	Authorities
60.8(b)(2) 60.8(b)(3) (partial limitation)	Approval of ''Major Change to Test Methods'' (See below for definition and examples). (Note: Any references to the authority in section 60.8(b) are reminders of the provisions of section 60.8 and are not separate authorities which can be delegated.)
60.9	Availability of Information Procedure for EPA—not applicable to State/local agencies.
60.11(b) (partial limitation)	Approval of ''Major Change to Test Methods''—alternative to ''Method 9'' test method.
60.11(e)(7), 60.11(e)(8)	Approval of Alternative Opacity Standard.
60.13(a) (partial limitation)	Approval of ''Major Change to Monitoring'' (See below for definition and examples)—specification of continuous monitoring systems requirements.
60.13(d)(2) (partial limitation)	Approval of ''Major Change to Monitoring''—continuous opacity monitoring systems.
60.13(g)(1)	Approval of installation of fewer monitoring systems when one affected facility/source vents through more than one point (This is a major change to monitoring).
60.13(i) (partial limitation)	Approval of ''Major Change to Monitoring.''

Specific Subpart Authorities (the following list does not include approving alternative standards or major changes to test methods or monitoring, which are discussed above):

Section	Authorities
	Note: Subpart B and Subparts C, Cb, Cc, Cd, Ce—Use of term ''Administrator'' in these subparts refers only to EPA Administrator.
	Note: Subparts C, Cb, Cc, Cd, Ce—These subparts are emission guidelines and compliance times for large municipal waste combustors, municipal solid waste landfills, sulfuric acid production units, and hospital/medical/infectious waste units. They are the basis for State control plans developed in accordance with Sections 111(d) and 129 of the Clean Air Act. Enforcement of these subparts require submission of a plan to EPA for approval.
	Subpart Da—Fossil Fuel-Fired Steam Generators for which Construction is Commenced After August 17, 1971.
60.45a	Approval of emerging technology.
	Subpart Db—Industrial-Commercial-Institutional Steam Generating Units.
60.44b(f)	Approval of site-specific nitrogen oxide limit for sources combusting byproduct/waste or hazardous waste with natural gas or oil.
60.44b(g)	Approval of waiver of nitrogen oxide limit for sources burning hazardous waste with natural gas or oil.
60.49b(a)(4)	Approval of emerging technology.
	Subpart Dc—Small Industrial-Commercial-Institutional Steam Generating Units.
60.48c(a)(4)	Approval of emerging technology.
	Subpart Ec—Hospital/Medical/Infectious Waste Incinerators for Which Construction Is Commenced After June 20, 1996.
60.56c(i)	Alternative site-specific operating parameters.
Plus	Any other approval of alternative compliance demonstration (specifically restricted by 60.51c(i), therefore not limited to ''major changes'').
	Subpart J—Petroleum Refineries.
60.105(a)(13)(iii)	Alternative monitoring methods.
60.106(i)(12)	Alternative method of determining compliance.
	Subpart Ka—Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984.
60.114a	Alternative means of limiting emissions.
	Subpart Kb—Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
60.111b(f)(4)	Alternative maximum true vapor pressure.
60.114b	Alternative means of limiting emissions.
60.116b(e)(3)(iii)	Alternative measure of vapor pressure.
60.116b(e)(3)(iv)	Alternative calculation of vapor pressure.
60.116b(f)(2)(iii)	Alternative measure of vapor pressure.
	Subpart O—Sewage Treatment Plants.
60.153(e)	Plan for monitoring and recording incinerator and control device operation parameters.
	Subpart S—Primary Aluminum Plants.
60.194(d)	Alternative testing requirements (less frequently).
	Subpart DD—Grain Elevators.
60.302(d)(3)	Alternative Particular matter emission controls.
	Subpart EE—Surface Coating of Metal Furniture.
60.313(c)(1)(i)(B)	Alternative transfer efficiencies.
	Subpart GG—Stationary Gas Turbines.
60.332(a)(3)	Development of customized factors—fuel nitrogen content.
60.335(f)(1)	Development of customized factors—adjusting nitrogen oxides emission level based on ambient air conditions.
	Subpart MM—Automobile and Light Duty Truck Surface Coating Operations.
60.393(c)(1)(C)	Approval of alternative transfer coefficients.
60.398	Innovative Technology Waivers.
	Subpart RR—Pressure Sensitive Tape and Label Surface Coating Operations.
60.446(c)	Approval of testing of representative number of stacks rather than all stacks.
	Subpart SS—Industrial Surface Coating: Large Appliances.
60.453(b)	Alternative procedures for estimating transfer efficiencies, volume of coating.
60.456(d)	Approval of testing of representative number of stacks rather than all stacks.

Section	Authorities
	Subpart TT—Metal Coil Surface Coating.
60.466(d)	Approval of testing of representative number of stacks rather than all stacks.
	Subpart UU—Asphalt Processing and Asphalt Roofing Manufacture.
60.472(b)(5)	Refers to 60.474(g).
60.474(g)	Alternative opacity standard.
	Subpart VV—Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
60.482–1(c)(2)	Approval of alternative/equivalent means of emission limitation.
60.484	Approval of alternative/equivalent means of emission limitation.
	Subpart WW—Beverage Can Surface Coating Industry.
60.493(b)(2)(i)(A)	Alternative method for determining fraction of VOC emitted.
60.496(c)	Shorter sampling times and approval of testing of representative number of stacks rather than all stacks.
	Subpart XX—Bulk Gasoline Terminals.
60.502(e)(6)	Approval of alternative procedures for gasoline tank truck loading.
	Subpart AAA—Residential Wood Heaters.
	Note: Entire Subpart AAA may not be delegated.
	(Wood Heater Program is administered entirely by EPA HQ. States can create rules that impose additional requirements for wood-burning appliances as apart of their SIPs.)
	Subpart BBB—Rubber Tire Manufacturing Industry.
60.543(c)(2)(ii)(B)	Approval of alternative test method—determining fraction of VOC at affected facility.
	Subpart DDD—Volatile Organic Compound Emissions (VOC) from the Polymer Manufacturing Industry.
60.562–2(c)	Approval of alternative method of emission limitation.
	Subpart GGG—Equipment Leaks of VOC in Petroleum Refineries.
60.592(c)	Approval of alternative method of emission limitation.
	Subpart III—VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
60.613(f)	Demonstration of compliance for use of other control devices.
	Subpart JJJ—Petroleum Dry Cleaners.
60.623	Equivalent equipment and procedures.
	Subpart KKK—Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.
60.632(c)	Alternative means of emission limitation.
60.634	Alternative means of emission limitation.
	Subpart NNN—VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
60.663(f)	Demonstration of compliance for use of other control devices.
	Subpart QQQ—VOC Emissions from Petroleum Refinery Wastewater Systems.
60.694	Permission to use alternative means of emission limitation.
	Subpart RRR—VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
60.703(e)	Approval of use of control devices not described in regulation.
	Subpart SSS—Magnetic Tape Coating Facilities.
60.711(a)(16)	Alternative temporary enclosure.
60.713(b)(1)(i)	Approval of measured value for RS_i.
60.713(b)(1)(ii)	Approval of measurement techniques.
60.713(b)(5)(i)	Approval of total enclosure.
60.713(d)	Necessary operating specifications.
60.715(a)	Plant coating formulation data equivalent to Method 24.
60.716	Alternative means of limiting emissions.
	Subpart TTT—Industrial Surface Coating: Surface Coating of Plastic Parts of Business Machines.
60.723(b)(1)	Alternative test method—other than Method 24.
60.723(b)(2)(i)(C)	Alternative transfer efficiencies.
60.723(b)(2)(iv)	Determination of compliance—facilities using add-on controls.
60.724(e)	Alternative recordkeeping and reporting—facilities using add-on controls.
60.725(b)	Alternative test methods—to determine VOC content of coating.
	Subpart VVV—Polymeric Coatings of Supporting Substrates Facilities.
60.743(a)(3)(v)(A)	Approval of measured value for RS_i.
60.743(a)(3)(v)(B)	Approval of measured value for RS_i.
60.743(e)	Approval of use of control device other than absorber, condenser, incinerator.
60.745(a)	Approval of coating formulation data equivalent to Method 24.
60.746 (Also as referred to by 60.743(b)(1)).	Permission to use alternative means of emission limitation.
	Subpart WWW—Municipal Solid Waste Landfills.
60.752(b)(2)(i)(C),(D) and 60.759(a).	Approval of alternative collection and control system design plan.
60.754(a)(5)	Approval of alternative methods for determining NMOC concentration or a site-specific k.
60.756(d)	Approval of monitoring methods for operators seeking to comply with standards using something other than an open flare or an enclosed combustor.
60.756(e)	Approval of monitoring methods for operators installing alternative collection systems.
	Subpart CCC—New Commercial and Industrial Solid Waste Incineration Units.
60.2025	Approval of petition for exemption.
60.2100(b)(2)	Approval to continue operation.
60.2115	Approval of petition for specific operating parameters.
Also: (60.2110)	Approval of alternatives to the emission limitations in Table 1 and operating limits established under 60.2110.
	Note: Subparts BBBB and DDDD are guidelines, not standards.

Section	Authorities
	Additionally, EPA does not delegate any authority for which sections of 40 CFR part 60 specifically indicate that the authority may not be delegated.

Changes to Monitoring and Test Methods (based on definitions in 40 CFR 63.91(a), which are also used for purposes of delegation under 40 CFR part 60 as provided in ''How To Review and Issue Clean Air Act Applicability Determinations and Alternative Monitoring: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants,'' February 1999):

Intermediate change to monitoring means a modification to federally required monitoring involving ''proven technology'' (generally accepted by the scientific community as equivalent or better) that is applied on a site-specific basis and that may have the potential to decrease the stringency of the compliance and enforcement measures for the relevant standard. Though site-specific, an intermediate decrease may set a national precedent for a source category and may ultimately result in a revision to the federally required monitoring. Examples of intermediate changes to monitoring include, but are not limited to:

(1) Use of a continuous emission monitoring system (CEMS) in lieu of a parameter monitoring approach;

(2) Decreased frequency for non-continuous parameter monitoring or physical inspections;

(3) Changes to quality control requirements for parameter monitoring; and

(4) Use of an electronic data reduction system in lieu of manual data reduction.

Intermediate change to a test method means a within-method modification to a federally enforceable test method involving ''proven technology'' (generally accepted by the scientific community as equivalent or better) that is applied on a site-specific basis and that may have the potential to decrease the stringency of the associated emission limitation or standard. Though site-specific, an intermediate change may set a national precedent for a source category and may ultimately result in a revision to the federally enforceable test method. In order to be approved, an intermediate change must be validated according to EPA Method 301 (part 63, appendix A) to demonstrate that it provides equal or improved accuracy and precision. Examples of intermediate changes to a test method include, but are not limited to:

(1) Modifications to a test method's sampling procedure including substitution of sampling equipment that has been demonstrated for a particular sample matrix, and use of a different impinger absorbing solution;

(2) Changes in sample recovery procedures and analytical techniques, such as changes to sample holding times and use of a different analytical finish with proven capability for the analyte of interest; and

(3) ''Combining'' a federally required method with another proven method for application to processes emitting multiple pollutants.

Major change to monitoring means a modification to federally required monitoring that uses ''unproven technology or procedures'' (not generally accepted by the scientific community) or is an entirely new method (sometimes necessary when the required monitoring is unsuitable). A major change to monitoring may be site-specific or may apply to one or more source categories and will almost always set a national precedent. Examples of major changes to monitoring include, but are not limited to:

(1) Use of a new monitoring approach developed to apply to a control technology not contemplated in the applicable regulation;

(2) Use of a predictive emission monitoring system (PEMS) in place of a required continuous emission monitoring system (CEMS);

(3) Use of alternative calibration procedures that do not involve calibration gases or test cells;

(4) Use of an analytical technology that differs from that specified by a performance specification;

(5) Decreased monitoring frequency for a continuous emission monitoring system, continuous opacity monitoring system, predictive emission monitoring system, or continuous parameter monitoring system;

(6) Decreased monitoring frequency for a leak detection and repair program; and

(7) Use of alternative averaging times for reporting purposes.

Major change to recordkeeping/reporting means:

(1) A modification to federally required recordkeeping or reporting that:

(i) May decrease the stringency of the required compliance and enforcement measures for the relevant standards;

(ii) May have national significance (*e.g.*, might affect implementation of the applicable regulation for other affected sources, might set a national precedent); or

(iii) Is not site-specific.

(2) Examples of major changes to recordkeeping and reporting include, but are not limited to:

(i) Decreases in the record retention for all records;

(ii) Waiver of all or most recordkeeping or reporting requirements;

(iii) Major changes to the contents of reports; or

(iv) Decreases in the reliability of recordkeeping or reporting (*e.g.*, manual recording of monitoring data instead of required automated or electronic recording, or paper reports where electronic reporting may have been required).

Major change to test method means a modification to a federally enforceable test method that uses ''unproven technology or procedures'' (not generally accepted by the scientific community) or is an entirely new method (sometimes necessary when the required test method is unsuitable). A major change to a test method may be site-specific, or may apply to one or more sources or source categories, and will almost always set a national precedent. In order to be approved, a major change must be validated according to EPA Method 301 (part 63, appendix A). Examples of major changes to a test method include, but are not limited to:

(1) Use of an unproven analytical finish;

(2) Use of a method developed to fill a test method gap;

(3) Use of a new test method developed to apply to a control technology not contemplated in the applicable regulation; and

(4) Combining two or more sampling/analytical methods (at least one unproven) into one for application to processes emitting multiple pollutants.

Minor change to monitoring means:

(1) A modification to federally required monitoring that:

(i) Does not decrease the stringency of the compliance and enforcement measures for the relevant standard;

(ii) Has no national significance (*e.g.*, does not affect implementation of the applicable regulation for other affected sources, does not set a national precedent, and individually does not result in a revision to the monitoring requirements); and

(iii) Is site-specific, made to reflect or accommodate the operational characteristics, physical constraints, or safety concerns of an affected source.

(2) Examples of minor changes to monitoring include, but are not limited to:

(i) Modifications to a sampling procedure, such as use of an improved sample conditioning system to reduce maintenance requirements;

(ii) Increased monitoring frequency; and

(iii) Modification of the environmental shelter to moderate temperature fluctuation and thus protect the analytical instrumentation.

Minor change to recordkeeping/reporting means:

(1) A modification to federally required recordkeeping or reporting that:

(i) Does not decrease the stringency of the compliance and enforcement measures for the relevant standards;

(ii) Has no national significance (*e.g.*, does not affect implementation of the applicable regulation for other affected sources, does not set a national precedent, and individually does not result in a revision to the recordkeeping or reporting requirement); and

(iii) Is site-specific.

(2) Examples of minor changes to recordkeeping or reporting include, but are not limited to:

(i) Changes to recordkeeping necessitated by alternatives to monitoring;

(ii) Increased frequency of recordkeeping or reporting, or increased record retention periods;

(iii) Increased reliability in the form of recording monitoring data, *e.g.*, electronic or

automatic recording as opposed to manual recording of monitoring data;

(iv) Changes related to compliance extensions granted pursuant to § 63.6(i);

(v) Changes to recordkeeping for good cause shown for a fixed short duration, *e.g.*, facility shutdown;

(vi) Changes to recordkeeping or reporting that is clearly redundant with equivalent recordkeeping/reporting requirements; and

(vii) Decreases in the frequency of reporting for area sources to no less than once a year for good cause shown, or for major sources to no less than twice a year as required by title V, for good cause shown.

Minor change to test method means:

(1) A modification to a federally enforceable test method that:

(i) Does not decrease the stringency of the emission limitation or standard;

(ii) Has no national significance (*e.g.*, does not affect implementation of the applicable regulation for other affected sources, does not set a national precedent, and individually does not result in a revision to the test method); and

(iii) Is site-specific, made to reflect or accommodate the operational characteristics, physical constraints, or safety concerns of an affected source.

(2) Examples of minor changes to a test method include, but are not limited to:

(i) Field adjustments in a test method's sampling procedure, such as a modified sampling traverse or location to avoid interference from an obstruction in the stack, increasing the sampling time or volume, use of additional impingers for a high moisture situation, accepting particulate emission results for a test run that was conducted with a lower than specified temperature, substitution of a material in the sampling train that has been demonstrated to be more inert for the sample matrix; and

(ii) Changes in recovery and analytical techniques such as a change in quality control/quality assurance requirements needed to adjust for analysis of a certain sample matrix.

Note: The authority to approve decreases in sampling times and volumes when necessitated by process variables has typically been delegated in conjunction with the minor changes to test methods, but these types of changes are not included within the scope of minor changes. *See* Memorandum from John S. Seitz, Director OAQPS, ''Delegation of 40 CFR part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies, July 10, 1998.''

B. Effective Date of Delegation

The letter granting delegation to ODEQ specifies that the updated delegation of the identified NSPS is effective December 15, 2003. The letter specifies that the delegation was effective immediately as of the signature date of the letter and that if ODEQ did not agree to the terms of the delegation, ODEQ could submit a written Notice of Objection within 10 days of the receipt of the letter and EPA would withdraw delegation. ODEQ did not submit a Notice of Objection.

C. Submission of Notices and Reports

All reports required to be submitted to EPA pursuant to the Federal NSPS from sources located within Oregon, except for sources in Indian Country and in Lane County, should be submitted to ODEQ. All reports required to be submitted pursuant to the Federal NSPS from sources located in Indian Country in Oregon should be submitted to EPA Region 10, Director, Office of Air Quality, OAQ–107, 1200 Sixth Avenue, Seattle, WA 98118. All reports required to be submitted pursuant to the Federal NSPS for sources located in Lane County should be submitted to Lane Region Air Pollution Control Authority (LRAPA) if the federal NSPS standard has been delegated to LRAPA and to EPA Region 10 in all other cases. The current delegation to LRAPA is discussed in 48 FR 8570 (March 1, 1983), as corrected by 48 FR 16740 (April 19, 1983).

III. Conclusion

EPA is notifying the public of a recent update to the NSPS delegation for ODEQ. This action is already final and was granted by a letter from the Director, Office of Air Quality, EPA, Region 10, to Air Quality Division Administrator for ODEQ. This delegation is subject to all EPA policy, guidance and determinations issued pursuant to 40 CFR part 60 and to the conditions in the letter granting the delegation.

The addresses of the delegated agencies in Oregon are being revised to reflect current information.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). The Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 13, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 60

Administrative practice and procedure, Air pollution control, Aluminum, Ammonium sulfate plants, Batteries, Beverages, Carbon monoxide, Cement industry, Chemicals, Coal, Copper, Dry cleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Graphic arts industry, Heaters, Household appliances, Insulation, Intergovernmental relations, Iron, Labeling, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide, Paper and paper products industry, Particulate matter, Paving and roofing materials, Petroleum, Phosphate, Plastics materials and synthetics, Polymers, Reporting and recordkeeping requirements, Sewage disposal, Steel, Sulfur oxides, Sulfuric acid plants, Tires, Urethane, Vinyl, Volatile organic compounds, Waste treatment and disposal, Zinc.

Dated: January 29, 2004.

Ronald Kreizenbeck,

Acting Regional Administrator, Region 10.

■ Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart A—General Provisions

■ 2. Section 60.4 is amended by revising paragraph (b)(MM) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(MM) State of Oregon. (i) Oregon Department of Environmental Quality (ODEQ), 811 SW Sixth Avenue, Portland, OR 97204–1390, *http://www.deq.state.or.us.*

(ii) Lane Regional Air Pollution Authority (LRAPA), 1010 Main Street, Springfield, Oregon 97477, *http://www.lrapa.org.*

* * * * *

[FR Doc. 04–3225 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[FRL–7622–8]

RIN 2040–AD90

National Primary and Secondary Drinking Water Regulations: Approval of Additional Method for the Detection of Coliforms and E. Coli in Drinking Water

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: In today's final rule, the Environmental Protection Agency (EPA) approves the Colitag™ method to support previously established requirements for National Primary Drinking Water Regulation (NPDWR) compliance monitoring for total coliforms and *E. coli* in finished drinking water. This method was proposed on March 7, 2002, and a Notice of Data Availability was published on December 2, 2002, which provided additional information on the Colitag™ method. This action provides water utilities and certified laboratories an additional analytical method option to test for total coliforms and *E. coli.*

DATES: This regulation is effective March 15, 2004. The incorporation by reference of the method listed in the rule is approved by the Director of the Federal Register as of March 15, 2004. For purposes of judicial review, this final rule is promulgated as of 1 p.m. eastern time February 27, 2004, as provided in 40 CFR 23.7.

ADDRESSES: The official public docket for this rule is located at EPA West Building, Room B102, 1301 Constitution Avenue, NW., Washington, DC, 20004.

FOR FURTHER INFORMATION CONTACT: For information regarding the actions included in this final rule contact Gregory J. Carroll, EPA, 26 West Martin Luther King Dr. (MLK 140), Cincinnati, Ohio, 45268, (513) 569–7948, or e-mail at *carroll.gregory@epa.gov.* General information may also be obtained from the EPA Safe Drinking Water Hotline. Callers within the United States may reach the Hotline at (800) 426–4791. The Hotline is open Monday through Friday, excluding legal holidays, from 9 a.m. to 4:30 p.m., Eastern Time.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Potentially Regulated Entities

Use of the Colitag™ method approved in this action is voluntary. If, however, it is used to support compliance monitoring, then compliance with the procedures specified in the method is required.

Category	Examples of potentially regulated entities	NAICS
State, Local, & Tribal Governments	States, local and Tribal governments that analyze water samples on behalf of public water systems required to conduct such analysis; States, local and Tribal governments that themselves operate community and non-transient non-community water systems required to monitor.	924110
Industry	Private operators of community and non-transient non-community water systems required to monitor.	221310
Municipalities	Municipal operators of community and non-transient non-community water systems required to monitor.	924110

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in § 141.21 of title 40 the Code of Federal Regulations (CFR). If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. How Can I Get Copies of Related Information?

1. EPA has established an official public docket for this action under Docket ID No. OW–2002–0031. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426. If you would like to schedule an appointment for access to docket materials, please call (202) 566–2426.

2. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publically available docket materials through the docket facility identified in section I.B.1. Once in the system, select ''search,'' then key in the appropriate docket identification number.

II. Statutory Authority and Background

The Safe Drinking Water Act (SDWA), as amended in 1996, requires EPA to promulgate national primary drinking water regulations (NPDWRs) which specify maximum contaminant levels (MCLs) or treatment techniques for drinking water contaminants (SDWA section 1412 (42 U.S.C. 300g–1)). NPDWRs apply to public water systems pursuant to SDWA section 1401 (42 U.S.C. 300f(1)(A)). According to SDWA section 1401(1)(D), NPDWRs include ''criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels; including accepted methods for quality control and testing procedures.'' In addition, SDWA section 1445(a) authorizes the Administrator to establish regulations for monitoring to assist in determining whether persons are acting in compliance with the requirements of the SDWA. EPA's promulgation of analytical methods is authorized under these sections of the SDWA, as well as the general rulemaking authority in SDWA section 1450(a), (42 U.S.C. 300j–9(a)).

III. Explanation of Today's Action

In this final rule, EPA is approving the Colitag™ method for compliance monitoring of total coliforms and *E. coli* in drinking water. The action taken in this final rule was first proposed in the **Federal Register** published on March 7, 2002 (67 FR 10532). In October 2002, EPA decided to evaluate additional clarifying information from the developer of the Colitag™ method, CPI International, and indicated such in the **Federal Register** notice on October 29, 2002 (67 FR 65888, 65891). EPA did not take final action on this method at that time and stated that all comments relating to the Colitag™ method would be responded to in a future action.

EPA published a **Federal Register** Notice of Data Availability (NODA) on December 2, 2002 (67 FR 71520) to provide additional information concerning the results of studies that evaluated the comparability between Colitag™ and the approved reference methods. The additional information in the NODA described the performance of the method, including additional analysis by EPA of the data in the original record associated with the March 2002 proposal, and included data from two additional studies.

Based on the evaluation of the comparability data generated for the Colitag™ method, and taking into consideration the public comments received, EPA has concluded that the Colitag™ method is acceptable as an alternative to the approved reference methods because the information available to EPA indicates that the performance of the Colitag method compares favorably to the approved reference methods. The Colitag™ method was compared to Standard Method 9222B for total coliforms and to Standard Method 9222D for *E. Coli* (reference 1 in the table at § 141.21). EPA assessed the quality and quantity of the data provided by CPI International (*i.e.*, data provided to support EPA's original evaluation of the Colitag™ method and the additional clarifying information cited in the December 2, 2002, NODA) and conducted a thorough statistical analysis of relevant data, all of which was included in the public record.

As part of this assessment, EPA performed an extensive review of the information from each of the ten sets of method comparability studies, including the data sheets available from the independent laboratory that performed the total coliforms and *E. coli* analyses for the studies. EPA also addressed the following key issues as part of this process: adherence to the protocol used in the Agency's Alternate Test Procedure (ATP) program; adequacy of the stress applied to the target microorganisms prior to testing using the Colitag™ method; and the time that elapsed between chlorine stressing and comparability test completion. As discussed later in ''Summary of Comments,'' each was addressed to EPA's satisfaction.

The full title of the Colitag™ method approved in this action and how to obtain a copy of the method are being added to the table at § 141.21(f)(3), at footnote 15. The full title was included in the discussion of the method detailed in the proposal to this regulation, published in the **Federal Register** on March 7, 2002 (67 FR 10532).

IV. Summary of Comments

EPA received five sets of comments related to the Colitag™ method in response to the March 2002 proposal and received eight sets of comments in response to the December 2002 NODA. Four of the eight sets of NODA comments were from those who had also commented on the proposal; thus, in total, EPA received comments from nine commenters. Based on EPA's review of the comments, the Agency believes that today's action is warranted. Detailed responses to comments are contained in ''Public Comment and Responses for the National Primary and Secondary Drinking Water Regulations: Approval of Colitag™ for Compliance Monitoring of total coliforms and *E. coli* in Finished Drinking Water'' which is available in Docket ID No. OW–2002–0031. See section I.B.1 (How Can I Get Copies Of Related Information?) for information on contacting the official public docket.

All comments are addressed in the aforementioned document. Three specific comment subjects are discussed as follows: (1) Adherence to the protocol used in the Agency's Alternate Test Procedures (ATP) program; (2) the adequacy of the stress applied to the target microorganisms prior to testing

the Colitag™ method; and (3) the time elapsed between chlorine stressing and the comparability study (*i.e.*, ''hold time'').

The ATP protocol that guided the Colitag™ method comparability testing is titled ''Protocol for Alternate Test Procedures for Coliform Bacteria in Compliance With Drinking Water Regulations,'' published in 1995. The protocol is not a rule and is not mandatory in nature. Rather, EPA established the guidelines in the protocol to encourage the collection of adequate information for the Agency's evaluation of a new method (*i.e.*, to allow the Agency to determine the comparability between the new method and the reference method). Keeping that objective in mind, EPA notes that it has exercised a degree of flexibility in the application of the guidance. While EPA believes that those who follow the protocol guidelines increase the likelihood that the Agency will have sufficient information on which to base an approval decision, EPA notes that following the guidelines precisely does not guarantee method approval. Similarly, deviation from the guidelines does not preclude EPA from considering a method for approval. EPA considers all information submitted and, when there is a question or concern (*e.g.*, when there is a suggestion that some information was not collected precisely in accordance with the guidance), EPA generally considers the underlying issue that the protocol was designed to address. Where the Agency has concluded that adequate information is available to judge a particular issue, it has proceeded with the evaluation of the method; this approach has been reflected in EPA's past evaluation of numerous methods, including currently approved methods for the measurement of total coliforms and *E. coli.*

With respect to the comparability study tests to determine if Colitag™ could adequately recover damaged total coliforms and *E. coli,* EPA experts evaluated the chlorine stress that was applied to the test bacteria and concluded that such bacteria had been adequately stressed. Consistent with the approach described above, EPA's microbiologists considered the underlying issue (*i.e.*, ''Can the Colitag™ method adequately recover and detect chlorine-stressed bacteria?''). Acknowledging that the protocol, on which the tests were based recommended 3–4 logs of stress, EPA concluded that a lesser degree of chlorine stress applied in a number of the Colitag™ samples still provided an adequate challenge to the method performance. Moreover, EPA's microbiologists, upon more closely examining the mechanisms by which bacteria become stressed and are subsequently recovered, concluded that a wider range (2–4 log reduction) for the chlorine-stress goal is reasonable for judging method comparability. As a result, the Colitag™ test data support EPA's conclusion that the method is comparable to the reference methods in its ability to recover chlorine-stressed bacteria. Again, EPA notes that it has previously approved coliform methods that were tested with less than 3–4 logs of chlorine stressing; the Colitag™ evaluation is not unique in this respect.

With respect to comments concerning ''hold time,'' EPA notes that it has not established guidelines for such in its ATP protocol. The Agency has not asked that hold time be documented, nor has it applied a standard for such in previous method evaluations. EPA's presumption with respect to this issue is that the certified drinking water laboratories performing the comparability studies will employ a reasonable hold time. To address this issue, however, EPA conducted a thorough review of the hold times for the ten samples collected in evaluating the Colitag™ method. In doing so, EPA considered dates identified for sample collection; sample receipt at the laboratory; original density determination; and comparability study completion, as reflected in the worksheets, comparability study data sheets, and chain of custody documentation in the record. EPA further considered the chronology and duration of the steps associated with the various tests performed. Based on all of this information, EPA concluded that a reasonable hold time could be documented for the majority of the tests, but that clear hold times could not be conclusively determined for four of the tests (samples 990025A, 990052A, 990217A, and 990273A). EPA notes, however, that it was unable to determine that unreasonable hold times were employed for these four tests. Therefore, EPA has evaluated the results of all ten samples for the comparison analysis.

As a conservative measure, however, EPA repeated its statistical analysis of the Colitag™ data set, excluding the results of the four aforementioned tests. The conclusion (*i.e.*, that the comparability study did not identify a statistically significant difference in performance between the reference method and Colitag™'') did not change, nor was the strength of the conclusion substantially different using the more limited (6-test) data set. Hence, even if the four tests were excluded, EPA's decision to approve Colitag™ would not change.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, [58 FR 51735 (October 4, 1993)] the Agency must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or 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;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to Executive Order 12866.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This rule merely provides drinking water utilities an additional analytical method to use to meet existing monitoring requirements. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise

disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

The RFA provides default definitions for each type of small entity. It also authorizes an agency to use alternative definitions for each category of small entity, ''which are appropriate to the activities of the agency'' after proposing the alternative definition(s) in the **Federal Register** and taking comment. 5 U.S.C. 601(3)–(5). In addition to the above, to establish an alternative small business definition, agencies must consult with the Small Business Administration's (SBA) Chief Counsel for Advocacy.

For purposes of assessing the impacts of today's rule on small entities, EPA considered small entities to be public water systems serving 10,000 persons or fewer. This is the cut-off level specified by Congress in the 1996 Amendments to the SDWA for small system flexibility provisions. In accordance with the RFA requirements, EPA proposed using this alternative definition in the **Federal Register**, (63 FR 7620, February 13, 1998) requested comment, consulted with SBA, and expressed its intention to use the alternative definition for all future drinking water regulations in the Consumer Confidence Reports regulation (63 FR 44511, August 19, 1998). As stated in that final rule, the alternative definition would be applied to this regulation as well.

After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The use of the Colitag™ method is optional. Additionally, the cost of using the Colitag™ is similar to the cost of using other previously approved methods for the measurement of total coliforms and *E. coli.* Thus, we have determined that this rule will not impact small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and Tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative, if the Administrator publishes with the final rule an explanation of why that alternative was not adopted.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments, it must have developed under UMRA section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provision of Title II of the UMRA) for State, local, or Tribal governments or the private sector. The rule imposes no enforceable duty on any State, local, or Tribal governments or the private sector. It merely provides drinking water utilities an additional analytical method to use to meet existing monitoring requirements. Thus, today's rule is not subject to the requirement of sections 202 and 205 of the UMRA.

EPA has determined that this final rule contains no regulatory requirements that might significantly or uniquely affect small governments. The adoption and use of the Colitag™ method is voluntary because drinking water systems can continue to use the existing approved methods. Thus, today's rule is not subject to the requirements of section 203 of UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This final rule approves Colitag™ as an additional analytical method option, thereby allowing public water systems an additional choice to conduct analyses previously required. There is no added cost to State and local governments, and the rule does not preempt State law. Thus, Executive Order 13132 does not apply to this rule. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited comment on the proposed rule from State and local officials. No comments were received that concerned issues covered by Executive Order 13132.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on

one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This final rule does not have Tribal implications. It will not have substantial direct effects on Tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This final rule is to specify Colitag™ as an approved analytical method option, thereby allowing public water systems the choice to use it to conduct analyses previously required. Thus, Executive Order 13175 does not apply to this rule. Moreover, in the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and Tribal governments, EPA specifically solicited comment on the proposed rule from Tribal officials. No comments concerning Tribal issues were received.

G. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to Executive Order 13045 because it is not economically significant as defined under Executive Order 12866. Further, it does not concern an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. This rule merely provides an additional analytical method to use for monitoring. It does not require any public water systems to use this method.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Effect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

As noted in the proposed rule, Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide to Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking involves a technical standard. Therefore, the NTTAA requires that the Agency identify and consider potentially applicable voluntary consensus standards. In response to those requirements, EPA notes that it has recently approved updated versions of previously approved voluntary consensus methods for total coliforms and *E. coli* and published them in the **Federal Register** on October 23, 2002 (67 FR 65220). EPA has decided to approve the Colitag™ method in this regulation as an additional analytical method, submitted to EPA by industry, for use in drinking water compliance monitoring. This industry-developed method will supplement existing approved methods.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective on March 15, 2004.

List of Subjects in 40 CFR Part 141

Environmental protection, Chemicals, Incorporation by reference, Indians-lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

Dated: February 9, 2004.

Michael O. Leavitt,

Administrator.

■ For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

■ 1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

■ 2. Section 141.21 is amended by revising the table including the footnotes in paragraph (f)(3) and by adding paragraph (f)(6)(x) to read as follows.

§ 141.21 Coliform sampling.

* * * * *

(f) * * *

(3) * * *

Organism	Methodology[12]	Citation[1]
Total Coliforms[2]	Total Coliform Fermentation Technique[3, 4, 5]	9221A, B.
	Total Coliform Membrane Filter Technique[6]	9222A, B, C.
	Presence-Absence (P–A) Coliform Test[5, 7]	9221D.
	ONPG–MUG Test[8]	9223.
	Colisure Test[9].	
	E*Colite® Test[10].	
	m-ColiBlue24® Test[11].	
	Readycult® Coliforms 100 Presence/Absence Test[13].	

Organism	Methodology[12]	Citation[1]
	Membrane Filter Technique using Chromocult® Coliform Agar[14]. Colitag® Test[15].	

The procedures shall be done in accordance with the documents listed below. The incorporation by reference of the following documents listed in footnotes 1, 6, 8, 9, 10 , 11, 13, 14 and 15 was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of the documents may be obtained from the sources listed below. Information regarding obtaining these documents can be obtained from the Safe Drinking Water Hotline at 800–426–4791. Documents may be inspected at EPA's Drinking Water Docket, EPA West, 1301 Constitution Avenue, NW., EPA West, Room B102, Washington DC 20460 (Telephone: 202–566–2426); or at the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC 20408.

[1] *Standard Methods for the Examination of Water and Wastewater,* 18th edition (1992), 19th edition (1995), or 20th edition (1998). American Public Health Association, 1015 Fifteenth Street, NW., Washington, DC 20005. The cited methods published in any of these three editions may be used.

[2] The time from sample collection to initiation of analysis may not exceed 30 hours. Systems are encouraged but not required to hold samples below 10 deg. C during transit.

[3] Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth, if the system conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested, and this comparison demonstrates that the false-positive rate and false-negative rate for total coliform, using lactose broth, is less than 10 percent.

[4] If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added.

[5] No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

[6] MI agar also may be used. Preparation and use of MI agar is set forth in the article, ''New medium for the simultaneous detection of total coliform and *Escherichia coli* in water'' by Brenner, K.P., *et. al.,* 1993, Appl. Environ. Microbiol. 59:3534–3544. Also available from the Office of Water Resource Center (RC–4100T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, EPA/600/J–99/225. Verification of colonies is not required.

[7] Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.

[8] The ONPG–MUG Test is also known as the Autoanalysis Collect System.

[9] A description of the Colisure Test, Feb 28, 1994, may be obtained from IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092. The Colisure Test may be read after an incubation time of 24 hours.

[10] A description of the E*Colite® Test, ''Presence/Absence for Coliforms and *E. Coli* in Water,'' Dec 21, 1997, is available from Charm Sciences, Inc., 36 Franklin Street, Malden, MA 02148–4120.

[11] A description of the m-ColiBlue24® Test, Aug 17, 1999, is available from the Hach Company, 100 Dayton Avenue, Ames, IA 50010.

[12] EPA strongly recommends that laboratories evaluate the false-positive and negative rates for the method(s) they use for monitoring total coliforms. EPA also encourages laboratories to establish false-positive and false-negative rates within their own laboratory and sample matrix (drinking water or source water) with the intent that if the method they choose has an unacceptable false-positive or negative rate, another method can be used. The Agency suggests that laboratories perform these studies on a minimum of 5% of all total coliform-positive samples, except for those methods where verification/confirmation is already required, *e.g.*, the M-Endo and LES Endo Membrane Filter Tests, Standard Total Coliform Fermentation Technique, and Presence-Absence Coliform Test. Methods for establishing false-positive and negative-rates may be based on lactose fermentation, the rapid test for β-galactosidase and cytochrome oxidase, multi-test identification systems, or equivalent confirmation tests. False-positive and false-negative information is often available in published studies and/or from the manufacturer(s).

[13] The Readycult® Coliforms 100 Presence/Absence Test is described in the document, ''Readycult® Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and *Escherichla coli* in Finished Waters'', November 2000, Version 1.0, available from EM Science (an affiliate of Merck KGgA, Darmstadt Germany), 480 S. Democrat Road, Gibbstown, NJ 08027–1297. Telephone number is (800) 222–0342, e-mail address is: *adellenbusch@emscience.com.*

[14] Membrane Filter Technique using Chromocult® Coliform Agar is described in the document, ''Chromocult® Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and *Escherichla coli* in Finished Waters'', November 2000, Version 1.0, available from EM Science (an affiliate of Merck KGgA, Darmstadt Germany), 480 S. Democrat Road, Gibbstown, NJ 08027–1297. Telephone number is (800) 222–0342, e-mail address is: *adellenbusch@emscience.com.*

[15] Colitag® product for the determination of the presence/absence of total coliforms and *E. coli* is described in ''Colitag® Product as a Test for Detection and Identification of Coliforms and *E. coli* Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations,'' August 2001, available from CPI International, Inc., 5580 Skylane Blvd., Santa Rosa, CA, 95403, telephone (800) 878–7654, Fax (707) 545–7901, Internet address *http://www.cpiinternational.com.*

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(6) * * *

(x) Colitag®, a description of which is cited in footnote 15 to the table at paragraph (f)(3) of this section.

* * * * *

[FR Doc. 04–3226 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2003–0363; FRL–7338–6]

Thifensulfuron methyl; Tolerances Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to reinstate corn tolerances for the herbicide thifensulfuron methyl. These corn tolerances were previously established but inadvertently removed shortly thereafter. Registrations under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of thifensulfuron methyl on corn currently exist and have existed for more than 9 years.

DATES: This direct final rule is effective on May 13, 2004, without further notice, unless EPA receives a relevant adverse comment by April 13, 2004. If, however, EPA receives a relevant adverse comment during the comment period, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the direct final rule will not take effect.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Joseph Nevola, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460–0001; telephone number: (703) 308–8037; e-mail address: *nevola.joseph@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)

- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit III. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0363. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. A frequently updated electronic version of 40 CFR part 180 is available at *http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html/*, a beta site currently under development.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2003–0363. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *opp-docket@epa.gov*, Attention: Docket ID Number OPP–2003–0363. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access''

system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID Number OPP–2003–0363.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP–2003–0363. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the rule or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Authority

A. What is the Agency's Authority for Taking this Action?

This direct final rule is issued under the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408, 21 U.S.C. 346a, as amended by the Food Quality Protection Act (FQPA).

B. Why is EPA Issuing this as a Direct Final Rule?

EPA is issuing this action as a direct final rule without prior proposal because the Agency believes that this action is not controversial and is not likely to result in any adverse comments, inasmuch as this action reinstates corn tolerances that were previously established by rulemaking in the **Federal Register** and that were inadvertently removed from 40 CFR 180.439.

If, however, EPA receives a relevant adverse comment during the comment period, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the direct final rule will not take effect, publish a notice of proposed rulemaking in a future issue of the **Federal Register**, and address the comments on the direct final rule as part of that notice of proposed rulemaking.

III. Summary of this Action

On May 18, 1994 (59 FR 25821) (FRL–4778–9), EPA published a Notice of Final Rulemaking in the **Federal Register** in which the Agency established tolerances for residues of the herbicide thifensulfuron methyl in 40 CFR 180.439 for field corn fodder, forage and grain at 0.1 parts per million (ppm), 0.1 ppm and 0.05 ppm, respectively, all with an effective date of May 18, 1994.

Not long after, on June 22, 1994 (59 FR 32085) (FRL–4868–8), EPA published a Notice of Final Rulemaking in the **Federal Register** in which the Agency established tolerances for residues of the herbicide thifensulfuron methyl in 40 CFR 180.439 for oat, grain and oat, straw with an effective date of June 22, 1994. However, the codification section of that June 22nd final rule inadvertently left out the corn tolerances that were newly established on May 18, 1994. In the preamble text of the June 22nd final rule, no action was directed toward the corn tolerances established on May 18th. The establishment of the three corn tolerances on May 18th was inadvertently missed in the final rule of June 22nd. Consequently, the three corn tolerances established on May 18th did not appear in § 180.439 of the July 1, 1994 version of 40 CFR nor in subsequent annual versions.

Currently, there are active products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which list corn as a use site for thifensulfuron methyl application. These registrations have existed since 1994 with associated tolerances established in May 1994. Because deletion of the corn tolerances from the 40 CFR was both inadvertent and improper; i.e., there was no cause for removal, there was no mention made of their revocation in the June 22, 1994 final rule (nor in the proposed rule of April 14, 1994; (59 FR 17751) (FRL–4759–4) and therefore no opportunity for public comment on their removal was possible, contrary to FFDCA section 408(e)(2), EPA is correcting the error via this direct final rule.

Also, in accordance with current Agency practice, the commodity terminologies for the tolerances should be revised from ''corn forage, field'' to ''corn, field, forage''; ''corn grain, field'' to ''corn, field, grain''; and ''corn fodder, field'' to ''corn, field, stover.''

Therefore, EPA is reinstating the tolerances in 40 CFR 180.439 for residues of thifensulfuron methyl in or on corn, field, forage at 0.1 ppm; corn, field, stover at 0.1 ppm; and corn, field,

grain at 0.05 ppm. The Agency will reassess these tolerances according to FQPA standards in the near future.

IV. Statutory and Executive Order Reviews

This direct final rule reinstates tolerances previously established under section 408 of the FFDCA. Since this direct final rule does not impose any new requirements, it is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this direct final rule has been exempted from review under Executive Order 12866 due to its lack of significance, this direct final rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution*, or Use (66 FR 28355, May 22, 2001). This direct final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since this action merely reinserts into the CFR tolerances that were never properly deleted, EPA certifies in accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) that there is no adverse impact resulting from this action. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This direct final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This direct final rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 21, 2004.

James Jones,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—AMENDED

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

■ 2. Section 180.439 is revised to read as follows:

§ 180.439 Thifensulfuron methyl (methyl-3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-2-thiophene carboxylate); tolerances for residues.

(a) *General*. Tolerances are established for residues of the herbicide thifensulfuron methyl (methyl-3-[[[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-2-thiophene carboxylate) in or on the following raw agricultural commodities:

Commodity	Parts per million
Barley, grain	0.05
Barley, straw	0.1
Corn, field, forage	0.1
Corn, field, grain	0.05
Corn, field, stover	0.1
Oat, grain	0.05
Oat, straw	0.10
Soybean	0.1
Wheat, grain	0.05
Wheat, straw	0.1

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 04–3230 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

42 CFR Part 71

Foreign Quarantine

AGENCY: Centers for Disease Control and Prevention(CDC), Department of Health and Human Services (HHS).

ACTION: Notice of embargo of birds (Class: Aves) from specified Southeast Asian countries.

SUMMARY: An outbreak of avian influenza more commonly known as bird flu, is affecting bird populations in countries throughout Southeast Asia. The outbreak is caused by the H5N1 subtype of influenza A. Human cases also have been reported. Effective immediately and until further notice, CDC is banning the importation of all birds (Class Aves) from the following Southeast Asian countries: Cambodia; Indonesia; Japan; Laos; People's Republic of China, including Hong Kong SAR; South Korea; Thailand; and Vietnam. Exceptions exist for certain categories of birds and processed bird products. This order complements a similar action taken by the U.S. Department of Agriculture (USDA). This order may be amended as necessary as the situation develops, for example, to add or remove countries.

DATES: This embargo is effective on February 4, 2004, and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Paul Arguin, National Center for Infectious Diseases, Centers for Disease Control and Prevention, Mailstop C–14, 1600 Clifton Rd., Atlanta, GA 30030, telephone 404–498–1600.

SUPPLEMENTARY INFORMATION:

Background

H5N1 avian influenza is a subtype of the type A influenza virus. Wild birds are the natural hosts of the virus, which circulates among birds worldwide. It is very contagious among birds and can be deadly to birds, particularly domesticated birds like chickens. Infected birds shed virus in saliva, nasal secretions, and feces. Avian influenza viruses spread among susceptible birds when they have contact with contaminated excretions.

Since mid-December, outbreaks of influenza A (H5N1), infection have been detected in the poultry populations of Cambodia, China, Hong Kong (in a single peregrine falcon), Indonesia, Japan, Korea, Laos, Thailand, and Vietnam. The virus does not typically infect humans, but in recent months, Vietnam has reported hospitalized cases of serious respiratory illness, primarily among children, most of whom have died. Thirteen of these patients were confirmed as having avian influenza A (H5N1), and nine of the confirmed cases have been fatal. The Ministry of Health of Thailand announced four confirmed cases of avian influenza A (H5N1) in humans; all four of the patients have died. It is believed that most cases of H5N1 infection in humans have resulted from contact with infected poultry or contaminated surfaces.

The incubation period for influenza is one to four days, with an average of two days. Uncomplicated influenza illness is characterized by the abrupt onset of constitutional and respiratory signs and symptoms (*e.g.*, fever, myalgia, headache, severe malaise, nonproductive cough, sore throat, and rhinitis). Among children, otitis media, nausea, and vomiting are also commonly reported characteristics of influenza illness.

Influenza illness typically resolves after a limited number of days for the majority of persons, although cough and malaise can persist for more than two weeks. Among certain persons influenza can exacerbate underlying medical conditions (*e.g.*, pulmonary or cardiac disease), lead to secondary bacterial pneumonia or primary influenza viral pneumonia, or occur as part of a co-infection with other viral or bacterial pathogens. Young children with influenza infection can have initial symptoms mimicking bacterial sepsis with high fevers, and less than or equal to 20% of children hospitalized with influenza can have febrile seizures. Influenza infection has also been associated with encephalopathy, transverse myelitis, Reye syndrome, myositis, myocarditis, and pericarditis. Influenza-related deaths can result from pneumonia as well as from exacerbations of cardiopulmonary conditions and other chronic diseases.

Public Health Risks

So far, H5N1 viruses have not been capable of efficient human-to-human transmission. The co-circulation of human and highly pathogenic animal influenza viruses is of serious concern to the World Health Organization (WHO), CDC, and other health authorities worldwide, since an exchange of genes between the two viruses might occur if individuals were co-infected with both human and avian influenza viruses. This gene exchange could give rise to a new influenza virus to which humans would have little or no immunity and which could be transmitted efficiently from person to person. If an avian influenza virus were able to infect people and gain the ability to spread easily from person to person, an ''influenza pandemic'' could begin. A pandemic is an outbreak of an infectious disease that rapidly spreads worldwide resulting in large amounts of morbidity and mortality. Three such pandemics occurred during the 20th century and resulted in many more deaths and hospitalizations than occur during a typical influenza season because the human population did not have underlying immunity to the newly circulating virus.

There is no current vaccine specifically formulated to provide immunity against H5N1 subtype of influenza. In addition, of the four antiviral agents currently licensed in the United States for treatment of influenza, genetic sequencing of influenza A (H5N1) virus samples from human cases in Vietnam shows antiviral resistance to two of them (amantadine and rimantadine). The remaining two antivirals (oseltamavir and zanamavir) should still be effective against this strain of H5N1.

The principal measures to control an outbreak of H5N1 in birds are the culling (killing) of sick and exposed birds and the restriction of movement of potentially exposed birds to unaffected areas. So far over 45 million birds have been culled. According to the U.S. Fish and Wildlife Service, the United States imports over 20,000 live birds from countries affected by the outbreak of avian influenza.

Introduction of influenza A (H5N1) infected birds into the United States could lead to outbreaks of disease in the human population, a significant public health threat. Banning the importation of all avian species from affected countries is an effective means of limiting this threat. CDC is therefore taking this action to reduce the chance of introduction or spread of influenza A (H5N1) into the United States. This order complements a similar action taken by the U.S. Department of Agriculture.

Because there is no current evidence suggesting that birds infected with influenza A (H5N1) have been imported and are causing disease in the United States, this order does not include restrictions upon the domestic movement of birds already in the United States.

Immediate Action

Therefore, pursuant to 42 CFR 71.32(b) and in accordance with this order, no person may import or attempt

to import any birds (Class: Aves), whether dead or alive, or any products derived from birds (including hatching eggs), from the following Southeast Asian countries:

Cambodia;
Indonesia;
Japan;
Laos;
People's Republic of China, including Hong Kong SAR;
South Korea;
Thailand; and
Vietnam.

This prohibition is effective immediately and until further notice. This prohibition does not include pet birds which originated in the United States (as defined in 9 CFR 93.100), provided that the importation of such birds complies with USDA requirements, which includes a 30-day quarantine in a USDA facility. This prohibition also does not apply to any person who imports or attempts to import products derived from birds if, as determined by federal officials, such products have been properly processed to render them noninfectious so that they pose no risk of transmitting or carrying the influenza A (H5N1) virus and which comply with USDA requirements. This order may be amended as necessary as the situation develops, for example, to add or remove countries.

Dated: February 5, 2004.

Julie Louise Gerberding,

Director, Centers for Disease Control and Prevention.

[FR Doc. 04–3137 Filed 2–12–04; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–7770]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP) and suspended from the NFIP. These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed under the column headed Effective Date of Eligibility.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mike Grimm, Mitigation Division, 500 C Street, SW.; Room 412, Washington, DC 20472, (202) 646–2878.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 202 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4016(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Administrator finds that delayed effective dates would be contrary to the public interest and that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date of eligibility	Current effective map date
New Eligibles: Emergency Program			
Vermont: Westford, Town of, Chittenden County.	500203	August 4, 2003	January 31, 1975, FHBM.
Mississippi: Jasper County, Unincorporated Areas.	280302	August 12, 2003	February 24, 1978, FHBM.

State and location	Community No.	Effective date of eligibility	Current effective map date
Tennessee: Wayne County, Unincorporated Areas.	470199	August 15, 2003	March 16, 1979, FHBM.
Missouri: Clarksdale, City of, DeKalb County	290630	August 18, 2003	February 21, 1975, FHBM, Rescinded.
Kansas: Douglas, City of, Butler County	200489	August 21, 2003	July 18, 1975, FHBM, Rescinded.
Colorado: Johnstown, Town of, Weld County	080250	August 22, 2003.	
Minnesota: Waverly, City of, Wright County	270666	September 15, 2003	January 17, 1975, FHBM.
Kentucky: Letcher County, Unincorporated Areas.	210289	.....do*	September 2, 1977, FHBM.
North Carolina: Belville, Town of, Brunswick County.	370545	.....do.	
Missouri: Hillsboro, City of, Jefferson County	290573	September 25, 2003	October 22, 1976, FHBM.
Florida: Sebring, City of, Highlands County	120690	September 29, 2003.	
Idaho: Oneida County, Unincorporated Areas	160229	October 10, 2003.	
Ohio: Glendale, Village of, Hamilton County	390217	October 22, 2003.	
South Dakota: Fall River County, Unincorporated Areas.	460238	October 28, 2003	November 1, 1977, FHBM.
Texas: Ward County, Unincorporated Areas	481249	November 7, 2003	October 25, 1977, FHBM.
Tennessee: Adams, City of, Robertson County	470159	November 26, 2003	November 15, 1974, FHBM.
New Eligibles: Regular Program			
Alabama:			
Pike Road, Town of, Montgomery County**.	010433	August 4, 2003	August 4, 2003.
Clay, City of, Jefferson County [1]	010446	August 18, 2003.	
Michigan: Lake Angelus, City of, Oakland County.	260700	.....do	April 15, 1986.
Kansas: Spring Hill, City of, Johnson County	200178	September 3, 2003	June 17, 2002.
Missouri: Sheridan, City of, Worth County*	290523	.....do	September 3, 2003.
Iowa:			
Eagle Grove, City of, Wright County	190928	September 4, 2003	NSFHA.
Gray, City of, Audubon County*	190318	.....do	April 2, 2001.
Florida: Sunny Isles Beach, City of, Miami-Dade County [2].	120688	September 10, 2003.	
Tennessee: Coopertown, Town of, Robertson County [3].	470423	September 15, 2003.	
Florida: Lake Alfred, City of Polk County	120667	September 24, 2003	December 20, 2000.
Missouri: Stockton, City of, Cedar County	290667	September 25, 2003	July 17, 2002.
Tennessee: Belle Meade, City of, Davidson County.	470408	September 29, 2003	April 20, 2001.
Florida:			
Hilliard, Town of, Nassau County*	120573	October 1, 2003	October 1, 2003.
Eagle Lake, City of, Polk County	120385	.....do	December 20, 2000.
Missouri:			
Dalton, Village of, Chariton County*	290464	October 10, 2003	March 17, 2003.
Willard, City of, Greene County*	290653	.....do	August 4, 2003.
Worth County, Unincorporated Areas*	290842	.....do	September 3, 2003.
Missouri:			
Arcola, Village of, Dade County*	290930	October 22, 2003	July 17, 2002.
Lockwood, City of, Dade County*	290682	.....do	Do.
Niangua, City of, Webster County*	290552	.....do	Do.
North Carolina: Fletcher, Town of, Henderson County[4].	370568	October 28, 2003.	
Ohio: Vinton, Village of, Gallia County*	390189	.....do	October 16, 2003.
Arkansas: Goshen, City of, Washington County	050594	October 30, 2003	December 20, 2000.
Alabama: Randolph County, Unincorporated Areas.	010182	November 5, 2003	July 5, 1982.
North Carolina: Duck, Town of, Dare County [5]	370632	November 6, 2003.	
Texas: Live Oak County, Unincorporated Areas*.	481179	November 19, 2003	November 19, 2003.
New Mexico: San Juan County, Unincorporated Areas.	350064	November 21, 2003	May 15, 2002.
Reinstatements			
Maine: Allagash, Town of, Aroostook County	230440	March 19, 1974, Emerg.; August 5, 1985, Reg.; April 2, 2003, Susp.; August 4, 2003, Rein.	April 2, 2003.
North Carolina: Scotland County, Unincorporated Areas.	370316	July 30, 1975, Emerg.; December 6, 1988, Reg.; June 17, 2003, Susp.; August 8, 2003, Rein.	June 17, 2003.
New York: Conquest, Town of, Cayuga County	360108	June 24, 1977, Emerg.; April 4, 1983, Reg.; November 4, 1992, Susp.; August 11, 2003, Rein.	October 20, 1998.

State and location	Community No.	Effective date of eligibility	Current effective map date
Wisconsin:			
Oregon, Village of, Dane County	550089	May 28, 1974, Emerg.; September 30, 1980, Reg.; June 18, 2003, Susp.; September 8, 2003, Rein.	June 17, 2003.
Verona, City of, Dane County	550092	June 24, 1975, Emerg.; August 1, 1980, Reg.; June 18, 2003, Susp.; September 8, 2003, Rein.	June 17, 2003.
Pennsylvania: Bedminster, Township of, Bucks County.	421049	February 5, 1976, Emerg.; December 1, 1983, Reg.; September 4, 2003, Susp.; September 12, 2003, Rein.	September 3, 2003.
Missouri: Denver, Village of, Worth County	290453	January 25, 1977, Emerg.; September 4, 1985, Reg.; September 4, 2003, Susp.; September 15, 2003, Rein.	September 3, 2003.
Vermont: Cornwall, Town of, Addison County	500317	April 30, 1975, Emerg.; September 27, 1985, Reg.; June 4, 1990, Susp.; September 15, 2003, Rein.	September 27, 1985.
Michigan: Hendricks, Township of, Mackinac County.	260806	June 5, 1987, Emerg.; September 30, 1988, Reg.; September 30, 1988, Susp.; November 7, 2003, Rein.	November 4, 1992.
Wisconsin: Fitchburg, City of, Dane County	550610	August 23, 2001, Reg.; June 18, 2003, Susp.; November 19, 2003, Rein.	June 17, 2003.
Suspensions			
Pennsylvania: Bedminster, Township of, Bucks County.	421049	February 5, 1976, Emerg.; December 1, 1983, Reg.; September 4, 2003, Susp.	September 3, 2003.
Missouri: Denver, Village of, Worth County	290453	January 25, 1977, Emerg.; September 4, 1985, Reg.; September 4, 2003, Susp.	September 3, 2003.
Ohio: Crown City, Village of, Gallia County	390187	April 22, 1983, Emerg.; July 5, 1983, Reg.; October 22, 2003, Susp.	October 16, 2003.
Illinois:			
Alorton, Village of, St. Clair County	170617	April 26, 1974, Emerg.; June 4, 1980, Reg.; November 7, 2003, Susp.	November 5, 2003.
Brooklyn, Village of, St. Clair County	170619	May 1, 1974, Emerg.; March 28, 1980, Reg.; November 7, 2003, Susp.	November 5, 2003.
Fayetteville, Village of, St. Clair County	170628	May 12, 1976, Emerg.; June 15, 1981, Reg.; November 7, 2003, Susp.	November 5, 2003.
Freeburg, Village of, St. Clair County	170790	March 24, 1976, Emerg.; January 18, 1980, Reg.; November 7, 2003, Susp.	November 5, 2003.
New Athens, Village of, St. Clair County	170632	September 3, 1975, Emerg.; March 23, 1984, Reg.; November 7, 2003, Susp.	November 5, 2003.
Summerfield, Village of, St. Clair County	170636	August 11, 1976, Emerg.; August 10, 1979, Reg.; November 7, 2003, Susp.	November 5, 2003.
Mississippi: Puckett, Township of, Rankin County.	280147	May 22, 1987, Emerg.; December 1, 1990, Reg.; November 6, 2003, Susp.	November 5, 2003.
Withdrawal			
Mississippi: Pachuta, Town of, Clarke County	280219	August 18, 2003	April 2, 1986.
Probation Removal			
West Virginia: Oceana, Town of, Wyoming County.	540219	October 25, 2003	July 16, 2003.
Regular Program Conversions and Revisions			
Region III			
Pennsylvania: Bedminster, Township of, Bucks County.	421049	September 3, 2003, Suspension Rescinded	September 3, 2003.
Plumstead, Township of, Bucks County	420199	.....do	Do.
Region VII			
Missouri: Denver, Village of, Worth County	290453	.....do	Do.
Region I			
Massachusetts: Scituate, Town of, Plymouth County.	250282	October 16, 2003, Suspension Rescinded	October 16, 2003.
Ohio:			
Cheshire, Village of, Gallia County	390186	.....do	Do.
Crown City, Village of, Gallia County	390187	.....do	Do.
Gallia County, Unincorporated Areas	390185	.....do	Do.
Gallipolis, City of, Gallia County	390188	.....do	Do.
Rio Grande, Village of, Gallia County	390879	.....do	Do.
Vinton, Village of, Gallia County	390189	.....do	Do.

* do and Do. = ditto.
** Designates communities converted from Emergency Phase of participation to the Regular Phase of participation.
[1] The City of Clay has adopted Jefferson County (CID #010217) FIRM dated January 20, 1999, panels 0203 and 0204.

[2] The City of Sunny Isles Beach adopted Miami-Dade County (CID #120635) FIRM dated March 2, 1994, panels 0082 and 0084.
[3] The Town of Coopertown has adopted Robertson County (CID #470158) FIRM dated June 15, 1984, panels 0095, 0115, 0155 and 0160.
[4] The Town of Fletcher adopted Henderson County (CID #370125) FIRM dated March 1, 1982, panels 0015 and 0020.
[5] The Town of Duck has adopted Dare County (CID #370362) FIRM dated May 5, 2003, panels 0006, 0007, 0008, 0009, 0016, 0017, 0019, 0036 and 0038.
Code for reading fourth and fifth columns: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension; With.—Withdrawn; NSFHA—Non Special Flood Hazard Area.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: January 20, 2004.

Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate.

[FR Doc. 04–3187 Filed 2–12–04; 8:45 am]

BILLING CODE 6718–05–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 222 and 229

[Docket No. FRA–1999–6439, Notice No. 12]

RIN 2130–AA71

Use of Locomotive Horns at Highway-Rail Grade Crossings

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Interim final rule; extension of comment period.

SUMMARY: On December 18, 2003, FRA published an Interim Final Rule (IFR) in the **Federal Register** (68 FR 70585) addressing the use of locomotive horns at highway-rail grade crossings. As FRA is interested in receiving public comments on all aspects of the IFR, FRA held a public hearing in Washington, DC on February 4, 2004. FRA has, however, received a number of requests to extend the comment period to give interested parties additional time to review, analyze, and submit comments on the IFR. After considering these requests, FRA has decided to extend the comment period until April 19, 2004. This notice announces the extension of the comment period.

DATES: *Written Comments:* Comments must be received by April 19, 2004. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FRA–1999–6439 by any of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments to the DOT electronic docket Web site.
- Fax: Comments may be faxed to the following number: 1–202–493–2251.
- Mail: Comments may be mailed to the Docket Management Facility at the U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- Hand Delivery: Hand deliver comments to Room PL–401 on the plaza level of the Nassif Building, which is located at 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Federal e-Rulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to *http://dms.dot.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ron Ries, Office of Safety, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone 202–493–6299); or Kathryn Shelton, Office of Chief Counsel, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone 202–493–6038).

Issued in Washington, DC, on February 9, 2004.

Allan Rutter,

Administrator.

[FR Doc. 04–3181 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–06–P

Proposed Rules

Federal Register
Vol. 69, No. 30
Friday, February 13, 2004

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–175–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Bombardier transport category airplanes, that currently requires a detailed inspection to detect cracks of the vane brackets of the inboard flap actuator beam, and follow-on repetitive detailed inspections or corrective actions, as applicable. That AD also provides for two optional terminating actions for the detailed inspection(s). This action would require performing one or the other of the terminating actions. The actions specified by the proposed AD are intended to detect and correct gaps between the flap vane bracket and the adjacent lower skin and between the flap vane bracket and vane actuator beam, and premature cracking of the flap vane brackets, which could result in failure of the flap vane bracket(s) when the flaps are extended and the flap vane is aerodynamically loaded, and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by March 15, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–175–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2003–NM–175–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 1600 Stewart Ave., Westbury, New York.

FOR FURTHER INFORMATION CONTACT: Serge Napoleon, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Westbury, New York 11590; telephone (516) 228–7312; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2003–NM–175–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–175–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On April 14, 2003, the FAA issued AD 2003–08–12, amendment 39–13125 (68 FR 19940, April 23, 2003), applicable to certain Bombardier Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604) series airplanes, to require a detailed inspection to detect cracks of the vane brackets of the inboard flap actuator beam, and follow-on repetitive detailed inspections or corrective actions, as applicable. That AD also provides for two optional terminating actions for the detailed inspection(s). That action was prompted by reports of several occurrences of gaps found between the flap vane bracket and the adjacent lower skin and between the flap vane bracket and vane actuator beam. During a detailed investigation, it was found that an incorrect production process for the installation of the vane bracket resulted in an uneven contact with the adjacent skin and with the vane actuator beam. The requirements of that AD are intended to detect and correct gaps

between the flap vane bracket and the adjacent lower skin and between the flap vane bracket and vane actuator beam of the wing flap systems, and premature cracking of the flap vane brackets, which could result in failure of the flap vane bracket(s) when the flaps are extended and the flap vane is aerodynamically loaded. Loss or warping of the flap vane in flight could decrease the lift on one side of the airplane, which could lead to reduced controllability of the airplane.

Actions Since Issuance of Previous Rule

When AD 2003–08–12 was issued, it contained a provision for two optional terminating actions for the detailed inspections. In the preamble to AD 2003–08–12, the FAA indicated that the actions required by that AD were considered to be ''interim action'' and that further rulemaking action was being considered to require performing either one of the two corrective actions, which would constitute terminating action for the detailed inspections. We now have determined that further rulemaking is indeed necessary, and this proposed AD follows from that determination.

Canadian Airworthiness Directives

Transport Canada Civil Aviation (TCCA) classified the alert service bulletins specified in Table 2 of this AD and the Time Limits/Maintenance Checks (TLMC) (all described below) as mandatory and issued Canadian airworthiness directives CF–2002–36 and CF–2002–37, both effective August 30, 2002, in order to assure the continued airworthiness of these airplanes in Canada.

Explanation of Relevant Service Information

Bombardier has issued the alert service bulletins specified in Table 2 of this proposed AD, which describe procedures for a detailed inspection to detect cracks of the vane brackets of the inboard flap actuator beam, and follow-on repetitive detailed inspections or corrective actions (*i.e.*, Part B or Part C), as applicable.

Part B corrective actions include:

- Doing a detailed inspection to detect gaps at flap stations 60.0, 98.5, and 137.0 between the flap vane bracket(s) and adjacent lower skin and between the flap vane bracket and vane actuator beam, and repair if necessary;
- Measuring the minimum edge distance (MED) for the fastener holes in all flap vane brackets and actuator beams, and replacing any out-of-tolerance bracket and/or actuator beam with a certain new bracket and/or actuator beam; and
- Doing a nondestructive test inspection on all vane brackets for cracks, and corrective actions (*e.g.*, remove gaps, ensure that the MED requirements for the replacement brackets meet the allowable values, and replace any cracked vane bracket with a new bracket that meets the MED requirements).

Part C corrective actions include:

- Replacing all 12 vane brackets with new brackets that meet the MED requirements (including removal of any gap between the flap vane brackets and the adjacent lower skin and between the flap vane bracket and actuator beams); and
- Measuring the MED for the fastener holes in all replacement flap vane brackets and actuator beams (including a detailed inspection for gaps); and replacing any out-of-tolerance bracket and/or actuator beam with a certain new bracket and/or actuator beam that meets the MED requirements, and removing any gap, if necessary.

Accomplishment of Part B or Part C corrective actions eliminates the need for the detailed inspection(s) to detect cracks of the vane brackets of the inboard flap actuator beams, described previously. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

Explanation of Relevant Time Limits/ Maintenance Checks

After doing either Part B or Part C corrective actions, Canadian airworthiness directives CF–2002–36 and CF–2002–37 require compliance with the applicable TLMC threshold and repeat interval of the Airplane Maintenance Manual (AMM) for the flap vane brackets.

FAA's Conclusions

These airplane models are manufactured in Canada and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of the TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 2003–08–12 to continue to require a detailed inspection to detect cracks of the vane brackets of the inboard flap actuator beam, and follow-on repetitive detailed inspections or corrective actions, as applicable. This proposed AD also would require performing either one of the two corrective actions, which would constitute terminating action for the detailed inspections. The actions would be required to be accomplished in accordance with the service bulletins described previously, except as discussed below.

Differences Between the Alert Service Bulletins and This Proposed AD

Although the alert service bulletins describe procedures for identifying and returning all cracked vane brackets to Bombardier, neither the Canadian airworthiness directives nor this proposed AD would require such actions.

In addition, although the alert service bulletins specify that the manufacturer may be contacted for disposition of certain repair conditions, this proposed AD would require the repair of those conditions to be accomplished per a method approved by either the FAA, or TCCA (or its delegated agent). In light of the type of repair that is required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, a repair approved by either the FAA or TCCA will be acceptable for compliance with this proposed AD.

Clarification Between This AD and Canadian Airworthiness Directives/ Referenced Alert Service Bulletins

Operators should note that, although the parallel Canadian airworthiness directives require compliance with the applicable TLMC threshold and repeat interval of the AMM for the flap vane brackets, this proposed AD first requires a revision of the Airworthiness Limitation section (ALS) of the Instructions for Continued Airworthiness to incorporate those new threshold and repeat inspection intervals. Revising the ALS, rather than requiring individual repetitive inspections, is advantageous for operators because it allows them to record AD compliance status only at the time that they make the revision, rather than after every inspection. It also has the advantage of keeping all airworthiness limitations, whether

imposed by original certification or by AD, in one place with the operator's maintenance program, thereby reducing the risk of non-compliance because of oversight or confusion.

Changes to 14 CFR Part 39/Effect on the Proposed AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOCs). Because we have now included this material in part 39, only the office authorized to approve AMOCs is identified in each individual AD. Therefore, Notes 1 and 4 and paragraphs (i) and (j) of AD 2003–08–12 are not included in this proposed AD.

Change to Labor Rate Estimate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from $60 per work hour to $65 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

Cost Impact

There are approximately 411 airplanes of U.S. registry that would be affected by this proposed AD.

The detailed inspection that is currently required by AD 2003–08–12, amendment 39–13125, takes approximately 11 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $293,865, or $715 per airplane, per inspection cycle.

The terminating corrective actions specified in Part B of the Accomplishment Instructions of the applicable alert service bulletin identified in Table 2 of this AD, take approximately 24 work hours per airplane to accomplish the inspections and between 4 and 48 work hours per airplane to accomplish the replacement of the vane bracket(s), at an average labor rate of $65 per work hour. Required parts would cost between $535 and $6,414 for the vane brackets. Based on these figures, the cost impact of the proposed terminating corrective actions on U.S. operators is estimated to be between $967,905 and $4,559,634, or between $2,355 and $11,094 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The optional terminating corrective actions specified in Part C of the Accomplishment Instructions of the applicable alert service bulletin identified in Table 2 of this AD, takes approximately 80 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Required parts would cost approximately $6,414 for the vane brackets. Based on these figures, the cost impact of the proposed terminating corrective actions on U.S. operators is estimated to be $4,773,354 or between $11,614 per airplane.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–13125 (68 FR 19940, April 23, 2003), and by adding a new airworthiness directive (AD), to read as follows:

Bombardier, Inc.: Docket 2003–NM–175–AD. Supersedes AD 2003–08–12, Amendment 39–13125.

Applicability: This AD applies to the airplanes listed in Table 1 of this AD, certificated in any category. Table 1 is as follows:

TABLE 1.—APPLICABILITY

Model	Serial Nos.
CL–600–1A11 (CL–600) series airplanes	1004 through 1085 inclusive.
CL–600–2A12 (CL–601) series airplanes	3001 through 3066 inclusive.
CL–600–2B16 (CL–601–3A and CL–601–3R) series airplanes	5001 through 5194 inclusive.
CL–600–2B16 (CL–604) series airplanes	5301 through 5499 inclusive.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct gaps between the flap vane bracket and the adjacent lower skin and between the flap vane bracket and vane actuator beam, and premature cracking of the flap vane brackets, which could result in failure of the flap vane bracket(s) when the flaps are extended and the flap vane is aerodynamically loaded, and consequent reduced controllability of the airplane, accomplish the following:

Note 1: Where there are differences between the applicable Bombardier alert service bulletin specified in Table 2 of this AD and this AD, the AD prevails.

Restatement of Requirements of AD 2003–08–12

Inspection

(a) Do a detailed inspection to detect cracks of the vane brackets of the inboard flap actuator beam, per Part A of the Accomplishment Instructions of the applicable Bombardier alert service bulletin specified in Table 2 of this AD; at the applicable time indicated in Table 3 of this AD. Table 2 is as follows:

TABLE 2.—ALERT SERVICE BULLETINS

Model	Bombardier alert service bulletin	Excluding
CL–600–1A11 (CL–600) series airplanes	A600–0699, Revision 01, dated July 8, 2002	Service Bulletin Incorporation Sheet, Flap Vane Bracket Inspection Program page, and Minimum Edge Distance Inspection pages.
CL–600–2A12 (CL–601) series airplanes, and CL–600–2B16 (CL–601–3A and CL–601–3R) series airplanes.	A601–0532, Revision 01, dated July 8, 2002	Service Bulletin Incorporation Sheet, Flap Vane Bracket Inspection Program page, and Minimum Edge Distance Inspection pages.
CL–600–2B16 (CL–604) series airplanes	A604–27–007, Revision 01, dated July 8, 2002.	Service Bulletin Incorporation Sheet, Flap Vane Bracket Inspection Program page, and Minimum Edge Distance Inspection pages.

Table 3 is as follows:

TABLE 3.—COMPLIANCE TIME

For airplanes that have accumulated—	The compliance time is—
1,200 total landings or less as of May 8, 2003 (the effective date of AD 2003–08–12).	Before the accumulation of 1,300 total landings.
More than 1,200 total landings, but less than 3,000 total landngs as of May 8, 2003 (the effective date of AD 2003–08–12).	Within 100 landings after May 8, 2003 (the effective date of AD 2003–08–12).
3,000 total landings or more as of May 8, 2003 (the effective date of AD 2003–08–12).	Within 50 landings after May 8, 2003 (the effective date of AD 2003–08–12).

Note 2: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

No Crack Findings: Repetitive Inspections

(b) If no crack is detected during the detailed inspection required by paragraph (a) of this AD, repeat that inspection thereafter at intervals not to exceed 100 landings.

Crack Findings: Corrective Actions

(c) If any crack is detected during the detailed inspection required by paragraph (a) of this AD, before further flight, do the actions specified in paragraph (e) or (f) of this AD.

New Requirements of This AD

Terminating Actions

(d) Do the actions specified in paragraph (e) or (f) of this AD, at the applicable time listed in Table 4—Compliance Time—Terminating Actions.

TABLE 4.—COMPLIANCE TIME—TERMINATING ACTIONS

For airplanes that have accumulated—	The compliance time is—
Less than 2,000 total landings as of the effective date of this AD	Within 600 total landings after the effective date of this AD.
2,000 or more total landings as of the effective date of this AD	Within 400 total landings after the effective date of this AD.

(e) Do the actions specified in paragraphs (e)(1), (e)(2), and (e)(3) of this AD per Part B of the Accomplishment Instructions of the applicable alert service bulletin identified in Table 2 of this AD, unless otherwise specified in this AD? Accomplishment of these actions constitutes compliance with the requirements of paragraphs (a), (b), and (c) of this AD.

(1) Do a detailed inspection to detect gaps at flap stations 60.0, 98.5, and 137.0 between the vane bracket(s) and adjacent lower skin and vane actuator beam. If any gap is in excess of the limits specified in the applicable alert service bulletin, before further flight, repair per a method approved by either the Manager, New York Aircraft Certification Office (ACO), FAA; or Transport Canada Civil Aviation (TCCA) (or its delegated agent).

(2) Measure the minimum edge distance (MED) for the fastener holes in all flap vane brackets and actuator beams. If the MED requirements for any bracket or actuator beam do not meet the allowable values specified in Figure 2 of the applicable alert service bulletin, before further flight, replace the out-of-tolerance bracket and/or actuator beam with a new bracket and/or actuator beam that meets the MED requirements specified in Figure 2 of the applicable alert service bulletin.

(3) Do a nondestructive test (NDT) inspection on all vane brackets for cracks. If any crack is found, before further flight, accomplish the corrective actions (*e.g.*, remove gaps, ensure that the MED requirements for the replacement brackets meet the allowable values specified in Figure 2 of the applicable alert service bulletin, and replace any cracked vane bracket with a new bracket that meets the MED requirements

specified in Figure 2 of the applicable alert service bulletin). Although the applicable alert service bulletin describes procedures for identifying and returning all cracked vane brackets to Bombardier, this AD does not require such actions.

(f) In lieu of the actions specified in paragraph (e) of this AD, do the actions specified in paragraphs (f)(1) and (f)(2) of this AD per Part C of the Accomplishment Instructions of the applicable alert service bulletin identified in Table 2 of this AD. Accomplishment of these actions constitutes compliance with the requirements of paragraphs (a), (b), and (c) of this AD.

(1) Replace all 12 vane brackets with new brackets that meet the MED requirements specified in Figure 2 of the applicable alert service bulletin (including removal of any gap between the vane brackets and the adjacent lower skin and actuator beams).

(2) Measure the MED for the fastener holes in all replacement flap vane brackets and actuator beams (including a detailed inspection for gaps).

(i) If the MED requirements for any bracket or actuator beam do not meet the allowable values specified in Figure 2 of the applicable alert service bulletin, before further flight, replace the out-of-tolerance bracket and/or actuator beam with a new bracket and/or actuator beam that meets the MED requirements specified in Figure 2 of the applicable alert service bulletin.

(ii) If any gap is detected, before further flight, repair the gap.

Other Means of Acceptable Compliance with Paragraph (f) of this AD

(g) Accomplishment of the inspections and modifications per Part B or Part C of the applicable alert service bulletin listed in Table 5 of this AD; and the MED dimension checks for the flap brackets and the actuator beams as specified in drawing K600–14251, including any required rework; is considered acceptable for compliance with the requirements of paragraph (f) of this AD. Table 5 of this AD is as follows:

TABLE 5.—ACCEPTABLE BASIC ISSUE ALERT SERVICE BULLETINS

For model—	Use bombardier alert service bulletin—
CL–600–1A11 (CL–600) series airplanes	A600–0699, Basic Issue, dated November 29, 2001.
CL–600–2A12 (CL–601) series airplanes, and.	
CL–600–2B16 (CL–601–3A and CL–601–3R) series airplanes	A601–0532, Basic Issue, dated November 29, 2001.
CL–600–2B16 (CL–604) series airplanes	A604–27–007, Basic Issue, dated November 29, 2001.

Time Limits/Maintenance Checks

(h) After doing the actions specified in paragraph (e) or (f) of this AD, revise the Airworthiness Limitation Section (ALS) of the Instructions for Continued Airworthiness to state the following (this may be accomplished by inserting a copy of this AD in the ALS):

''Do the applicable Time Limits/Maintenance Checks (TLMC) inspection task for the flap vane brackets at the times specified in the following table:

TABLE.—COMPLIANCE TIME FOR TLMCS

Condition of brackets and gaps	Compliance time
No gap or crack in any flap vane bracket	Continue using existing TLMC bracket schedule as published in the applicable ALS.
No crack in any flap vane bracket, but shims added.	For Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A and CL–601–3R) series airplanes: Repeat inspections remain at 600 landings from rework.
	For Model CL–600–2B16 (CL–604) series airplanes: Repeat inspections remain at 1,800 landings from rework.
All 12 flap vane brackets have been replaced	For Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A and CL–601–3R) series airplanes: New threshold of 7,000 landings from installation of new flap vane brackets. Repeat inspections remain at 600 landings.
	For Model CL–600–2B16 (CL–604) series airplanes: New threshold of 7,200 landings from installation of new flap vane brackets. Repeat inspections remains at 1,800 landings.''

(i) After doing the requirements of paragraph (h) of this AD, except as provided in paragraph (j) of this AD, no alternative inspection times may be approved for these flap vane brackets.

Alternative Methods of Compliance

(j) In accordance with 14 CFR 39.19, the Manager, New York ACO, FAA, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

Note 3: The subject of this AD is addressed in Canadian airworthiness directives CF–2002–36 and CF–2002–37, both effective August 30, 2002.

Issued in Renton, Washington, on February 5, 2004.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–3133 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–44–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 707 and 720 series airplanes. This proposal would require an inspection of the main landing gear (MLG) lock support fitting and the wing fillet flap support link for damage, and corrective action, if necessary; and replacement of the bolts and bushings at the joint between the MLG lock support fitting and the wing fillet flap support link. This action is necessary to prevent stress corrosion cracking of the bolts and wearing of the joint between the lock support fitting and the support link, which could lead to failure of the joint and could cause the collapse of the MLG. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by March 29, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–44–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9–anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2003–NM–44–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Candice Gerretsen, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6428; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2003–NM–44–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–44–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report that one operator found a corroded and worn bolt and bushings at the joint between the main landing gear (MLG) lock support fitting and the wing fillet flap support link on a Boeing Model 707–300 series airplane. Stress corrosion cracking of the bolts and wearing of the joint between the lock support fitting and the support link could lead to failure of the joint. This condition, if not corrected, could cause the collapse of the MLG.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing 707 Alert Service Bulletin A3511, dated February 23, 2003, which describes procedures for performing a high frequency eddy current inspection of the MLG lock support fitting and the wing fillet flap support link for damage, and corrective action, if necessary; and replacing bolts and bushings at the joint between the MLG lock support fitting and the wing fillet flap support link with new CRES bolts and Cadmium-plated Al-Ni-Br bushings. The corrective action includes reworking or replacing the MLG lock support fitting and/or the wing fillet flap support link; and contacting Boeing for repair or replacement if damage is beyond rework limits. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, although Boeing 707 Alert Service Bulletin A3511, dated January 23, 2003, specifies that the manufacturer may be contacted for rework limits, this proposal would require the repair or replacement of the MLG lock support fitting or the wing fillet flap support link to be accomplished per a method approved by the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Although Boeing 707 Alert Service Bulletin A3511, dated January 23, 2003, specifies to rework the forward and aft lug bore and faces of the MLG lock support fitting as given in Boeing Service Bulletin 707–2837, the service bulletin does not specify a specific revision level. This proposal would require rework to be accomplished in accordance with Revision 5 of Boeing Service Bulletin 707–2837, dated March 31, 1978.

Clarification of Wording in Service Bulletin

Due to the existence of two different configurations, the service bulletin uses the terms ''trailing edge support link'' and ''wing fillet flap support link'' to describe the attachment point to the

MLG lock support fitting. For the purposes of this AD the term ''support link'' is used to simplify the AD.

Cost Impact

There are approximately 230 airplanes of the affected design in the worldwide fleet. The FAA estimates that 42 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 14 work hours per airplane to accomplish the proposed replacement and inspection, and that the average labor rate is $65 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $38,220, or $910 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2003–NM–44–AD.

Applicability: All Model 707 and 720 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent stress corrosion cracking of the bolts and wearing of the joint between the lock support fitting and the support link, which could lead to failure of the joint and could cause the collapse of the main landing gear (MLG), accomplish the following:

Service Bulletin References

(a) The term ''service bulletin,'' as used in this AD, means the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3511, dated January 23, 2003.

Initial Inspection

(b) Within 12 months or 1,000 flight cycles after the effective date of this AD, whichever comes first, perform a high frequency eddy current (HFEC) inspection of the MLG lock support fitting and the support link for cracks and corrosion in accordance with the service bulletin.

Corrective Actions

(c) If any crack or corrosion is found, during the HFEC inspection required by paragraph (b) of this AD, before further flight, rework the lock support fitting or support link, in accordance with the service bulletin, except as specified in paragraphs (c)(1) and (c)(2) of this AD.

(1) If the service bulletin specifies to contact Boeing for rework limits: Before further flight, repair or replace the lock support fitting or support link per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair/replacement method to be approved, the approval must specifically reference this AD.

(2) Where the service bulletin specifies to rework the forward and aft lug bore and faces common to the lock support fitting of the MLG as given in Boeing Service Bulletin 707–2837, this AD requires rework to be accomplished only in accordance with Revision 5 of Boeing Service Bulletin 707–2837, dated March 31, 1978.

Replacement of Bolts and Bushings

(d) Within 12 months or 1,000 flight cycles after the effective date of this AD, whichever comes first, replace the bolts and bushings at the joint between the lock support fitting for the MLG and the wing fillet flap with new CRES bolts and Cadmium-plated Al-Ni-Br bushings in accordance with the service bulletin.

Parts Installation

(e) As of the effective date of this AD, no person shall install a bolt, part number BACB30LU10D* or NAS590–*, at the joint between the MLG lock support fitting and the support link, on any airplane.

Alternative Methods of Compliance

(f) In accordance with 14 CFR 39.19, the Manager, Seattle ACO, FAA, is authorized to approve alternative methods of compliance for this AD.

Issued in Renton, Washington, on February 5, 2004.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–3132 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–254–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that currently requires modification of the rear spar web of the wing, cold expansion of certain attachment holes for the forward pintle fitting and certain holes at the actuating cylinder anchorage of the main landing gear (MLG), repetitive inspections for fatigue cracking in certain areas of the rear spar of the wing, and corrective action if necessary. That AD also provides for optional terminating action for the requirements of the AD. This proposed AD would revise the threshold and repetitive intervals for the inspection. The actions specified by the proposed AD are intended to detect and correct fatigue cracking, which may lead to reduced structural integrity of the wing and the MLG. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by March 15, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–254–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–254–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–254–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–254–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On May 16, 2000, the FAA issued AD 2000–10–15, amendment 39–11739 (65 FR 34069, May 26, 2000), applicable to certain Airbus Model A320 series airplanes, to require modification of the rear spar web of the wing, cold expansion of certain attachment holes for the forward pintle fitting and certain holes at the actuating cylinder anchorage of the main landing gear (MLG), repetitive inspections for fatigue cracking of certain areas of the rear spar of the wing, and corrective action if necessary. That AD also provides for optional terminating action for the requirements of the AD. That action was prompted by the results of fatigue testing conducted by the manufacturer.

The requirements of AD 2000–10–15 are intended to detect and correct fatigue cracking in certain areas of the rear spar of the wing, which may lead to reduced structural integrity of the wing and the MLG.

Actions Since Issuance of Previous Rule

Since we issued AD 2000–10–15, the manufacturer discovered the potential for additional cracking on an airplane that had been modified in accordance with that AD. This finding has led to an adjustment of the related ''reference fatigue mission'' for Model A320 series airplanes, and resulted in revised inspection thresholds and repetitive intervals expressed in both flight cycles and flight hours.

Explanation of Relevant Service Information

AD 2000–10–15 cites Airbus Service Bulletins A320–57–1088, Revision 02, and A320–57–1089, Revision 02 and earlier, as the appropriate sources of service information for the inspections and optional modification, respectively. Airbus has since issued Service Bulletins A320–57–1088, Revision 04, dated August 16, 2001; and A320–57–1089, Revision 03, dated February 9, 2001. Service Bulletin A320–57–1088 revised the compliance times to incorporate flight hours in addition to flight cycles; otherwise the new revisions describe essentially the same procedures as those described in the earlier versions. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, mandated Service Bulletin A310–57–1088 and approved Service Bulletin A320–57–1089. The DGAC issued French airworthiness directive 2001–249(B), dated June 27, 2001, to ensure the continued airworthiness of these airplanes in France.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 2000–10–15 to continue to require modification of the rear spar web of the wing, cold expansion of certain attachment holes for the forward pintle fitting and certain holes at the actuating cylinder anchorage of the MLG, repetitive inspections for fatigue cracking in certain areas of the rear spar of the wing, and corrective action if necessary. The proposed AD would also continue to provide for optional terminating action. This proposed AD would revise the thresholds and repetitive intervals for the inspection.

The proposed compliance times for the initial inspection range from 12,000 to 17,300 total flight cycles; or from 22,400 to 37,300 total flight hours. The actions would be required to be accomplished in accordance with the service information described previously.

Cost Impact

This proposed AD would affect about 126 airplanes of U.S. registry. The following table provides the cost estimates of the actions currently required by AD 2000–10–15:

Cost Estimates

Action	Work hours	Hourly labor rate	Parts cost	Cost per airplane
Modification	60	$65	$0	$3,900.
Cold expansion	600	65	$0	$39,000.
Inspection	24	65	$0	$1,560, per inspection cycle.
Optional terminating action	750	65	$27,036–$32,727 (depending on action airplane configuration).	$75,786–$81,477.

This proposed AD would not add any new actions and therefore would not increase the economic burden on operators—except for the additional cost associated with a potentially shortened inspection interval.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–11739 (65 FR 34069, May 26, 2000), and by adding a new airworthiness directive (AD), to read as follows:

Airbus: Docket 2001–NM–254–AD. Supersedes AD 2000–10–15, Amendment 39–11739.

Applicability: Model A320 series airplanes, certificated in any category, except those modified in accordance with Airbus Modification 24591 (Airbus Service Bulletin A320–57–1089, dated December 22, 1996; Revision 01, dated April 17, 1997; or Revision 02, dated November 6, 1998; or Revision 03, dated February 9, 2001).

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking in certain areas of the rear spar of the wing, which may lead to reduced structural integrity of the wing and the main landing gear (MLG), accomplish the following:

Restatement of Certain Requirements of AD 2000–10–15

Modification

(a) For airplanes having manufacturer's serial numbers (MSN) 003 through 008 inclusive, and 010 through 021 inclusive: Prior to the accumulation of 12,000 total flight cycles, or within 500 flight cycles after June 11, 1993 (the effective date of AD 93–08–15, amendment 39–8563), whichever occurs later, modify the inner rear spar web of the wing in accordance with Airbus Service Bulletin A320–57–1004, Revision 1, dated September 24, 1992, or Revision 2, dated June 14, 1993.

(b) For airplanes having MSNs 002 through 051 inclusive: Prior to the accumulation of 12,000 total flight cycles, or within 2,000 flight cycles after February 14, 1994 (the effective date of AD 93–25–13, amendment 39–8777), whichever occurs later, accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD in accordance with Airbus Service Bulletin A320–57–1060, dated December 8, 1992; or Revision 2, dated December 16, 1994.

(1) Perform a cold expansion of all the attachment holes for the forward pintle fitting of the MLG, except for the holes that are for taper-lok bolts.

(2) Perform a cold expansion of the holes at the actuating cylinder anchorage of the MLG.

Note 1: Accomplishment of the cold expansion in accordance with Airbus Service Bulletin A320–57–1060, Revision 1, dated April 26, 1993, is also acceptable for compliance with the requirements of paragraph (b) of this AD.

New Requirements of This AD

Ultrasonic Inspection

(c) Do an ultrasonic inspection for cracking of the rear spar of the wing, in accordance with Airbus Service Bulletin A320–57–1088, Revision 04, dated August 6, 2001. Inspect at the applicable time specified in paragraph 1.E. of the service bulletin, except as required by paragraphs (c)(1) and (c)(2) of this AD.

Note 2: An inspection done before the effective date of this AD in accordance with Airbus Service Bulletin A320–57–1088, Revision 02, dated July 29, 1999; or Revision 03, dated February 9, 2001; is acceptable for compliance with the requirements of the initial inspection required by paragraph (c) of this AD.

(1) For any airplane that has not been inspected but has exceeded the applicable specified compliance time as of the effective date of this AD: Inspect within 60 days after the effective date of this AD.

(2) For any airplane that has been inspected before the effective date of this AD: Repeat the inspection within 3,600 flight cycles after the most recent inspection.

Repetitive Inspections

(d) Repeat the inspection required by paragraph (c) of this AD at intervals not to exceed 3,600 flight cycles or 6,700 flight hours, whichever occurs first, until the requirements of paragraph (f) have been done.

Corrective Action

(e) If any crack is found during any inspection required by paragraph (c) or (d) of this AD: Before further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Generale de l'Aviation Civile (or its delegated agent).

Optional Terminating Action

(f) Modification of all specified fastener holes in the rear spar of the wing terminates the initial and repetitive inspections required by paragraphs (c) and (d) of this AD, if the modification is done in accordance with Airbus Service Bulletin A320–57–1089, dated December 22, 1996; Revision 01, dated April 17, 1997; Revision 02, dated November 6, 1998; or Revision 03, dated February 9, 2001. If done before the airplane accumulates 12,000 total flight cycles, the modification also terminates the actions required by paragraphs (a) and (b) of this AD.

Alternative Methods of Compliance

(g) In accordance with 14 CFR 39.19, the Manager, International Branch, FAA, is authorized to approve alternative methods of compliance for this AD.

Note 3: The subject of this AD is addressed in French airworthiness directive 2001–249(B), dated June 27, 2001.

Issued in Renton, Washington, on February 5, 2004.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–3207 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–199–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–215–6B11 (CL215T Variant), and CL–215–6B11 (CL415 Variant) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Bombardier Model CL–215–6B11 series airplanes, that currently requires inspections to detect cracking in the rear engine mount struts, and replacement of struts with new struts, if necessary; and the eventual replacement of all struts with new struts. This action would require adding repetitive detailed inspections to detect cracking in the rear engine mount struts and replacement of struts with new struts, if necessary. This action would also expand the applicability of the existing AD and make the replacement of all struts with new, machined struts an optional terminating action for the repetitive inspections. The actions specified by the proposed AD are intended to prevent failure of the rear engine mount struts, which could subsequently result in reduced structural integrity of the nacelle and engine support structure. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by March 15, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–199–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2003–NM–199–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Westbury, New York.

FOR FURTHER INFORMATION CONTACT: David Lawson, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Westbury, New York 11590; telephone (516) 228–7327; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2003–NM–199–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–199–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On February 4, 1994, the FAA issued AD 94–04–02, amendment 39–8820 (59 FR 10272, March 4, 1994), applicable to certain Bombardier Model CL–215–6B11 series airplanes, to require inspections to detect cracking in the rear engine mount struts, and replacement of struts with new struts, if necessary; and the eventual replacement of all struts with new struts. That action was

prompted by reports of failures of these rear engine mount struts due to cracking that was caused by rosette welds on the shank of the struts not achieving full weld penetration during manufacture. The requirements of that AD are intended to prevent failure of the rear engine mount struts, which could subsequently result in reduced structural integrity of the nacelle and engine support structure.

Actions Since Issuance of Previous Rule

Since the issuance of AD 94–04–02, Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, has received reports that welded struts installed as terminating action for that AD (reference Canadian airworthiness directive CF–92–22, dated November 17, 1992) have failed in service. Weakness in the welded struts can result in cracks in the rear engine mount struts. This condition, if not corrected, could reduce structural integrity of the nacelle and engine support structure.

Explanation of Relevant Service Information

Bombardier has issued Alert Service Bulletin 215–A3111, Revision 2, dated January 23, 2003 (for Model CL–215–6B11 (CL215T Variant) series airplanes); and Alert Service Bulletin 215–A4287, Revision 2, dated January 23, 2003 (for Model CL–215–6B11 (CL415 Variant) series airplanes). The service bulletins describe repetitive detailed inspections to detect cracking in the rear mount strut assemblies of the engines, and replacement of struts with new, machined or welded struts, if necessary. Replacement of all struts with new, machined struts would eliminate the need for the repetitive inspections. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. TCCA classified these service bulletins as mandatory and issued Canadian airworthiness directive CF–2003–02, dated February 28, 2003, in order to assure the continued airworthiness of these airplanes in Canada.

FAA's Conclusions

These airplane models are manufactured in Canada and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 94–04–02 to continue to require inspections to detect cracking in the rear engine mount struts, and replacement of struts with new struts, if necessary. This new action proposes adding repetitive detailed inspections for new, welded struts, expanding the applicability of the existing AD, and making replacement of all struts with new, machined struts an optional terminating action for the repetitive inspections (replacement of struts with new, welded struts is no longer an optional terminating action). The actions would be required to be accomplished in accordance with the service bulletins described previously, except as described below.

Difference Between Service Bulletins and Proposed AD

Although the service bulletins specify to submit certain information to the manufacturer, this proposed AD does not include such a requirement.

Change Made to Inspection Terminology

The inspection for cracks in AD 94–04–02 is called a ''visual inspection.'' However, the inspection for cracks in the proposed AD is called a ''detailed inspection'' and the definition of ''detailed inspection'' is added to clarify the inspection type.

Optional Terminating Replacement

Operators should also note that, to be consistent with the findings of the TCCA, the FAA has determined that the repetitive inspections proposed by this AD can be allowed to continue in lieu of accomplishment of a terminating action. In making this determination, the FAA considers that, in this case, long-term continued operational safety will be adequately assured by accomplishing the repetitive inspections to detect cracks before it represents a hazard to the airplane.

Cost Impact

There are approximately 3 airplanes of U.S. registry that would be affected by this proposed AD.

The actions that are currently required by AD 94–04–02 take approximately 10 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $1,950, or $650 per airplane.

The new inspections that are proposed in this AD action take approximately 3 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the proposed inspections of this AD on U.S. operators is estimated to be $585, or $195 per airplane, per inspection cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8820 (59 FR 10272, March 4, 1994), and by adding a new airworthiness directive (AD), to read as follows:

Bombardier, Inc. (Formerly Canadair): Docket 2003-NM–199-AD. Supersedes AD 94–04–02, Amendment 39–8820.

Applicability: Model CL–215–6B11 (CL215T Variant) series airplanes, serial numbers 1056, 1057, 1061, 1080, 1109, 1113 through 1122 inclusive, 1124, and 1125; and Model CL–215–6B11 (CL415 Variant) series airplanes, serial numbers 2001 through 2067 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the rear engine mount struts, which could subsequently result in reduced structural integrity of the nacelle and engine support structure, accomplish the following:

Restatement of Requirements of AD 94–04–02

Inspection and Corrective Action

(a) For Model CL–215–6B11 series airplanes, serial numbers 1057, 1061, 1080, 1113 through 1115 inclusive, 1121, 1122, 1124, and 1125; turboprop versions only: Within 50 hours time-in-service after April 4, 1994 (the effective date of AD 94–04–02, amendment 39–8820), perform a visual inspection to detect cracking in the rear engine mount struts, part number (P/N) 87110016–003, in accordance with Canadair Alert Service Bulletin 215–A3040, dated September 2, 1992.

(1) If no cracking is detected, repeat the visual inspection thereafter at intervals not to exceed 50 hours time-in-service, until the requirements of paragraph (b) of this AD are accomplished.

(2) If any cracking is detected, prior to further flight, replace the engine rear mount strut with a new strut, P/N 87110016–009 or –011, in accordance with the service bulletin.

(b) For Model CL–215–6B11 series airplanes, serial numbers 1057, 1061, 1080, 1113 through 1115 inclusive, 1121, 1122, 1124, and 1125; turboprop versions only: Within 2 years after April 4, 1994, replace all engine rear mount struts with new struts, P/N 87110016–009 or –011, in accordance with Canadair Alert Service Bulletin 215–A3040, dated September 2, 1992. Such replacement constitutes terminating action for the inspections required by paragraph (a) of this AD.

(c) For Model CL–215–6B11 series airplanes, serial numbers 1057, 1061, 1080, 1113 through 1115 inclusive, 1121, 1122, 1124, and 1125; turboprop versions only: As of April 4, 1994, no person shall install a rear engine mount strut, P/N 87110016–003, on any airplane.

New Requirements of This AD

Inspection and Corrective Action

(d) For all airplanes: Within 50 flight hours after the effective date of this AD, perform a detailed inspection to detect cracking in the rear mount strut assemblies of the engines in accordance with Bombardier Alert Service Bulletin 215–A3111, Revision 2, dated January 23, 2003 (Model CL–215–6B11 (CL215T Variant) series airplanes); or Bombardier Alert Service Bulletin 215–A4287, Revision 2, dated January 23, 2003 (Model CL–215–6B11 (CL415 Variant) series airplanes); as applicable. Accomplishment of this detailed inspection constitutes terminating action for the requirements of paragraph (a) of this AD.

Note 1: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) If no cracking is detected, repeat the detailed inspection thereafter at intervals not to exceed 250 flight hours until the requirements of paragraph (e) of this AD are accomplished.

(2) If any crack is detected, before further flight, do the replacement in either paragraph (d)(2)(i) or (d)(2)(ii) of this AD in accordance with the applicable service bulletin.

(i) Replace the rear engine mount strut with a new, welded strut, P/N 87110016–009 or –011. Repeat the detailed inspection thereafter at intervals not to exceed 250 flight hours until the requirements of paragraph (e) of this AD are accomplished.

(ii) Replace the rear engine mount strut with a new, machined strut, P/N 87110047–001. Repeat the detailed inspection thereafter at intervals not to exceed 500 flight hours for the new, machined strut until the requirements of paragraph (e) of this AD are accomplished.

Optional Terminating Replacement

(e) Replace both rear engine mount struts with new, machined struts, P/N 87110047–001, in accordance with Bombardier Alert Service Bulletin 215–A3111, Revision 2, dated January 23, 2003 (Model CL–215–6B11 (CL215T Variant) series airplanes); or Bombardier Alert Service Bulletin 215–A4287, Revision 2, dated January 23, 2003 (Model CL–215–6B11 (CL415 Variant) series airplanes); as applicable. Replacement constitutes terminating action for the repetitive inspections required by this AD.

Parts Installation

(f) As of the effective date of this AD, no person shall install a rear engine mount strut, P/N 87110016–003, on any airplane.

Reporting Paragraph in Service Bulletins

(g) Although the service bulletins referenced in this AD specify to submit certain information to the manufacturer, this AD does not include such a requirement.

Alternative Methods of Compliance

(h) In accordance with 14 CFR 39.19, the Manager, New York Aircraft Certification Office (ACO), FAA, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

Note 2: The subject of this AD is addressed in Canadian airworthiness directive CF–2003–02, dated February 28, 2003.

Issued in Renton, Washington, on February 5, 2004.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–3206 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–111–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330, A340–200, and A340–300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A330, A340–200, and A340–300 series airplanes. This proposal would require replacement of flap rotary actuators with modified flap rotary actuators. This action is necessary to prevent fatigue failure of the rotary actuator lever for the flaps, which could result in loss of the flap surface and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by March 15, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport

Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–111–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2003–NM–111–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2003–NM–111–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–111–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A330, A340–200, and A340–300 series airplanes. The DGAC advises that corrosion in splines has been observed on a certain number of flap rotary actuators, Types A and B, part number 6975XXXXX (where XXXXX is any part number), returned after service. An improved protection of the splines was introduced without success on in-service actuators. The corrosion, which reduces the fatigue strength, is due to the loss of the surface protection following axial and radial movements between the end cover and the splines of the lever under operational loads.

The flap control system is ensured by two load paths. In case of loss of the first load path, which could occur subsequent to a rupture of the rotary actuator lever, the loads would be transferred to the second load path. The loss of the second load path might follow due to the transfer of the loads on the possibly corroded second flap rotary actuator.

Corrosion in splines, if not corrected, could result in fatigue failure of the rotary actuator lever for the flaps, which could result in loss of the flap surface and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A330–27–3106 and A340–27–4111, both dated February 18, 2003, which describe procedures for replacement of flap rotary actuators with modified flap rotary actuators. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directives 2003–140(B), dated April 2, 2003, and 2003–141(B), dated April 2, 2003, in order to assure the continued airworthiness of these airplanes in France.

Secondary Service Information References

Airbus Service Bulletins A330–27–3106 and A340–27–4111 reference Liebherr-Aerospace Lindenberg GmbH Service Bulletins 697510–27–02 and 697511–27–02, both dated February 21, 2003, as additional sources of service information for accomplishment of the replacement.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the Airbus service bulletins described previously.

Cost Impact

The FAA estimates that nine airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 45 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is $65 per work hour. Required parts would cost approximately $35,000 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $341,325, or $37,925 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of

the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus: Docket 2003–NM–111–AD.

Applicability: Model A330, A340–200, and A340–300 series airplanes; except for those on which Airbus Modification 50044 has been accomplished in production, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue failure of the rotary actuator lever for the flaps, which could result in loss of the flap surface and consequent reduced controllability of the airplane, accomplish the following:

Replacement

(a) Replace the flap rotary actuators with modified flap rotary actuators in accordance with the Accomplishment Instructions of Airbus Service Bulletin (SB) A340–27–4111, dated February 18, 2003 (for Model A340 –200 and –300 series airplanes); or Airbus SB A330–27–3106, dated February 18, 2003 (for Model A330 series airplanes); as applicable. Do the replacement at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD.

(1) Prior to the accumulation of 18,000 total flight cycles.

(2) Within 12 years since the date of issuance of the original Airworthiness Certificate, or within 12 years since the date of issuance of the Export Certificate of Airworthiness, whichever occurs first.

Note 1: Airbus Service Bulletins A330–27–3106 and A340–27–4111 reference Liebherr-Aerospace Lindenberg GmbH Service Bulletins 697510–27–02 and 697511–27–02, both dated February 21, 2003, as additional sources of service information for accomplishment of the replacement.

Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

Note 2: The subject of this AD is addressed in French airworthiness directives 2003–140(B), dated April 2, 2003, and 2003–141(B), dated April 2, 2003.

Issued in Renton, Washington, on February 5, 2004.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–3205 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–143321–02; REG–156232–03]

RIN 1545–BB60; RIN 1545–BC80

Information Reporting Relating to Taxable Stock Transactions; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to withdrawal of previous proposed rules; notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing.

SUMMARY: This document contains corrections to a withdrawal of previous proposed rules; notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing that was published in the **Federal Register** on Tuesday, December 30, 2003 (68 FR 75182), relating to information reporting by a corporation if control of the corporation has a recapitalization or other substantial change in capital structure.

FOR FURTHER INFORMATION CONTACT: Nancy L. Rose, (202) 622–4910 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The withdrawal of previous proposed rules; notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing (REG–143321–02; REG–156232–03) that is the subject of this correction is under sections 6043(c) and 6045 of the Internal Revenue Code.

Need for Correction

As published, the withdrawal of previous proposed rules; notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing (REG–143321–02; REG–156232–03) contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the withdrawal of previous proposed rules; notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing (REG–143321–02; REG–156232–03), that was the subject of FR Doc. 03–31362, is corrected as follows:

1. On page 75184, column 1, in the preamble under the paragraph heading ''Comments and Public Hearing'', line 10, the language ''to understand. All comments will be'' is corrected to read ''to understand. Comments are particularly requested with respect to the ability of brokers to obtain the information necessary for reporting

under the proposed rules. All comments will be''.

Cynthia E. Grigsby,

Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 04–3263 Filed 2–12–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S–030]

RIN 1218–AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of Negotiated Rulemaking Committee meetings.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the eighth and ninth meetings of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C–DAC). The Committee will review summary notes of the prior meeting, review draft regulatory text and continue to address substantive issues. The meeting will be open to the public.

DATES: The meetings will be on March 3, 4, and 5, 2004, and March 29, 30, and 31, 2004. The March 3, 4, and 5 meeting will begin each day at 8:30 a.m. The March 29, 30, and 31 meeting will begin each day at 8:30 a.m. Each C-DAC meeting is expected to last two and a half days. Individuals with disabilities wishing to attend should contact Luz Dela Cruz by telephone at 202–693–2020 or by fax at 202–693–1689 to obtain appropriate accommodations no later than Friday, February 20, 2004.

ADDRESSES: The March 3, 4, and 5 meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 in conference room N–3437 A, B, C. The March 29, 30, and 31 meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 in conference room N–4437 B, C, D.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by email. Please include ''Docket No. S–030'' on all submissions.

By mail: Submit three (3) copies to: OSHA Docket Office, Docket No. S–030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–2625, Washington, DC 20210, telephone (202) 693–2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax: Written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693–1648.

Electronically: Comments may be submitted through OSHA's Web page at *http://ecomments.osha.gov.* Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3468, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2345.

SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee to improve crane and derrick safety in construction, requested comments and nominations for membership (volume 67 of the **Federal Register**, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (volume 68 of the **Federal Register**, page 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), and announced the first meeting (68 FR 39880, July 3, 2003), which was held July 30—August 1, 2003. The Agency published notices announcing the subsequent meetings.

II. Agenda

The Committee will review draft materials prepared by the Agency based on CDAC discussions at prior meetings, and will address additional issues. While the pace of the discussion varies, OSHA anticipates that CDAC will be discussing several items from the ''Anticipated Key Issues for Negotiation'' list at both March meetings. At the March 3, 4, and 5 meeting, in addition to key issues from the list, the Agency anticipates the committee will be discussing Safety Devices and Operational Aids (fail safe warnings, secondary brake systems and others). At the March 29, 30, and 31 meeting the Agency anticipates that the committee will be discussing limited requirements for cranes with a rated capacity of 2,000 pounds or less as well as continuing its discussions of key issues from the list.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that CDAC will continue discussing key issues from the following list in upcoming meetings:

1. Scope;
2. Definitions;
3. Assembly & Disassembly (including reeving/rigging);
4. Operation Procedures;
5. Signals;
6. Personnel Qualifications, Training & Testing;
7. Inspections;
8. Modifications;
9. Keeping Clear of the Load;
10. Fall Protection;
    a. Ladder access and cat walks;
    b. Fall arrest;
11. Hoisting Personnel;
12. Machine Guarding;
13. Qualifications of Maintenance & Repair Workers;
14. Work Zone Control;
15. Wire Rope;
16. Responsibility for environmental considerations, site conditions and ground conditions;
17. Operating near Power Lines;
18. Derricks;
19. Free Fall/Power Down;
20. Critical Lifts and Engineered Lifts;
21. Signals (standard methods) ''B30. 5;
22. Verification criteria for structural adequacy of crane components and stability testing requirements;
23. Overhead & Gantry Cranes;
24. Floating Cranes, Cranes on Barges;
25. Safety Devices: fail-safe, warning, secondary brake system, and other safety-related devices/technology;
26. Tower Cranes;
27. Operator Cab Criteria (roll over, visibility, overhead protection);
28. Limited Requirements for cranes with a rated capacity of 2,000 pounds or less.

IV. Public Participation

All interested parties are invited to attend these public meetings at the times and places indicated above. Note, however, that a government issued photo ID card (State or Federal) is required for entry into the Department of Labor building. No advance registration is required. The public must enter the Department of Labor for the meeting through the 3rd and C Street,

NW., entrance. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Dela Cruz by telephone at 202–693–2020 or by fax at 202–693–1689 to obtain appropriate accommodations no later than Friday, February 20, 2003. Each C–DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, Room N–2625, 200 Constitution Ave., NW., Washington, DC 20210; telephone (202) 693–2350. Minutes will also be available on the OSHA Docket Web page: *http://dockets.osha.gov/.*

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738 5320, fax (617) 738–6911.

Signed in Washington, DC this 9th day of February, 2004.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 04–3183 Filed 2–12–04; 8:45 am]

BILLING CODE 4510–26–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–91–200323 (b); FRL–7621–9]

Approval and Promulgation of Implementation Plans Florida: Southeast Florida Area Maintenance Plan Update

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve revisions to the State Implementation Plan (SIP) submitted by the Florida Department of Environmental Protection on December 20, 2002. This SIP revision satisfies the requirement of the Clean Air Act for the second 10-year update for the Southeast Florida area (Dade, Broward, and Palm Beach Counties) 1-hour ozone maintenance plan. In the Final Rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before March 15, 2004.

ADDRESSES: Comments may be submitted by mail to: Heidi LeSane, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, **SUPPLEMENTARY INFORMATION** (sections I.B.1. through 3.) which is published in the Rules Section of this **Federal Register**

FOR FURTHER INFORMATION CONTACT: Heidi LeSane, Air, Pesticides & Toxics Management Division, Air Planning Branch, Regulatory Development Section, U.S. Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Mrs. LeSane's phone number is 404–562–9035. She can also be reached via electronic mail at *lesane.heidi@epa.gov* or Lynorae Benjamin, Air, Pesticides & Toxics Management Division, Air Planning Branch, Air Quality Modeling & Transportation Section, Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Benjamin's phone number is 404–562–9040. She can also be reached via electronic mail at *benjamin.lynorae@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: January 26, 2004.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 04–3075 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 012604A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Fishery Management Council; Public Scoping Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of scoping meetings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) intends to consider alternatives for developing a Generic Amendment for Offshore Marine Aquaculture. In accordance with the National Environmental Policy Act of 1969, the Council has prepared a scoping document, and has scheduled a series of scoping meetings to solicit public input regarding these alternatives. Based on the range of alternatives and issues identified during the scoping process, the Council may be required to develop a Draft Supplemental Environmental Impact Statement (DSEIS).

DATES: The scoping meetings will be held in February and March 2004. See **SUPPLEMENTARY INFORMATION** for specific dates, times, and locations. Public comments on the scoping document for a Generic Amendment for Offshore Marine Aquaculture should be received in the Council office by 5 p.m. Eastern Standard Time, March 5, 2004, to ensure consideration by the Council.

ADDRESSES: Written comments on, and requests for, the scoping document should be addressed to the Gulf of Mexico Fishery Management Council, 3018 U.S. North Highway 301, Suite 1000, Tampa, FL 33619; telephone: (813) 228–2815.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815 ext. 230.

SUPPLEMENTARY INFORMATION: The Council announces a series of public scoping meetings to solicit input from

interested parties on the provisions of the Scoping document for Generic Amendment for Offshore Marine Aquaculture. The scoping document: (1) Summarizes existing Federal statutes, programs, and rules that apply to marine aquaculture of fish and marine organisms in the Federal waters of the Exclusive Economic Zone; (2) lists fishery stocks that may be cultured in marine aquaculture programs carried out under the amendment; (3) discusses the environmental impact and other effects of various marine aquaculture practices to provide a background for selecting alternatives for the best management practices (BMP) for regulating the marine aquaculture process; and (4) sets forth a broad range of management alternatives for public consideration in selecting the best management practices (BMP) possible Copies of the scoping document will be available at the meetings and are available prior to the meetings from the Council (see **ADDRESSES**).

In accordance with NOAA Administrative Order 216–6, Section 5.02(c), the Council has identified this preliminary range of alternatives as a means to initiate discussion for scoping purposes only. This may not represent the full range of alternatives that eventually will be evaluated by the Council. Depending on the range of alternatives and issues identified during the scoping process, the Council may prepare an Environmental Assessment, with a Finding of No Significant Impact in association with the proposed actions. Should significant issues be identified in regard to the proposed actions, NMFS would publish a Notice of Intent to prepare a DSEIS.

Times and Locations of Scoping Meetings

The scoping meetings will be held at the following locations and dates immediately following the scoping hearings for a Generic Limited Access Amendment (noticed separately) that will begin at 6 p.m. and conclude by 10 p.m.

1. Tuesday, February 17, 2004, Adams Mark Hotel and Resort, 64 South Water Street, Mobile, AL 36602; telephone: 251–438–4000;
2. Wednesday, February 18, 2004, J.L. Scott Marine Education Center and Aquarium, 115 Beach Boulevard, Biloxi, MS 39530; telephone: 228–374–5550;
3. Thursday, February 19, 2004, Larose Regional Park, 2001 East 5th Street, Larose, LA 70373; telephone: 504–693–7355;
4. Monday, February 23, 2004, Holiday Inn Emerald Beach, 1102 South Shoreline Boulevard, Corpus Christi, TX 78401; telephone: 361–883–5731;
5. Tuesday, February 24, 2004, Moody Gardens Hotel, 7 Hope Boulevard, Galveston, TX 77554; telephone: 409–741–8484;
6. Wednesday, February 25, 2004, National Marine Fisheries Service, Panama City Laboratory, 3500 Delwood Beach Road, Panama City, FL 32408; telephone: 850–234–6541 ext. 201;
7. Thursday, February 26, 2004, Madeira Beach City Hall Auditorium, 300 Municipal Drive, Madeira Beach, FL 33708; telephone: 727–391–9951; and
8. Monday, March 1, 2004, Holiday Inn Beachside, 3841 North Roosevelt Boulevard, Key West, FL 33040; telephone: 305–294–2571.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Trish Kennedy at the Council (see **ADDRESSES**) by February 13, 2004.

Dated: February 9, 2004.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04–3283 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 012604C]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish; Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico; Vermilion Snapper Rebuilding Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to prepare a draft supplemental environmental impact statement (DSEIS); request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) intends to prepare a DSEIS that describes and analyzes management alternatives associated with establishing a vermilion snapper rebuilding plan based on biomass-based stock rebuilding targets and thresholds. The rebuilding plan will be implemented through an amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The purpose of this notice is to solicit public comments on the scope of issues to be addressed in the DSEIS, which will be submitted to NMFS for filing with the Environmental Protection Agency (EPA) for publication of a Notice of Availability for public comment.

DATES: Written comments must be received by the Council by March 15, 2004.

ADDRESSES: Written comments on the scope of the DSEIS and requests for additional information on the Draft Vermilion Snapper Rebuilding Amendment should be sent to the Gulf of Mexico Fishery Management Council, 3018 North U.S. Highway 301, Suite 1000, Tampa, FL 33619; telephone: (813) 228–2815; fax: (813) 225–7015. Comments may also be sent by e-mail to *Stu.Kennedy@gulfcouncil.org*.

FOR FURTHER INFORMATION CONTACT: Stu Kennedy; phone: (813) 228–2815 ext. 231; fax: (813) 225–7015; e-mail: *Stu.Kennedy@gulfcouncil.org*.

SUPPLEMENTARY INFORMATION: The Council is preparing to amend the FMP to establish a vermilion snapper rebuilding plan that is based on biomass-based stock rebuilding targets and thresholds. The Council will develop a DSEIS that describes and analyzes management alternatives considered in the Draft Vermilion snapper Rebuilding Amendment.

Scoping meetings were held in Texas, Louisiana, Mississippi, Alabama and Florida in late August 2003, to take public comment on the scope of issues to be addressed for ending overfishing. At the time, the level of effects did not seem sufficient to warrant a SEIS. On October 30, 2003, NMFS declared Gulf of Mexico vermilion snapper overfished. That determination increases the likelihood of a significant impact as a result of the need for a rebuilding plan. This type of action normally requires an EIS or SEIS and, as a result, the Council is forgoing the initial preparation of an environmental assessment and is developing an SEIS. The scoping meetings held in August, 2003, covered the range of options the Council chose prior to the declaration on the overfished condition and those have not changed since the declaration. Therefore, the previous meetings adequately scoped the issues.

The DSEIS will evaluate biomass-based stock rebuilding targets and thresholds, will consider various rebuilding schedules, consistent with the legal mandate provided by § 304(e)(4) of the Magnuson-Stevens

Fishery Conservation and Management Act (Magnuson-Stevens Act) to rebuild overfished stocks in ten years or less except in cases where the biology of the overfished stock, other environmental conditions or international agreements dictate otherwise, and will consider management alternatives to limit harvest to levels consistent with the selected rebuilding plan. The rebuilding period for vermilion snapper will be ten years or less based on Magnuson-Stevens Act guidelines. The DSEIS will consider various alternatives to achieve the rebuilding goal in either seven or ten years based on constant catch strategies, constant fishing mortality rate strategies or stepped strategies that holds harvest constant for three or four year periods consistent with the average of the harvests under a constant fishing mortality strategy. The status of the stock would be reviewed every 3 to 5 years to evaluate the need for additional management measures.

Management alternatives considered by the Council could include, but would not be limited to, seasonal closures, quotas, minimum size limits, bag limits and trip limits.

Written comments on the range of alternatives and scope of issues to be addressed in the DSEIS may be sent to the Council (*see* **ADDRESSES**).

Once the Council completes the DSEIS associated with the Draft Vermilion snapper Rebuilding Amendment, it will submit the document to NMFS for filing with the EPA. The EPA will publish a Notice of Availability of the DSEIS for public comment in the **Federal Register**. The DSEIS will have a 45–day comment period. This procedure is pursuant to regulations issued by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of the National Environmental Policy Act (NEPA; 40 CFR parts 1500–1508) and to NOAA Administrative Order 216–6 regarding NOAA's compliance with NEPA and the CEQ regulations.

The Council will consider public comments received on the DSEIS in developing the final supplemental environmental impact statement (FSEIS) and before adopting final management measures for the Vermilion Snapper Rebuilding Amendment. The Council will submit both the final Amendment, including the supporting FSEIS, to NMFS for Secretarial review, approval, and implementation under the Magnuson-Stevens Act.

NMFS will announce, through a notice published in the **Federal Register**, the availability of the final Vermilion Snapper Rebuilding Amendment for public review during the Secretarial review period. During Secretarial review, NMFS will also file the FSEIS with the EPA for a final 30–day public comment period. This comment period will be concurrent with the Secretarial review period and will end prior to final agency action to approve, disapprove, or partially approve the final Vermilion Snapper Rebuilding Amendment.

NMFS will announce, through a notice published in the **Federal Register**, all public comment periods on the final Vermilion Snapper Rebuilding Amendment, its proposed implementing regulations, and its associated FSEIS. NMFS will consider all public comments received during the Secretarial review period, whether they are on the final Amendment, the proposed regulations, or the FSEIS, prior to final agency action.

Dated: February 9, 2004.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04–3281 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 012604B]

Fisheries of the Caribbean, Gulf of Mexico and South Atlantic; Draft Generic Amendment to the Fishery Management Plan (FMP) for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Region and to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico; Scoping Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to prepare a draft supplemental environmental impact statement (DSEIS); notice of scoping meetings; and request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) intends to prepare a DSEIS that describes and analyzes management alternatives associated with limiting access in the king mackerel and reef fish fisheries. The purpose of this notice is to solicit public comments on the scope of issues to be addressed in the DSEIS, which will be submitted to NMFS for filing with the Environmental Protection Agency (EPA) for publication of a Notice of Availability for public comment.

DATES: Written comments must be received by the Council by 5 p.m. on March 5, 2004 (*see* **ADDRESSES**). A series of scoping meetings will be held in February and March 2004. *See* **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The Gulf of Mexico Fishery Management Council, 3018 North U.S. Highway 301, Suite 1000, Tampa, FL 33619; telephone: (813) 228–2815; fax: (813) 225–7015. Comments may also be sent by e-mail to: *Rick.Leard@gulfcouncil.org*.

FOR FURTHER INFORMATION CONTACT: Rick Leard; phone: (813) 228–2815 ext. 228; fax: (813) 225–7015; e-mail: *Rick.Leard@gulfcouncil.org*.

SUPPLEMENTARY INFORMATION: King mackerel and reef fish in the Gulf of Mexico are managed under their respective FMPs. Both fisheries operate under a moratorium on the issuance of new commercial vessel permits. The moratorium on new king mackerel permits was established by Amendment 8 to the Mackerel FMP in March 1998, and was extended with the implementation of Amendment 12 to the Mackerel FMP. It is scheduled to expire on October 15, 2005. The moratorium on the issuance of new commercial reef fish permits was established by Amendment 4 to the Reef Fish FMP in May 1992. The moratorium has been maintained since that time with the implementation of Amendments 9, 11, and 17 to the Reef Fish FMP. It is scheduled to expire on December 31, 2005.

The Council intends to develop a DSEIS that describes and analyzes management alternatives to limit entry in the king mackerel and reef fish fisheries. Those alternatives include, but are not limited to the following: (1) A ''no action'' alternative regarding each fishery, which would allow the moratoria to expire; (2) An extension of the existing moratoria for a designated time frame; or (3) The establishment of some form of license limitation system for each fishery, including individual fishing quotas. If a license limitation system is chosen, the Council may also consider alternatives for different classes of licenses, initial qualification, initial allocations by license classes, transferability, and appeals regarding eligibility.

In accordance with NOAA Administrative Order 216–6, Section 5.02(c), the Council has identified this

preliminary range of alternatives as a means to initiate discussion for scoping purposes only. This may not represent the full range of alternatives that eventually will be evaluated by the Council. Copies of the scoping document will be available at the meetings and are available prior to the meetings from the Council office (*see* **ADDRESSES**).

The scoping meetings will be held at the following locations and dates from 6 p.m. followed by hearings on a Generic Marine Aquaculture Amendment (noticed separately) and will conclude by 10 p.m.

1. Tuesday, February 17, 2004, Adams Mark Hotel and Resort, 64 South Water Street, Mobile, AL 36602; telephone: (251) 438–4000;

2. Wednesday, February 18, 2004, J.L. Scott Marine Education Center and Aquarium, 115 Beach Boulevard, Biloxi, MS 39530; telephone: (228) 374–5550;

3. Thursday, February 19, 2004, Larose Regional Park, 2001 East 5th Street, Larose, LA 70373; telephone: (504) 693–7355;

4. Monday, February 23, 2004, Holiday Inn Emerald Beach, 1102 South Shoreline Boulevard, Corpus Christi, TX 78401; telephone: (361) 883–5731;

5. Tuesday, February 24, 2004, Moody Gardens Hotel, 7 Hope Boulevard, Galveston, TX 77554; telephone: (409) 741–8484;

6. Wednesday, February 25, 2004, National Marine Fisheries Service, Panama City Laboratory, 3500 Delwood Beach Road, Panama City, FL 32408; telephone: (850) 234–6541 ext. 201;

7. Thursday, February 26, 2004, Madeira Beach City Hall Auditorium, 300 Municipal Drive, Madeira Beach, FL 33708; telephone: (727) 391–9951; and

8. Monday, March 1, 2004, Holiday Inn Beachside, 3841 North Roosevelt Boulevard, Key West, FL 33040; telephone: (305) 294–2571.

Special Accommodations

The meetings will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Trish Kennedy at the Council (*see* **ADDRESSES**) by February 13, 2004.

Dated: February 9, 2004.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04–3282 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 102903C]

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Public Hearing on Draft Supplemental Environmental Impact Statement

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of public hearing.

SUMMARY: The Pacific Islands Regional Office of NMFS, in coordination with the Western Pacific Fishery Management Council (Council), will hold a public hearing in Honolulu, Hawaii, to receive comments on a draft supplemental environmental impact statement (DSEIS) for proposed management measures under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The DSEIS describes and assesses the likely environmental impacts of a range of alternative fishery management actions that are focused on the management of the pelagic longline fisheries, particularly with respect to interactions between sea turtles and the Hawaii-based longline fleet.

DATES: The public hearing will be held on February 18, 2004, from 6 to 8 p.m. Hawaii Standard Time.

ADDRESSES: The public hearing will be held in the Ala Moana Hotel (Carnation Room, second floor), 410 Atkinson Drive, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Tom Graham, NMFS, 808–973–2937.

SUPPLEMENTARY INFORMATION: The DSEIS was made available to the public on January 23, 2004, as described in a Notice of Availability published in the **Federal Register** by the Environmental Protection Agency on that date. The public comment period for the DSEIS ends February 23, 2004.

To obtain a copy of the DSEIS or for additional information, contact NMFS (*see* **FOR FURTHER INFORMATION CONTACT**). The DSEIS and related documents are also available on the Internet at *http://swr.nmfs.noaa.gov/pir/ and http://www.wpcouncil.org*.

Special Accommodations

This hearing is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tom Graham, (808) 973–2937 (voice) or (808) 973–2941 (fax), by February 17, 2004.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 10, 2004.

Peter Fricke,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04–3277 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 69, No. 30

Friday, February 13, 2004

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Trade Adjustment Assistance for Farmers

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

The Administrator, Foreign Agricultural Service (FAS), today accepted a petition filed by a group of shrimp producers in Arizona. The Administrator will determine within 40 days whether or not imports of shrimp contributed importantly to a decline in domestic producer prices by more than 20 percent during the marketing year beginning January 2002 and ending December 2003. If the determination is positive, all Arizona shrimp producers will be eligible to apply to the Farm Service Agency for technical assistance at no cost and adjustment assistance payments.

FOR FURTHER INFORMATION CONTACT: Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720–2916, e-mail: *trade.adjustment@fas.usda.gov.*

Dated: January 29, 2004.

A. Ellen Terpstra,

Administrator, Foreign Agricultural Service.

[FR Doc. 04–3235 Filed 2–12–04; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Trade Adjustment Assistance for Farmers

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

The Administrator, Foreign Agricultural Service (FAS), today accepted a petition filed by the Michigan Fish Producers' Association, Caseville, Michigan, for trade adjustment assistance. The group represents channel catfish fishermen. The Administrator will determine within 40 days whether or not imports of catfish contributed importantly to a decline in domestic producer prices of more than 20 percent during the marketing period beginning January 2003 and ending December 2003. If the determination is positive, all Michigan channel catfish fishermen will be eligible to apply to the Farm Service Agency for technical assistance at no cost and adjustment assistance payments.

FOR FURTHER INFORMATION CONTACT: Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720–2916, email: *trade.adjustment@fas.usda.gov.*

Dated: January 30, 2004.

A. Ellen Terpstra,

Administrator, Foreign Agricultural Service.

[FR Doc. 04–3234 Filed 2–12–04; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Forest Service

Proposed 3 Basins Timber Sale; Caribou-Targhee National Forest, Bear Lake and Caribou Counties, Idaho

AGENCY: USDA Forest Service.

ACTION: Notice of intent to prepare Environmental Impact Statement.

SUMMARY: The USDA Forest Service will prepare an Environmental Impact Statement to document the analysis and disclose the environmental impacts of proposed actions of harvesting timber, constructing, reconstruction, and obliterating roads, and regenerating new stands of trees in the Cheatbeck Basin, Middle Cheatbeck Basin and South Cheatbeck Basin areas of the Caribou National Forest in bear Lake and Caribou counties of Idaho. The proposed project is located within the following legal description:

Township 10 South Range 41 East, Sections 35 and 36

Township 11 South Range 41 East, Sections 1, 2, 11, 12 and 13

Township 11 South Range 42 East, Sections 7 and 18, Boise Meridian.

Implementing regeneration harvests on timbered sands will provide an Allowable Sale Quantity of sawlogs to industry. The proposed action will aid in moving timbered stands towards the desired future conditions (DFC) for lodgepole pine and aspen/conifer by simulating natural patch sizes and shapes, enhancing and maintaining aspen, and improving stand structure and composition on suitable timberlands within the greater Cheatbeck Basin area.

Montpelier Ranger District of the Caribou-Targhee National Forest proposes to mechanically harvest timber from approximately 590 acres, of this approximately 80 acres is within the Soda Peak Roadless Area #04171. The Revised Forest Plan (RFP) for the Caribou National Forest (February 2003) has assigned a prescription of 5.2-forest vegetation management, to all of the acreage proposed for treatment. This prescription emphasizes wood-fiber production, timber growth and yield while maintaining or restoring forested ecosystem processes and functions (RFP 4–71). Mechanical harvest will be accomplished by clearcutting and leaving reserve islands and groups of trees to simulate the patterns of a mixed severity fire, and to serve as the seed source for natural regeneration. All acreages, following harvest, will be broadcast burned to reduce the fuel loading and to accomplish site preparation for natural regeneration. The size of some of the proposed clearcuts will exceed the 40-acre maximum and are contingent upon Regional Forester approval.

In addition, the use of prescribed fire for aspen restoration, without pretreatment by logging, is proposed on approximately 118 acres of aspen/conifer within Soda Peak Roadless area.

Proposed, new road construction, in non-roadless areas, totals approximately 0.8 miles. Total temporary road construction is estimated to be 1.4 miles of which 1.1 miles is in non-roadless areas, with an estimated 0.3 miles of temporary new road construction in the Soda Peak Roadless Area. A total of approximately 0.8 miles of road obliteration is proposed as well. No net increase in motorized travel miles is proposed. Two potential haul routes, totaling approximately 17.0 miles will also be analyzed.

The issues identified during scoping and the analysis process will determine alternatives to the proposed action. The no action alternative will be analyzed as well.

DATES: Written comments concerning the scope of the analysis described in this Notice should be received within 30 days of the date of publication of this Notice in the **Federal Register**. No meetings are planned at this time. Information received will be used in preparation of the draft EIS and final EIS.

ADDRESSES: Send written comments to the Caribou-Targhee National Forest, Montpelier Ranger District, 322 North 4th Street, Montpelier, ID 83254.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and EIS should be directed to Ken Klingenberg, Caribou-Targhee National Forest, Montpelier Ranger District, 322 North 4th Street, Montpelier, ID 83254. [Telephone; (208) 847–0375.]

SUPPLEMENTARY INFORMATION: The Forest Service is seeking information and comments from Federal, State, and local agencies, as well as individuals and organizations that may be interested in, or affected by, the proposed action. The Forest Service invites written comments and suggestions on the issues related to the proposal and the area being analyzed.

Information received will be used in preparation of the draft EIS and final EIS. For the most effective use, comments should be submitted to the Forest Service within 30 days from the date of publication of this notice in the **Federal Register**.

The Responsible Official is Jerry B. Reese, Forest Supervisor, Caribou-Targhee National Forest, 1405 Hollipark Dr., Idaho Falls, ID 83401.

The decision to be made is: Whether to continue the present course of action (the no action alternative) or to implement the proposed action with applicable mitigation measures, or to implement an alternative to the proposed action with its applicable mitigation measures.

The tentative date for filing the Draft EIS is June 1, 2004. The comment period on the draft environmental impact statement will be open for 45 days from the date of the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986), and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapter of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the draft EIS. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points. Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only limited circumstances, such as to protect trade secrets. The Forest Service will inform the requestor of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 10 days.

Dated: February 6, 2004.

Jerry B. Reese,

Forest Supervisor, Caribou-Targhee National Forest, Intermountain Region, USDA Forest Service.

[FR Doc. 04–3154 Filed 2–12–04; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must Be Received on or Before: March 14, 2004.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

If the Committee approves the proposed additions, the entities of the Federal Government identified in the notice for each product or service will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

Product/NSN: Box, Shipping, Fiberboard,
8115–01–015–1312—Type III, Style G, FTC, 30″ x 27″ x 14″.
8115–01–015–1315—Type III, Style G, FTC, 24″ x 18″ x 16″.
8115–01–094–6520—Type II, Style G, FTC, 32″ x 18″ x 16″.
NPA: Tarrant County Association for the Blind, Fort Worth, Texas.
Contract Activity: Office Supplies & Paper Products Acquisition Center, New York, New York.
Product/NSN: Dual Action Dish Wand with Brush and Refill,
M.R. 586 (Brush).
M.R. 587 (Refill).
NPA: L.C. Industries For The Blind, Inc., Durham, North Carolina.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Jumbo Butterfly Mop Refill,

M.R. 1025.

NPA: L.C. Industries For The Blind, Inc., Durham, North Carolina.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: ReFresh Air Freshener,

6840–01–359–9207—Country Garden Potpourri,
6840–01–359–9208—Cinnamon,
6840–01–359–9209—Springtime Floral.

NPA: Lighthouse for the Blind, St. Louis, Missouri.
Contract Activity: Office Supplies & Paper Products Acquisition Center, New York, New York.
Product/NSN: STRAC Pack, 7510–00–NIB–0679.

NPA: Central Association for the Blind & Visually Impaired, Utica, New York.
Contract Activity: Office Supplies & Paper Products Acquisition Center, New York, New York.

Services

Service Type/Location: Custodial Services,
Federal Building, U.S. Post Office and Courthouse, 300 E. 3rd Street, North Platte, Nebraska.
NPA: Goodwill Employment Services of Central Nebraska, Inc., Grand Island, Nebraska.
Contract Activity: GSA, Public Buildings Service (Region 6), Kansas City, Missouri.
Service Type/Location: Food Service Attendant,
Elmendorf Air Force Base, Alaska.
NPA: M. C. Resources Management, Anchorage, Alaska.
Contract Activity: AF-Elmendorf, Elmendorf AFB, Alaska.
Service Type/Location: Grounds Maintenance,
Pueblo Chemical Depot, Installation Acreage, Pueblo, Colorado.
NPA: Pueblo Diversified Industries, Inc., Pueblo, Colorado.
Contract Activity: U.S. Army, Rocky Mountain Arsenal, Commerce City, Colorado.

Sheryl D. Kennerly,
Director, Information Management.

[FR Doc. 04–3259 Filed 2–12–04; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List products and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 14, 2004.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On December 12, and December 19, 2003, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (68 FR 69375 and 70760) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and service to the Government.

2. The action will result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and service are added to the Procurement List:

Products

Product/NSN: 1 1/2'' Round Ring Vinyl Clad Binder,

7510–00-NIB–0130—White,
7510–00-NIB–0145—Blue,
7510–00-NIB–0146—Red,
7510–00-NIB–0147—Gray,
7510–00-NIB–0148—Cinnamon,
7510–00-NIB–0149—Brown,
7510–00-NIB–0150—Green,
7510–00-NIB–0151—Jade.

NPA: South Texas Lighthouse for the Blind, Corpus Christi, Texas.
Contract Activity: Office Supplies & Paper Products Acquisition Center, New York, New York.
Product/NSN: Double Pocket Presentation Folder,

7530–00-NIB–0698—Black.

NPA: L.C. Industries For The Blind, Inc., Durham, North Carolina.
Contract Activity: Office Supplies & Paper Products Acquisition Center, New York, New York.
Product/NSN: Four Month Planner,

7520–00–NIB–1689.

NPA: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, Washington.
Contract Activity: Office Supplies & Paper Products Acquisition Center, New York, New York.

Service

Service Type/Location: Installation Support Services,
Naval Surface Warfare Detachment, White Sands Missile Range, White Sands, New Mexico.
NPA: Tresco, Inc., Las Cruces, New Mexico.
Contract Activity: Army Contracting Agency, White Sands Directorate, White Sands, NM.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 04–3260 Filed 2–12–04; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Washington Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Washington State Advisory Committee to the Commission will convene at 3:30 p.m. and adjourn at 5 p.m., on February 20, 2004 at the Hotel Monaco, 1101 Fourth Avenue, Seattle, Washington 98101. The purpose of the meeting is to plan follow-up to Commission site visit.

Persons desiring additional information, or planning a Presentation to the Committee, should contact Thomas V. Pilla, Civil Rights Analyst of the Western Regional Office, 213–894–3437 (TDD/213–894–3435). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 5, 2004.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 04–3190 Filed 2–12–04; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting

AGENCY: Commission on Civil Rights.

DATE AND TIME: Friday, February 20, 2004, 8:30 a.m.

PLACE: Hotel Monaco, 1101 Fourth Avenue, Seattle, WA 98101.

STATUS:

Agenda

I. Approval of Agenda
II. Approval of Minutes of January 9, 2004 Meeting
III. Announcements
IV. Staff Director's Report
V. Program Planning
VI. Presentations from Alaska, Hawaii, Idaho, Oregon, and Washington State Advisory Committee Chairpersons
VII. Presentations from Individuals and Organizational Representatives on Civil Rights Issues Facing the Pacific Northwest
VIII. Future Agenda Items

FOR FURTHER INFORMATION CONTACT: Les Jin, Press and Communications (202) 376–7700.

Debra A. Carr,

Deputy General Counsel.

[FR Doc. 04–3378 Filed 2–11–04; 1:13 pm]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Annual Capital Expenditures Survey (ACES).

Form Number(s): ACE–1(S), ACE–1(M), ACE–1(Long), and ACE–2.

Agency Approval Number: 0607–0782.

Type of Request: Revision of a currently approved collection.

Burden: 203,000 hours.

Number of Respondents: 61,000.

Avg. Hours Per Response: 3 hours and 20 minutes.

Needs and Uses: A major concern of economic policymakers is the adequacy of investment in plant and equipment. Data on the amount of business expenditures for new plant and equipment and measures of the stock of existing facilities are critical to evaluate productivity growth, the ability of U.S. business to compete with foreign business, changes in industrial capacity, and measures of overall economic performance. The ACES is the current source of comprehensive statistics on business investment in buildings and other structures, machinery, and equipment for private nonfarm businesses in the United States.

Major revisions from the previously approved collection are the collection of detailed types of structures and types of equipment data from employer businesses.

The plan for the continued survey is a basic annual survey that collects fixed assets and depreciation, sales and receipts, and total capital expenditures for new and used structures and equipment separately, from employer enterprises. This collection is intended to represent the capital expenditure activity of all employer firms and provide comprehensive control estimates of total capital expenditures for structures and equipment by industry.

All ACE–1 forms request sales and receipts information to calculate industry investment to sales ratios and to assist in verifying that consolidated company data are being reported. Assets and depreciation information collected assists in measuring changes in the Nation's capital stock estimates. As part of the basic survey, we also collect data annually from a small sample of nonemployer enterprises. Using Form ACE–2, the survey will request that nonemployer companies report current year capital expenditures data. This collection is intended to better represent total capital expenditures activity of all firms.

In conjunction with the basic survey is a supplemental survey conducted every five years beginning with the 1998 survey. The supplement will collect detailed information on expenditures by type of structure, and by type of equipment. This supplement is included with the basic survey only for employer companies. We collect detailed types of structures and equipment data in the same year due to reporting inconsistencies when attempting to collect the detailed data in separate years. The detailed structures data will provide a 5-year benchmark for estimates of value of new construction put in place. The detailed equipment will provide a periodic measure of expenditure by type of equipment and potentially serve as a benchmark for equipment produced and consumed as represented in the Bureau of Economic Analysis' (BEA) Input/Output accounts.

The ACES is an integral part of the Federal Government statistical program to improve and supplement ongoing statistical programs. Federal Government agencies, including the Census Bureau, use the data to improve and supplement ongoing statistical programs.

The Census Bureau uses the data to improve the quality of monthly economic indicators of investment. Specifically, the annual survey data and the supplement on types of structures will become a benchmark for monthly estimates of value of new construction put in place. The Value of New Construction Put in Place survey currently uses the ACES data to

benchmark its industrial buildings data. Improvements in the economic indicators will contribute to improved quarterly estimates of gross domestic product from the Bureau of Economic Analysis (BEA).

The BEA uses the data to refine annual estimates of investment in structures and equipment in the national income and product accounts and to improve estimates of capital stocks. The Department of the Treasury uses the data in analysis of depreciation. The Bureau of Labor Statistics (BLS) uses the data to improve estimates of capital stocks for productivity analysis. The Federal Reserve Board (FRB) uses the data to improve estimates of investment indicators for monetary policy.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Section 182, 224, & 225.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer either by fax (202–395–7245) or e-mail (*susan_schechter@omb.eop.gov*).

Dated: February 9, 2004.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04–3153 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Delivery Verification Procedure

ACTION: Proposed collection: comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 13, 2004.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Clearance Officer, Office of the Chief Information Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Marna Dove, BIS ICB Liaison, Projects and Planning Division, Department of Commerce, Room 6622, 14th & Constitution Avenue, NW., Washington, DC, 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

Foreign governments sometimes require U.S. importers of strategic commodities to furnish their supplier with a U.S. Delivery Verification Certificate validating that the commodities shipped to the U.S. were in fact received. This procedure increases the effectiveness of controls over exports of strategic commodities.

II. Method of Collection

Submitted, as required, on form BIS–647P.

III. Data

OMB Number: 0694–0016.

Form Number: BIS–647P.

Type of Review: Regular submission for extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 100.

Estimated Time Per Response: 31 minutes per response.

Estimated Total Annual Burden Hours: 56.

Estimated Total Annual Cost: No start-up capital expenditures.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: February 9, 2004.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04–3152 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–33–U

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review and Final Rescission of Review, in Part

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

SUMMARY: On October 8, 2003, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC). *See Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Preliminary Results of Antidumping Duty Administrative Review; Final Rescission, in Part; and Intent to Rescind, in Part,* 68 FR 58064 (*Preliminary Results*). The administrative review covers the period September 1, 2001, through August 31, 2002.

Based on our analysis of the comments received, we have made changes to our analysis. Therefore, the final results differ from the Preliminary Results. The final dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: February 13, 2004.

FOR FURTHER INFORMATION CONTACT: Doug Campau, Scot Fullerton or Matthew Renkey, Office of Antidumping/Countervailing Duty Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230;

telephone (202) 482–1395, (202) 482–1386 or (202) 482–2312, respectively.

Background

On October 8, 2003, the Department published the preliminary results of its administrative review of the antidumping duty order on freshwater crawfish tail meat from the PRC. *See Preliminary Results.* The administrative review covers the period September 1, 2001, through August 31, 2002. The review covers the following companies: Shanghai Taoen International Trading Co., Ltd. (Shanghai Taoen); Weishan Fukang Foodstuffs Co., Ltd. (Weishan Fukang); Shouzhou Huaxiang Foodstuffs Co., Ltd. (Shouzhou Huaxiang); Qingdao Rirong Foodstuff Co., Ltd., aka Qingdao Rirong Foodstuffs (Qingdao Rirong); and Yangzhou Lakebest Foods Co., Ltd. (Yangzhou Lakebest).

Since the publication of the *Preliminary Results,* the following events have occurred. On November 7, 2003, we received timely filed case briefs from Shouzhou Huaxiang and from the Crawfish Processors Alliance, its members (together with the Louisiana Department of Agriculture and Forestry, Bob Odom, Commissioner), and the Domestic Parties (collectively, the Domestic Interested Parties). On November 12, 2003, we received a timely filed rebuttal brief from the Domestic Interested Parties. Based on new information obtained by the Department from U.S. Customs and Border Protection (CBP) concerning Shanghai Taoen, the Department issued a letter of inquiry to Shanghai Taoen on December 5, 2003. Shanghai Taoen responded to the Department's letter on December 16, 2003. We provided interested parties with the opportunity to comment on Shanghai Taoen's response. The Domestic Interested Parties submitted comments on Shanghai Taoen's response on January 5, 2004. Shanghai Taoen did not file rebuttal comments.

Final Rescission of Administrative Review, in Part

The Department's regulations provide that the Department ''may rescind an administrative review, in whole or only with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise, as the case may be.'' See 19 CFR 351.213(d)(3). On December 11, 2002, Nantong Shengfa Frozen Food Co., Ltd. (Nantong Shengfa) informed the Department that it did not export or produce for export to the United States, nor did it produce and sell subject merchandise through others to the United States, during the period of review (POR). In addition, on January 2, 2003, Weishan Zhenyu Foodstuff Co., Ltd. (Weishan Zhenyu) informed the Department that it did not have any direct or indirect export sales of the subject merchandise to the United States during the POR. The Department reviewed data on entries under the order during the POR from CBP, and found no reportable U.S. entries, exports, or sales of subject merchandise by Nantong Shengfa or Weishan Zhenyu during the POR. In the *Preliminary Results,* we stated that no further evidence or information was submitted that indicated that the companies had reportable U.S. entries, exports, or sales of subject merchandise. We received no comments from any parties on our preliminary intent to rescind. The Department is therefore rescinding the administrative review with respect to these companies, in accordance with 19 CFR 351.213(d)(3).

Scope of the Antidumping Duty Order

The product covered by the antidumping duty order is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 1605.40.10.10, 1605.40.10.90, 0306.19.00.10 and 0306.29.00.00. The HTSUS subheadings are provided for convenience and CBP purposes only. The written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs as well as the comments filed by parties, as requested by the Department on Shanghai Taoen's December 16, 2003 submission, are addressed in the *Issues and Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary for Import Administration, Group III, to James J. Jochum, Assistant Secretary for Import Administration: Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Freshwater Crawfish Tail Meat from the People's Republic of China: September 1, 2001 through August 31, 2002,* dated February 5, 2004 (*Decision Memo*), which is hereby adopted by this notice.

A list of the issues which parties have raised and to which we have responded, all of which are in the *Decision Memo,* is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B–099 of the main Commerce Building. In addition, a complete version of the *Decision Memo* can be accessed directly on the Web at *http://ia.ita.doc.gov.* The paper copy and electronic version of the *Decision Memo* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of information obtained after the *Preliminary Results,* and of briefs and rebuttal briefs submitted by interested parties, we have changed our analysis for Shanghai Taoen. For these final results, we are basing the margin for Shanghai Taoen on adverse facts available (AFA). For a discussion of this change, refer to the *Shanghai Taoen* section of the *Application of Facts Available* section, below.

Application of Facts Available

• *Yangzhou Lakebest, Weishan Fukang, and Qingdao Rirong*

The Department received no comments on its preliminary determination to apply adverse facts available to Yangzhou Lakebest, Weishan Fukang, and Qingdao Rirong. Therefore, we have not altered our decision to apply total AFA to these companies for these final results, in accordance with sections 776(a)(2)(A) and (B), as well as section 776(b) of the Tariff Act of 1930, as amended (the Act). For a complete discussion of the Department's decision to apply total AFA, *see Preliminary Results.* Furthermore, these entities did not establish that they are eligible for separate rates. *See Final Determination of Sales at Less than Fair Value: Certain Helical Spring Lock Washers from China,* 58 FR 48833 (September 20, 1993); and *Final Determination of Sales at Less than Fair Value: Certain Compact Ductile Iron Waterworks Fittings and Accessories Thereof from the People's Republic of China,* 58 FR 37908 (July 14, 1993). As AFA, the Department is assigning these companies the PRC-wide rate of 223.01 percent'the highest rate determined in any segment of this proceeding. *See Freshwater Crawfish Tail Meat from the*

People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review, 67 FR 19546 (April 22, 2002) (*99–00 Final Results*). As discussed below, this rate has been corroborated.

• *Shanghai Taoen*

As further discussed below, pursuant to sections 776(a)(2)(A) and (B) and section 776(b) of the Act, the Department determines that the application of total AFA is warranted for respondent Shanghai Taoen. Sections 776(a)(2)(A) and 776(a)(2)(B) of the Act provide for the use of facts otherwise available when an interested party withholds information that has been requested by the Department, or when an interested party fails to provide the information requested in a timely manner and in the form required.

For purposes of the *Preliminary Results,* the Department relied on Shanghai Taoen's questionnaire responses. Subsequent to the *Preliminary Results,* we obtained information and documentation from CBP which called into question the accuracy and completeness of responses submitted by Shanghai Taoen. We asked Shanghai Taoen to explain the inconsistency in its response and to demonstrate, with documentation, that the responses it submitted were accurate and complete. Based on our analysis of Shanghai Taoen's explanation regarding the documentation obtained by the Department from CBP, we find that Shanghai Taoen's explanation demonstrates that its questionnaire responses to the Department, and the responses to questions asked at verification of both Shanghai Taoen and and its reported producer, Lianyungang Yuzhu Aquatic Products Processing Co., Ltd. (Yuzhu), were inaccurate and incomplete. As such, we find that, pursuant to sections 776(a)(2)(A) and (B) of the Tariff Act of 1930, as amended (the Act), Shanghai Taoen withheld information and failed to submit information by the deadlines required. The information withheld by Shanghai Taoen was significant, and fundamental to the Department's calculation of an accurate dumping margin. As Shanghai Taoen withheld this information, we find that the application of facts available is warranted for Shanghai Taoen.

Section 776(b) of the Act provides that, in selecting from among the facts available, the Department may use an inference that is adverse to the interests of a respondent, if it determines that a party has failed to cooperate to the best of its ability to comply with the Department's request for information. *See, e.g., Notice of Final Determination of Sales at Less than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil,* 67 FR 55792, 55794–96 (August 30, 2002). The Department finds that Shanghai Taoen has failed to cooperate to the best of its ability because it could have complied with the Department's request to respond accurately to the Department's initial questionnaire, requests for supplemental information, and questions asked at verification. Moreover, at no point in the administrative review, prior to or during verification, did Shanghai Taoen notify the Department of the existence of any inaccuracies in information it reported to the Department, or seek guidance on the applicable reporting requirements, as contemplated in section 782(c)(1) of the Act. Furthermore, Shanghai Taoen and its producer, Yuzhu, were the only parties that had access to this information and, therefore, the only parties that could have complied with the Department's request for information. In sum, despite the Department's detailed and very specific questionnaires and questions asked at verification, Shanghai Taoen gave insufficient attention to its statutory duty to reply accurately to requests for factual information. For all of the aforementioned reasons, the Department finds that Shanghai Taoen failed to cooperate to the best of its ability.

As AFA, the Department is assigning the rate of 223.01 percent—the highest rate determined in the current or any previous segment of this proceeding. *See 99–00 Final Results.* As discussed further below, this rate has been corroborated. As most of the information obtained by the Department from CBP, and subsequent submissions by Shanghai Taoen and the Domestic Interested Parties, consists of business proprietary information, a full analysis of the Department's AFA determination is contained in the Department's *Treatment of Shanghai Taoen International Trading Co., Ltd. in the Final Results of the Administrative Review for the Period 9/1/01–8/31/02,* dated February 5, 2004. (*Shanghai Taoen AFA Memo*).

• *Shouzhou Huaxiang*

As further discussed below, pursuant to sections 776(a)(2)(A), (B) and (D) and section 776(b) of the Act, the Department determines that the application of total adverse facts available is warranted for respondent Shouzhou Huaxiang. Sections 776(a)(2)(A) and 776(a)(2)(B) of the Act provide for the use of facts otherwise available when an interested party withholds information that has been requested by the Department, or when an interested party fails to provide the information requested in a timely manner and in the form required. Section 776(a)(2)(D) of the Act warrants the use of facts otherwise available in reaching a determination when information is provided, but cannot be verified. On August 6, 2003, Shouzhou Huaxiang requested an extension of the August 8, 2003 deadline for responding to the second supplemental questionnaire. *See Letter from Shouzhou Huaxiang,* at 1 (August 6, 2003). The Department granted a 12-day extension, to August 20, 2003. *See Letter to Shouzhou Huaxiang,* at 1 (August 8, 2003). However, Shouzhou Huaxiang never submitted its response. Because Shouzhou Huaxiang failed to respond to the Department's second supplemental questionnaire, pursuant to sections 776(a)(2)(A) and (B) of the Act, the Department determines that the application of facts otherwise available is warranted.

In addition, the Department finds that the application of facts available is warranted pursuant to section 776(a)(2)(D) of the Act because Shouzhou Huaxiang's questionnaire responses could not be verified. On July 30, 2003, Shouzhou Huaxiang submitted a letter to the Department in which it requested cancellation of verification due to flooding at Shouzhou Huaxiang (located in Shouxian Town, Anhui Province), and one of its two producers, Yancheng Yaou Seafoods Co. Ltd. (Yancheng Yaou) (located in Dafeng City, Jiangsu Province). *See Memorandum to the File: Shouzhou Huaxiang Foodstuffs Co., Ltd.'s Refusal to Allow Verification,* (September 29, 2003) (*Shouzhou Huaxiang Memo*), at 1. On August 15, 2003, the Department left messages with counsel for Shouzhou Huaxiang to convey the Department's continued willingness to try to work with Shouzhou Huaxiang, and to offer to consider any alternative proposals for conducting verification (such as by shuffling the order in which each of the three entities—Shouzhou Huaxiang, and its two producers—would be visited). *Id.* On August 18, 2003, Shouzhou Huaxiang informed the Department that ''due [*sic*] the continuing impact of the recent flooding of the Huaihe river, Shouzhou Huaxiang, the company [*sic*] will not be able to participate in the verification scheduled to begin on August 29, 2003.'' *See Letter from*

Shouzhou Huaxiang, at 1 (August 18, 2003).

The Department conducted independent research, and asked U.S. Embassy staff in Beijing to inquire with hotels in the vicinity of Shouzhou Huaxiang, and its producer Yancheng Yaou, to determine the extent of the flooding. *See Shouzhou Huaxiang Memo.* The information obtained via these inquiries and research efforts indicated that, while there had been some flooding near Shouzhou Huaxiang's headquarters in July, there was no longer an obstruction of roads, and that there was no flooding in the vicinity of Yancheng Yaou. *Id.* at 2. Also on August 18, 2003, prior to the extended deadline for responding to the second supplemental questionnaire, the Department again contacted counsel for Shouzhou Huaxiang, to convey the Department's continued willingness to try to work with Shouzhou Huaxiang, and to offer to consider any alternative proposals for conducting verification. The Department also asked whether Shouzhou Huaxiang's producers, Yancheng Yaou and Hubei Qianjiang Houhu Frozen & Processing Factory (Hubei Houhu), could still be verified. *Id.* at 3. Counsel for Shouzhou Huaxiang indicated that they would discuss the matter with Shouzhou Huaxiang, and then get back to the Department on August 19, 2003. *Id.*

On August 19, and again on August 20, 2003, the Department again contacted counsel for Shouzhou Huaxiang to find out whether they had received any feedback from Shouzhou Huaxiang concerning the Department's offer to consider any alternative proposals for conducting verification, or whether Shouzhou Huaxiang's producers, Yancheng Yaou and Hubei Houhu, would agree to be verified. *Id.*

Shouzhou Huaxiang never offered any alternative proposals for conducting verification, and never changed its position that it would not participate in verification. This decision prevented the verification of information placed on the record. Thus, the information submitted by Shouzhou Huaxiang cannot serve as a reliable basis for reaching a determination since verification provides the Department with an opportunity to check the accuracy of the information submitted by the respondent. Because Shouzhou Huaxiang did not respond to the Department's second supplemental questionnaire, and did not allow verification, sections 782(d) and (e) of the Act are not applicable.

Section 776(b) of the Act provides that, in selecting from among the facts available, the Department may use an inference that is adverse to the interests of a respondent, if it determines that a party has failed to cooperate to the best of its ability. *See, e.g., Notice of Final Determination of Sales at Less than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil,* 67 FR 55792, 55794–96 (August 30, 2002). To examine whether the respondent cooperated by acting to the best of its ability under section 776(b) of the Act, the Department considers, *inter alia,* the accuracy and completeness of submitted information and whether the respondent has hindered the calculation of accurate dumping margins. *See e.g., Notice of Final Determination of Sales at Less than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon Quality Steel Products from Brazil,* 65 FR 5554, 5567 (February 4, 2000); and *Notice of Final Determination of Sales at Less than Fair Value: Polyvinyl Alcohol from the Republic of Korea,* 68 FR 47540–47541 (August 11, 2003). Without verification, the Department could not establish the accuracy and completeness of the submitted information. Therefore, Shouzhou Huaxiang has hindered the calculation of an accurate dumping margin and impeded the proceeding within the meaning of section 776(a)(2)(C) of the Act.

Moreover, the Department finds that Shouzhou Huaxiang has failed to cooperate to the best of its ability because evidence on the record of this review indicates that it could have complied with the Department's request for supplemental information and could have participated in verification. As discussed above, information on the record indicates that the flooding referred to by Shouzhou Huaxiang was not so severe that verification could not proceed by August 29, 2003, or that the company could not respond to the Department's second supplemental questionnaire by the extended August 20, 2003 deadline. *See Shouzhou Huaxiang Memo* at 3–4. *see also Memorandum to the File,* dated January 13, 2004.

Furthermore, Shouzhou Huaxiang's main business is selling crawfish tail meat, and during the period of review, it dealt with a limited number of crawfish tail meat processors. With the limited number of processors, Shouzhou Huaxiang had a relatively small quantity of information to analyze and/or report to the Department. As such, Shouzhou Huaxiang was in a position to respond to the Department's supplemental questionnaire. The Department's determination that Shouzhou Huaxiang failed to act to the best of its ability is further supported by Shouzhou Huaxiang's failure to even propose any alternatives to the Department's request for verification.

Because the Department concludes that Shouzhou Huaxiang failed to cooperate to the best of its ability, in applying the facts otherwise available, the Department finds that an adverse inference is warranted, pursuant to section 776(b) of the Act. Since Shouzhou Huaxiang did not allow verification of its questionnaire responses, the Department was unable to examine Shouzhou Huaxiang's eligibility for a separate rate. In the absence of verifiable information establishing Shouzhou Huaxiang's eligibility for a separate rate, we have determined that it is subject to the PRC-wide rate. As AFA, and as the PRC-wide rate, the Department is assigning the rate of 223.01 percent—the highest rate determined in the current or any previous segment of this proceeding. *See 99–00 Final Results.* As discussed further below, this rate has been corroborated.

Corroboration of Secondary Information Used as AFA

Section 776(c) of the Act requires that the Department corroborate, to the extent practicable, a figure which it applies as facts available. To be considered corroborated, information must be found to be both reliable and relevant.We are applying as AFA the highest rate from any segment of this administrative proceeding, which is a rate calculated in the 1999–2000 review. *See 99–00 Final Results.* Unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only sources for calculated margins are administrative determinations. The information upon which the AFA rate is based in the current review was calculated during the 1999–2000 administrative review. *See 99–00 Final Results.* Furthermore, the AFA rate we are applying for the current review was corroborated in reviews subsequent to the 1999–2000 review to the extent that the Department referred to the history of corroboration and found that the Department received no information that warranted revisiting the issue. *See, e.g., Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review,* 68 FR 19504, 19508 (April 21, 2003). No information has been presented in the current review that calls into question the reliability of this information. Thus, the Department finds that the information is reliable.

With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal to determine whether a margin continues to have relevance. Where circumstances indicate that the selected margin is not appropriate as AFA, the Department will disregard the margin and determine an appropriate margin. For example, in *Fresh Cut Flowers from Mexico: Final Results of Antidumping Administrative Review,* 61 FR 6812 (February 22, 1996), the Department disregarded the highest margin in that case as adverse best information available (the predecessor to facts available) because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin. Similarly, the Department does not apply a margin that has been discredited. *See D & L Supply Co.* v. *United States,* 113 F.3d 1220, 1221 (Fed. Cir. 1997) (the Department will not use a margin that has been judicially invalidated). The information used in calculating this margin was based on sales and production data of a respondent in a prior review, together with the most appropriate surrogate value information available to the Department, chosen from submissions by the parties in that review, as well as gathered by the Department itself. Furthermore, the calculation of this margin was subject to comment from interested parties in the proceeding. *See 99–00 Final Results.* Moreover, as there is no information on the record of this review that demonstrates that this rate is not appropriately used as AFA, we determine that this rate has relevance. As the rate is both reliable and relevant, we determine that it has probative value. Accordingly, we determine that the highest rate from any segment of this administrative proceeding (*i.e.*, the calculated rate of 223.01 percent, which is the current PRC-wide rate) is in accord with section 776(c)'s requirement that secondary information be corroborated (*i.e.*, that it have probative value).

Final Results of Review

For these final results we determine that the following dumping margin exists:

Manufacturer and exporter	Period of review	Margin (percent)
PRC-Wide Rate [1]	9/1/01–8/31/02	223.01

[1] Shouzhou Huaxiang, Shanghai Taoen, Yangzhou Lakebest, Weishan Fukang, and Qingdao Rirong are now included in the PRC-wide rate.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of these final results for this administrative review for all shipments of freshwater crawfish tail meat from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) For previously-reviewed PRC and non-PRC exporters with separate rates, the cash deposit rate will be the company-specific rate established for the most recent period; (2) for PRC exporters which do not have a separate rate, including the exporters named in the footnote above, the cash deposit rate will be the PRC-wide rate, 223.01 percent; and (3) for all other non-PRC exporters of the subject merchandise, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Assessment of Antidumping Duties

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. For assessment purposes, we will direct CBP to assess the *ad valorem* rates against the entered value of each entry of the subject merchandise during the POR. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of review.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under section 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 5, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

Appendix

List of Issues

Comment 1: Valuation of the Raw Crawfish Input.

Comment 2: Application of Adverse Facts Available to Shanghai Taoen International Trading Co., Ltd.

Comment 3: Application of Adverse Facts Available to Shouzhou Huaxiang Foodstuffs Co., Ltd.

[FR Doc. 04–3257 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–855]

Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision.

SUMMARY: On November 20, 2003, in *Yantai Oriental Juice Co., et al.* v. *United States and Coloma Frozen Foods, Inc., et al.*, Court No. 00–00309, Slip Op. 03–150, the Court of

International Trade (''CIT'') affirmed the Department of Commerce's (''the Department's'') remand determinations and entered a judgment order. This litigation related to the Department's *Notice of Final Determination of Sales at Less Than Fair Value: Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China,* 65 FR 19873 (April 13, 2000) and accompanying Issues and Decision Memorandum (April 6, 2000) (''*Issues and Decision Memorandum*''), and *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China,* 65 FR 35606 (June 5, 2000) (collectively, ''*Final Determination*'').

In its remand determinations, the Department reviewed the record evidence regarding the selection of a surrogate country; the valuation of juice apples, steam coal, and ocean freight; and the calculation of selling, general and administrative (''SG&A'') expenses, overhead, and profit. The Department found that Turkey, rather than India, was the appropriate surrogate country. Juice apples, SG&A, overhead and profit were valued using surrogate value information from Turkey. Steam coal was valued using a domestic Indian price and the ocean freight rate was revised to include a rate for Detroit.

The remand determinations resulted in weighted average margins of zero percent for Yantai Oriental Juice Co. (''Oriental''), Qingdao Nannan Foods Co. (''Nannan''), Sanmenxia Lakeside Fruit Juice Co. Ltd. (''Lakeside''), Shaanxi Haisheng Fresh Fruit Juice Co. (''Haisheng''), and SDIC Zhonglu Juice Group Co. (''Zhonglu''). Therefore, these companies will be excluded from the antidumping duty order on certain non-frozen apple juice concentrate (''AJC'') from the People's Republic of China (''PRC'').

As the remand determinations resulted in changes to calculated company-specific margins, the Department also recalculated the separate rate margin it applied to producers/exporters that responded to the Department's separate rate (''Section A'') questionnaire but were not selected to respond to the full questionnaire (''separate-rate companies''). The calculated antidumping rate for Xian Yang Fuan Juice Co., Ltd. (''Xian Yang''), Xian Asia Qin Fruit Co., Ltd. (''Xian Asia''), Changsha Industrial Products & Minerals Import & Export Corporation (''Changsha Industrial''), and Shandong Foodstuffs Import & Export Corporation (''Shandong Foodstuffs'') (collectively ''separate-rate companies'') is 3.83 percent.

The PRC-wide rate of 51.74 percent is unchanged from our *Final Determination* in the investigation.

As there is now a final and conclusive court decision in this action, we are amending our Final Determination.

EFFECTIVE DATE: February 13, 2004.

FOR FURTHER INFORMATION CONTACT: Audrey Twyman or John Brinkmann, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3534, or (202) 482–4126, respectively.

SUPPLEMENTARY INFORMATION:

Period of Investigation

The period of this investigation (''POI'') is October 1, 1998, through March 31, 1999.

Background

Following publication of the *Final Determination,* Oriental, Nannan, Lakeside, Haisheng, Zhonglu, Xian Yang, Xian Asia, Changsha Industrial and Shandong Foodstuffs (collectively the ''respondents''), filed lawsuits with the CIT challenging the Department's *Final Determination*.

In the underlying investigation, the Department was required to choose a surrogate country based on ''significant production'' of ''comparable merchandise'' and ''economic comparability'' to the PRC. The Department selected India because it is economically comparable to the PRC, and a significant producer of apples and single strength apple juice, products the Department found to be comparable to AJC. The Department then valued the juice apples, SG&A, overhead, profit, steam coal and other factors of production in India. In calculating ocean freight rates, the Department included freight rates to Detroit in its calculation of an East Coast freight rate.

The Court remanded five issues to the Department.

First, the Court questioned the Department's reliance on a market study included in the petition and an annual report for an Indian company as the basis for determining that India was a significant producer of comparable merchandise. In particular, the Court found the Department had not corroborated the market study, nor had it explained the connection between the market study and the annual report, and the Department's conclusion that India was a significant producer of AJC. The Court similarly rejected the Department's determination that India's status as a significant producer of apples was relevant to the Department's treatment of India as a significant producer of comparable merchandise.

The Court directed the Department to develop sufficient evidence from the record of India's suitability as the surrogate market economy country for AJC production, or, if it could not, to select another suitable country.

Second, the Court instructed the Department to provide an explanation of why the distortions caused by the Government of India's market intervention scheme did not disturb the fair market value of Indian apples. The Court also directed the Department to explain why it treated government subsidies that enabled producers to lower their prices as market distorting, but did not apply the same treatment to such subsidies that raise prices. Furthermore, the Court requested that the Department explain why the price paid by Himachal Pradesh Horticultural Produce Marketing & Processing Corp., a government-controlled entity, should be considered a market-derived price.

Third, for steam coal valuation, the Department used Indian import statistics data because it found that the value was contemporaneous with the period of investigation and because there was no evidence to suggest that the data was aberrational or unreliable. The Court instructed the Department either to recalculate normal value using Indian domestic prices for steam coal, or explain why the use of domestic prices for steam coal was not appropriate during the period of investigation.

Fourth, the Court concluded that the Department's use of data from the *Reserve Bank of India Bulletin,* rather than data from an Indian producer, to value SG&A and overhead was not supported by substantial evidence on the record and instructed the Department to either recalculate these values using the financial statement of an Indian producer, or fully explain why the Department felt that the *Reserve Bank of India Bulletin* gave better financial data.

Finally, the Court instructed the Department to explain its reasoning for not calculating a separate Detroit freight rate and to explain why the Department did not weight its calculation to reflect accurately the volume of merchandise actually shipped to each destination.

To assist it in complying with the Court's instructions, the Department opened the record and requested new information concerning possible surrogate countries. The petitioners submitted data supporting the use of Poland, while the respondents pointed

to Turkish data that they had placed on the record in the investigation.

The ''Draft Results Pursuant to Court Remand'' (''*First Draft Results*'') were released to the parties on November 6, 2002. In its *First Draft Results*, pursuant to the analysis followed by the Court, the Department concluded that the record did not support its determination in the investigation that India was a significant producer of AJC. Instead, the Department determined that Turkey was a more appropriate surrogate country for the PRC because it was the country most economically comparable to the PRC that was also a significant producer of AJC.

Accordingly, the Department amended its calculations using Turkish data to value juice apples, SG&A expenses, overhead, and profit. The Department also changed its valuations of steam coal and East Coast freight. Because the Department's recalculated company-specific margins were all zero percent, the Department also recalculated the margin for the separate-rate companies by weighting the calculated margins of zero with the PRC-wide rate of 51.74%, resulting in a separate rates margin of 28.33%.

Comments on the *First Draft Results* were received from all parties on November 12, 2002. On November 15, 2002, the Department responded to the Court's Order by filing its ''Redetermination Pursuant to Court Remand'' (''*First Redetermination*''). The Department's *First Redetermination* was similar to the *First Draft Results* except for the inclusion of the Department's responses to comments submitted by the petitioners and respondents. The final margins in the *First Redetermination* were identical to the *First Draft Results*.

The CIT affirmed, in part, the Department's *First Redetermination* on March 21, 2003. *See Yantai Oriental Juice Co., et al.* v. *United States and Coloma Frozen Foods, Inc., et al.* Court No. 00–00309, Slip Op. 03–33 (March 21, 2003). The Court affirmed the Department's calculation of company-specific margins but remanded the calculation of the antidumping margin for the separate-rate companies because the Court found that the Department's methodology, weight-averaging the PRC-wide rate and the zero margins, was not supported by substantial evidence on the record.

Accordingly, the ''Draft Redetermination Pursuant to Court Remand'' (''*Second Draft Results*'') was released to the parties on April 18, 2003. In its *Second Draft Results*, the Department reviewed the record evidence and, based on information on the record, calculated a normal value and export price for the separate rate companies. Using this information, the Department calculated estimated margins for the separate rate companies and weight-averaged these margins with the zero margins for the fully-investigated companies and derived a separate rate of 4.91 percent.

Comments on the *Second Draft Results* were received on April 23, 2003. On May 5, 2003, the Department responded to the Court's Order of Remand by filing its ''Redetermination Pursuant to Court Remand'' (''*Second Redetermination*''). The Department's *Second Redetermination* differed from the *Second Draft Results* in that in calculating export price, we removed the fully-investigated companies' constructed export price sales, and adjusted our calculations to reflect the different terms of sale. These changes resulted in a weighted-average separate-rate margin of 3.83%.

The CIT affirmed the Department's *Second Redetermination* on November 20, 2003. *See Yantai Oriental Juice Co., et al.* v. *United States and Coloma Frozen Foods, Inc., et al.* Court No. 00–00309, Slip Op. 03–150 (November 20, 2003). On December 12, 2003, the Department published *Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China: Notice of Court Decision and Suspension of Liquidation,* (68 FR 69377), (''*Timken Notice*''). No party appealed the CIT's decision. Accordingly, we are now publishing the *Amended Final Determination* as provided in the *Timken Notice*.

Amended Final Determination

Because there is now a final and conclusive decision in the court proceeding, we are amending the *Final Determination* to reflect the revised weighted-average dumping margins:

Manufacturer/exporter	Weighted average margin percentage (percent)
Yantai Oriental Juice Co.	0
Qingdao Nannan Foods Co.	0
Sanmenxia Lakeside Fruit Juice Co. Ltd	0
Shaanxi Haisheng Fresh Fruit Juice Co.	0
SDIC Zhonglu Juice Group Co. (a.k.a. Shandong Zhonglu Juice Group Co., Ltd., Rushan Shangjin-zhonglu Foodsuff Co., Ltd., Shandong Luling Fruit Juice Co., Ltd.)	0
Xian Yang Fuan Juice Co., Ltd.	3.83
Xian Asia Qin Fruit Co., Ltd.	3.83
Changsha Industrial Products & Minerals Import & Export percent Corporation	3.83
Shandong Foodstuffs Import & Export Corporation	3.83

The ''PRC-wide Rate'' was not affected by the Final Results of Redetermination and remains at 51.74 percent as determined in the Final Determination.

The Department will issue appraisement instructions directly to U.S. Customs and Border Protection (''CBP'').

As a result of an injunction issued by the CIT on August 15, 2000, entries of AJC manufactured or exported by Oriental, Nannan, Lakeside, Haisheng, Zhonglu, Xian Yang, Xian Asia, Changsha Industrial, and Shandong Foodstuffs that were entered on or after November 23, 1999, have not been liquidated. The injunction is now lifted and the Department will instruct CBP to liquidate all merchandise covered by the injunction consistent with the terms of the injunction and the Court-approved redeterminations. Consequently, for Oriental, Nannan, Lakeside, Haisheng, and Zhonglu, which are excluded from the antidumping duty order on AJC from the People's Republic of China, we are instructing CBP to liquidate all entries without regard to antidumping duties.

The Department notes that the redetermination rate of 3.83 percent calculated for the separate rate companies is merely a cash deposit rate that is subject to modification after the Department conducts reviews. In this proceeding, the Department has conducted two administrative reviews (*see Certain Non-frozen Apple Juice*

Concentrate from the People's Republic of China: Final Results of the 1999–2001 Administrative Review and Partial Rescission of Review, 67 FR 68987 (November 14, 2002) (''*First Review*''), and *Certain Non-frozen Apple Juice Concentrate from the People's Republic of China: Final Results and Partial Rescission of the 2001–2002 Administrative Review, and Final Results of the New Shipper Review*, 68 FR 71062 (December 22, 2003) (''*Second Review*'')).

Changsha Industrial did not respond to the Department's questionnaire in either review. Therefore, Changsha Industrial received a 51.74 percent margin in the first and second reviews. Based on these results, entries for Changsha Industrial between November 23, 1999, and May 31, 2002, will be liquidated at 51.74 percent, subject to the provisions of 19 CFR 351.212(d). Moreover, we are not changing Changsha Industrial's cash deposit rate of 51.74 percent.

Xian Asia and Shandong Foodstuffs were both included in the *First Review* and both received a zero percent margin. Therefore, for the first review period, November 23, 1999, through May 31, 2001, Xian Asia's and Shandong Foodstuff's entries will be liquidated without regard to antidumping duties. Xian Asia and Shandong Foodstuffs were then both included in the *Second Review* but the review was rescinded for both because they had no shipments during the review period. When a review is rescinded or withdrawn, entries are liquidated at the rate at which they entered. Therefore, although we do not believe that there are any entries during the second review period for Xian Asia and Shandong Foodstuffs, we will instruct CBP to liquidate as entered entries from Xian Asia and Shandong Foodstuffs during the second review period. Moreover, we do not intend to change the cash deposit rates for these companies as a result of this amended final determination. Thus, the cash deposit rate for Xian Asia and Shandong Foodstuffs will remain at zero percent pursuant to the final results of the first review.

Finally, Xian Yang was included in both the first and second administrative reviews, but in both cases, the review was rescinded for Xian Yang because it had no shipments. When a review is rescinded or withdrawn, entries are liquidated at the rate at which they entered. Therefore, although we do not believe that there are any entries during the first or second review periods for Xian Yang, we will instruct CBP to liquidate as entered entries from Xian Yang during the first and second review periods. Because neither the first nor the second review resulted in the calculation of a margin for Xian Yang, we are setting the cash deposit rate at 3.83 percent, effective December 12, 2003, the date of the *Timken Notice*.

This notice is issued and published in accordance with section 751(a)(1) of the Act.

Dated: February 9, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–3258 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570–851]

Certain Preserved Mushrooms From The People's Republic of China: Notice of Extension of Time Limit for Preliminary Results in New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the seventh new shipper review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (PRC), which covers the period February 1, 2003, through July 31, 2003.

EFFECTIVE DATE: February 13, 2004.

FOR FURTHER INFORMATION CONTACT: Brian Smith at (202) 482–1766, Sophie Castro at (202) 482–0588, or Jim Mathews at (202) 482–2778, Office 2, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., 20230.

SUPPLEMENTARY INFORMATION: In accordance with section 751(a)(2)(B)(iv) of the Tariff Act of 1930 (the Act), as amended, the Department shall make a preliminary determination in a new shipper review within 180 days after the date on which the review is initiated. However, if the case is extraordinarily complicated, it may extend the 180 day period for the preliminary results to 300 days.

The Department initiated the seventh new shipper review[1] of the antidumping duty order on certain preserved mushrooms on October 7, 2003 (68 FR 57877). The current deadline for the preliminary results in this review is March 28, 2004.

The Department finds that this case is extraordinarily complicated and thus we need additional time to conduct verifications[2] and to analyze issues pertaining to the reporting of factors of production. Therefore, an extension of time is necessary.

Therefore, in accordance with sections 751(a)(2)(B)(iv) of the Act, the Department is extending the time for completion of the preliminary results of this review by 120 days, or until July 26, 2004. This notice is published in accordance with section 751(a)(3)(A) of the Act.

Dated: February 6, 2004.

Jeffrey May,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 04–3256 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–841]

Structural Steel Beams From the Republic of Korea; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review of structural steel beams from the Republic of Korea.

SUMMARY: On September 9, 2003, the Department of Commerce (''the Department'') published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order on structural steel beams from the Republic of Korea (68 FR 53129). This review covers imports of subject merchandise from Dongkuk Steel Mill Co., Ltd. (''DSM'') and INI Steel Company (''INI''). The period of review (''POR'') is August 1, 2001 through July 31, 2002.

Based on our analysis of the comments received, we have made changes in the margin calculations to DSM. Therefore, the final results differ from the preliminary results of review. The final weighted-average dumping

[1] The new shipper respondents are Nanning Runchao Industrial Trade Company, Ltd. and Guangxi Hengxian Pro-Light Foods, Inc.

[2] Due to administrative constraints, we are unable to conduct verifications until after the date of the currently scheduled preliminary results.

margin for both DSM and INI is listed below in the section entitled ''Final Results of the Review.''

EFFECTIVE DATE: February 13, 2004.

FOR FURTHER INFORMATION CONTACT: Aishe Allen (DSM) and Michael Holton (INI), Enforcement Group III—Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0172 and (202) 482–1324, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 9, 2003, the Department published its preliminary results of *Structural Steel Beams From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review for Structural Steel Beams From the Republic of Korea,* 68 FR 53129 (September 9, 2003) (''*Preliminary Results'').*

We invited parties to comment on our preliminary results of review. We received written comments on October 24, 2003, from petitioners, DSM and INI. On October 30, 2003, we received rebuttal comments from petitioners, DSM and INI. We have now completed the administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (''the Act'').

Scope of the Review

The products covered by this investigation are doubly-symmetric shapes, whether hot- or cold-rolled, drawn, extruded, formed or finished, having at least one dimension of at least 8 mm (3.2 inches or more), whether of carbon or alloy (other than stainless) steel, and whether or not drilled, punched, notched, painted, coated or clad. These products include, but are not limited to, wide-flange beams (''W'' shapes), bearing piles (''HP'' shapes), standard beams (''S'' or ''I'' shapes), and M-shapes.

All products that meet the physical and metallurgical descriptions provided above are within the scope of this investigation unless otherwise excluded. The following products are outside and/or specifically excluded from the scope of this investigation: structural steel beams greater than 400 pounds per linear foot or with a web or section height (also known as depth) over 40 inches.

The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheadings: 7216.32.0000, 7216.33.0030, 7216.33.0060, 7216.33.0090, 7216.50.0000, 7216.61.0000, 7216.69.0000, 7216.91.0000, 7216.99.0000, 7228.70.3040, 7228.70.60000. Although the HTSUS subheadings are provided for conveniences and Customs purposes, the written description of the merchandise is dispositve.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the ''Issues and Decision Memorandum'' (''*Decision Memorandum*'') from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, Group III, to James J. Jochum, Assistant Secretary for Import Administration, dated February 6, 2004, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the *Decision Memorandum,* is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, Room B–099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at *http://ia.ita.doc.gov/.* The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Sales Below Cost

We disregarded sales below cost for both DSM and INI during the course of the review. *See Preliminary Results.*

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made changes in the margin calculations for DSM. The changes to the margin calculations are listed below:

DSM

• For the final results, we revised indirect selling expenses for DSM's affiliated company in Korea, Dongkuk Industries Company, (''DKI''), by applying DKI's indirect selling expense ratio to the correct gross unit price. We calculated the ratio by dividing DKI's selling expenses by its total sales value, the resulting ratio was then applied to an amount corresponding to DKI's sales value. The sales value amount was calculated by adding entered value and international freight for each transaction.

Final Results of Review

We determine that the following percentage margin exists for the period August 1, 2001 through July 31, 2002:

STRUCTURAL STEEL BEAMS FROM KOREA

Manufacturer/exporter/reseller	Margin (percent)
DSM	0.04
INI	4.15

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (''Customs'') shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an exporter/importer (or customer)-specific assessment rate for merchandise subject to this review. The Department will issue appraisement instructions directly to Customs within 15 days of publication of these final results of review. We will direct Customs to assess the resulting assessment rates against the entered customs values for the subject merchandise on each of the importer's/customer's entries during the review period.

Cash Deposit Requirements

The following of deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of structural steel beams from the Republic of Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for each of the reviewed companies will be the rate listed above (except that if the rate for a particular product is *de minimis, i.e.,* less than 0.5 percent, no cash deposit will be required for the company) see 19 CFR 351.106(c)(1); (2) for previously investigated or reviewed companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less than fair value (''LTFV'') investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be the ''all others'' rate of 37.21 percent, which is the all others rate established in the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties or countervailing duties occurred and the subsequent assessment of double antidumping duties or countervailing duties.

This notice also serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 771(i) of the Act.

Dated: February 6, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

Appendix 1—Issues in the Decision Memorandum

Comment 1: INI's Sales Outside of Ordinary Course of Trade
Comment 2: DSM's Sales Outside of Ordinary Course of Trade
Comment 3: DSM's Affiliation with DKI
Comment 4: DSM's Indirect Selling Expenses

[FR Doc. 04–3255 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C-122–841]

Carbon and Certain Alloy Steel Wire Rod From Canada: Notice of Rescission of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Rescission of Countervailing Duty Administrative Review.

SUMMARY: In response to a request made on October 30, 2003, by Ispat Sidbec Inc., a Canadian producer/exporter of carbon and certain alloy steel wire rod, the Department of Commerce initiated an administrative review of the countervailing duty order on carbon and certain alloy steel wire rod from Canada, covering the period February 8, 2002 through December 31, 2002. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 68 FR 66799 (November 28, 2003). On January 23, 2004, we revoked the countervailing duty order on carbon and certain alloy steel wire rod from Canada, effective February 8, 2002. On January 26, 2004, Ispat Sidbec Inc., withdrew its request for an administrative review. As the order was revoked effective on February 8, 2002, we are rescinding this administrative review.

EFFECTIVE DATE: February 13, 2004.

FOR FURTHER INFORMATION CONTACT: S. Anthony Grasso, AD/CVD Enforcement, Group I, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–3853.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce (the ''Department'') published the countervailing duty order on carbon and certain alloy steel wire rod from Canada on October 22, 2002. *See Notice of Countervailing Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil and Canada*, 67 FR 64871 (October 22, 2002). On October 30, 2003, Ispat Sidbec Inc. (''Ispat''), Canadian producer/exporter of wire rod, requested an administrative review of the countervailing duty order on wire rod from Canada covering the period February 8, 2002 through December 31, 2002. In accordance with 19 CFR 351.221(c)(1)(i), we published a notice of initiation of the review on November 28, 2003. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 68 FR 66799 (November 28, 2003). On January 23, 2004, we revoked the countervailing duty order on carbon and certain alloy steel wire rod from Canada. *See Carbon and Certain Alloy Steel Wire Rod from Canada: Final Results of Countervailing Duty Changed Circumstances Review and Revocation of Countervailing Duty Order, in Whole*, 69 FR 3330 (January 23, 2004) (''*Changed Circumstances Review*''). On January 26, 2004, Ispat withdrew its October 30, 2003 request for an administrative review.

Scope of Review

Imports covered by this review are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross-sectional diameter.

Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; c) high nickel steel; (d) ball bearing steel; and (e) concrete reinforcing bars and rods. Also excluded are (f) free machining steel products (i.e., products that contain by weight one or more of the following elements: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium).

Also excluded from the scope are 1080 grade tire cord quality wire rod and 1080 grade tire bead quality wire rod. This grade 1080 tire cord quality rod is defined as: (i) grade 1080 tire cord quality wire rod measuring 5.0 mm or more but not more than 6.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) ''having no non-deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.15 mm; (vi) capable of being drawn to a diameter of 0.30 mm or less with 3 or fewer breaks per ton, and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of aluminum, (3) 0.040 percent or less, in the aggregate,

of phosphorus and sulfur, (4) 0.006 percent or less of nitrogen, and (5) not more than 0.15 percent, in the aggregate, of copper, nickel and chromium.

This grade 1080 tire bead quality rod is defined as: (i) grade 1080 tire bead quality wire rod measuring 5.5 mm or more but not more than 7.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) ''having no non-deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.2 mm; (vi) capable of being drawn to a diameter of 0.78 mm or larger with 0.5 or fewer breaks per ton; and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of soluble aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.008 percent or less of nitrogen, and (5) either not more than 0.15 percent, in the aggregate, of copper, nickel and chromium (if chromium is not specified), or not more than 0.10 percent in the aggregate of copper and nickel and a chromium content of 0.24 to 0.30 percent (if chromium is specified).

For purposes of the grade 1080 tire cord quality wire rod and the grade 1080 tire bead quality wire rod, an inclusion will be considered to be deformable if its ratio of length (measured along the axis - that is, the direction of rolling - of the rod) over thickness (measured on the same inclusion in a direction perpendicular to the axis of the rod) is equal to or greater than three. The size of an inclusion for purposes of the 20 microns and 35 microns limitations is the measurement of the largest dimension observed on a longitudinal section measured in a direction perpendicular to the axis of the rod. This measurement methodology applies only to inclusions on certain grade 1080 tire cord quality wire rod and certain grade 1080 tire bead quality wire rod that are entered, or withdrawn from warehouse, for consumption on or after July 24, 2003.

The designation of the products as ''tire cord quality'' or ''tire bead quality'' indicates the acceptability of the product for use in the production of tire cord, tire bead, or wire for use in other rubber reinforcement applications such as hose wire. These quality designations are presumed to indicate that these products are being used in tire cord, tire bead, and other rubber reinforcement applications, and such merchandise intended for the tire cord, tire bead, or other rubber reinforcement applications is not included in the scope. However, should petitioners or other interested parties provide a reasonable basis to believe or suspect that there exists a pattern of importation of such products for other than those applications, end-use certification for the importation of such products may be required. Under such circumstances, only the importers of record would normally be required to certify the end use of the imported merchandise.

All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3010, 7213.91.3090, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6051, 7227.90.6053, 7227.90.6058, and 7227.90.6059 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Rescission of Review

On January 23, 2004, the Department revoked the countervailing duty order on carbon and certain alloy steel wire rod from Canada effective February 8, 2002 pursuant to section 751(d)(1) of the 1930 Tariff Act, as amended, and 19 CFR 351.222(g) of the Department's regulations. *See Changed Circumstances Review*, 69 FR 3330. Because the revocation is effective for all unliquidated entries, entered or withdrawn from warehouse, for consumption on or after February 8, 2002, the Department is rescinding the countervailing duty administrative review initiated on November 28, 2003.

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with 19 CFR 351.213(d)(4).

Dated: February 6, 2004.

Jeffrey May,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 04–3254 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020404B]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NOAA Fisheries), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of applications for renewal and modification of six scientific research/enhancement permits (1093) and request for comment.

SUMMARY: Notice is hereby given that NOAA Fisheries has received applications to renew and modify permits from Simpson Resource Company of Korbel, CA (Permit 1060), U. S. Fish and Wildlife Service, Arcata, CA (Permit 1068), Mill Creek Monitoring Program, Crescent City, CA (Permit 1069), U. S. Forest Service Pacific Southwest Research Station, Arcata, CA (Permit 1071), Pacific Lumber Company of Scotia, CA (Permit 1074), and USGS California Cooperative Fish Research Unit, Humboldt State University, Arcata, CA (Permit 1093). These permits may affect all four Evolutionarily Significant Units (ESUs) of salmonids identified in the Supplementary Information section. This document serves to notify the public of the availability of the permit application for review and comment before a final approval or disapproval is made by NOAA Fisheries.

DATES: Written comments on the permit application must be received at the appropriate address or fax number (*see* **ADDRESSES**) no later than 5 p.m. Daylight Savings Time on March 15, 2004.

ADDRESSES: Written comments on any of these renewal and modification request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. E-mail comments may be submitted via the Internet to *lamont.jackson@noaa.gov*. The applications and related documents are available for review in the indicated office, by appointment: For Permits 1060, 1068, 1069, 1071, 1074, and 1093:

Karen Hans, Protected Species Division, NOAA Fisheries, 1655 Heindon Road, Arcata, CA 95521 ph: (707) 825–5180; fax: (707) 825–4840.

FOR FURTHER INFORMATION CONTACT: Karen Hans at (707) 825–5180, or e-mail: *karen.hans@noaa.gov*

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NOAA Fisheries regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (*see* **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NOAA Fisheries.

Species Covered in This Notice

This notice is relevant to the following four threatened salmonid ESUs: Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*), Central California Coast (CCC) coho salmon, Northern California (NC) steelhead (*O. mykiss*), and California Coastal (CC) Chinook salmon (*O. tshawytscha*).

Renewal and Modification Requests Received

Permit 1060

Simpson Resource Company has requested the renewal and modification of Permit 1060 for take of juvenile SONCC coho salmon, CC Chinook salmon, and NC steelhead, and tissue collection from adult carcasses from these species, associated with studies assessing presence and population abundances, and genetic diversity of salmon and steelhead in selected waterways throughout Simpson Resource Company lands in California. Permit 1060 was originally issued on March 23, 1998. Simpson Resource Company has proposed to use electrofishing and in-stream trapping as the method of capture. Simpson Resource Company has requested non-lethal take of (1) 170,000 juvenile SONCC coho salmon, (2) 20,000 juvenile CC Chinook salmon, and (3) 50,000 juvenile NC steelhead, and collect and possess up to 1000 SONCC coho salmon, 4000 CC Chinook salmon, and 250 NC steelhead tissue samples from adult carcasses. Permit 1060 will expire April 1, 2013.

Permit 1068

The U.S. Fish and Wildlife Service (USFWS) has requested the renewal and modification of Permit 1068 for take of SONCC coho salmon, CCC coho salmon, CC Chinook salmon, and NC steelhead associated with 11 separate studies assessing presence and population abundances of salmon and steelhead in selected locations in the Klamath and Trinity rivers, selected estuaries in northern California, and Humboldt Bay. The USFWS proposes to capture juvenile and adult salmon and steelhead by rotary screw traps, seine nets, minnow traps, in-stream pipe traps, weirs, trawl, and electrofishing. Permit 1068 was originally issued on April 15, 1998. USFWS has requested non-lethal take of up to: 138,266 juvenile and 600 adult SONCC coho salmon, 50 juvenile CCC coho salmon, 173,987 juvenile and 100 adult CC Chinook salmon, and 276,616 juvenile and 100 adult NC steelhead. Permit 1074 will expire September 1, 2013.

Permit 1069

The Mill Creek Monitoring Program has requested the renewal and modification of Permit 1069 for take of SONCC coho salmon associated with studies assessing presence and population abundances, and genetic diversity of salmon in Mill Creek, a tributary to the Smith River near Crescent City, CA. Proposed capture methods are electrofishing and in-stream traps. Permit 1069 was originally issued to Simpson Timber Company on March 26, 1998; transfer of Permit 1069 from Stimsom Timber Company to Mill Creek Monitoring Program is included in the modification request. The Mill Creek Monitoring Program has requested non-lethal take of up to 70,000 juvenile coho salmon, and to collect tissue samples from up to 300 adult coho salmon carcasses. Permit 1069 will expire February 15, 2012.

Permit 1071

The U.S. Forest Service Pacific Southwest Research Station has requested the renewal and modification of Permit 1071 for take of juvenile SONCC coho salmon, CC Chinook salmon, and NC steelhead associated with two studies on the population dynamics of native and introduced non-salmonid species (in which ESA-listed salmonids may be encountered), and three studies focusing on the interactions between salmonids and habitat conditions. Proposed capture methods are electrofishing or beach seine. Sample sites are located on the Smith River and its tributaries near Crescent City, CA, and the Eel River, South Fork Eel River and its tributaries, Van Duzen River, Mad River, and Jacoby Creek, all located near Eureka, CA. Permit 171 was originally issued on May 18, 1998. Pacific Southwest Research Station has requested non-lethal take of up to 500 juvenile SONCC coho salmon, 170 juvenile CC Chinook salmon, and 1200 juvenile NC steelhead. Permit 171 will expire on October 1, 2010.

Permit 1074

Pacific Lumber Company has requested the renewal and modification of Permit 1074 for take of juvenile SONCC coho salmon, CC Chinook salmon, and NC steelhead associated with studies assessing presence and population abundances of salmon and steelhead in selected streams throughout Pacific Lumber Company lands in California. Permit 1074 was originally issued on May 13, 1998. Proposed capture methods are electrofishing and in-stream traps. Pacific Lumber Company has requested non-lethal take of up to: 3,600 juvenile SONCC coho salmon, 1,515 juvenile CC Chinook salmon, and 11,720 juvenile NC steelhead. Permit 1074 will expire June 1, 2013.

Permit 1093

U. S. Geological Survey, California Cooperative Fish Research Unit, Humboldt State University, Arcata, CA has requested renewal and modification of Permit 1094 for take of juvenile SONCC coho salmon associated with a study assessing the response of coho salmon to watershed restoration projects, and a study evaluating relationships between habitat characteristics and demographics of coho salmon at key life history stages. Proposed capture method is electrofishing. The first study will occur in Hollow Tree Creek, a tributary to the South Fork Eel River near Leggit, CA

and the second study will occur in Prairie Creek, a tributary to Redwood Creek, near Orick, CA. Permit 1093 was originally issued on April 1, 1998. California Cooperative Fish Research Unit has requested non-lethal take of up to: 2,100 juvenile SONCC coho salmon. Permit 1074 will expire June 1, 2010.

Dated: February 5, 2004.

David O'Brien,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04–3279 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020404A]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Applications for four scientific research permits and two permit modifications.

SUMMARY: Notice is hereby given that NMFS has received four permit applications and two applications to modify existing scientific research permits relating to Pacific salmon and steelhead. All of the proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts.

DATES: Comments or requests for a public hearing on the applications or modification requests must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight-saving time on March 15, 2004.

ADDRESSES: Written comments on the applications or modification requests should be sent to Protected Resources Division, NMFS, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737. Comments may also be sent via fax to (503) 230–5435. E-mail comments may be submitted via the Internet to *lamont.jackson@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, Portland, OR ph.: (503) 231–2005, Fax: (503) 230–5435, e-mail: *Garth.Griffin@noaa.gov*. Permit application instructions are available at *http://www.nwr.noaa.gov*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species and evolutionarily significant units (ESUs) are covered in this notice:

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River (SR), threatened Ozette Lake.

Chinook salmon (*O. tshawytscha*): endangered natural and artificially propagated upper Columbia River (UCR); threatened natural and artificially propagated SR spring/summer; threatened SR fall; threatened lower Columbia River (LCR); threatened artificially produced Puget Sound (PS); threatened upper Willamette River (UWR).

Chum salmon (*O. keta*): threatened Columbia River (CR).

Steelhead (*O. mykiss*): threatened SR; threatened middle Columbia River (MCR); endangered UCR.

Coho Salmon (*O. kisutch*): threatened Oregon coast (OC); threatened Southern Oregon/Northern California Coast (SONCC).

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et. seq*) and regulations governing listed fish and wildlife permits (50 CFR 222–226). NMFS issues permits/modifications based on findings that such permits and modifications: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA.

Permit Applications Received

Permit 1152 Modification 1

The Oregon Department of Fish and Wildlife (ODFW) is asking to modify Permit 1152 to take into account changes in take levels and to include take for salmonid rescue and salvage activities. The permit currently covers six projects that, among them, annually take juvenile and adult threatened SR spring/summer chinook salmon and adult and juvenile threatened SR steelhead in Northeast OR. They are: Project 1 Northeast Oregon Spring Chinook Salmon Spawning Ground Surveys; Project 2 Spring Chinook Salmon and Steelhead Life History in the Grande Ronde River Basin; Project 3 Residual hatchery Steelhead Monitoring in Northeast Oregon; Project 4 Passage and Irrigation Screening; Project 5 Bull Trout Migratory patterns, Population Structure, and Abundance in the Blue Mountains Province (does not target listed species but may indirectly take them); and Project 6 Fish Distribution and Abundance Monitoring in Northeast Oregon. These tasks have remained essentially unchanged for a number of years (permit 1152 has been in place since 1997 and was renewed in 2003); under this permit, listed salmon and steelhead are variously (a) observed during fish population and production monitoring surveys; (b) captured (using seines, trawls, traps, hook-and-line angling equipment, and electrofishing equipment) and anesthetized; (c) sampled for biological information and tissue samples; (d) PIT-tagged or tagged with radio transmitters or other identifiers; and (e) released. The only changes in activity being requested are an increase in the number of fish to be sampled and an approval for rescuing or salvaging listed fish that need it (an activity for which the researchers had approval in a previous version of the permit). The ODFW does not intend to kill any of the fish, but some may die as an unintended result of the research activities.

The research has many purposes and would benefit listed salmon and steelhead in different ways. In general, the purpose of the proposed research is to gather information on the natural production, distribution, survival, resource and habitat use, and genetic and life history characteristics of listed chinook salmon and steelhead in Northeast OR. If allowed to continue, the research activities would provide ongoing benefits to listed salmon and steelhead by helping resource managers (a) guide recovery actions, (b) prioritize habitat protection and restoration projects, (c) monitor ongoing management activities, (d) evaluate supplementation efforts, and (d) provide effective screening on water diversions that might otherwise entrain, strand, and kill listed fish.

Permit 1410 - Modification 1

The Northwest Fisheries Science Center (NWFSC) is asking to modify Permit 1410 to take into account needed changes in take levels. They are asking to increase their take of juvenile and adult SONCC coho, juvenile and adult OC coho, juvenile PS chinook salmon, juvenile and adult SR spring/summer chinook salmon, juvenile SR fall

chinook salmon, juvenile and adult UCR chinook salmon, juvenile and adult LCR chinook salmon, juvenile and adult UWR chinook salmon, juvenile CR chum salmon, juvenile Ozette Lake sockeye salmon, and juvenile SR steelhead during an ongoing investigation on the distribution, abundance, condition, and health of juvenile salmon in relation to oceanographic conditions in the Columbia River plume and surrounding ocean environment. The purpose of the study is to help researchers and managers better understand the factors controlling estuarine and marine survival. The study will provide information to help forecast survival potential as a function of plume and ocean conditions. Further, the information will help hydropower operators develop a set of management scenarios that could benefit survival, growth, and health of juvenile salmon by changing the dynamics of the Columbia River plume. The NWFSC is requesting authorization to intentionally kill juvenile fish for endocrine assessments, genetic stock identification, pathogen prevalence and intensity, otolith and stomach content analysis, and histopathological attributes. The NWFSC does not intend to kill any of the adult fish being captured, but some may die as an unintended result of the research activities.

Permit 1458

Ducks Unlimited is seeking a 5–year permit to annually take juvenile SR spring/summer chinook salmon at up to six locations in the Grande Ronde and Wallowa River drainages in Oregon. Under the study, the fish would be trapped, anesthetized, weighed and measured, allowed to recover, and released back from which they were taken.

The purpose of the research is to describe native and introduced fish use especially by salmonids of floodplain wetland habitat. Ultimately, the research seeks to answer questions relating to patterns of habitat use across the region on a seasonal basis and evaluate fish passage through water control structures used in wetland restoration projects. The research will benefit the listed species by helping guide wetland restoration activities throughout the region. Ducks Unlimited does not intend to kill any of the fish being captured, but a small number may die as an unintended result of the activities.

Permit 1459

The Western Washington University (WWU) is asking for a 1–year permit to take juvenile propagated PS chinook salmon associated with a larger project NOAA is conducting to understand juvenile salmonid use of Puget Sound nearshore estuarine habitats. The purpose of the research is to determine which fish use eelgrass beds in Northern Puget Sound and thereby benefit listed fish by helping direct habitat conservation efforts. The WWU will collect samples using gill nets, enclosure nets, and trawl gear. Samples will be measured, weighed, and released. A small percentage of the fish to be handled may die as an unintended result of the research activities.

Permit 1460

The Port of Tacoma is asking for a 3–year permit to annually take juvenile PS chinook salmon associated with a study to determine the timing of juvenile chinook salmon migration within Commencement Bay, Tacoma, WA. The purpose of the study is to supplement existing data regarding allowable periods for in-water construction. It will benefit listed salmon by helping ensure that in-water construction takes place at times least likely to affect the fish. The Port of Tacoma will collect samples using a floating beach seine. Listed salmon will be captured, measured, and released at the sampling locations. The Port of Tacoma does not intend to kill any of the fish being captured, but a small number may die as an unintended result of the activities.

Permit 1461

The U.S. Geological Survey (USGS) is seeking a 5–year permit to annually take adult and juvenile LCR, UCR, and SR spring/summer and fall chinook salmon; CR chum; SR sockeye; and UCR, MCR, LCR, and SR steelhead at Crims Island and the Julia Butler Hanson National Wildlife Refuge in the lower Columbia River. The fish would be captured using nets, and boat- and backpack electrofishing equipment. Once captured, the fish would be variously anesthetized, weighed and measured, sampled for their stomach contents, implanted with passive integrated transponder tags, allowed to recover, and released. Not all fish would undergo all these procedures. For example, all adults would simply be released, and the diet sampling and tagging would largely be restricted to those ESUs that spawn in the lower Columbia River.

The purpose of the research is to determine fish species composition and habitat use in the areas sampled. Ultimately, the data gathered will be used to guide and determine the effectiveness of habitat restoration activities in the lower Columbia River. The species will benefit from well-planned and monitored habitat restoration activities as well as, ultimately, the restored habitat itself. The USGS does not intend to kill any of the fish being captured, but a small number may die as an unintended result of the activities though none will be adults.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30–day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: February 5, 2004.

David O'Brien,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04–3280 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020404C]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce

ACTION: Issuance of Permit.

SUMMARY: NMFS has issued Permit 1408 to the California Department of Water Resources (DWR).

ADDRESSES: Copies of the permit may be obtained from the Protected Resources Division, NMFS, 650 Capitol Mall, Suite 8–300, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Rosalie del Rosario at (916) 930–3614, or e-mail: *Rosalie.delRosario@noaa.gov*.

SUPPLEMENTARY INFORMATION: This notice is relevant to federally endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*), and threatened Central Valley steelhead (*O. mykiss*).

Permit

Permit 1408 was issued to DWR on December 23, 2003. The permit authorizes incidental take (by long-line gear) and release of ESA-listed juvenile and adult Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and Central Valley steelhead from San Pablo Bay, the Sacramento-San Joaquin Delta, and the Sacramento River to River Mile 220. The project exclusively targets collection of migrating adult white sturgeon to study sturgeon swimming performance and behavior. Permit 1408 expires June 30, 2008. NMFS has determined that take levels authorized in the modified permit will not jeopardize listed salmon and steelhead nor result in the destruction or adverse modification of critical habitat where described.

Issuance of this permit, as required by the ESA, was based on a finding that the permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the listed species which are the subject of the permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA. This permit was issued in accordance with, and is subject to, 50 CFR part 222, the NMFS regulations governing listed species permits.

Dated: February 5, 2004.

David O'Brien,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04–3278 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–22–S

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the Commission of Fine Arts is scheduled for 19 February 2004 at 10 a.m. in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001–2728. Items of discussion affecting the appearance of Washington, DC may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *http://www.cfa.gov.* Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting time.

Dated in Washington, DC, January 28, 2004.

Charles H. Atherton,

Secretary.

[FR Doc. 04–3155 Filed 2–12–04; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92–463, notice is hereby given of the forthcoming meeting of the 2nd ACC Advisory Panel Meeting. The purpose of the meeting is to allow the SAB leadership to give consensus advice to the commander of the 2nd ACC Advisory Panel. Because classified and contractor-proprietary information will be discussed, this meeting will be closed to the public.

DATES: February 26–28, 2004.

ADDRESSES: Bldg 205 Dodd Blvd, Langley AFB, VA.

FOR FURTHER INFORMATION CONTACT: Maj Tim Kelly, Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Rm 5D982, Washington, DC 20330–1180, (703) 697–4811.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 04–3156 Filed 2–12–04; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92–463, notice is hereby given of the forthcoming meeting of the AFC2ISRC Advisory Group. The purpose of the meeting is to brief the Commander of the AFC2ISR Center. This meeting will be closed to the public.

DATES: February 19, 2004.

ADDRESSES: AFC2ISRC, Langley AFB, VA.

FOR FURTHER INFORMATION CONTACT: Maj Chris Berg, Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Rm 5D982, Washington, DC 20330–1180, (703) 697–4811.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 04–3157 Filed 2–12–04; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability of the Draft Environmental Impact Statement for the Digital Multi-Purpose Range Complex at Fort Benning, GA

AGENCY: Department of the Army, DOD.

ACTION: Notice of availability.

SUMMARY: The Digital Multi-Purpose Range Complex (DMPRC) would provide gunnery training facilities for the Bradley Fighting Vehicle (BFV) and the Abrams M1A1 Tank System (Tank), providing the capability for both active and reserve components to train to required standards under realistic conditions.

Fort Benning proposes to construct, operate, and maintain a DMPRC. The DMPRC would provide a state-of-the-art range facility to meet the Army's training needs for soldiers to conduct gunnery courses in a realistic training environment by expanding the Installation's training capacity. The current ranges on Fort Benning do not meet modern gunnery standards and are inadequate to support full gunnery training and qualifications, requiring training to modified standards. The project would include construction of the firing and target area, installation of fiber optics, construction of support facilities, upgrading and construction of associated roadways, installation of utilities to support the site, construction of a helipad, construction of other related equipment and facilities, and operation and maintenance of the DMPRC.

DATES: *Comments:* To be considered in preparation for the Final Environmental Impact Statement (EIS), comments must be received not later than March 29, 2004, by the U.S. Environmental Protection Agency.

Meetings: March 2, 2004, 6 p.m., at the Elizabeth Bradley Turner Center, Columbus State University, 4225 University Avenue, Columbus, GA, and March 4, 2004, 6 p.m., at the Marion Middle School Gymnasium, 100 East Burkhalter Avenue, Buena Vista, GA.

ADDRESSES: Please direct written comments or requests for copies of the

Draft EIS (DEIS) to Mr. Richard McDowell, Public Affairs Officer, U.S. Army Infantry Center, ATTN: ATZB–PO, Fort Benning, GA 31905–5122 or e-mail to *mcdowellr@benning. army. mil.*

FOR FURTHER INFORMATION CONTACT: Mr. Richard McDowell, Public Affairs Officer, U.S. Army Infantry Center, ATTN: ATZB–PO, Fort Benning, GA, 31905–5122, (706) 545–2211, or e-mail to *mcdowellr@benning.army.mil.*

SUPPLEMENTARY INFORMATION: Fort Benning is the ''Home of the Infantry'' and conducts training for elements of Mechanized Infantry Division units. Tank and BFV crews must train and qualify at different skill levels (gunnery tables) that are designed to develop and test the proficiency level of individuals, crews, and platoons. Existing facilities at Fort Benning do not currently meet training standards for advanced gunnery qualification. Specifically, the existing range targetry is antiquated; the natural terrain features of Hastings Range hampers training effectiveness and efficiency; the nearness to the Installation boundary restricts training due to noise; and the lack of digital components on the existing range delays the analysis of the training exercise.

The Army proposes to construct, operate, and maintain a DMPRC. The DEIS analyzes the No Action/Status Quo and two action alternatives. The notice of intent to prepare an EIS for the DMPRC included another alternative, Transport to Fort Stewart, however further analysis indicated that alternative was not reasonable. Alternatives considered in detail in the DEIS are:

1. No Action—Continue to conduct modified advanced gunnery training at Hastings Range on Fort Benning.

2. Construct, operate and maintain a DMPRC in Training Compartment K21 on Fort Benning. The range dimensions would be approximately 1,500 meters by 4,500 meters and cover about 1,800 acres plus support facilities; however these dimensions would be subject to site-specific design requirements and may be modified. The DMRPC would include a firing and target area with 3 course lanes, numerous stationary and moving targets, trenches and berms, maintenance roads; a helipad; utilities and communication systems; and support facilities on about 25 acres including control and instruction buildings, maintenance and storage buildings. The DMPRC would include a safety zone that is inaccessible during operation of the range.

3. Preferred Alternative—Construct, operate and maintain a DMPRC in Training Compartment D13 on Fort Benning with the same approximate dimensions and facilities as described for Alternative II.

Both Alternatives 2 and 3 would also include changes in training on other ranges (Ruth, Cactus, Carmouche, and Hastings) to incorporate the new DMPRC into the training regime.

The DMPRC DEIS includes analyses of the potential environmental consequences, including cumulative impacts that each alternative may have on many environmental and socioeconomic resources or topics, including: soils and vegetation, water quality, wetlands and streambanks, unique ecological areas, Federally and state listed species, migratory birds, socioeconomics, land use, cultural resources, utilities, noise, air quality, public health and safety, hazardous materials and wastes, and transportation. The findings indicate that the No Action alternative has the least amount of potential impacts because no construction is proposed; however, noise concerns will continue and the needed improvement in range facilities would not be achieved. Alternatives 2 and 3 would have some potential adverse impacts to several of the studied resources; however, mitigations to reduce those impacts are identified in the DEIS, and both alternatives would result in less noise disturbance from BFV and tank weaponry firing.

Scoping and Comments: Fort Benning has distributed a series of newsletters that are also posted on the Fort Benning Web site and may be viewed at *www.benning.army.mil/EMD/dmprcLegal&PublicNotices.htm.* All future newsletters, notices of meetings, and other public and stakeholder participation opportunities will also be posted on this Web site. Comments or questions may also be submitted on this Web site. Fort Benning invites individuals and organizations to participate in the DEIS review process by submitting written comments to the address listed above and by attending public meetings. Public meetings have been scheduled for March 2, 2004 and March 2, 2004 (*see* **DATES**); additional notices will be announced in the *Columbus Ledger Enquirer, the Tri-County Journal, The Bayonet,* on the Fort Benning Web site (listed above), and by notices of meeting sent to parties on the distribution list.

Michael Q. Frnka,

Public Works Director, Installation Management Agency, Southeast Region.

[FR Doc. 04–2848 Filed 2–12–04; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Invention; Available for Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of the general availability of exclusive or partially exclusive licenses under the following pending patent.

U.S. Patent application Serial Number 60/525,842 entitled ''Bowel Preparation for Virtual Colonoscopy'' filed 1 December 2003. The present invention relates to a unique approach to colonic preparation for virtual colonoscopy (VC) examination involving a specific combination of sodium phosphate, barium sulfate, and water-soluble iodinated contrast, each taken orally in two evenly divided doses. This improved colonic preparation results in VC that are comparable to the accepted ''gold standard'' conventional colonoscopy for detecting clinically relevant polyps.

DATES: Applications for an exclusive or partially exclusive license may be submitted at any time from the date of this notice.

ADDRESSES: Submit applications to the Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave, Silver Spring, MD 20910–7500.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Schlagel, Director, Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave, Silver Spring, MD 20910–7500, telephone (301) 319–7428 or e-mail at: *schlagelc@nmrc.navy.mil*

SUPPLEMENTARY INFORMATION: Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404. Applications will be evaluated utilizing the following criteria: (1) Ability to manufacture and market the technology; (2) manufacturing and marketing ability; (3) time required to bring technology to market and production rate; (4) royalties; (5) technical capabilities; and (6) small business status.

Dated: February 3, 2004.

J.T. Baltimore,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 04–3158 Filed 2–12–04; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Acting Leader, Regulatory Information Management, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by February 20, 2004. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before April 13, 2004.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Melanie Kadlic, Desk Officer: Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address *Melanie_Kadlic@omb.eop.gov.* .

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: February 9, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Title: Teacher Quality Enhancement Grants for Partnerships Program (TQE–P): Application Guide for the TQE Grants Competition.

Abstract: This application is for use by Partnerships to apply for new awards under the Teacher Quality Enhancement Grants for Partnerships Program.

Additional Information: An emergency request for approval is being sought for this collection because the program is essential to the mission of the agency. The agency cannot reasonably comply with normal clearance procedures due to General Counsel clarifying that programs must use all stated steps as statute and regulations detail.

Frequency: Annually.

Affected Public: Not-for-profit institutions (primary), Businesses or other for-profit, State, local, or tribal gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 275.

Burden Hours: 25,800.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2248. When you access the information collection, click on ''Download Attachments ''to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivan.reese@ed.gov*. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements, contact Joe Schubart at 202–708–9266. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–3169 Filed 2–12–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Federal Interagency Coordinating Council Meeting (FICC)

AGENCY: Federal Interagency Coordinating Council, Education.

ACTION: Notice of a public meeting.

SUMMARY: This notice describes the schedule and agenda of a forthcoming meeting of the Federal Interagency Coordinating Council (FICC). Notice of this meeting is intended to inform members of the general public of their opportunity to attend the meeting. The FICC will engage in policy discussions related to educational services for young children with autism and their families. The meeting will be open and accessible to the general public.

DATE AND TIME: FICC Meeting: Thursday, March 18, 2004 from 9 a.m. to 4:30 p.m.

ADDRESSES: American Institutes for Research, 1000 Thomas Jefferson Street, NW., Conference Rooms B & C, 2nd Floor, Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Obral Vance, U.S. Department of Education, 330 C Street, SW., Room 3090, Switzer Building, Washington, DC 20202. Telephone: (202) 205–5507 (press 3). Individuals who use a telecommunications device for the deaf (TDD) may call (202) 205–5637.

SUPPLEMENTARY INFORMATION: The FICC is established under section 644 of the Individuals with Disabilities Education Act (20 U.S.C. 1444). The FICC is established to: (1) Minimize duplication across Federal, State and local agencies of programs and activities relating to early intervention services for infants and toddlers with disabilities and their families and preschool services for children with disabilities; (2) ensure effective coordination of Federal early

intervention and preschool programs, including Federal technical assistance and support activities; and (3) identify gaps in Federal agency programs and services and barriers to Federal interagency cooperation. To meet these purposes, the FICC seeks to: (1) Identify areas of conflict, overlap, and omissions in interagency policies related to the provision of services to infants, toddlers, and preschoolers with disabilities; (2) develop and implement joint policy interpretations on issues related to infants, toddlers, and preschoolers that cut across Federal agencies, including modifications of regulations to eliminate barriers to interagency programs and activities; and (3) coordinate the provision of technical assistance and dissemination of best practice information.

Individuals who need accommodations for a disability in order to attend the meeting (*i.e.,* interpreting services, assistive listening devices, material in alternative format) should notify Obral Vance at (202) 205–5507 (press 3) or (202) 205–5637 (TDD) ten days in advance of the meeting. The meeting location is accessible to individuals with disabilities.

Summary minutes of the FICC meetings will be maintained and available for public inspection at the U.S. Department of Education, 330 C Street, SW., Room 3090, Switzer Building, Washington, DC 20202, from the hours of 9 a.m. to 5 p.m., weekdays, except Federal Holidays.

Troy R. Justesen,

Acting Deputy Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 04–3149 Filed 2–12–04; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

[Docket Nos. EA–257–A]

Application To Export Electric Energy; Emera Energy Services, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Emera Energy Services, Inc. (EES) has applied to renew its authorization to export electric energy from the United States to Canada, pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before March 15, 2004.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Import/Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On April 5, 2002, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued Order No. EA–257 authorizing EES to transmit electric energy from the United States to Canada as a power marketer using certain international electric transmission facilities. That two-year authorization expires on April 5, 2004.

On January 30, 2004, EES applied to the Department of Energy (DOE) to renew its authority to export electric energy from the United States to Canada. EES, a Delaware corporation with its principal place of business in Bangor, Maine, is a wholly-owned indirect subsidiary of Emera Incorporated, a Nova Scotia corporation that is a diversified energy and services company. EES does not own or control any electric generation or transmission facilities nor does it have a franchised service area. Emera Incorporated owns and operates transmission facilities in the United States through its operating divisions. EES will engaged in the marketing of power as both a broker and as a marketer of electric power at wholesale. EES plans to purchase the power that it will sell from cogeneration facilities, federal power marketing agencies, electric utilities and exempt wholesale generators within the United States.

In FE Docket No. EA–257–A, EES proposes to export electric energy to Canada and to arrange for the delivery of those exports to Canada over the international transmission facilities owned by Vermont Electric Power Company, Inc., Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Maine Electric Power Company, Maine Public Service Company, and Vermont Electric Transmission Company.

The construction of each of the international transmission facilities to be utilized by EES has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the EES application to export electric energy to Canada should be clearly marked with Docket EA–257–A. Additional copies are to be filed directly with Calvin Bell, Emera Energy Services, Inc., One Cumberland Place, Suite 102, Bangor, ME 04401, Wendy N. Reed, Deborah C. Brentani, Wright & Talisman, P.C., 1200 G Street, NW., Suite 600, Washington, DC 20005 and Mr. Richard J. Smith, Secretary and General Counsel, Emera Incorporated, 1894 Barington Street, 18th Floor, Barrington Tower, P.O. Box 910, Halifax, Nova Scotia, Canada B3J 2W5.

A final decision will be made on this application after the environmental impact has been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at *http://www.fe.doe.gov.* Upon reaching the Fossil Energy Home page, select ''Regulatory'' Programs,'' then ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menu.

Issued in Washington, DC, on February 9, 2004.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 04–3216 Filed 2–12–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho National Engineering and Environmental Laboratory

AGENCY: Department of Energy.

ACTION: Notice of open meeting (full board conference call).

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho National Engineering and Environmental Laboratory. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register.**

DATES: Tuesday, March 3, 2004, 12 Noon.

ADDRESSES: To obtain conference call access numbers, please contact Ms. Lori McNamara at (208) 528–8718.

FOR FURTHER INFORMATION CONTACT: Ms. Peggy Hinman, INEEL CAB Administrator, North Wind, Inc., 545 Shoup Avenue, Suite 200, Idaho Falls, ID 83402, Phone (208) 557–7885, or visit the Board's Internet home page at *http://www.ida.net/users/cab.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of future use, cleanup levels, waste disposition and cleanup priorities at the INEEL.

The objective for the March 3rd Conference Call of the INEEL Citizens Advisory Board is:

- To finalize a draft recommendation addressing the Draft request for Proposals for a new INEEL Site Contractor

Public Participation: This meeting is open to the public. Written statements may be filed with the Board facilitator either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact the Board Chair at the address or telephone number listed above. Request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer, Gerald C. Bowman, Assistant Manager for Laboratory Development, Idaho Operations Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Every individual wishing to make public comment will be provided equal time to present their comments. Additional time may be made available for public comment during the presentations.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays. Minutes will also be available by writing to Ms. Peggy Hinman, INEEL CAB Administrator, at the address and phone number listed above.

Issued at Washington, DC on February 10, 2004.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 04–3214 Filed 2–12–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, March 4, 2004, 6 p.m. to 9 p.m.

ADDRESSES: College Hill Library, Room L268, Front Range Community College, 3705 West 112th Avenue, Westminster, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 10808 Highway 93, Unit B, Building 60, Room 107B, Golden, CO, 80403; telephone (303) 966–7855; fax (303) 966–7856.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Presentation by the U.S. Fish and Wildlife Service on the Draft Comprehensive Conservation Plan/ Environmental Impact Statement for the Future Rocky Flats National Wildlife Refuge

2. Other Board business may be conducted as necessary

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the office of the Rocky Flats Citizens Advisory Board, 10808 Highway 93, Unit B, Building 60, Room 107B, Golden, CO 80403; telephone (303) 966–7855. Hours of operations are 7:30 a.m. to 4 p.m., Monday through Friday. Minutes will also be made available by writing or calling Ken Korkia at the address or telephone number listed above. Board meeting minutes are posted on RFCAB's web site within one month following each meeting at: *http://www.rfcab.org/ Minutes.HTML.*

Issued at Washington, DC on February 9, 2004.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 04–3215 Filed 2–12–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket Nos. PP 80–1 and EA–288]

Application To Transfer Presidential Permit; Rescind Export Authorization; and Authorize Transmission of Electric Energy to Canada; Citizens Communications Company and Vermont Electric Cooperative, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of applications.

SUMMARY: Citizens Communications Company (Citizens) and Vermont Electric Cooperative, Inc. (VEC) have jointly applied to transfer Presidential Permit PP–80 from Citizens to VEC. In addition Citizens and VEC have jointly applied to rescind electricity export authorization EA–66–B, held by Citizens, and simultaneously authorize VEC to export electric energy to Canada.

DATES: Comments, protests or requests to intervene must be submitted on or before March 15, 2004.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Import/Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office), 202–586–9624 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038. Existing Presidential permits are not transferable or assignable. However, in the event of a proposed voluntary transfer of physical facilities, in accordance with the regulations at 10 CFR 205.323, the existing holder of a permit and the transferee are required to a file joint application for transfer with the Department of Energy (DOE) that includes a statement of reasons for the transfer.

In addition, exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)). In accordance with the regulation at 10 CFR 205.305, an authorization to export electric energy is not transferable or assignable. Providing written notice is given to DOE, the authorization may continue in effect until a decision is made on a new application for a permanent authorization.

On August 5, 1983, DOE issued Presidential Permit PP–80 to Citizens Utilities Company (now Citizens Communications Company) for two 25,000-volt (25-kV) electric transmission lines that cross the United States border with Canada near Canaan, and Norton, Vermont, respectively. Both transmission lines interconnect with similar transmission facilities in Canada owned by Hydro Quebec.

On December 17, 2003, Citizens and VEC (collectively, the ''Applicants'') jointly filed an application with DOE to transfer Presidential Permit PP–80 from Citizens to VEC. VEC is a consumer-owned electric distribution cooperative providing retail electric services to residential, small commercial, and industrial customers in rural Vermont. VEC does not own any electric generating facilities. VEC proposes to purchase from Citizens the transmission facilities that are the subject of PP–80. In this application, the Applicants state that there will be no physical changes to the existing permitted facilities.

In Docket EA–66, Citizens is authorized to export electric energy to Canada using the international transmission facilities authorized in Presidential Permit PP–66–1 issued to Vermont Electric Power Company, Inc., on November 5, 2003. In its joint application, Citizens and VEC request that this export authorization held by Citizens (EA–66–B) be rescinded and that VEC be simultaneously authorized to export electric energy to Canada using the 120-kV international transmission line authorized in PP–66–1 and located at Derby Line, Vermont. Subject to the same limitations set forth in EA–66–B, to become effective upon the financial closing of the transfer of ownership of certain of Citizen's transmission and distribution facilities in Vermont to VEC.

Procedural Matters: Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to these applications should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the joint application to transfer Presidential Permit PP–66 from Citizens to VELCO should be clearly marked with Docket PP–66–1. Comments on VEC's application to export electric energy to Canada should be clearly marked with Docket EA–288. Additional copies are to be filed directly with L. Russell Mitten, Esq., VP, General Counsel, Citizens Communications Company, 3 High Ridge Park, Stamford, CT 06905; Ms. Kelly Enright, Vice President and Executive Manager, Vermont Electric Cooperative, Inc., 182 School Street, Johnson, VT 05656 and Kenneth G. Hurwitz, Esq., Haynes and Boone, LLP, 1615 L Street, NW., Suite 800, Washington, DC 20036; and Michael L. Burak, Esq., Burak, Anderson & Melloni, P.O. Box 787, Burlington, VT 05402–0787.

Before a Presidential permit or electricity export authorization may be issued or amended, the DOE must determine that the proposed action(s) will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must consider the environmental impacts of the proposed action(s) (*i.e.*, granting the Presidential permit and/or export authorization with any conditions and limitations, or denying one or both) pursuant to the National Environmental Policy Act of 1969. DOE also must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of these applications will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at *http://www.fe.doe.gov*. Upon reaching the Fossil Energy Home page, select ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC, on February 9, 2004.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 04–3217 Filed 2–12–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER02–1656–017 and ER02–1656–018]

California Independent System Operator Corporation; Notice of Staff Technical Conference

February 6, 2004.

The Federal Energy Regulatory Commission Staff is convening a technical conference regarding the California Independent System Operator Corporation's Revised Comprehensive Market Design Proposal 2002 (MD02), pursuant to the Commission Order issued on October 28, 2003,[1] to further facilitate and better understand several aspects of the proposed MD02. The conference will be held March 3–5, 2004, in San Francisco, California. A separate notice will be issued by the Commission to announce the exact location and final agenda of the Staff Technical Conference.

In addition, by this notice we inform interested parties that the Commission has cancelled the plans for the February 24–25, 2004, technical conference discussed during the conference on January 28–29, 2004.

The conference is open for the public to attend, and registration is not required. For more information about the conference, please contact: Olga

[1] California Independent System Operator Corporation, 1.

Kolotushkina at (202) 502–6024 or at *olga.kolotushkina@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. E4–268 Filed 2–12–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL04–3–000]

Natural Gas Interchangeability; Agenda for February 18, 2004, Public Conference

February 6, 2004.

1. On January 15, the Commission issued a notice announcing its intention to conduct a public conference on natural gas interchangeability and gas quality issues. The notice indicated that the Public Conference would be held on February 18, 2004, and that the Commission would issue a conference agenda at a future time. Accordingly, the following is the agenda as it now stands:

9:30 a.m. Opening Remarks, Conference Guidelines

Focus: Legal context for Commission action, to date and going forward; technical background underlying the need for the conference; *ex parte* considerations, and what may not be discussed; and, procedures for ''open mike'' discussion.

9:45–10:15 Natural Gas Council Presentation

Focus: Status of gas industry efforts to develop a statement of principles on the issue of natural gas quality standards.

10:15–11:45 Panel I: Technical Perspectives on Gas Interchangeability and Quality: ''Gas Quality and Interchangeability 101''

Focus: Technical and scientific background: Reliability; equipment; pipeline tariff and contract conditions; gas processing; LNG distinctives; and, geographic variations in gas quality.

- Jeryl L. Mohn, Sr. Vice President, Operations and Engineering, Panhandle Energy;
- David Rue, Manager, Industrial Combustion Processes, Gas Technology Institute;
- Lori Traweek, Senior Vice President, Operations and Engineering Management, American Gas Association;
- Bob Dimitroff, Topsides Design Manager, Regasification Projects, International Gas, ChevronTexaco Overseas Petroleum;
- Joel D. Moxley, Vice President, Processing and NGL Group, El Paso Field Services.

11:45–1:15 Panel II: Addressing Gas Interchangeability and Quality Concerns

Focus: Standardization efforts (historical and current); tariff differences; economic incentives; new electric generation needs; cost shifting and cost causation.

- Randy Barnard, V.P. of Operations and Gas Control, Williams Gas Pipelines;
- Adrian P. Chapman, Vice President of Regulatory Affairs and Energy Acquisition, Washington Gas Light Company;
- Keith C. Wilson, PE, Ammonia Technology Manager, PCS Nitrogen Fertilizer, LP;
- W. Collin Harper, Senior Vice President, Fuels, Tractebel North America;
- Richard Brent, Director of Government Affairs, Solar Turbines Incorporated;
- Keith Barnett, Vice President, Fundamental Analysis, American Electric Power;
- Robert Wilson, Director, Environmental Engineering and Operations, KeySpan;
- Alfred Fatica, Director NGL Assets, BP America Inc.

1:15–2:15 Break for Lunch

2:15–3:45 Panel III: Next steps * * *

Focus: What are the possible approaches the Commission, the North American Energy Standards Board, other standards-setting organizations, the industry, and commercial partners might take on natural gas interchangeability and natural gas quality? Is there a need for nation-wide standards, and if there is a need, which organizations need to take responsibility to craft such standards?

- Rae McQuade, Executive Director, North American Energy Standards Board (NAESB);
- Douglas A. Moser, Vice President, Gas Management, Philadelphia Gas Works;
- Lee Stewart, Senior Vice President, Gas Transmission, Southern California Gas;
- Terry D. Boss, Senior Vice President, Regulatory Affairs—Safety and Environment, Interstate Natural Gas Association of America;
- John Hritcko, Jr., Vice President Strategy and Development, Shell U.S. Gas and Power;
- William (''Bill'') G. Cope, Vice President, Southern LNG Inc.
- James R. Newman, Senior Engineering Designer, Rheem Air Conditioning Division.

3:45–4:45 ''Open Mike'' Opportunity

4:45–5:00 Closing Remarks

The foregoing agenda may be subject to change.

Magalie R. Salas,

Secretary.

[FR Doc. E4–267 Filed 2–12–04; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OA–2003–0009, FRL–7618–8]

Agency Information Collection Activities: Proposed Collection; Comment Request; Information Collection Request for Obtaining Feedback on Public Involvement Activities and Processes, EPA ICR Number OA–2003–0009

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the EPA is planning to submit a request for a new Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, the EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before March 15, 2004.

ADDRESSES: Submit your comments, referencing docket ID number OA–2003–0009, to EPA online using EDOCKET (our preferred method), by e-mail to *oei.docket@epa.gov,* or by mail to EPA Docket Center, OEI Docket Mail Code—2822T, 1200 Pennsylvania Ave, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Pat Bonner, Office of the Administrator/ Public Involvement Staff—Mail Code 1807T, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: 202–566–2204; fax number: 202–566–2200 and e-mail: *bonner.patricia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID number OA–2003–

0009 which is available for public viewing within the Office of Environmental Information (OEI) Docket of the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the OEI's Docket is (202) 566–1752. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket.* Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *www.epa.gov./edocket.*

Affected entities: Entities and individuals potentially affected by this action are those who participate in EPA public involvement activities.

Title: Obtaining Feedback on Public Involvement Activities.

Abstract: Individuals who participate in EPA public involvement activities directly will be asked to voluntarily complete feedback surveys. Respondents will do no preparation or records retention; individual input will be aggregated and remain confidential. EPA staff and managers will use a series of feedback surveys and will not deviate from the OMB-approved questions. Questionnaires will be short, easy for staff to use and respondents to complete. Results will be immediately applied to improve similar events; to assist in evaluating and improving individual events such as hearings, meetings, listening sessions, small group discussions, stakeholder negotiations, Federal Advisory Committee Act group meetings, community advisory group meetings, etc; and to improve the consistency and effectiveness of public involvement practices and processes agency wide. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The EPA encourages comments to:

(i) Evaluate or suggest whether the proposed collection of information is necessary for the proper performance of Agency functions, including whether the information has practical utility;

(ii) evaluate the accuracy of the Agency's burden estimate, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including appropriate applications of information technology.

Burden: The average estimated burden for each response is 9.9 minutes. Some respondents will complete the same questionnaire several times within the ICR period. This is necessary and appropriate since only they will be able to experience changes made in response to their input. Time is the only direct respondent cost. Respondent cost was $15.46/hour wage for civilian wage and salary workers, the October 2003 Bureau of Labor Statistics figure, plus a 35% benefits factor for $20.87 per hour. The EPA estimates the following:

Year	Respondents	Burden hours	Respondent cost
2004	12,794	2,152.58	$3.51/response.
2005	16,531	2,737.02	$3.45/response.
2006	19,298	3,215.2	$3.47/response.
Total	48,623	8,104.8	$3.48/response.

The average is .167 burden hours or ten minutes/response. Burden means the total time, effort or financial resources expended by persons to generate, maintain, retain or disclose or provide information to or for a Federal agency, including the time needed to: review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: February 10, 2004.

Jessica L. Furey,

Associate Administrator, Office of Policy, Economics and Innovation.

[FR Doc. 04–3229 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6648–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the

ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 04, 2003 (68 FR 16511).

Draft EISs

ERP No. D–AFS–J65397–WY Rating LO, Woodrock Project, Proposal for Timber Sale, Travel Management and Watershed Restoration, Implementation, Bighorn National Forest, Tongue Ranger District, Sheridan County, WY.

Summary: EPA has lack of objections to the proposed action based on the predicted overall improvement of forest resource conditions. EPA suggests that the final EIS provide qantification sediment from erosion estimates and monitor water quality and habitat quality in streams.

ERP No. D–AFS–K65265–AZ Rating LO, Bar T Bar Anderson Springs Allotment Management Plans to Authorize Permitted Livestock Grazing for a 10-Year Period, Coconino National Forest, Mogollon Rim and Mormon Lake Ranger District, Coconino County, AZ.

Summary: EPA has no objections to the Preferred Alternative but EPA requested more detailed information for monitoring, specifically impacts to vegetation.

ERP No. D–AFS–L65444–OR Rating LO, Eyerly Fire Salvage Project, Burned and Damaged Trees Salvage, Reforestation and Fuels Treatment, Implementation, Deschutes National Forest, Sisters Ranger District, Jefferson County, OR.

Summary: While EPA has no objection to the proposed action it did request clarification on consultation with Tribes, Environmental Justice and measures to protect workers from health risks associated with the use of fire retardants.

ERP No. D–DOE–E09014–KY Rating EC1, Paducah, Kentucky, Site Depleted Uranium Hexafluoride Conversion Facility, Construction and Operation, McCraken County, KY.

Summary: EPA expressed environmental concerns regarding the capability and capacity of the two disposal facilities to accept the proposed waste products from the Paducah conversion facility. EPA requested that DOE include this information in the final EIS.

ERP No. D–NPS–E61076–00 Rating LO, Low Country Gullah Culture Special Resource Study, Gullah Culture Preservation and Protection Analysis to Consider the Suitability and Feasibility for Inclusion in the National Park Service System, SC, NC, GA and FL.

Summary: EPA expressed lack of objections.

Dated: February 10, 2004.

Ken Mittleholtz,

Environmental Specialist, Office of Federal Activities.

[FR Doc. 04–3232 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6648–3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed February 2, 2004 Through February 6, 2004

Pursuant to 40 CFR 1506.9.

EIS No. 040055, Final Supplement, AFS, OR, Deep Vegetation Management Project, Implementation, Preferred Alternative C was Selected, Ochoo National Forest, Paulina Ranger District, Crook and Wheeler Counties, OR, Wait Period Ends: March 15, 2004, Contact: Mike Lawrence (541) 477–6900.

This document is available on the Internet at: *http://www.fs.fed.us/r6/centraloregon*

EIS No. 040056, Draft EIS, FRA, CA, California High-Speed Train System, Proposes a High-Speed Train (HST) System for Intercity Travel, Extending from Sacramento and the San Francisco Bay Area in the north, through Central Valley, to Los Angeles and San Diego in the south, Orange County, CA, Comment Period Ends: May 14, 2004, Contact: David Valenstein (202) 493–6368.

This document is available on the Internet at: *http://www.cahighspeedrail.ca.gov.*

EIS No. 040057, Final EIS, NPS, NJ, Morristown National Historical Park General Management Plan, Implementation, Morris and Somerset Counties, NJ, Wait Period Ends: March 15, 2004, Contact: Brian Aviles (617) 223–5319.

EIS No. 040058, Final EIS, DOE, Hanford Site Solid (Radioactive and Hazardous) Waste Program, New Information on Waste Management Alternatives, Waste Management Practices Enhancement for Low-Level Radioactive Waste, Mixed Low-Level Radioactive Waste and Transuranic Waste, Richland, Benton County, WA, Wait Period Ends: March 15, 2004, Contact: Michael S. Collins (509) 376–6536.

EIS No. 040059, Draft EIS, AFS, AZ, Arizona Snowbowl Facilities Improvements, Proposal to Provide a Consistent/Reliable Operating Season, Coconino National Forest, Coconino County, AZ , Comment Period Ends: March 29, 2004, Contact: Ken Jacobs (928) 774–1147.

This document is available on the Internet at: *http//www.nws.usace.army.mil.*

EIS No. 040060, Draft EIS, USA, GA, Digital Multi-Purpose Range Complex at Fort Benning, Construction, Operation and Maintenance, Gunnery Training Facilities for the Bradley Fighting Vehicle (BFV) and the Abrams M1A1 Tank System (Tank), Fort Benning, GA, Comment Period Ends: March 29, 2004, Contact: Richard McDowell (706) 545–2211.

This document is available on the Internet at: *http://www.benning.army.mil/EMD/Legal&PublicNotices.htm.*

EIS No. 040061, Draft EIS, BIA, UT, Tekoi Balefill Project on the Skull Valley Band of Goshute Indians Reservation, Approval of Long-Term Lease of Indian Land for a Commercial Solid Waste Disposal Facility, Salt Lake City, Tooele County, UT, Comment Period Ends: March 29, 2004, Contact: Amy Heuslein (602) 379–6750.

EIS No. 040062, Draft Supplement, NOA, Proposed Rule to Implement Management Measures for the Reduction of Sea Turtle Bycatch and Bycatch Mortality in the Atlantic Pelagic Longline Fishery, Comment Period Ends: March 15, 2004, Contact: Christopher Roger (301) 713–2347. Under Section 1502.9(c)(4) the CEQ has Approved Alternative Procedures for the above project by Granting a 31-day Public Comment Period.

EIS No. 040063, Draft EIS, AFS, AK, Couverden Timber Sales, Harvesting Timber, NPDES, Coast Guard Bridge Permit, U.S. Army COE Section 10 and 404 Permits, Tongass National Forest, Juneau Ranger District, Chilkat Peninsula, AK, *Comment Period Ends:* March 29, 2004, Contact: Dave Carr (907) 586–8800.

EIS No. 040064, Draft Supplement, EPA, MS, FL, AL, Eastern Gulf of Mexico Offshore Oil and Gas Extraction, Updated Information on Issuance of New National Pollutant Discharge Elimination System General Permit and the Ocean Discharge Criteria Evaluation, MS, AL and FL, *Comment Period Ends:* April 13, 2004, Contact: Lena Scott (404) 562–9607.

This document is available on the Internet at: *http://www.epa.gov/region4/water/permits.*

EIS No. 040065, Final EIS, FHW, MS, Airport Parkway Extension, Improvements to MS–475 from I–20 to Old Brandon Road, U.S. Army COE Section 404 Permit, Rankin County, MS, Wait Period Ends: March 15, 2004, Contact: Cecil W. Vick, Jr. (601) 965–4217.

Amended Notices

EIS No. 030567, DRAFT EIS, FHW, NY, NY–17 Parksville/SH–5223, Liberty-County Line, Part 1 Construction and Reconstruction to Interstate Standards, Funding and U.S. Army COE Section 404 Permit Issuance, Town of Liberty, Sullivan County, NY, Comment Period Ends: February 18, 2004, Contact: Robert E. Arnold (518) 472–3636. Revision of FR Notice Published on 12/24/2004: CEQ Comment Period Ending 2/06/2004 has been Corrected to 2/18/2004

Dated: February 10, 2004.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 04–3233 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[Docket #OR–04–001; FRL–7623–3]

Oregon Maintenance of Effort Reduction

AGENCY: Environmental Protection Agency

ACTION: Notice; proposed determination with request for comments and notice of opportunity for public hearing.

SUMMARY: The Environmental Protection Agency (EPA) announces an opportunity for public hearing and comment on a proposed determination that the Oregon Department of Environmental Quality (ODEQ) should be allowed a reduced Maintenance of Effort (MOE) level for Fiscal Year (FY) 2003, consistent with MOE requirements of the Clean Air Act (CAA) and EPA financial assistance policies and procedures.

DATES: Comments and/or requests for a public hearing must be received by EPA by March 15, 2004.

ADDRESSES: Written comments on this proposed action should be sent to: Paul Koprowski, EPA, Oregon Operations Office, 811 SW Sixth Ave., Portland, OR 97204. Electronic comments should be sent either to *r10.aircom@epa.gov* or to *http://www.regulations.gov,* which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in the **SUPPLEMENTARY INFORMATION** section. Copies of the documents relevant to this action are available for public inspection during normal business hours at the EPA, Oregon Operations Office, 811 SW Sixth Ave., Portland, OR 97202.

FOR FURTHER INFORMATION CONTACT: Paul Koprowski, EPA Project Officer, Oregon Operations Office, 811 SW Sixth Ave., Portland, OR 97204, (503) 326–6363, or e-mail address at *koprowski.paul@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The EPA provides financial assistance to the ODEQ, for the operation of its Air Pollution Control Program through an annual continuing environmental program grant agreement. EPA awards the grant pursuant to section 105(a) of the CAA (42 United States Code 7405) and Code of Federal Regulations (CFR) parts 30 and 35.140.

Section 105(c)(1) of the CAA, 42 U.S.C. 7405(c)(1), provides that ''No agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year. In order for the Administrator to award grants under this section in a timely manner each fiscal year, the Administrator shall compare an agency's prospective expenditure level to that of its second preceding year.'' EPA may still award financial assistance to an agency not meeting this requirement, however, if EPA, ''after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government'' (CAA section 105(c)(2)). These statutory requirements are repeated in EPA's implementing regulations at 40 CFR 35.146.

On December 31, 2003, ODEQ submitted a request to reduce the MOE level in their FY03 Section 105 air program grant in accord with 40 CFR 35.146. ODEQ submitted supporting budget documentation that shows that during 2002 and 2003 the State of Oregon experienced several revenue shortfalls resulting in across-the-board agency budget cuts. The total reduction to the Oregon air quality MOE due to these non-selective budget cuts is $310,070. More specifically, $259,394 of the $310,070 is a prorated permanent agency budget reduction required by the implementation of Oregon HB 5100 for the period February 2003 to September 2003. HB 5100 identified across-the-board reductions if voters rejected a tax increase on January 28, 2003. The tax increase was rejected. The remaining $50,676 of the $310,070 is a prorated amount based on the Governor's administrative budget reductions due to revenue shortfall in December 2003. The Governor has authority to administratively reduce budgets without legislative action but the reductions have to be across-the-board. The documentation included with the ODEQ request clearly shows that across-the-board cuts were applied to all Executive branch agencies in Oregon.

After reviewing the information submitted with the ODEQ request, EPA concludes that ODEQ's budget reduction meets the CAA criteria as non-selective since the budgets of all executive branch agencies were cut uniformly and the ODEQ air program was not singled out in the budget reductions.

II. Action

As described above, based upon the preceding discussion and the information submitted by the ODEQ, EPA proposes to approve ODEQ's request for EPA to consider the FY 2003 reductions in nonfederal funding of ODEQ's air pollution control program as non-selective. Based on materials submitted, the EPA Region 10 Administrator believes the reductions were non-selective and therefore hereby proposes to find that this $310,070 reduction was a non-selective reduction within the meaning of Section 105(c) of the CAA. This action would reduce the matching requirement from $16,016,683 to $15,706,613 for the October 1, 2003 to September 30, 2003 period.

III. Invitation To Comment, Opportunity for Public Hearing

This notice constitutes a request for public comment and an opportunity for public hearing as required by the CAA. All written comments received by March 15, 2004, on this proposal will be considered. EPA will conduct a public hearing on this proposal only if a written request for a public hearing is received by EPA at the address above by March 15, 2004. If no written request for a hearing is received, EPA will proceed to the final determination. While notice of the final determination will not be published in the **Federal Register**,

copies of the determination can be obtained by sending a written request to Paul Koprowski, EPA, Oregon Operations Office, 811 SW Sixth Ave., Portland, OR 97202.

IV. How Can I Get Copies of This Document and Other Related Information?

EPA's Oregon Operations Office has established an official public rulemaking file available for inspection. The official public file consists of the documents specifically referenced in this action; *i.e.*, copies of the State request and supporting documentation and any comments received. The official public rulemaking file is available for public viewing at the Oregon Operations Office, 811 SW Sixth Ave., Portland, OR 97204. EPA requests that, if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. EPA's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal Holidays.

You may access this **Federal Register** document electronically through the Regulations.gov Web site located at *http://www.regulations.gov* where you can find, review, and submit comments on Federal rules that have been published in the **Federal Register**, the Government's legal newspaper, and are open for comment.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing in the official public rulemaking file, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

V. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text ''Public comment on notice to reduce level of MOE in Oregon'' in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked late and EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

a. *E-mail.* You may send comments by electronic mail (e-mail) to *r10.aircom@epa.gov,* please include the text ''Public comment on notice to reduce level of Maintenance of Effort in Oregon.'' EPA's e-mail system is not an anonymous access@ system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

b. *Regulations.gov.* You may use Regulations.gov as an alternative method to submit electronic comments to EPA. Go directly to Regulations.gov at *http://www.regulations.gov,* then select Environmental Protection Agency at the top of the page and use the ''go'' button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

c. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Section 2, directly below. These electronic submissions will be accepted in WordPerfect, Word or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send your comments to: Paul Koprowski, EPA, Oregon Operations Office, 811 SW Sixth Ave., Portland, OR 97202. Please include the text ''Public comment on notice to reduce level of Maintenance of Effort in Oregon'' in the subject line on the first page of your comment.

3. *By Hand Delivery or Courier.* Deliver your comments to: Paul Koprowski, EPA, Oregon Operations Office, 811 SW Sixth Ave., Portland, OR 97202. Such deliveries are only accepted during the Operation Office's normal hours of operation. The Operations Offices official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Dated: February 5, 2004.

L. John Iani,

Regional Administrator, Region 10.

[FR Doc. 04–3228 Filed 2–12–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Requirement Submitted to OMB for Emergency Review and Approval

February 10, 2004.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 15, 2004. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Kristy L. LaLonde, Office of Management and Budget, Room 10234 NEOB, Washington, DC 20503, (202) 395–3087, or via fax at (202) 395–5167 or via internet at *Kristy_L._LaLonde@omb.eop.gov,* and Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street SW., Washington, DC 20554 or via internet to *Judith-B.Herman@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judith B. Herman at (202) 418–0214 or via internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION: *The Commission has requested emergency OMB processing review of this new information collection with an OMB approval by February 20, 2004.*

OMB Control Number: 3060–XXXX.

Title: Wireless E911 Coordination Initiative Letter.

Form No.: N/A.

Type of Review: Existing Collection in Use Without an OMB Control Number.

Respondents: State, local and tribal government.

Number of Respondents: 36.

Estimated Time Per Response: .75 hours.

Frequency of Response: On occasion and one-time reporting requirements.

Total Annual Burden: 27 hours.

Total Annual Cost: N/A.

Needs and Uses: The Federal Communications Commission requests emergency OMB clearance for a new information collection requirement, implemented in a letter that was sent, following the FCC's Second E911 Coordination Initiative, to pertinent State officials who had been appointed to oversee their States' programs to implement emergency (E911) Phase II service. The Commission would like emergency OMB approval for this voluntary reporting collection so that we can correct serious inaccuracies and have up-to-date information to ensure the integrity of the Commission's database of Public Safety Answering Points (PSAPs) throughout the nation. The accurate compiling and maintaining of this database is an inherent part of the Commission's effort to achieve the expeditious implementation of E911 service across the nation and to ensure homeland security.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04–3238 Filed 2–12–04; 8:45 am

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

February 6, 2004.

SUMMARY: The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number.

FOR FURTHER INFORMATION CONTACT: Paul J. Laurenzano, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, (202) 418–1359 or via the Internet at *plaurenz@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0292.

OMB Approval date: 1/30/2004.

Expiration Date: 1/31/2007.

Title: Part 69—Access Charges.

Form No.: N/A.

Estimated Annual Burden: 5,832 responses; 27,702 total annual hours; 4–5 hours per respondent.

Needs and Uses: Part 69 of the Commission's rules and regulations establishes the rules for access charges for interstate or foreign access provided by telephone companies. Local telephone companies and states are required to submit information to the Commission and/or the National Exchange Carrier Association. The information is used to compute charges in tariffs for access service (or origination and termination) and to computer revenue pool distributions.

OMB Control No.: 3060–0743.

OMB Approval date: 1/08/2004.

Expiration Date: 1/31/2007.

Title: Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunication Act of 1996, CC Docket No. 96–128.

Form No.: N/A.

Estimated Annual Burden: 6,345 responses; 152,801 total annual hours; 24 hours per respondent.

Needs and Uses: In CC Docket No. 96–128, the Commission promulgated rules and requirements implementing Section 276 of the Telecommunications Act of 1996. Among other things, the rules: (1) Establish fair compensation for every completed intrastate and interstate payphone call; (2) discontinue intrastate and interstate access charge payphone service elements and payments, and intrastate and interstate payphone subsidies from basic exchange services; and (3) adopt guidelines for use by the states in establishing public interest payphones to be located where there would otherwise not be a payphone.

OMB Control No.: 3060–0782.

OMB Approval date: 1/23/2004.

Expiration Date: 1/31/2007.

Title: Petition for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations.

Form No.: N/A.

Estimated Annual Burden: 100 responses; 800 total annual hours; 80 hours per respondent.

Needs and Uses: The Commission has provided voluntary guidelines for filing expanded local calling service requests. These guidelines will allow the Commission to conduct smooth and continuous processing of these requests. The collection of information will enable the Commission to determine if there is a public need for expanded local calling service in each area subject to the request.

OMB Control No.: 3060–0786.

OMB Approval date: 1/23/2004.

Expiration Date: 1/31/2007.

Title: Petitions for LATA Association Changes by Independent Telephone Companies.

Form No.: N/A.

Estimated Annual Burden: 20 responses; 120 total annual hours; 60 hours per respondent.

Needs and Uses: The commission has provided voluntary guidelines for filing LATA association change requests. These guidelines will allow the Commission to conduct smooth and continuous processing of these requests. The collection of information will enable the Commission to determine if there is a public need for changes in LATA association in each area subject to the request.

OMB Control No.: 3060–0816.

OMB Approval date: 1/30/2004.

Expiration Date: 1/31/2007.

Title: Local Competition and Broadband Reporting, CC Docket No. 99–301.

Form No.: FCC—477.

Estimated Annual Burden: 858 responses; 45,278 total annual hours; 53 hours per respondent.

Needs and Uses: FCC Form 477 seeks to gather information on the development of local competition and deployment of broadband service also known as advanced telecommunications services. The data are necessary to evaluate the status of developing competition in local exchange telecommunications markets and to evaluate the status of broadband deployment. The information is used by Commission staff to advise the Commission about the efficacy of Commission rules and policies adopted to implement the Telecommunications Act of 1996.

OMB Control No.: 3060–0853.

OMB Approval date: 1/26/2004.

Expiration Date: 1/31/2007.

Title: Receipt of Service Confirmation Form; Certification by Administrative Authority to Billed Entity of Compliance with Children's Internet Protection Act—Universal Service for Schools and Libraries; Certifications for Libraries Unwilling to Make a CIPA Cert. for 2003.

Form No.: FCC–479, FCC–486, FCC–486T.

Estimated Annual Burden: 40,000 responses; 75,000 total annual hours; 1–2 hours per respondent.

Needs and Uses: Following a district court decision that portions of CIPA were unconstitutional, the Commission modified FCC Forms 479 and 486 to remove certain language from the certifications for libraries. The Supreme Court reversed the district court decision and the Commission must revise the forms to enable libraries to certify their compliance with CIPA. The Commission will include FCC Form 486t, a one-page form, to be completed by libraries that do not intend to comply with CIPA, but wish to receive support for the month and half of Funding Year 2003 during which CIPA was not enforced against libraries. FCC Form 486t will not effect the burden or the number of respondents because respondents will file either FCC Form 486 or FCC Form 486t. FCC Form 486t will only be valid for Funding Year 2003. The Commission is requesting contact information to conform with the contact information requested in other Schools and Libraries Universal Service forms.

OMB Control No.: 3060–0856.

OMB Approval date: 1/26/2004.

Expiration Date: 1/31/2007.

Title: Universal Service—Schools and Libraries Universal Service Program Reimbursement Forms.

Form No.: FCC–472, FCC–473, FCC–474.

Estimated Annual Burden: 39,300 responses; 58,950 total annual hours; 1.5 hours per respondent.

Needs and Uses: The Telecommunications Act of 1996 contemplates that discounts on eligible services shall be provided to schools and libraries, and that service providers shall seek reimbursement of the amount of the discounts. FCC Forms 473 and 474 facilitate the reimbursement process. FCC Form 472 allows providers to confirm that they are actually providing the discounted services to eligible entities.

OMB Control No.: 3060–0952.

OMB Approval Date: 1/08/2004. a

Expiration Date: 1/31/2007.

Title: Proposed Demographic Information and Notifications, Second FNPRM, CC Docket No. 98–147 and Fifth NPRM, CC Docket No. 96–98.

Form No.: N/A.

Estimated Annual Burden: 1,400 response; 5,600 total annual hours; 4 hours per respondent.

Needs and Uses: The proposed requirements implement section 706 of the Communications Act of 1934, as amended, to promote deployment of advanced services without significantly degrading the performance of other services. In CC Docket No. 98–147, the Commission solicits comment on whether requesting carriers should receive demographic and other information from ILECs to determine whether they wish to collocate at particular remote terminals. In CC Docket No. 96–98 comment is sought on whether ILECs should provide certain notifications to competing carriers.

OMB Control No.: 3060–0972.

OMB Approval Date: 1/26/2004.

Expiration Date: 1/31/2007.

Title: Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers.

Form No.: FCC–507, FCC–508, FCC–509.

Estimated Annual Burden: 7,594 responses; 31,923 total annual hours; 3–5 hours per respondent.

Needs and Uses: The Commission modfied the reporting requirements associated with the Interstate Common Line Support mechanism in order to reduce the burdens associated with the requirements and increase the accuracy of data reported.

OMB Control No.: 3060–1051.

OMB Approval Date: 1/30/2004.

Expiration Date: 1/31/2007.

Title: Certification Letter Accounting for Receipt of Federal Support—CC Docket Nos. 96–45 and 96–262.

Form No.: N/A.

Estimated Annual Burden: 52 responses; 56 total annual hours; 1 hour per respondent.

Needs and Uses: The Commission requires states to certify that carriers within the state had accounted for its receipt of federal support in its rates or otherwise used the support pursuant with Section 254 (e). In the Further Notice of Proposed Rulemaking, the Commission seeks comment to further develop the record on specific issues that relate to the rate review and expanded state certification process recommended by the Joint Board. The Commission also seeks comment on a proposal to further encourage states to preserve and advance universal service by making available additional targeted federal support for high-cost wire centers in states that implement explicit universal service mechanisms.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04–3239 Filed 2–12–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–04–56–A (Auction No. 56); DA 04–196]

Auction of 24 GHz Service Licenses Scheduled for May 12, 2004; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedures

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the auction of 880 24 GHz Service licenses in the 24.25–24.45 GHz and 25.05–25.25 GHz bands scheduled to commence on July 28, 2004 (Auction No. 56). This document also seeks comment on reserve prices or minimum opening bids and other auction procedures for Auction No. 56.

DATES: Comments are due on or before February 20, 2004 and reply comments are due on or before February 27, 2004.

ADDRESSES: Comments and reply comments must be sent by electronic mail to the following address: *auction56@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: *For legal questions:* Howard Davenport (202) 418–0660. *For general auction questions:* Roy Knowles (717) 338–2888 or Barbara Sibert (717) 338–2888. *For service rule questions, contact the Broadband Division, Wireless*

Telecommunications Bureau, as follows: Nancy Zaczek or Michael Pollak, (202) 418–2487; or Steve Buenzow, (717) 338–2687.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 56 Comment Public Notice* released on January 30, 2004. The complete text of the *Auction No. 56 Comment Public Notice,* including attachments, as well as related Commission documents, are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The Auction No. 56 Comment Public Notice and related Commission documents may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com*. When ordering documents from Qualex, please provide the appropriate FCC document number (for example, FCC 95–395 for the 900 MHz Second Order on Reconsideration and Order). The *Auction No. 56 Comment Public Notice* and related documents are also available on the Internet at the Commission's website: *http://wireless.fcc.gov/auctions/56/*.

I. General Information

1. The *Auction No. 56 Comment Public Notice* announces the auction of 880 24 GHz Service licenses in the 24.25–24.45 GHz and 25.05–25.25 GHz bands scheduled to commence on July 28, 2004 (Auction No. 56). Auction No. 56 will offer five licenses in each of 172 Economic Areas (''EAs'') and four EA-like areas: Guam and Northern Mariana Islands; Puerto Rico and the U.S. Virgin Islands; American Samoa; and the Gulf of Mexico. Stations in the 24 GHz Service may render any kind of digital fixed communications service consistent with the Commission's rules and the regulatory status of the station to provide services on a common carrier or non-common carrier basis. A complete list of licenses available for Auction No. 56 is included as Attachment A of *Auction No. 56 Comment Public Notice*.

2. The following table describes the licenses that will be auctioned:

Channel No.	Channel description	Frequency bands	Bandwidth (MHz)
	EA Licenses		
35	Two paired 40 MHz frequency blocks	24,250–24,290/25,050–25,090 MHz	80
36	Two paired 40 MHz frequency blocks	24,290–24,330/25,090–25,130 MHz	80
37	Two paired 40 MHz frequency blocks	24,330–24,370/25,130–25,170 MHz	80
38	Two paired 40 MHz frequency blocks	24,370–24,410/25,170–25,210 MHz	80
39	Two paired 40 MHz frequency blocks	24,410–24,450/25,210–25,250 MHz	80
Grand Total			400

3. The Balanced Budget Act of 1997 requires the Commission to ''ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed . . . before issuance of bidding rules, to permit notice and comment on proposed auction procedures * * *.'' Consistent with the provisions of the Balanced Budget Act and to ensure that potential bidders have adequate time to familiarize themselves with the specific rules that will govern the day-to-day conduct of an auction, the Commission directed the Bureau, under its existing delegated authority, to seek comment on a variety of auction-specific procedures prior to the start of each auction. We therefore seek comment on the following issues relating to Auction No. 56.

II. Auction Structure

A. Simultaneous Multiple-Round Auction Design

4. The Bureau proposes to award all licenses included in Auction No. 56 in a simultaneous multiple-round auction. As described further, this methodology offers every license for bid at the same time with successive bidding rounds in which bidders may place bids. We seek comment on this proposal.

B. Upfront Payments and Bidding Eligibility

5. The Bureau has delegated authority and discretion to determine an appropriate upfront payment for each license being auctioned, taking into account such factors as the population in each geographic license area and the value of similar spectrum. As described further, the upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on licenses. Upfront payments related to the specific spectrum subject to auction protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of the auction.

6. For Auction No. 56, we propose to calculate upfront payments on a license-by-license basis using the following formula:

$0.00015 * MHz * License Area Population with a minimum of $2,500 per license.

Accordingly, in Attachment A of the Auction No. 56 Comment Public Notice we list all licenses included in Auction No. 56 and the proposed upfront payment for each license. We seek comment on this proposal.

7. We further propose that the amount of the upfront payment submitted by a bidder will determine the maximum number of bidding units on which a bidder may place bids. This limit is a bidder's initial eligibility. Each license is assigned a specific number of bidding units equal to the upfront payment listed in Attachment A of the *Auction No. 56 Comment Public Notice,* on a bidding unit per dollar basis. This number does not change as prices rise during the auction. A bidder's upfront payment is not attributed to specific licenses. Rather, a bidder may place bids on any combination of licenses as long as the total number of bidding units associated with those licenses does not exceed the bidder's current eligibility. Eligibility cannot be increased during the auction. Thus, in calculating its upfront payment amount, an applicant must determine the maximum number of bidding units it may wish to bid on (or hold high bids on) in any single round, and submit an upfront payment covering that number of bidding units. We seek comment on this proposal.

C. Activity Rules

8. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to

bid actively on a percentage of their current bidding eligibility during each round of the auction rather than waiting until the end to participate. A bidder that does not satisfy the activity rule will either lose bidding eligibility in the next round or must use an activity rule waiver (if any remain).

9. We propose to divide the auction into two stages, each characterized by an increased activity requirement. The auction will start in Stage One. We propose that the auction generally will advance to the next stage (*i.e.*, from Stage One to Stage Two) when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is approximately twenty percent or below for three consecutive rounds of bidding. However, we further propose that the Bureau retain the discretion to change stages unilaterally by announcement during the auction. In exercising this discretion, the Bureau will consider a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentage of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. We seek comment on these proposals.

10. For Auction No. 56, we propose the following activity requirements:

Stage One: In each round of the first stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on licenses representing at least 80 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-fourths (5/4).

Stage Two: In each round of the second stage, a bidder desiring to maintain its current eligibility is required to be active on 95 percent of its current bidding eligibility. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the current round activity by twenty-nineteenths (20/19).

11. We seek comment on these proposals. Commenters that believe these activity rules should be modified should explain their reasoning and comment on the desirability of an alternative approach. Commenters are advised to support their claims with analyses and suggested alternative activity rules.

D. Activity Rule Waivers and Reducing Eligibility

12. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license. Activity waivers can be either proactive or automatic and are principally a mechanism for auction participants to avoid the loss of bidding eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round. **Note:** Once a proactive waiver is submitted during a round, that waiver cannot be unsubmitted.

13. The FCC Automated Auction System assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an ''automatic waiver'') at the end of any bidding period where a bidder's activity level is below the minimum required unless: (i) There are no activity rule waivers available; or (ii) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements. **Note:** If a bidder has no waivers remaining and does not satisfy the required activity level, its current eligibility will be permanently reduced, possibly eliminating the bidder from the auction.

14. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding period by using the ''reduce eligibility'' function in the bidding system. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

15. A bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding system) during a bidding period in which no bids or withdrawals are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new bids or withdrawals will not keep the auction open.

16. We propose that each bidder in Auction No. 56 be provided with three activity rule waivers that may be used at the bidder's discretion during the course of the auction as set forth. We seek comment on this proposal.

E. Information Relating to Auction Delay, Suspension, or Cancellation

17. For Auction No. 56, we propose that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and efficient conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to resume the auction starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. We emphasize that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers. We seek comment on this proposal.

III. Bidding Procedures

A. Round Structure

18. The Commission will conduct Auction No. 56 over the Internet. Telephonic bidding will also be available. As a contingency plan, the FCC Wide Area Network will be available as well. The telephone number through which the backup FCC Wide Area Network may be accessed will be announced in a later public notice. Full information regarding how to establish such a connection will be provided in the public notice announcing details of auction procedures.

19. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of the auction, and will be included in the registration mailings. The simultaneous multiple-round format will consist of sequential bidding rounds, each followed by the release of round results. Details regarding the location and format of round results will be included in the same public notice.

20. The Bureau has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureau may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per

day, depending upon the bidding activity level and other factors. We seek comment on this proposal.

B. Reserve Price or Minimum Opening Bid

21. The Balanced Budget Act calls upon the Commission to prescribe methods for establishing a reasonable reserve price or a minimum opening bid when FCC licenses are subject to auction, unless the Commission determines that a reserve price or minimum opening bid is not in the public interest. Consistent with this mandate, the Commission has directed the Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.

22. Normally, a reserve price is an absolute minimum price below which an item will not be sold in a given auction. Reserve prices can be either published or unpublished. A minimum opening bid, on the other hand, is the minimum bid price set at the beginning of the auction below which no bids are accepted. It is generally used to accelerate the competitive bidding process. Also, the auctioneer often has the discretion to lower the minimum opening bid amount later in the auction. It is also possible for the minimum opening bid and the reserve price to be the same amount.

23. In light of the Balanced Budget Act's requirements, the Bureau proposes to establish minimum opening bids for Auction No. 56. The Bureau believes a minimum opening bid, which has been used in other auctions, is an effective bidding tool.

24. Specifically, for Auction No. 56, the Commission proposes the following license-by-license formula for calculating minimum opening bids:

$0.0003 * MHz * License Area Population with a minimum of $2,500 per license.

25. The specific minimum opening bid for each license available in Auction No. 56 is set forth in Attachment A of the *Auction No. 56 Comment Public Notice.* We seek comment on this proposal.

26. If commenters believe that these minimum opening bids will result in substantial numbers of unsold licenses, or are not reasonable amounts, or should instead operate as reserve prices, they should explain why this is so, and comment on the desirability of an alternative approach. Commenters are advised to support their claims with valuation analyses and suggested reserve prices or minimum opening bid levels or formulas. In establishing the minimum opening bids, we particularly seek comment on such factors as the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, issues of interference with other spectrum bands and any other relevant factors that could reasonably have an impact on valuation of the 24 GHz Service spectrum. We also seek comment on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.

C. Minimum Acceptable Bids and Bid Increments

27. In each round, eligible bidders will be able to place bids on a given license in any of nine different amounts. The FCC Automated Auction System interface will list the nine acceptable bid amounts for each license. Until a bid has been placed on a license, the minimum acceptable bid for that license will be equal to its minimum opening bid. In the rounds after a bid is placed on a license, the minimum acceptable bid for that license will be equal to the standing high bid plus the defined increment.

28. Once there is a standing high bid on a license, the FCC Automated Auction System will calculate a minimum acceptable bid for that license for the following round. The difference between the minimum acceptable bid and the standing high bid for each license will define the bid increment. The nine acceptable bid amounts for each license consist of the minimum acceptable bid (the standing high bid plus one bid increment) and additional amounts calculated using multiple bid increments (*i.e.*, the second bid amount equals the standing high bid plus two times the bid increment, the third bid amount equals the standing high bid plus three times the bid increment, etc.).

29. Until a bid has been placed on a license, the minimum acceptable bid for that license will be equal to its minimum opening bid. The additional bid amounts for licenses that have not yet received a bid will be calculated differently, as explained.

30. For Auction No. 56, we propose to calculate minimum acceptable bids by using a smoothing methodology, as we have done in several other auctions. The smoothing formula calculates minimum acceptable bids by first calculating a percentage increment, not to be confused with the bid increment. The percentage increment for each license is based on bidding activity on that license in all prior rounds; therefore, a license that has received many bids throughout the auction will have a higher percentage increment than a license that has received few bids.

31. The calculation of the percentage increment used to determine the minimum acceptable bids for each license for the next round is made at the end of each round. The computation is based on an activity index, which is a weighted average of the number of bids in that round and the activity index from the prior round. The current activity index is equal to a weighting factor times the number of new bids received on the license in the most recent bidding round plus one minus the weighting factor times the activity index from the prior round. The activity index is then used to calculate a percentage increment by multiplying a minimum percentage increment by one plus the activity index with that result being subject to a maximum percentage increment. The Commission will initially set the weighting factor at 0.5, the minimum percentage increment at 0.1 (10%), and the maximum percentage increment at 0.2 (20%). Hence, at these initial settings, the percentage increment will fluctuate between 10% and 20% depending upon the number of bids for the license.

Equations

$A_i = (C * B_i) + ((1 - C) * A_{i-1})$

I_{i+1} = smaller of $((1 + A_i) * N)$ and M

$X_{i+1} = I_{i+1} * Y_i$

Where,

A_i = activity index for the current round (round i)

C = activity weight factor

B_i = number of bids in the current round (round i)

A_{i-1} = activity index from previous round (round $i-1$), A_0 is 0

I_{i+1} = percentage increment for the next round (round i+1)

N = minimum percentage increment or percentage increment floor

M = maximum percentage increment or percentage increment ceiling

X_{i+1} = dollar amount associated with the percentage increment

Y_i = high bid from the current round

Under the smoothing methodology, once a bid has been received on a license, the minimum acceptable bid for that license in the following round will be the high bid from the current round plus the dollar amount associated with the percentage increment, with the result rounded to the nearest thousand if it is over ten thousand or to the nearest hundred if it is under ten thousand.

Examples

License 1

C=0.5, N = 0.1, M = 0.2

Round 1 (2 new bids, high bid = $1,000,000)

i. Calculation of percentage increment for round 2 using the smoothing formula:

$A_1 = (0.5 * 2) + (0.5 * 0) = 1$

I_2 = The smaller of ((1 + 1) * 0.1) = 0.2 or 0.2 (the maximum percentage increment)

ii. Calculation of dollar amount associated with the percentage increment for round 2 (using I_2):

$X_2 = 0.2 * \$1,000,000 = \$200,000$

iii. Minimum acceptable bid for round 2 = $1,200,000.

Round 2 (3 new bids, high bid = $2,000,000)

i. Calculation of percentage increment for round 3 using the smoothing formula:

$A_2 = (0.5 * 3) + (0.5 * 1) = 2$

I_3 = The smaller of ((1 + 2) * 0.1) = 0.3 or 0.2 (the maximum percentage increment)

ii. Calculation of dollar amount associated with the percentage increment for round 3 (using I_3):

$X_3 = 0.2 * \$2,000,000 = \$400,000$

iii. Minimum acceptable bid for round 3 = $2,400,000

Round 3 (1 new bid, high bid = $2,400,000)

iv. Calculation of percentage increment for round 4 using the smoothing formula:

$A_3 = (0.5 * 1) + (0.5 * 2) = 1.5$

I_4 = The smaller of ((1 + 1.5) * 0.1) = 0.25 or 0.2 (the maximum percentage increment)

ii. Calculation of dollar amount associated with the percentage increment for round 4 (using I_4):

$X_4 = 0.2 * \$2,400,000 = \$480,000$

iii. Minimum acceptable bid for round 4 = $2,880,000.

32. As stated, until a bid has been placed on a license, the minimum acceptable bid for that license will be equal to its minimum opening bid. The additional bid amounts are calculated using the difference between the minimum opening bid times one plus the minimum percentage increment, rounded as described, and the minimum opening bid. That is, I = (minimum opening bid)(1 + N){rounded} − (minimum opening bid). Therefore, when N equals 0.1, the first additional bid amount will be approximately ten percent higher than the minimum opening bid; the second, twenty percent; the third, thirty percent; etc.

33. In the case of a license for which the standing high bid has been withdrawn, the minimum acceptable bid will equal the second highest bid received for the license. The additional bid amounts are calculated using the difference between the second highest bid times one plus the minimum percentage increment, rounded, and the second highest bid.

34. The Bureau retains the discretion to change the minimum acceptable bids and bid increments if it determines that circumstances so dictate. The Bureau will do so by announcement in the FCC Automated Auction System. We seek comment on these proposals.

D. High Bids

35. At the end of a bidding round, a high bid for each license will be determined based on the highest gross bid amount received for the license. In the event of identical high bids on a license in a given round (*i.e.*, tied bids), we propose to use a random number generator to select a single high bid from among the tied bids. If the auction were to end with no higher bids being placed for that license, the winning bidder would be the one that placed the selected high bid. However, the remaining bidders, as well as the high bidder, can submit higher bids in subsequent rounds. If any bids are received on the license in a subsequent round, the high bid again will be determined by the highest gross bid amount received for the license. We seek comment on this proposal.

36. A high bid will remain the high bid until there is a higher bid on the same license at the close of a subsequent round. A high bid from a previous round is sometimes referred to as a ''standing high bid.'' Bidders are reminded that standing high bids confer activity credit.

E. Information Regarding Bid Withdrawal and Bid Removal

37. For Auction No. 56, we propose the following bid removal and bid withdrawal procedures. Before the close of a bidding period, a bidder has the option of removing any bid placed in that round. By removing selected bids in the bidding system, a bidder may effectively ''unsubmit'' any bid placed within that round. A bidder removing a bid placed in the same round is not subject to a withdrawal payment. Once a round closes, a bidder may no longer remove a bid.

38. A high bidder may withdraw its standing high bids from previous rounds using the withdraw function in the bidding system. A high bidder that withdraws its standing high bid from a previous round is subject to the bid withdrawal payment provisions of the Commission rules. We seek comment on these bid removal and bid withdrawal procedures.

39. In the *Part 1 Third Report and Order*, 63 FR 770 (January 7, 1998), the Commission explained that allowing bid withdrawals facilitates efficient aggregation of licenses and the pursuit of efficient backup strategies as information becomes available during the course of an auction. The Commission noted, however, that, in some instances, bidders may seek to withdraw bids for improper reasons. The Bureau, therefore, has discretion, in managing the auction, to limit the number of withdrawals to prevent any bidding abuses. The Commission stated that the Bureau should assertively exercise its discretion, consider limiting the number of rounds in which bidders may withdraw bids, and prevent bidders from bidding on a particular market if the Bureau finds that a bidder is abusing the Commission's bid withdrawal procedures.

40. Applying this reasoning, we propose to limit each bidder in Auction No. 56 to withdrawing standing high bids in no more than two rounds during the course of the auction. To permit a bidder to withdraw bids in more than two rounds would likely encourage insincere bidding or the use of withdrawals for anti-competitive purposes. The two rounds in which withdrawals are utilized will be at the bidder's discretion; withdrawals otherwise must be in accordance with the Commission's rules. There is no limit on the number of standing high bids that may be withdrawn in either of the rounds in which withdrawals are utilized. Withdrawals will remain subject to the bid withdrawal payment provisions specified in the Commission's rules. We seek comment on this proposal.

F. Stopping Rules

41. The Bureau has discretion ''to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time.'' For Auction No. 56, the Bureau proposes to employ a simultaneous stopping rule approach. A simultaneous stopping rule means that all licenses remain available for bidding until bidding closes simultaneously on all licenses.

42. Bidding will close simultaneously on all licenses after the first round in which no new bids, proactive waivers, or withdrawals are received. Thus, unless circumstances dictate otherwise, bidding will remain open on all licenses until bidding stops on every license.

43. However, the Bureau proposes to retain the discretion to exercise any of the following options during Auction No. 56:

i. Utilize a modified version of the simultaneous stopping rule. The modified stopping rule would close the auction for all licenses after the first round in which no bidder submits a proactive waiver, withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this modified stopping rule. The Bureau further seeks comment on whether this modified stopping rule should be used at any time or only in stage two of the auction.

ii. Keep the auction open even if no new bids or proactive waivers are submitted and no previous high bids are withdrawn. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. The activity rule, therefore, will apply as usual and a bidder with insufficient activity will either lose bidding eligibility or use a remaining activity rule waiver.

iii. Declare that the auction will end after a specified number of additional rounds (''special stopping rule''). If the Bureau invokes this special stopping rule, it will accept bids in the specified final round(s) only for licenses on which the high bid increased in at least one of a specified preceding number of rounds.

44. The Bureau proposes to exercise these options only in certain circumstances, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time. Before exercising these options, the Bureau is likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. We seek comment on these proposals.

IV. Conclusion

45. Comments are due on or before February 20, 2004, and reply comments are due on or before February 27, 2004. Because of the disruption of regular mail and other deliveries in Washington, DC, the Bureau requires that all comments and reply comments be filed electronically. Comments and reply comments must be sent by electronic mail to the following address:*auction56@fcc.gov*. The electronic mail containing the comments or reply comments must include a subject or caption referring to Auction No. 56 Comments and the name of the commenting party. The Bureau requests that parties format any attachments to electronic mail as Adobe® Acrobat® (pdf) or Microsoft® Word documents. Copies of comments and reply comments will be available for public inspection during regular business hours in the FCC Public Reference Room, Room CY–A257, 445 12th Street SW., Washington, DC 20554.

In addition, the Bureau requests that commenters fax a courtesy copy of their comments and reply comments to the attention of Kathryn Garland at (717) 338–2850.

46. This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules.

Federal Communications Commission.

Gary Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. 04–3236 Filed 2–12–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 04–237]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On February 4, 2004, the Commission released a public notice announcing the March 16, 2004, meeting and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next meeting and its agenda.

DATES: Tuesday, March 16, 2004, 9 a.m.

ADDRESSES: Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, The Portals II, 445 12th Street, SW., Suite 5–A420, Washington, DC 20554. Requests to make an oral statement or provide written comments to the NANC should be sent to Deborah Blue.

FOR FURTHER INFORMATION CONTACT: Deborah Blue, Special Assistant to the Designated Federal Officer (DFO) at (202) 418–1466 or *Deborah.Blue@fcc.gov*. The fax number is: (202) 418–2345. The TTY number is: (202) 418–0484.

SUPPLEMENTARY INFORMATION: Released: February 4, 2004.

The North American Numbering Council (NANC) has scheduled a meeting to be held Tuesday, March 16, 2004, from 9 a.m. until 5 p.m. The meeting will be held at the Federal Communications Commission, Portals II, 445 12th Street, SW., Room TW–C305, Washington, DC. This meeting is open to members of the general public. The FCC will attempt to accommodate as many participants as possible. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting.

Proposed Agenda—Tuesday, March 16, 2004, 9 a.m.*

1. Announcements and Recent News
2. Approval of Minutes—Meeting of January 13, 2004
3. Report from NBANC
4. Report of NAPM, LLC
5. Report of the North American Numbering Plan Administrator (NANPA)
6. Report of National Thousands Block Pooling Administrator
7. Status of Industry Numbering Committee (INC) activities
8. Reports from Issues Management Groups (IMGs)
9. Report of Local Number Portability Administration (LNPA) Working Group—Wireless Number Portability Operations (WNPO) Subcommittee
10. Report of Numbering Oversight Working Group (NOWG)
11. Report of Cost Recovery Working Group
12. Special Presentations
13. Update List of NANC Accomplishments
14. Summary of Action Items

15. Public Comments and Participation (5 minutes per speaker)
16. Other Business

Adjourn no later than 5 p.m.

Next Meeting: Tuesday, May 18, 2004.

*The Agenda may be modified at the discretion of the NANC Chairman with the approval of the DFO.

Federal Communications Commission.

Cheryl L. Callahan,

Assistant Chief, Telecommunications Access Policy Division, Wireline Competition Bureau.

[FR Doc. 04–3237 Filed 2–12–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at *http://www.ffiec.gov/nic/.*

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 8, 2004.

A. Federal Reserve Bank of Atlanta (Sue Costello, Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30303:

1. New Horizons Bancshares, Inc., East Ellijay, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of New Horizons Bank, East Ellijay, Georgia (in organization).

Board of Governors of the Federal Reserve System, February 9, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E4–269 Filed 2–12–04; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act (''PRA''). The Federal Trade Commission (''FTC'') is soliciting public comments on its proposal to extend through May 31, 2007 the current PRA clearance for information collection requirements contained in 16 CFR parts 801–803 (''the HSR rules''). That clearance expires on May 31, 2004.

DATES: Comments must be filed by April 13, 2004.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''HSR Rules: Paperwork Comment'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, as explained in the Supplementary Information section. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. A public comment that does not contain any material for which confidential treatment is requested may instead be filed in electronic form (in ASCII format, WordPerfect, Microsoft Word, or PDF), as part of or as an attachment to an email message sent to the following email box: *hsr-rules@ftc.gov.*

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *www.ftc.gov.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to B. Michael Verne, 600 Pennsylvania Ave., NW., Room 301, Washington, DC 20580. Telephone: (202) 326–3100.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the HSR Rules.

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

All persons are hereby given notice of the opportunity to submit written data, views, facts, and arguments addressing the issues raised by this Notice. Written comments must be submitted on or before April 13, 2004. Comments should

refer to ''HSR Rules: Paperwork Comment'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If the comment contains any material for which confidential treatment is requested, it must be filed in paper (rather than electronic) form, and the first page of the document must be clearly labeled ''Confidential.'' [1] The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. A public comment that does not contain any material for which confidential treatment is requested may instead be filed in electronic form (in ASCII format, WordPerfect, Microsoft Word, or PDF), as part of or as an attachment to an email message sent to the following email box: *hsr-rules@ftc.gov.*

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *www.ftc.gov.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Background Information

Section 7A of the Clayton Act (''the Act''), 15 U.S.C. 18a, as added by the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Pub. L. 94–435, 90 Stat. 1390, requires all persons contemplating certain mergers or acquisitions to file notification with the Commission and the Assistant Attorney General and to wait a designated period of time before consummating such transactions. Congress empowered the Commission, with the concurrence of the Assistant Attorney General, to require ''that the notification * * * be in such form and contain such documentary material and information * * * as is necessary and appropriate'' to enable the agencies ''to determine whether such acquisitions may, if consummated, violate the antitrust laws.'' 15 U.S.C. 18a(d). Congress similarly granted rulemaking authority to, *inter alia,* ''prescribe such other rules as may be necessary and appropriate to carry out the purposes of this section.'' *Id.*

Pursuant to that section, the Commission, with the concurrence of the Assistant Attorney General, developed the Antitrust Improvements Act Rules (''the HSR rules'') and Notification and Report Form for Certain Mergers and Acquisitions (''the Form''). Changes of a substantive nature have been made in the HSR rules or the Form on a number of occasions.

Burden Statement

Estimated total annual hours burden: 86,828 hours.

In its 2001 PRA submission to OMB regarding the HSR rules, FTC staff estimated that there are 30 ''index filings'' under Clayton Act Sections 7A(c)(6) and 7A(c)(8) that require 2 hours per filing, and 4,811 non-index filings that require an average of 39 hours per filing.[2] Staff also estimated that a total of 110 transactions would require an additional 40 hours of burden associated with the more precise determination of transaction value as a result of the introduction of a tiered filing fee system.[3] Thus, the total estimated hours burden was 192,089 hours [(30 index-filings × 2 hours) + (4,811 non-index filings × 39 hours) + (110 transactions × 40 hours)].

The one amendment to the HSR rules since staff's 2001 PRA submission to OMB did not ''affect the information collection requirements of the premerger notification program'' and did not require OMB review. *See* 67 FR 11904, 11906 (Mar. 18, 2002). Thus, the disclosure and notification requirements in the HSR rules remain the same since staff's prior submission to OMB.

Although there has been no change in disclosure and notification requirements, staff estimates that there will be a reduced number of filings in FY 2004 from the number of filings estimated in staff's 2001 PRA submission to OMB.[4] Using the same percentage as the 2001 submission, staff estimates that 50 of the total non-index transactions will require the additional 40 hours of burden associated with a more precise valuation. Accordingly staff estimates total hours to comply with the HSR rules is 86,828 hours [(21 filings × 2 hours) + (2,174 filings × 39 hours) + (50 transactions × 40 hour)].

This is a conservative estimate. In estimating PRA burden, staff considered ''the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency.'' 5 CFR 1320.3(b)(1). This includes ''developing, acquiring, installing, and utilizing technology and systems for the purpose of disclosing and providing information.'' 5 CFR 1320.3(b)(1)(iv). Although not expressly stated in the OMB regulation implementing the PRA, the definition of burden arguably includes upgrading and maintaining computer and other systems used to comply with a rule's requirements. Conversely, to the extent that these systems are used in the ordinary course of business independent of the Rule, their associated upkeep would fall outside the realm of PRA ''burden.''

Industry has been subject to the basic provisions of the HSR Rules since 1978. Thus, businesses have had several years (and some have had decades) to integrate compliance systems into their business procedures. Accordingly, most companies now maintain records and provide updated order information of the kind required by the HSR Rules in their ordinary course of business. Nevertheless, staff conservatively assumes that the time devoted to compliance with the Rule by existing

[1] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

[2] Clayton Act Sections 7A(c)(6) and (c)(8) exempt from the requirements of the premerger notification program certain transactions that are subject to the approval of other agencies, but only if copies of the information submitted to these other agencies are also submitted to the FTC and the Assistant Attorney General. Thus, parties must submit copies of these filings, which are included in the totals shown, but completing the task requires significantly less time than non-exempt transactions.

[3] This represents approx. 4.6% of the total estimated non-index transactions for 2001. Only the acquiring person is required to determine the value of the transaction.

[4] Filings have dropped significantly in recent years, although staff expects the total number of filings for FY 2004 to increase from the FY 2003 total (1,995) in light of the improving economy and increasing merger activity. Staff expects a 10% increase over the FY 2003 total to 2,195 [1995 filings × (1.00 + .10)]. Staff similarly expects the number of index filings to increase by 10% over the FY 2003 total to 21 [19 index filings × (1.00 + .10)], leaving a total of 2,174 non-index filings. The estimated level of filings for FY 2004 is still lower than the estimated number of filings in staff's 2001 PRA submission to OMB.

and new companies remains unchanged from its preceding estimate.

Estimated labor costs: $36,902,000 (rounded to the nearest thousand).

Using the burden hours estimated above, the total labor cost associated with the HSR Rules, based on a conservative estimated average of $425/hour for executives' and attorneys' wages, would be approximately $36.9 million (86,828 hours × $425/hour).

Estimated annual non-labor cost burden: $0 or minimal.

The applicable requirements impose minimal start-up costs, as businesses subject to the HSR Rules generally have or obtain necessary equipment for other business purposes. Staff believes that the above requirements necessitate ongoing, regular training so that covered entities stay current and have a clear understanding of federal mandates, but that this would be a small portion of and subsumed within the ordinary training that employees receive apart from that associated with the information collected under the HSR Rules.

John D. Graubert,

Acting General Counsel.

[FR Doc. 04–3288 Filed 2–12–04; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Sunshine Act Meeting Notice

AGENCY: Federal Trade Commission.

TIME AND DATE: 2 p.m., Wednesday, March 10, 2004.

PLACE: Federal Trade Commission Building, Room 532, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion Open to Public: (1) Oral Argument in the matter of Union Oil Company of California, Docket 9305.

Portion Closed to the Public: (2) Executive Session to follow Oral Argument in Union Oil Company of California, Docket 9305.

FOR FURTHER INFORMATION CONTACT: Mitch Katz.

Office of Public Affairs: (202) 326–2180.

Recorded Message: (202) 326–2711.

Donald S. Clark,

Secretary, (202) 326–2514.

[FR Doc. 04–3376 Filed 2–11–04; 12:39 pm]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: OS–0990–New]

Agency Information Collection Activities: Proposed Collection; Comment Request

Agency: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

#1 Type of Information Collection Request: New collection;

Title of Information Collection: Assessment Study of the Uses of HealthierUS and Healthy People 2010;

Form/OMB No.: OS–0990–New;

Use: The goal of this assessment is to create a comprehensive picture of how and by whom, the Federal health promotion and disease prevention initiatives, HealthierUS and Healthy People 2010 contribute to state or local disease prevention and health promotion planning.

Frequency: Recordkeeping;

Affected Public: State, local, or tribal governments;

Annual Number of Respondents: 300;

Total Annual Responses: 300;

Average Burden Per Response: 15 minutes;

Total Annual Hours: 2,280.75.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access the HHS Web site address at *http://www.hhs.gov/oirm/infocollect/pending/* or e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *naomi.cook@hhs.gov,* or call the Reports Clearance Office on (202) 690–6162. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the OS Paperwork Clearance Officer designated at the following address: Department of Health and Human Services, Office of the Secretary, Assistant Secretary for Budget, Technology, and Finance, Office of Information and Resource Management, Attention: Naomi Cook (0990–New), Room 531–H, 200 Independence Avenue, SW., Washington DC 20201.

Dated: February 6, 2004.

Robert E. Polson,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 04–3159 Filed 2–12–04; 8:45 am]

BILLING CODE 4168–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–04–27]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498–1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-E11, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: Health Alert Network—National Survey of Public Health Agencies—New—Public Health

Practice Program Office (PHPPO), Centers for Disease Control and Prevention (CDC).

The National Survey of Public Health Agencies is a proposed assessment designed to collect data to address CDC objectives in several areas. The major area is the Health Alert Network, focus area E, Communications and Information Technology. This area of the Health Alert Network ensures effective communication connectivity among public health departments, healthcare organizations, law enforcement organizations, public officials and others. The second area is the Office of Management and Budget (OMB) Program Assessment Rating Tool (PART), which requires CDC to evaluate its program achievements toward long-term health outcome goals, relative to current funding levels. The third area is the Government Performance and Results Act (GPRA), Public Law 103–62 which requires CDC to expand and enhance the Health Alert Network's ability to rapidly provide access to public health guidelines, best practices, and information on the effectiveness of public health interventions.

The overall goal of objectives is to ensure that Federal, State, and local health agencies have the infrastructure to ensure effective communication among public health departments, healthcare organizations, law enforcement organizations, public officials and others who provide essential public health services effectively. This is an on-going annual survey. There is no cost to respondents.

Respondents	Number of respondents	Number of responses/respondent	Average burden/response (in hrs.)	Total burden (in hrs.)
State/Territorial Health Agencies	62	1	60	3,720
Total				3,720

Dated: February 6, 2004.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–3197 Filed 2–12–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–25–04]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project: Online Evaluation Of A GIS Map Server Project With The Migrant Clinicians Network—New—Agency for Toxic Substances and Disease Registry (ATSDR).

In 2001, ATSDR began working with the Migrant Clinicians Network (MCN) on a national project to use an Internet-based mapping service to help decrease disparities by improving health care services for migrant workers through a resource, information, consultation and reporting Geographic Information Systems (GIS) mapping application for the health care providers within the MCN. The GIS Web site will be available at *http://gis.cdc.gov/mcnarcims.*

As part of the implementation of the Web site, MCN and ATSDR are proposing to include an online evaluation survey to ensure that the mapping service is meeting the needs of the health care clinicians providing services to migrant populations. The survey will provide both MCN and ATSDR valuable immediate opportunities to configure the Web site to the practical needs of the physicians and other health care providers using the GIS Web site for clinical care to prevent, intervene, and treat environmental exposures for migrant farm workers and their families.

The evaluation survey will be included on the main access page of the Web site, *http://gis.cdc.gov/mcnarcims.* The feedback survey will be completely voluntary and will assess the following: (1) Ease of navigating the Web site; (2) ease of locating information within the site; (3) content of the Web site; (4) technology issues (*e.g.*, loading, links, printing); and, (5) utility of the Web site to health care practice and environmental health prevention, practice and intervention. An additional question will ascertain the respondent's job category to determine the type of person accessing the Web site which will help ATSDR and MCN update and modify the content of the Web site to better fit the actual site user.

It is anticipated that the feedback survey will provide critical information to enable ATSDR to provide ongoing continuing improvement of the site to meet the needs of the MCN clinician. This will also provide ATSDR and MCN with benchmarks to meet agency performance standards. The feedback survey will be at no financial cost to the participant and will be located on the ATSDR GIS map server Web site. The estimated annualized burden is 41 hours.

Respondents	Number of respondents	Responses per respondent	Average burden per response (in hours)
MCN Health Care Members	400	1	5/60
General public	100	1	5/60

Dated: February 6, 2004.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–3198 Filed 2–12–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–24–04]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project: Childhood Lead Poisoning Prevention Program Quarterly Report (OMB No. 0920–0282)—Extension—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC). Lead poisoning is the most common and societally devastating environmental disease of young children in the United States. The adverse health effects of lead on young children can be profound. Severe lead exposure can cause coma, convulsions, and even death. Lower levels of lead, which rarely cause symptoms, can result in decreased intelligence, developmental disabilities, behavioral disturbances, and disorders of blood production. In 1992, the Centers for Disease Control and Prevention (CDC) began the National Childhood Lead Surveillance Program within the National Center for Environmental Health (NCEH). The goals of the childhood lead surveillance program are to: (1) Establish childhood lead surveillance systems at the state and national levels; (2) use surveillance data to estimate the extent of elevated blood-lead levels among children; (3) assess the follow-up of children with elevated blood-lead levels; (4) examine potential sources of lead exposure; and (5) help allocate resources for lead poisoning prevention activities.

The quarterly report is designed to collect blood lead screening and test confirmation data from CDC-funded programs. The quarterly report consists of four data tables requiring the following information: (1) The number of children screened by age and Medicaid enrollment status; (2) the number of children screened and confirmed by blood lead level; (3) the number of children screened by ethnicity; and (4) the number of children screened by race. The estimated annualized burden is 336 hours.

Respondents	Number of respondents	Number of responses per respondent	Average burden per respondent (in hours)
State and Local Grant and Cooperative Agreement Programs	42	4	2

Dated: February 6, 2004.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–3199 Filed 2–12–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–1491, CMS–R–26, CMS–1728, CMS–2540 and CMS–10098]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Request for Medicare Payment—Ambulance and Supporting Regulations in 42 CFR Sections 410.1, 410.40, 424.124, 414.601, 414.605, 414.610, 414.611, 414.615, 414.620, and 414.625.; *Form No.:* CMS–1491 (OMB# 0938–0042); *Use:* This paper form is completed on an occasion basis by beneficiaries and/or ambulance suppliers. Also, it is submitted to a Medicare carrier to request payment for ambulance services.; *Frequency:* On occasion; *Affected Public:* Business or other for-profit, individuals or households, and not-for-profit institutions; *Number of Respondents:* 9,301,183; *Total Annual Responses:* 9,301,183; *Total Annual Hours:* 331,643.

2. *Type of Information Request:* Revision of a currently approved collection; *Title of Information Collection:* Information Collection Requirements (ICR) Contained in the Clinical Laboratory Improvement Amendments (CLIA) Regulations 42 CFR part 493.801, 493.803, 493.1232, 493.1233, 493.1234, 493.1235, 493.1236, 493.1239, 493.1241, 493.1242, 493.1249, 493.1251, 493,1252, 493.1253, 493.1254, 493.1255, 493.1256, 493.1261, 493.1262, 493.1263, 493.1269, 493.1273, 493.1274, 493.1278, 493.1283, 493.1289, 493.1291, and 493.1299; *Form Number:* CMS–R–26 (OMB approval #: 0938–0612); *Use:* The ICRs referenced in specified sections of 42 CFR part 493 outline the requirements necessary to determine an entity's compliance with CLIA. CLIA requires laboratories that perform testing on human beings to meet performance requirements (quality

standards) in order to be certified by HHS; *Frequency:* Other: As needed; *Affected Public:* Business or other for-profit, not-for-profit institutions, Federal government, State, local or tribal gov't; *Number of Respondents:* 82,220; *Total Annual Responses:* 111,354,920; *Total Annual Hours Requested:* 9,887,917.

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Home Health Agency Cost Report and Supporting Regulations in 42 CFR 413.20, 413.24 and 413.106; *Form No.:* CMS–1728 (OMB# 0938–0022); *Use:* Participating providers are required to submit annual information to CMS in order to achieve settlement of costs for health care services rendered to Medicare beneficiaries. The CMS–1728 is the form used by Home Health Agencies to report their health care costs to determine the amount reimbursable for services furnished to Medicare beneficiaries; *Frequency:* Annually; *Affected Public:* Business or other for profit, not for profit institutions, and State, Local or Tribal Gov.; *Number of Respondents:* 7,310; *Total Annual Responses:* 7,310; *Total Annual Hours Requested:* 1,311,060.

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Skilled Nursing Facility Cost Report and Supporting Regulations in 42 CFR 413.20, 413.24, and 413.106; *Form No.:* CMS–2540–96 (OMB 0938–0463); *Use:* Form CMS–2540–96 is the form used by skilled nursing facilities participating in the Medicare program. This form reports the health care costs used to determine the amount of reimbursable costs for services rendered to Medicare beneficiaries; *Frequency:* Annually; *Affected Public:* Businesses or other for-profit; not-for-profit institutions and State, Local or Tribal Government; *Number of Respondents:* 13,000; *Total Annual Responses:* 13,000; *Total Annual Hours:* 2,480,000.

5. *Type of Information Collection Request:* New Collection; *Title of Information Collection:* 1–800–Medicare Beneficiary Satisfaction Survey; *Form No.:* CMS–10098 (OMB# 0938–NEW); *Use:* The Beneficiary Satisfaction survey is performed to insure that the CMS 1–800–Medicare helpline contractor is delivering satisfactory service to the Medicare beneficiaries. It gathers data on several helpline operations such as print fulfillment and website tools hosted on *http://www.medicare.gov.* Respondents to the survey are Medicare beneficiaries that have contacted the 1–800–Medicare number within the past week for benefits and services information.; *Frequency:* On occasion; *Affected Public:* Individuals or households; *Number of Respondents:* 14,400; *Total Annual Responses:* 14,400; *Total Annual Hours:* 1,800.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web site address at *http://cms.hhs.gov/regulations/pra/default.asp,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Brenda Aguilar, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 5, 2004.

John P. Burke, III,

Paperwork Reduction Act Team Leader, CMS Reports Clearance Officer, Office of Strategic Operations and Strategic Affairs, Division of Regulations Development and Issuances.

[FR Doc. 04–3160 Filed 2–12–04; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–R–235, CMS–179, CMS–265]

Agency Information Collection Activities: Proposed Collection; Comment Request

Agency: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Data Use Agreement Information Collection Requirements, model language, and supporting regulations in 45 CFR Section 5b.; *Form No.:* CMS–R–235 (OMB# 0938–0734); *Use:* Binding agreement stating conditions under which CMS will disclose and user will maintain CMS data that are protected by the Privacy Act.; *Frequency:* On occasion; *Affected Public:* Not-for-profit institutions; *Number of Respondents:* 1,500; *Total Annual Responses:* 1,500; *Total Annual Hours:* 750.

2. *Type of Information Request:* Extension of a currently approved collection; *Title of Information Collection:* Transmittal and Notice of Approval of State Plan Material and Supporting Regulations in 42 CFR 430.10–430.20 and 440.167; *Form Number:* CMS–179 (OMB approval #: 0938–0193); *Use:* Form CMS–179 is used by State agencies to transmit State plan material to CMS for approval prior to amending their State plans; *Frequency:* On occasion; *Affected Public:* State, local or tribal gov't; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours Requested:* 560.

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Independent Renal Dialysis Facility Cost Report Form and Supporting Regulations in 42 CFR 413.20, 413.24; *Form No.:* CMS–265 (OMB# 0938–0236); *Use:* The Medicare Independent Renal Dialysis Facility Cost Report provides for determinations and allocation of costs to the components of the Renal Dialysis facility in order to establish a proper basis for Medicare payment; *Frequency:* Annually; *Affected Public:* Business or other for-profit, not-for-profit institutions, and State, Local, or Tribal Government; *Number of Respondents:* 3,592; *Total Annual Responses:* 3,592; *Total Annual Hours:* 704,032.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web site address at *http://cms.hhs.gov/regulations/pra/default.asp*, or E-mail your request, including your address, phone number, OMB number, and CMS

document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development and Issuances, Attention: Melissa Musotto, Room C5–14–03, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 5, 2004.

John P. Burke, III,

Paperwork Reduction Act Team Leader, Office of Strategic Operations and Strategic Affairs, Division of Regulations Development and Issuances.

[FR Doc. 04–3161 Filed 2–12–04; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Mentoring Children of Prisoners Program: quarterly caseload data collection.

OMB No.: New collection.

Description: The Promoting Safe and Stable Families Amendments of 2001 (Pub. L. 107–133) amend Title IV–B of the Social Security Act (42 U.S.C. 629–629e) to provide funding for nonprofit agencies that recruit, screen, train, and support mentors for children with an incarcerated parent or parents. The mentoring program is administered by the Family and Youth Services Bureau (FYSB) of the Administration for Children and Families in the Department of Health and Human Services. Pursuant to annual performance planning and reporting requirements placed upon Federal agencies by the Government Performance and Results Act, and in order to maintain oversight and exercise proper stewardship of taxpayer-funded programs, FYSB must regularly collect information on operations, outputs, and outcomes of the mentoring program. Moreover, Subpart 2, Section 439(g) of the Act directs the Secretary of Health and Human Services to conduct an evaluation of this mentoring program and submit a report to Congress on the findings.

Respondents: Private, community-based nonprofit and faith-based organizations receiving HHS funds for programs providing mentoring services to children with incarcerated parents.

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Quarterly Caseload Form	250	4	16	16000

Estimated Total Annual Burden Hours: 16000.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *rsargis@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 9, 2004.

Robert Sargis,

Reports Clearance, Officer.

[FR Doc. 04–3208 Filed 2–12–04; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Head Start Impact Study.

OMB No.: 0970–0229.

Description: The Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF) of the Department of Health and Human Services (HHS) is requesting comments on plans to conduct the Head Start Impact Study. This study is being conducted under contract with Westat, Inc. (with the Urban Institute, American Institutes for Research, and Decision Information Resources as their subcontractors) (#282–00–0022) to collect information for determining, on a national basis, how Head Start affects the school readiness of children participating in the program as compared to children not enrolled in Head Start and to determine under which conditions Head Start works best and for which children.

The Head Start Impact Study is a longitudinal study that will involve approximately 5,000 first-time enrolled three- and four-year old preschool children across an estimated 90 nationally representative grantee/delegate agencies (in communities where there are more eligible children and families than can be served by the program). Data collection for the full-scale study began in fall 2002 and extends through spring 2006 with child assessments conducted in the fall and spring of the Head Start years and in the spring of the kindergarten and first grade years, and parent interviews conducted in the fall and spring of each year. Interviews/surveys with program staff/care providers, and quality of care assessments will be conducted in the spring of each year. This schedule of data collection is necessitated by the mandate in Head Start's 1998 reauthorization (Coats Human Services Amendments of 1998, PL 105–285) that HHS conduct research to determine, on a national level, the impact of Head Start on the children it serves.

A field test of instruments and procedures was conducted during fall

2001 and spring 2002. The field test involved approximately 450 first-time enrolled three- and four-year old preschool children across eight grantee/delegate agencies representing different community contexts.

Respondents: Individuals or Households, Head Start Agencies, School Districts, and other Child Care Providers.

Annual Burden Estimates: Estimated Response Burden for Respondents to the Head Start Impact Study—fall 2002, spring 2003, fall 2003, spring 2004, fall 2004, spring 2005, fall 2005, and spring 2006.

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Year 1 (fall 2002):				
Parent Interviews	5,111	1	1.00	5,111
Child Assessments	5,111	1	0.9166	4,685
Year 1 (spring 2003):				
Parent Interviews	4,599	1	1.00	4,599
Father Questionnaire	4,599	1	0.50	2,300
Child Assessments	4,599	1	0.9166	4,216
Teacher/Provider Ratings	966	5	0.0833	403
Center Directors/Principals	368	1	0.25	92
Classroom Teachers	736	1	0.50	368
Other Care Providers	230	1	0.50	115
Year 2 (fall 2003):				
Parent Interviews	4,139	1	1.00	4,139
Child Assessments	2,287	1	0.9166	2,096
Year 2 (spring 2004):				
Parent Interviews	3,910	1	1.00	3,910
Child Assessments	3,910	1	0.9166	3,584
Teacher/Provider Ratings	803	5	0.0833	335
Center Directors/Principals	349	1	0.25	87
Classroom Teachers	700	1	0.50	350
Other Care Providers	103	1	0.50	52
Year 3 (fall 2004):				
Parent Interviews	3,519	1	1.00	3,519
Year 3 (spring 2005):				
Parent Interviews	3,519	1	1.00	3,519
Child Assessments	3,519	1	0.9166	3,226
Teacher Ratings	704	5	0.0833	293
Principals	352	1	0.25	88
Classroom Teachers	704	1	0.50	352
Year 4 (fall 2005):				
Parent Interviews	1,667	1	1.00	1,667
Year 4 (spring 2006):				
Parent Interviews	1,667	1	1.00	1,667
Child Assessments	1,667	1	0.9166	1,528
Teacher Ratings	333	5	0.0833	139
Principals	167	1	0.25	42
Classroom Teachers	333	1	0.50	167
Estimated Total Annual Burden Hours:				13,162

NOTE: The 13,162 Total Annual Burden Hours is based on an average of 2002–03, 2003–04, 2004–05, and 2005–06 estimated burden hours.

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *rsargis@acf.hhs.gov.*

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Washington, DC, Attn: Desk Officer for ACF, E-mail: *katherine_t._astrich@omb.eop.gov.*

Dated: February 9, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04–3209 Filed 2–12–04; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Notice of Lien.

OMB No.: 0970–0153.

Description: Section 452(a)(11) of the Social Security Act requires the Secretary of Health and Human Services to promulgate a form for imposition of liens to be used by State child support enforcement programs for enforcement of support orders in interstate cases. Section 454(9)(E) of the Social Security

Act requires each state to cooperate with any other State in using the Federal form for imposition of liens in interstate child support cases. Tribes are not required to use this form, but may choose to do so.

Respondents: State, local or Tribal agencies administering a child support enforcement program under title IV–D of the Social Security Act.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Notice of Lien	109,384	1	0.25	27,346

Estimated Total Annual Burden Hours: 27,346.

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *rsargis@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information and respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 9, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04–3210 Filed 2–12–04; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Administrative Subpoena.

OMB No.: 0970–0152.

Description: Section 452(a)(11) of the Social Security Act requires the Secretary of Health and Human Services to promulgate a form for administrative subpoenas to be used by State child support enforcement programs to collect information for use in the establishment, modification and enforcement of child support orders in interstate cases. Section 454(9)(E) of the Social Security Act requires each State to cooperate with any other State in using the Federal form for issuance of administrative subpoenas in interstate child support cases. Tribes are not required to use this form, but may choose to do so.

Respondents: State, local or Tribal agencies administering a child support enforcement program under title IV–D of the Social Security Act.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Administrative Subpoena	19,781	1	0.5	9,890

Estimated Total Annual Burden Hours: 9,890.

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *rsargis@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 9, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04–3211 Filed 2–12–04; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: CFS–101, Part I Annual Budget Request for Title IV–B, Subparts 1 and 2, CAPTA, CFCIP.

OMB No.: 0980–0047.

Description: Under title IV–B, subparts 1 and 2, of the Social Security Act, States and Indian Tribes are to submit a five-year Child and Family Services Plan (CFSP), an Annual Progress and Services Report (APSR), and an annual budget request and estimated expenditure report (CFS–101). The CFS–101 will be submitted annually with the CFSP or the APSR to apply for appropriated funds for the next fiscal year. The CFSP also includes the required State plans under section 106 of the Child Abuse Prevention and Treatment Act (CAPTA) and section 477 of title IV–E, the Chafee Foster Care Independence Program (CFCIP), of the Social Security Act (the Act).

Congress has now appropriated funds for payments to States to implement educational and training vouchers (ETV) under section 477(a)(6) and 477(i) of the Act. The ETV program has been assigned a *Catalog of Federal Domestic Assistance* (CFDA) number of 93.599. The ETV program is integrated into the overall purpose and framework of the Chafee program; however, the program has a separate budget authorization and appropriation from the general CFCIP. This program addition will have an impact on how States report expenditures. Also, if a State does not apply for funds for the ETV program for a fiscal year by July 31 of that year, the funds will be reallocated to one or more other States on the basis of their relative need for funds as requested in Part II of the application. The CFS–101 is being updated to include the request for ETV funds and to either request or release funds for reallocation.

Respondents: States, the District of Columbia, and Puerto Rico.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
CFSP	300	1	525	157,500
APSR	300	1	295	88,500
CFS–101	300	1	6	1,800

Estimated Total Annual Burden Hours: 247,800.

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *rsargis@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 9, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04–3212 Filed 2–12–04; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; NICHD Research Partner Satisfaction Surveys

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institute of Child Health and Human Development (NICHD), the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. The proposed information collection was previously published in the **Federal Register** on August 26, 2003, in Volume 68, No. 165, pages 51276–51277, and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The NIH may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: NICHD Research Partner Satisfaction Surveys. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* Executive Order 12862 directs agencies that provide significant services directly to the public to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. With this submission, the NICHD seeks to obtain OMB's generic approval to conduct customer satisfaction surveys surrounding its research programs and activities.

The NICHD was founded in 1963. Its mission is to ensure, through research, the birth of healthy infants and the opportunity for each to reach full potential in adulthood, unimpaired by physical or mental disabilities. The NICHD conducts and supports research on the many factors that protect and enhance the process of human growth and development. The developmental focus of the NICHD means that its research portfolio is unusually broad. NICHD programs include research on infant mortality, birth defects, learning disorders, developmental disabilities, vaccine development, and demographic and behavioral sciences, among others. In addition to supporting basic research, clinical trials, and epidemiological

studies that explore health processes, the NICHD forms partnerships with organizations or institutions to ensure effective use of scientific findings and research products.

The NICHD utilizes program evaluations and strategic assessments to support Institute planning and policy development, and to help determine programmatic and scientific objectives and priorities. Research partner surveys will augment the NICHD's ongoing efforts to evaluate research-related activities. The two principal objectives are (1) to measure the personal satisfaction of research partners with NICHD programs or initiatives, including both responsiveness to scientific aims and convenience of operations to support research and its effective use; and (2) to learn from research partners the ways in which the NICHD can improve the overall planning and management of its programs and initiatives. Findings will be used to improve the NICHD's research programs and initiatives in the following ways: (1) To assess the effectiveness and efficiency of operations; (2) to identify opportunities for improving program performance; (3) to develop plans to incorporate innovations in program management; (4) to measure partner satisfaction and document program outcomes for governmental accountability reporting; and (5) to identify the need for creating new programs or initiatives or restructuring existing ones to respond to emerging scientific opportunities.

Frequency of Response: Annual [As needed on an ongoing and concurrent basis]. *Affected Public:* Members of the public, researchers, practitioners, and other health professionals. *Type of Respondents:* Members of the public; eligible grant applicants and actual applicants (both successful and unsuccessful); clinicians and other health professionals; and actual or potential clinical trials participants. The annual reporting burden is as follows: *Estimated Number of Respondents:* 13,625; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours Per Response:* Varies with survey type, see below; and *Estimated Total Annual Burden Hours Requested:* 2,920.00. The annualized cost to respondents is estimated at: $43,800.00. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Type of respondents/survey modality	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Web-based	10,000	1	0.167	1,670.00
Paper Survey	2,500	1	0.25	625.00
Telephone Interview	1,000	1	0.50	500.00
In-person Interview	125	1	1.00	125.00
Total	13,625			2,920.00

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION: To request more information on the proposed project, contact Mona Rowe, NIH NICHD Office of Science Policy, Analysis and Communication (OSPAC), 9000 Rockville Pike, Bldg. 31, Rm. 2A–18, Bethesda, Maryland 20892–2425, or call non-toll-free at 301–402–3213. You may also e-mail your request to *rowem@exchange.nih.gov*.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: February 2, 2004.

April Edwards,

NICHD Project Clearance Liaison, National Institutes of Health.

[FR Doc. 04–3151 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Career Survey of Science-Oriented Scholars

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Office of Loan Repayment and Scholarship (OLRS), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: (1) *Title:* Career Survey Science-Oriented Scholars (CSSOS). (2) Focus group of current and former participants in the Undergraduate Scholarship Program (UGSP) at NIH. This survey and focus group are part of a comprehensive evaluation of the National Institutes of Health (NIH) Undergraduate Scholarship Program (UGSP), the purpose of which is to evaluate the success of the UGSP in achieving its intermediate goal of keeping scholars from disadvantage backgrounds on track to eventually become tenured research scientists at the NIH. The CSSOS will collect information on undergraduate, graduate, and post-graduate education and training; employment history; experiences with the NIH; career status and goals; and demographic data. The protocol for the focus groups will address the program application process; experiences during the school year, particularly relations with college mentors; experience during the summer internship; experiences during years spent in payback; perceptions of program effects; career plans; and potential program improvements. Such information can be used to gauge whether the program is meeting the expectations of program managers and how the program could be improved in

the future. It will be used to address the outcome and impact study questions related to short and long term retention, both at NIH and in research generally.

In addition to informing OLRS about the effectiveness of the UGSP program, the results of the evaluation will become the basis for recommendations on how the program could be modified to improve outcomes. Indeed, some of the findings may be useful to the Office of the Director in terms of human resources policy in particular and NIH policy generally. Also, the information collection will help our nation's leaders in setting policies to ensure a solid infrastructure for biomedical research. Encouraging the nation;s brightest minds to pursue careers in biomedical research, both in public service such as NIH and in private laboratories, is critical to this effort. *Frequency of Response:* One time data collection. *Affected Public:* Individuals. *Type of Respondents:* Current and former NIH UGSP finalist applicants and scholars. The annualized cost to respondents is estimated at $6,687. There are no capital costs, operating costs and/or maintenance costs to report.

Type of respondent	Approximate number of completed responses	Response per respondent	Hours per response	Total burden hours	Wage rate (per hour)	Total hour cost
College Students	30	1	.50	15.0	$20.00	$300
College Graduates	120	1	.75	90.0	44.82	4,034
Focus Group Participants	35	1	1.5	52.5	44.82	2,353
Total	185			157.5		6,687

Requests for Comments: Written Comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estiamte of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Alfred C. Johnson, Director, Undergraduate Scholarship Program, NIH, 2 Center Drive, Room 2E30 Bethesda, MD 20892–0230 or call toll-free 1–800–528–7689 or call non-toll free number (301) 480–7430 or E-mail your request including your address to: *ACJohnson@nih.gov*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: February 9, 2004.

Alfred C. Johnson,

Director, Undergraduate Scholarship Program National Institutes of Health.

[FR Doc. 04–3162 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Application for the Pharmacology Research Associate Program

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed dtaa collection projects, the National Institute of General Medical Sciences (NIGMS), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: *Title:* Application for the Pharmacology Research Associate Program. *Type of Information Collection Request:* Extension of a currently approved collection, OMB No. 0925–0378, expiration date June 30, 2004. *Form Numbers:* NIH 2721–1, NIH 2721–2. *Need and Use of Information Collection:* The Pharmacology Research Associate (PRAT) Program will use the applicant and referee information to award opportunities for training and experience in laboratory or clinical investigation to individuals with a Ph.D. degree in pharmacology or a related science, M.D., or other professional degree through appointments as PRAT Fellows at the National Institutes of Health or the Food and Drug Administration. The goal of the program is to develop leaders in pharmacological research for key positions in academic, industrial, and Federal reserach laboratories. *Frequency of Response:* Once a year. *Affected Public:* Individuals or households; businesses or other for-profit. *Type of Respondents:* Applicants and Referees.

The annual reporting burden is as follows:

Type and number of respondents	Estimated number of responses per respondent	Estimated total responses	Average burden hours per responses	Estiamted total annual burden hours requested
Applicants: 50	1	50	2.00	100
Referees: 150	1	150	0.167	25

Total Number of Respondents: 200.

Total Number of Responses: 200.

Total Hours: 125.

The annualized cost to respondents is estimated at:

Applicants: $5,500.00.

Referees: $1,250.00.

There are no capital costs, operating costs, and/or maintenance costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Evaluate whether the proposed

collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Ms. Sally Lee; NIGMS, NIH, Natcher Building, Room 2AN–18H, 45 Center Drive, MSC 6200, Bethesda, MD 20892–6200, or call non-toll-free number (301) 594–2755 or e-mail your request, including your address to: *LeeS@nigms.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: February 4, 2004.

Martha Pine,

Associate Director for Administration and Operations, National Institute of General Medical Sciences, National Institutes of Health.

[FR Doc. 04–3163 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Physicians' Experience of Ethical Dilemmas and Resource Allocation

Summary: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intention of the Department of Clinical Bioethics, National Institutes of Health (NIHDCB) to request approval for a new information collection, Physicians' Experience of Ethical Dilemmas and Resource Allocation. The proposed information collection was previously published in the **Federal Register** on June 18, 2003, on page 36567–36568 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: *Title:* Physicians' Experience of Ethical Dilemmas and Resource Allocation. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* Health care costs are rising ceaselessly and there are currently no generally accepted way of controlling them. This study will access the experience of physicians regarding resource allocation in clinical practice, and how allocation decisions made at other levels shapes this experience. The primary objectives of the study are to determine if physicians make decisions to withhold interventions on the basis of cost, how often they report doing so, what types of care are withheld, and what criteria are used in making such decisions. The findings will provide valuable information concerning: (1) The practice of resource allocation in clinical practice, (2) the possible effects of perceived constraints on this practice, and (3) international comparisons on these two aspects. *Frequency of Responses:* Once. *Affected Public:* Individuals or households; businesses or other for-profit; not-for-profit institutions. *Type of Respondents:* Physicians. The annual reporting burden is as follows: *Estimated Number of Respondents:* 250; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours Per Response:* .0.3674; and *Estimated Total Annual Burden Hours Requested:* 91.85. The annualized cost to respondents is estimated at: $5,218. There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Marion Danis, Department of Clinical Bioethics, DCB, CC, NIH, Building 10, Room 1C 118, 9000 Rockville Pike, Bethesda, MD 20892–1156, or call non-toll-free number 301–435–8727 or e-mail your request, including your address to: *mdanis@cc.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: February 4, 2004.

David K. Henderson,

Deputy Director, Warren G. Magnuson Clinical Center, National Institutes of Health.

Christine Grady,

Director, Department of Clinical Bioethics, Warren G. Magnuson Clinical Center, National Institutes of Health.

[FR Doc. 04–3171 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

UltraRad—A Method and Probe To Enhance Radiation Delivery

C. Norman Coleman (NCI), Robert Miller (NCI), Brian Justus (NRL), and Alan Huston (NRL)

U.S. Provisional Application No. 60/453,934 filed 11 Mar 2003 (DHHS Reference No. E–049–2003/0–US–01)

Licensing Contact: Michael Shmilovich; 301/435–5019; *shmilovm@mail.nih.gov.*

Available for licensing and commercialization in a novel technique of locating a tumor in 3-dimensional space to provide a precisely targeted external radiation beam directed to the tumor. A catheter like probe equipped with an ultrasound transducer for precise local imaging of the tumor, and proprietary radiation dosimeters for measuring the amount of radiation delivered by the external beam. The probe would also be equipped with a flow-through drug delivery system that could provide radiation opaque material to protect the area surrounding the tumor from radiation damage. It is envisioned that controlling the external radiation beam will be in response to radiation detected by the probe. Of interest is the utility of the probe in phantom models and prostate cancer. The method and apparatus utilizes a radiation-detecting array of radiation sensitive dosimeters for the real-time remote measurement of radiotherapy at the radiation-detecting array. The radiation-detecting array is positioned within the patient's body along the treatment path before or after the identified radiotherapy target or the device may be positioned beyond the patient to measure transit dose. A radiation source for emitting radiation for radiotherapy along a treatment path through the patient to the identified radiotherapy target is utilized. The method includes generating a predicted dose pattern of radiation at the placed radiation-detecting array. The predicted dose pattern assumes an on-target radiation source emitting the radiotherapy beam along the treatment path through the patient to the identified radiotherapy target. Gating of the radiation source can occur responsive to the comparing of the predicted dose pattern of radiation to the real-time dose pattern at the radiation-detecting array. Radiation intensity can vary between low levels to a treatment level responsive to coincidence of the predicted dose pattern of radiation to the real-time dose pattern at the radiation-detecting array.

Computer-Aided Classification of Anomalies in Anatomical Structures

Ronald Summers, Marek Franaszek, Gheorge Iordanescu (CC)

U.S. Patent Application No. 10/671,749 filed 26 Sep 2003 (DHHS Reference No. E–077–2002/0–US–03)

Licensing Contact: Michael Shmilovich; 301/435–5019; *shmilovm@mail.nih.gov.*

Available for licensing is a software enabled method for improving the sensitivity and specificity of computer aided detection (CAD) for computed tomography (CT) or magnetic resonance imaging (MRI) colonography. Colonography is an imaging test that identifies polyps and cancers of the colon and may be useful for reducing the incidence, morbidity and mortality of colon cancer in human beings. The invention comprises three main areas of characterization used to substantially reduce the number of CAD false positives: (1) analysis of the neck of a colon polyp can help distinguish true positive from false positive tumor detections (2) characterization of the colon wall thickness in the proximity of the polyp has been found to be determinative in distinguishing polyps, and (3) templates that mimic the shape of different types of polyps (for example, those on folds, sessile polyps, pedunculated polyps etc.) can improve sensitivity and increase specificity.

Dated: February 5, 2004.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 04–3165 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclose of which would constitute a clearly unwarranted invasions of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, Review of Research Project Grants.

Date: March 19, 2004.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Glen H. Nuckolls, PhD, Scientific Review Administrator, National Institutes of Health, National Institute of Arthritis, Musculoskeletal, and Skin Diseases, 6701 Democracy Boulevard, Bldg. 1, Ste 800, Bethesda, MD 20892. 301–594–4974; *nuckollg@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 6, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–3172 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. the grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, Small Grants Review for New Investigators.

Date: March 3–4, 2004.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Yan Z. Wang, PhD., Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Blvd., Suite 820, Bethesda, MD 20892. (301) 594–4957.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS.)

Dated: February 6, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–3176 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trades secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel, Review of the Mentored Research Scientist Development Awards.

Date: February 26, 2004.

Time: 4:05 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Jeffery M. Chernak, PhD, Scientific Review Administrator, Office of Review, National Institute of Nursing Research, 6701 Democracy Plaza, Suite 712, MSC 4870, Bethesda, MD 20817. (301) 402–6959; *chernak@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel, Review of Predoctoral Fellowship for Underrepresented Minorities.

Date: February 27, 2004.

Time: 12:05 p.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Jeffrey M. Chernak, PhD, Scientific Review Administrator, Office of Review, National Institute of Nursing Research, 6701 Democracy Plaza, Suite 712, MSC 4870, Bethesda, MD 20817. (301) 402–6959; *chernak@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS.)

Dated: February 6, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–3178 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Hemostasis and Thrombosis Study Section, February 19, 2004, 8:30 p.m. to February 20, 2004, 3:30 p.m. Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814 which was published in the **Federal Register** on January 27, 2004, 69 FR 3931–3934.

The meeting will be held at the Holiday Inn Georgetown, 2201 Wisconsin Avenue, NW., Washington, DC 20007. The date and time remain the same. The meeting is closed to the public.

Dated: February 6, 2004.

LaVerne Y. Stringfield,

Director Office of Federal Advisory Committee Policy.

[FR Doc. 04–3173 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Experimental Virology Study Section, February 26, 2004, 8:30 a.m. to February 27, 2004, 5 p.m. Governor's House Hotel, 1615 Rhode Island Avenue, NW., Washington, DC 20036, which was published in the **Federal Register** on January 30, 2004, 69 FR 4526–4528.

The meeting will be held at the Courtyard Marriott, Embassy Row, 1600 Rhode Island Avenue, Washington, DC 20036. The dates and time remain the same. The meeting is closed to the public.

Dated: February 6, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–3174 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Virology Study Section, February 24, 2004, 8:30 a.m. to February 25, 2004, 5 p.m. Governor's House Hotel, 1615 Rhode Island Avenue, NW., Washington, DC 20036 which was published in the **Federal Register** on January 27, 2004, 69 FR 3931–3934.

The meeting will be held at the Courtyard Marriott, Embassy Row, 1600 Rhode Island Avenue, Washington, DC 20036. The dates and time remain the same. The meeting is closed to the public.

Dated: February 6, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–3175 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Is Inhibiting SCI Induced Inflammation Neuroprotective—BDCN–6 (01).
Date: February 23, 2004.
Time: 10 a.m. to 11 a.m.
Agenda: To review and elevate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Sherry L Stuesse, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5188, MSC 7846, Bethesda, MD 20892. 301–435–1785; *stuesses@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Immunology Fellowships and Immunology Area.
Date: February 27, 2004.
Time: 8 a.m. to 6 p.m.
Agenda: To review and elevate grant applications.
Place: Bethesda Residence Inn, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Calbert A. Laing, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4210, MSC 7812, Bethesda, MD 20892. 301–435–1221; *laingc@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bioengineering—Brain and Spinal Interfaces.
Date: March 1, 2004.
Time: 3:30 p.m. to 5 p.m.
Agenda: To review and elevate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Joseph G. Rudolph, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892. 301–435–2212; *josephru@csr.nih.gov.*
Name of Committee: Center for Scientific Review Special Emphasis Panel, Chemistry/Biophysics SBIR/STTR Panel.
Date: March 3, 2004.
Time: 2 p.m. to 4 p.m.
Agenda: To review and elevate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Vonda K. Smith, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4172, MSC 7806, Bethesda, MD 20892. 301–435–1789; *smithvo@csr.nih.gov.*
Name of Committee: Center for Scientific Review Special Emphasis Panel, Prokaryotic and Eukaryotic Genetics and Molecular Biology.
Date: March 3–5, 2004.
Time: 7 p.m. to 5 p.m.
Agenda: To review and elevate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.
Contact Person: Mary P. McCormick, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, MSC 7890, Bethesda, MD 20892. 301–435–1047; *mccormim@csr.nih.gov.*
Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 EMNR–G (05) M: Member Conflict: Obesity.
Date: March 4, 2004.
Time: 1 p.m. to 3 p.m.
Agenda: To review and elevate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Abubakar A. Shaikh, PhD, DVM, Scientific Review Administrator, Reproductive Endocrinology, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892. 301–435–1042; *shaikha@csr.nih.gov.*
Name of Committee: Center for Scientific Review Special Emphasis Panel, Anterior Eye Diseases.
Date: March 4, 2004.
Time: 1:30 p.m. to 2:15 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Christine A. Livingston, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892. (301) 435–1172.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Anterior Eye Diseases.
Date: March 5, 2004.
Time: 2:30 p.m. to 3:45 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Christine A. Livingston, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892. (301) 435–1172.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Brain Disorders and Clinical Neuroscience Fellowships.
Date: March 8–9, 2004.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.
Contact Person: Sherry L. Stuesse, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5188, MSC 7846, Bethesda, MD 20892. (301) 435–1175; *stuesses@csr.nih.gov.*

Name of Committee: Biophysical and Chemical Sciences Integrated Review Group, Bio-Organic and Natural Products Chemistry Study Section.
Date: March 8–9, 2004.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Mike Radtke, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892. (301) 435–1728; *radtkem@csr.nih.gov.*

Name of Committee: Respiratory Sciences Integrated Review Group, Respiratory Integrative Biology and Translational Research Study Section.
Date: March 8–9, 2004.
Time: 8:30 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Governor's House Hotel, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Everett E. Sinnett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892. (301) 435–1016; *sinnett@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business : Drug Development/Delivery.
Date: March 8–9, 2004.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.
Contact Person: Sergei Ruvinov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158,

MSC 7806, Bethesda, MD 20892. (301) 435–1180; *ruvinser@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Applications: Developmental Disabilities, Communication and Science Eduction.
Date: March 8–9, 2004.
Time: 9 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Suites, 1000 29th Street, NW., Washington, DC 20007.
Contact Person: Thomas A. Tatham, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892. (301) 594–6836; *tathamt@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Learning and Memory (Member Conflicts).
Date: March 8, 2004.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Christine L. Melchior, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892. 301–435–1713; *melchioc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Endothelial/leukocyte biology-member conflict.
Date: March 8, 2004.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Robert T. Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7802, Bethesda, MD 20892. (301) 435–1195.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cellular Membranes: Channels and Cytoskeleton.
Date: March 9, 2004.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Marcia Steinberg, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, MSC 7840, Bethesda, MD 20892. (301) 435–1023; *steinberm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Stress Response.
Date: March 9, 2004.
Time: 2 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Rolf Menzel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, MSC 7808, Bethesda, MD 20892. (301) 435–0952; *menzelro@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Reovirus and Interferon Responses.
Date: March 9, 2004.
Time: 12 p.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Joanna M. Pyper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892. (301) 435–1151; *pyperj@csr.nih.gov.*

Name of Committee: Cardiovascular Sciences Integrated Review Group, Clinical and Integrative Cardiovascular Sciences Study Section.
Date: March 10–11, 2004.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Russell T. Dowell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, MSC 7814, Bethesda, MD 20892. (301) 435–1850; *dowellr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIR Addiction Services and Youth Intervention Programs.
Date: March 10, 2004.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.
Contact Person: Claire E. Gutkin, PhD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7759, Bethesda, MD 20892. 301–594–3139; *gutkincl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cell Death and Injury in Neurodegeneration Study Section.
Date: March 10–12, 2004.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Jury's Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.
Contact Person: David L. Simpson, MD, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5192, MSC 7846, Bethesda, MD 20892. (301) 435–1278; *simpsond@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Structural Biology and Biochemical Sciences.
Date: March 10–11, 2004
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.
Contact Person: David R. Jollie, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4156, MSC 7806, Bethesda, MD 20892. (301)–435–1722; *jollieda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 EMNR–G (04) M: Member Conflict: Male Reproduction.
Date: March 10, 2004.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Abubaka A. Shaikh, PhD, DVM, Scientific Review Administrator, Reproductive Endocrinology, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892. (301) 435–1042; *shaikha@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Visual Perception (Member Conflict).
Date: March 10, 2004.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Christine L. Melchior, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892. 301–435–1713; *melchioc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 IFCN–D–02 Molecular/Cellular Mechanisms of ETOH.
Date: March 10, 2004.
Time: 2 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Gamil C. Debbas, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892. (301) 435–1018; *debbasg@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 6, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–3177 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Probe Using Diffuse-Reflectance Spectroscopy

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive worldwide license to practice the invention embodied in DHHS Ref. No. E–309–2000, for which a patent is pending under U.S. Patent Application Serial No. 09/972,700 filed October 5, 2001 entitled ''Probe Using Diffuse-Reflectance Spectroscopy,'' to Apogee Ventures, Inc., a company having its principle place of business in Washington, DC. The United States of America is the assignee to the patent rights of these inventions.

The contemplated exclusive license may be limited to the field of use of measuring inflammation in oral epithelial tissue.

DATES: Only written comments and/or applications for a license received by the NIH Office of Technology Transfer on or before April 13, 2004 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Michael A. Shmilovich, J.D., Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5019; Facsimile: (301) 402–0220; E-mail: *mish@codon.nih.gov.* A signed Confidential Disclosure Agreement will be required to receive copies of the patent application.

SUPPLEMENTARY INFORMATION: The patent application covers a device using oblique angle reflectance spectroscopy to non-invasively quantify the thickness of the epithelium as a means for quantifying inflammation. The device can be a toothbrush-sized probe used to direct photon sources at two or more oblique angles and measure the scattered spectra to determine the thickness of the epithelial layer. Analysis of the spectra provides the location of the stroma/epithelium interface. The device provides a non-invasive means for determining the efficacy of drugs used to treat cancerous lesions and promises to replace the need for uncomfortable punch biopsies.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 5, 2004.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 04–3164 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Construction of West Nile Virus and Dengue Virus Chimeras for Use in a Live Virus Vaccine To Prevent Disease Caused by West Nile Virus

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license to practice the invention embodied in U.S. Provisional Application 60/347,281, filed January 10, 2002, and PCT/US03/00594 filed January 9, 2003, entitled ''Construction of West Nile Virus and Dengue Virus Chimeras for Use in a Live Virus Vaccine to Prevent Disease Caused by West Nile Virus,'' to MacroGenics, Inc., having a place of business in Rockville, Maryland. The patent rights in this invention have been assigned to the United States of America.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before April 13, 2004 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Peter Soukas, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Email: *ps193c@nih.gov*; Telephone: (301) 435–4646; Facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: West Nile Virus (WNV) has recently emerged in the U.S. and is considered a significant emerging disease that has embedded itself over a considerable region of the U.S. WNV infections have been recorded in humans as well as in different animals. In 2003 alone, WNV has killed 182 people in the U.S. and caused severe disease in more than 8219 others.

The methods and compositions of this invention provide a means for prevention of WNV infection by immunization with attenuated, immunogenic viral vaccines against WNV. The invention involves a chimeric virus form comprising portions of WNV and Dengue virus. Construction of the hybrids and their properties are described in detail in PNAS, Pletnev AG *et al.*, 2002; 99(5):3036–3041.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use may be limited to West Nile Virus chimeras as a live attenuated vaccine against infections of WNV in humans and animals.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 5, 2004.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 04–3166 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: The Use of Geldanamycin and Its Derivatives for the Treatment of Cancer

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR part 404.7(a)(1)(i), that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive patent license to practice the inventions embodied in:

1. PCT Patent Application No. PCT/US03/31962 filed October 8, 2003 [DHHS Ref. E–256–2002/0–PCT–02], entitled ''17–AAG Treatment of Diseases Sensitive to c-Kit Down Regulation:'',
2. U.S. Provisional Patent Application No. 60/598,752 filed October 3, 2003 [DHHS Ref. E–169–2003/0–US–01], entitled ''Geldanamycin Derivatives With Methyl Substituted Hydrogen Atom At N22 Position As Anticancer Agents'',
3. U.S. Provisional Patent Application No. 60/508,795 filed October 3, 2003 [DHHS Ref. E–064–2003/0–US–01], entitled ''Degradation And Transcriptional Inhibition Of HIF–2 Alpha Protein By 17–AAG''

and all related foreign patents/patent applications, to Kosan Biosciences, Inc., which is located in Hayward, CA. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license territory will be worldwide and the field of use may be limited to pharmaceutical use as anti-cancer agents, and as agents to prevent undesired cell growth or the deleterious effects thereof such as the prevention of re-stenosis and neurodegenerative diseases in humans and animals. This notice should be considered a modification of an earlier **Federal Register** notice (67 FR 9763, March 4, 2002).

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before April 13, 2004 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, comments, and other materials relating to the contemplated exclusive license should be directed to: George G. Pipia, Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5560; Facsimile: (301) 402–0220; E-mail: *pipiag@mail.nih.gov*.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, the NIH receives written evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Description of the Technologies

(1) *E–256–2003/0.* This invention directed to the use of 17-allylamino-17-demethoxygeldanamycin (17-AAG), a derivative of geldanamycin, in decreasing levels of a mutated protein called KIT (the product of proto-oncogene c-KIT), which has been identified as the protein responsible for transformation of certain human cell types into pathologic cells. By way of background, this invention is predicated on the discovery of a new method of inhibiting the activity of a mutated, constitutively active form of the tyrosine kinase, KIT. The method involves the administration of 17-AAG to a cell comprising the mutant KIT protein, whereby the activity level of KIT in the cell is reduced. The invention may prove to be useful for treating diseases such as mastocytosis, gastrointestinal stromal tumors (GIST), mast cell leukemia, myelogenenous leukemia, and testicular cancer, all of which are associated with mutations in the c-KIT proto-oncogene.

(2) *E–169–2003/0.* This invention is directed to an N22-methyl substituted analogue of geldanamycin. Preliminary studies have shown that providing a methyl substituent in the N22 position of geldanamycin derivatives stabilizes the cis-conformation of the compounds. Such compounds are expected to have an increased binding to and inhibition of heat shock protein 90 (Hsp9O). Inhibition of Hsp9O is considered useful in the treatment of many cancers.

(3) *E–064–2003/0.* The invention is directed to the use of 17-allylaminogeldanamycin (17–AAG) and, by analogy, other geldanamycin derivatives to inhibit the activity of hypoxia inducible factor-2α (HIF–2α). HIF–2α is thought to play an important role in tumor growth in the lung and endothelium, and is overexpressed in a majority of renal carcinomas. Accordingly, the technology suggests the use of 17–AAG and other geldanamycin derivatives to reduce levels of HIF–2α in cells that overexpress the protein, for example to treat cancer. According to the lead inventor, HIF–2α plays a central role behind the mechanism of action of geldanamycin in renal cancer. The inventors also predict that certain geldanamycin analogs will have therapeutic benefit in tumors overexpressing HIF–2α, and that those analogs could also find therapeutic utility in clinical conditions involving hypervascularization.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated exclusive license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 5, 2004.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 04–3167 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

List of Drugs for Which Pediatric Studies Are Needed

ACTION: Notice.

SUMMARY: The National Institutes of Health (NIH) is providing notice of a ''List of Drugs for Which Pediatric Studies Are Needed.'' The NIH developed the list in consultation with the Food and Drug Administration (FDA) and pediatric experts, as mandated by the Best Pharmaceuticals for Children Act (BPCA). This list prioritizes certain drugs most in need of study for use by children to ensure their safety and efficacy. The NIH will update the list at least annually until the Act expires on October 1, 2007.

DATES: The list is effective upon publication.

FOR FURTHER INFORMATION CONTACT: Dr. Anne Zajicek, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Suite 4B–11, Bethesda, MD 20892–7510, e-mail *BestPharmaceuticals@mail.nih.gov,*

telephone 301–435–6865 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The NIH is providing notice of a ''List of Drugs for Which Pediatric Studies Are Needed,'' as authorized under section 3, Public Law 107–109 (42 U.S.C. 409I). On January 4, 2002, President Bush signed into law the Best Pharmaceuticals for Children Act (BPCA). The BPCA mandates that not later than one year after the date of enactment, the NIH in consultation with the FDA and experts in pediatric research shall develop, prioritize, and publish an annual list of certain approved drugs for which pediatric studies are needed. For inclusion on the list, an approved drug must meet the following criteria: (1) There is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)); (2) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act; (3) there is no patent protection or market exclusivity protection under the Federal Food, Drug, and Cosmetic Act; or (4) there is a referral for inclusion on the list under section 505A(d)(4)(c); and additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population. The BPCA further stipulates that in developing and prioritizing the list, the NIH shall consider for each drug on the list: (1) The availability of information concerning the safe and effective use of the drug in the pediatric population; (2) whether additional information is needed; (3) whether new pediatric studies concerning the drug may produce health benefits in the pediatric population; and (4) whether reformulation of the drug is necessary. In developing this list, the NIH consulted with the FDA, the American Academy of Pediatrics, and other experts in pediatric research and practice. A preliminary list of drugs was drafted and categorized as a function of indication and use. The drugs were than prioritized based on frequency of use in the pediatric population, severity of the condition being treated, and potential for providing a health benefit in the pediatric population.

The following are the drugs newly added to the list for which pediatric studies are most urgently needed and their indications for use:

Ampicillin—infections;
Ketamine—sedation;
Vincristine—malignancies;
Dactinomycin—malignancies;
Metolazone—diuresis.

Drugs that were previously listed as urgently needing studies, their indications for use, and their current status, are described in the table.

Drug needing pediatric study	Indications for pediatric use	Status
Lorazepam	Sedation in the Intensive Care Unit	1
	Treatment of status epilepticus	1
Nitroprusside	Reduction of blood pressure	1
Baclofen	Oral treatment of spasticity of cerebral palsy	1
Azithromycin	Prevention of bronchopulmonary dysplasia in neonates colonized with U. urealyticum	1
	Treatment of Chlamydia pneumonia, prevention of Chlamydia conjunctivitis and pneumonia	2
Lithium	Treatment of mania in bipolar disorder	1
Ampicillin/sulbactam	Pediatric infections	2
Diazoxide	Hypoglycemia	2
Isoflurane	Maintenance of general anesthesia	2
Meropenem	Pediatric infections	2
Metoclopramide	Gastroesophageal reflux	2
Piperacillin/tazobactam.	Pediatric infections	2
Promethazine	Nausea/vomiting	2
Rifampin	Staphylococcus endocarditis	2
	CNS shunt infections	2
Lindane	2nd line treatment of scabies	2
Heparin	Anticoagulant	[1]
Bumetanide	Diuresis	3
Furosemide	Diuresis	3
Dobutamine	Increase cardiac output	3
Dopamine	Increase cardiac output	3
Spironolactone	Diuresis	3

[1] Drug labeled for use in children.

≤ Status: 1 = Contract being developed; 2 = Written Request being developed; 3 = Drug undergoing extensive review by NIH and FDA.

Dated: February 6, 2004.

Elias A. Zerhouni,

Director, National Institutes of Health.

[FR Doc. 04–3179 Filed 2–12–04; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Office for Women's Services; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Advisory Committee for Women's Services of the Substance Abuse and Mental Health Services Administration (SAMHSA) in February 2004.

The meeting of the Advisory Committee for Women's Services will include discussion around the activities of the Substance Abuse and Mental Health Services Administration involving substance abuse and mental health disorders affecting women, care services provided within the prison system, education and training curriculums within institutions of higher learning regarding the integration of primary care and substance abuse services and the services to science initiative. A summary of the meeting

and/or a roster of committee members may be obtained from: Nancy P. Brady, Executive Secretary, Advisory Committee for Women's Services, Office for Women's Services, SAMHSA, Parklawn Building, Room 12C–26, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–1135.

Attendance by the public and public comments are welcome. Please communicate with the individual listed as contact below to make arrangements to comment or to request special accommodations for persons with disabilities.

Substantive information may be obtained from the contact whose name and telephone number is listed below.

Committee Name: Advisory Committee for Women's Services.

Meeting Date/Time: Open: Thursday, February 26, 2004, 9 a.m.–5 p.m.; Open: Friday February 27, 2004, 9 a.m.–12 p.m.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact: Nancy P. Brady, Executive Secretary, 5600 Fishers Lane, Parklawn Building, Room 12C–26, Rockville, MD 20857, Telephone: (301) 443–1135; Fax: (301) 594–6159 and email: *nbrady@samhsa.gov.*

Dated: February 6, 2004.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 04–3136 Filed 2–12–04; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Directorate of Science and Technology; Notice of Meeting of Homeland Security Science and Technology Advisory Committee

AGENCY: Office of the Under Secretary for Science and Technology, Department of Homeland Security.

ACTION: Notice.

SUMMARY: The Homeland Security Science and Technology Advisory Committee (HSSTAC) will meet in a partially closed session in Potomac, MD on February 26 & 27, 2004.

DATES: The HSSTAC will meet in open session on February 26, 2004, from 11 a.m. to 2 p.m. HSSTAC will meet in closed session on February 26, 2004, from 2:30 p.m. to 5:30 p.m. and on February 27, 2004, from 8:25 a.m. to 3 p.m.

FOR FURTHER INFORMATION CONTACT: Craig Wilson, Homeland Security Science and Technology Advisory Committee, Department of Homeland Security, Science and Technology Directorate, Washington, DC 20528; telephone (202) 205–5041; e-mail *HSSTAC@dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App.2. The HSSTAC will meet for purposes of: (1) Welcoming and introducing members of the committee; (2) receiving briefings on the mission and organization of the department; (3) receiving briefings on the mission and approaches of the Science and Technology Directorate; (4) holding roundtable discussions with the Committee members; (5) discussing the role of the Committee in advising the Department; (6) receiving briefings on detailed historical background, organization, programs, accomplishments, and plans of the Science and Technology Directorate; (7) receiving briefings on activities and accomplishments of the Office of Research & Development, the Homeland Security Advanced Projects Research Agency, the Office of Systems Engineering and Development, and the Office of Weapons of Mass Destruction Operations and Incident Management. This meeting will be partially closed; the open portions of the meeting for purposes of (1) through (5) above will be held in the Gymnasium Room of the William F. Bolger Center from 11 a.m. to 2 p.m. on February 26, 2004. The closed portions of the meeting, for purposes of (6) and (7) above will be held at the William F. Bolger Center from 2:30 p.m. to 5:30 p.m. on February 26, 2004, and from 8:25 a.m. to 3 p.m. on February 27, 2004. The William F. Bolger Center is located at 9600 Newbridge Drive, Potomac, MD 20854.

Public Attendance: Members of the public will be registered to attend the public session on a first-come, first-served basis per the procedures that follow. Security requires that any member of the public who wishes to attend the public session provide his or her name, social security number, and date of birth no later than 5 p.m. EST, Tuesday, February 18, 2004. Please provide the required information to Craig Wilson via email at *HSSTAC@dhs.gov*, or via phone at (202) 205–5041. Persons with disabilities who require special assistance should indicate so in their admittance request. Photo identification will be required for entry into the public session, and everyone in attendance must be present and seated by 10:45 a.m. on February 26, 2004.

Basis for Closure: In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2), the Under Secretary for Science and Technology has issued a determination that portions of this HSSTAC meeting will concern matters sensitive to homeland security within the meaning of 5 U.S.C. 552b(c)(7) and (c)(9)(B) and that, accordingly, these portions of the meeting will be closed to the public.

Public Comments: Members of the public who wish to file a written statement with the HSSTAC may do so by mail to Craig Wilson at the following address: Homeland Security Science and Technology Advisory Committee, Department of Homeland Security, Science and Technology Directorate, Washington, DC 20528. Comments may also be sent via email to *HSSTAC@dhs.gov* or via fax at (202) 772–9916.

Dated: February 6, 2004.

Charles E. McQueary,

Under Secretary for Science and Technology, Department of Homeland Security.

[FR Doc. 04–3284 Filed 2–10–04; 4:06 pm]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2004–17063]

National Offshore Safety Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of meeting.

SUMMARY: The National Offshore Safety Advisory Committee (NOSAC) will meet to discuss various issues relating to offshore safety and security. The meeting will be open to the public.

DATES: NOSAC will meet on Thursday, April 1, 2004, from 9 a.m. to 3 p.m. The meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before March 18, 2004. Requests to have a copy of your material distributed to each member of the committee should reach the Coast Guard on or before March 18, 2004.

ADDRESSES: NOSAC will meet in room 2415, of the Coast Guard Headquarters Bldg, 2100 Second Street, SW., Washington, DC. Send written material and requests to make oral presentations to Captain D.L. Scott, Commandant (G–MSO), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. This notice is available on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Captain D. L. Scott, Executive Director of NOSAC, or Mr. Jim Magill, Assistant to the Executive Director, telephone 202–267–1082, fax 202–267–4570.

SUPPLEMENTARY INFORMATION: Notice of the meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda includes the following items:

(1) Report on issues concerning the International Maritime Organization and the International Organization for Standardization.

(2) Report by the Coast Guard and the National Offshore Safety Advisory Committee (NOSAC) security subcommittee chairman on implementation of maritime and offshore security rules.

(3) Report from the Offshore Marine Service Association (OMSA) on development of operations procedure/training for liftboat operators.

(4) Presentation by Minerals Management Service (MMS) on protection of OCS attending vessel crews from exposure to H_2S gas.

(5) Status report on Coast Guard/Minerals Management Service Inspection of Fixed Facilities.

(6) Revision of 33 CFR chapter I, subchapter N, Outer Continental Shelf activities.

(7) 33 CFR chapter I, subchapter NN, Temporary Final Rule on Deepwater Ports, and status of license submissions for LNG deepwater ports.

Procedural

The meeting is open to the public. Please note that the meeting may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the Executive Director no later than March 18, 2004. Written material for distribution at the meeting should reach the Coast Guard no later than March 18, 2004. If you would like a copy of your material distributed to each member of the committee in advance of the meeting, please submit 25 copies to the Executive Director no later than March 18, 2004.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Executive Director as soon as possible.

Dated: February 9, 2004.

Howard L. Hime,

Acting Director of Standards, Marine Safety, Security and Environmental Protection.

[FR Doc. 04–3270 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1508–DR]

Maine; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Maine (FEMA–1508-DR), dated February 5, 2004, and related determinations.

EFFECTIVE DATE: February 5, 2004.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 5, 2004, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Maine, resulting from severe storms, flooding, snow melt, and ice jams on December 10, 2003, through December 31, 2003, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Maine.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, James N. Russo, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Maine to have been affected adversely by this declared major disaster:

Franklin, Kennebec, Oxford, Piscataquis, Somerset, and Waldo Counties for Public Assistance.

Franklin, Kennebec, Oxford, Piscataquis, Somerset, and Waldo Counties are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 04–3189 Filed 2–12–04; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1507–DR]

Ohio; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Ohio (FEMA–1507–DR), dated January 26, 2004, and related determinations.

EFFECTIVE DATE: January 30, 2004.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective January 30, 2004.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 04–3188 Filed 2–12–04; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of Establishment of the Outer Continental Shelf (OCS) Scientific Committee

AGENCY: Minerals Management Service, Interior.

SUMMARY: Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior has established the OCS Scientific Committee.

The OCS Scientific Committee will provide advice on the feasibility, appropriateness, and scientific value of the Outer Continental Shelf Environmental Studies Program to the Secretary of the Interior through the Director of the Minerals Management Service. The Committee will review the relevance of the research and data being produced to meet MMS scientific information needs for decision making and may recommend changes in scope, direction, and emphasis.

FOR FURTHER INFORMATION CONTACT: Jeryne Bryant, Minerals Management Service, Offshore Minerals Management, Herndon, Virginia 20170–4817, telephone, (703) 787–1213.

Certification

I hereby certify that the OCS Scientific Committee is in the public interest in connection with the performance of duties imposed on the Department of the Interior by 43 U.S.C. 1331 *et seq.,* 30 U.S.C. 1701 *et. seq.,* and 30 U.S.C. 1001 *et seq.*

Dated: February 3, 2004.

Gale A. Norton,

Secretary of the Interior.

[FR Doc. 04–3249 Filed 2–12–04; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Multistate Conservation Grant Program; Priority List for Conservation Projects

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of receipt of priority list.

SUMMARY: The U.S. Fish and Wildlife Service is publishing in the **Federal Register** the priority list of 18 wildlife and sport fish conservation projects submitted by the International Association of Fish and Wildlife Agencies for funding under the Multistate Conservation Grant Program. This notice is required by the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000 (Pub. L. 106–408). FY 2004 grants may be made from this priority list.

FOR FURTHER INFORMATION CONTACT: Pam Matthes, Multistate Conservation Grants Program Coordinator, Division of Federal Assistance, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Mail Stop MBSP–4020, Arlington, Virginia 22203; phone (703) 358–2066; or e-mail *Pam_Matthes@fws.gov.*

SUPPLEMENTARY INFORMATION: The Wildlife and Sport Fish Restoration Programs Improvement Act of 2000 (Improvement Act) amended the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 *et seq.*) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 *et seq.*) and established the Multistate Conservation Grant Program. The Improvement Act authorizes grants of up to $3 million annually from funds available under each of the Restoration Acts, for a total of up to $6 million annually. Grants may be made from a priority list of projects submitted by the International Association of Fish and Wildlife Agencies (IAFWA), which represent the State fish and wildlife agencies. The Director of the U.S. Fish and Wildlife Service, exercising the authority of the Secretary of the Interior, need not fund all recommended projects, but may not fund projects that are not recommended.

To be eligible for consideration by the IAFWA, a project must benefit fish and/or wildlife conservation in at least 26 States, a majority of the States in a region of the U.S. Fish and Wildlife Service, or a regional association of State fish and wildlife agencies. Grants may be made to a State or group of States, to non-governmental organizations, and to the U.S. Fish and Wildlife Service or a State or group of States for the purpose of carrying out the National Survey of Fishing, Hunting and Wildlife-Associated Recreation. IAFWA requires proposals to address its National Conservation Needs, which are announced annually at the same time as the request for proposals.

The IAFWA prepares the priority list through a committee comprising the heads of State fish and game departments (or their designees) in consultation with non-governmental organizations that represent conservation organizations, sportsmen organizations, and industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery. The priority list must be approved by majority vote of the heads of State fish and game departments (or their designees).

The priority list of projects submitted by the IAFWA follows:

IAFWA'S PRIORITY LIST OF PROJECTS FOR THE 2004 MULTISTATE CONSERVATION GRANT PROGRAM

Proposal ID	Title of proposal	Submitted by	Funds requested										Totals
			FY 2004		FY 2005		FY 2006		FY 2007		FY 2008		
			PR	WB	PR	WB	PR	WB	PR	WB	PR	WB	
04–002*	Propagated Fish in Resource Management symposium & workshpp.	American Fisheries Society.	.....	$118,209	.....	.....	.....	.....	.....	.....	.....	.....	$118,209
04–003*	Factors that Drive Sportfishing License Sales.	American Sportfishing Association.	.....	$124,554	.....	.....	.....	.....	.....	.....	.....	.....	$124,554
04–005*	Becoming an Outdoors Woman: Educating Women in Farmland Stewardship & Fish and Wildlife-Based Recreation.	Becoming an Outdoors-Woman Program; University of Wisconsin-Stevens Point.	$178,321	.....	192,543	.....	.....	.....	.....	.....	.....	.....	$370,.864
04–007*	Multistate Conservation Grant Program Coordination.	IAFWA-Executive Committee.	$48,490	48,490	50,350	50,350	.....	.....	.....	.....	.....	.....	$197,680
04–009*	Coordination of the Farm Bill Conservation Program Implementation.	IAFWA-Agricultural Conservation Task Force.	$117,000	.....	123,300	.....	.....	.....	.....	.....	.....	.....	$240,000
04–010*	Coordination of Revisions of the NRCS National Handbook of Conservation Practices.	IAFWA-Agricultural Conservation Task Force.	$75,000	.....	.....	.....	.....	.....	.....	.....	.....	.....	$75,000
04–012	Trailblazer Adventure Program.	US Sportsmen's Alliance.	$80,000	80,000	80,000	80,000	.....	.....	.....	.....	.....	.....	$320,000
04–013	Step Outside.	National Shooting Sports Foundation.	$78,800	78,800	.....	.....	.....	.....	.....	.....	.....	.....	$157,600
04–014	National Archery in the School Program.	National Alliance for the Development of Archery.	$77,000	.....	54,000	.....	54,000	.....	.....	.....	.....	.....	$185,000
04–016*	The Cost of Not Hunting and Trapping.	IAWFA-Animal Use Issues Committee & Education, Outreach & Diversity Committee.	$67,860	.....	.....	.....	.....	.....	.....	.....	.....	.....	$67,860
04–027	Public Opinion on and Attitudes toward Fish and Wildlife Management in the 16 SEAFWA States.	SEAFWA, Contractor: Responsive Management.	$172,723	172,723	.....	.....	.....	.....	.....	.....	.....	.....	$345,445

IAFWA'S PRIORITY LIST OF PROJECTS FOR THE 2004 MULTISTATE CONSERVATION GRANT PROGRAM—Continued

Proposal ID	Title of proposal	Submitted by	Funds requested										Totals
			FY 2004		FY 2005		FY 2006		FY 2007		FY 2008		
			PR	WB	PR	WB	PR	WB	PR	WB	PR	WB	
04–041*	State Wildlife Grant Plan Development: National Coordinated Assistance for all 50 States.	IAFWA-Teaming With Wildlife Committee.	$74,000	24,800	74,400	24,800	.....	.....	.....	.....	.....	.....	$198,400
04–043*	The Conservation Communication Team.	IAFWA-Education, Outreach & Diversity Committee and the Animal Use Issues Committee.	$30,000	30,000	.....	.....	.....	.....	.....	.....	.....	.....	$60,000
04–046*	Furbearer Management and Regulated Trapping Professional Development Workshops & Communication Planning Sessions for Fish & Wildlife Professionals.	IAFWA-Furbearer Resources Task Force and the Education, Outreach, & Diversity Committee.	$187,897	.....	.....	.....	.....	.....	.....	.....	.....	.....	$187,897
04–048	Developing State Aquatic Nuisance Species Management Plans & Strategies for the Southeastern United States.	Tennessee Wildlife Resources Agency.	.....	$77,500	.....	77,500	.....	77,500	.....	.....	.....	.....	$232,500
04–055*	Facilitation & Continuation of the Partnership between the Foundation & our State Partners for the Planning & Implementing of the Hooked On Fishing—Not on Drugs Program.	Future Fisherman Foundation.	.....	$128,000	.....	172,500	.....	197,000	.....	.....	.....	.....	$497,500
04–035	Project Coordinator for the 2006 National Survey-State-level Data.	USFWS	$190,452	190,452	172,190	172,190	.....	.....	.....	.....	.....	.....	725,284
04–040a	2006 National Survey-Option 6.	USFWS	$1,357,387	1,357,387	1,357,387	1,357,387	1,357,387	1,357,387	1,357,387	1,357,387	110,454	110,454	$11,080,004
Totals	.....	.....	$2,735,330	2,430,915	2,103,870	1,934,727	1,411,387	1,631,887	1,357,387	1,357,387	110,454	110,454	$15,183,797

PR=Pittman-Robertson Wildlife Restoration Act.

WB=Wallop Breaux (Dingell-Johnson) Sport Fish Restoration Act.
*Denotes proposal reviewed by more than one IAFWA committee.

Dated: February 4, 2004.

Steve Williams,

Director, Fish and Wildlife Service.

[FR Doc. 04–3241 Filed 2–12–04; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Additional Public Scoping for the Environmental Impact Statement Underway for the Proposed Cordova Oil Spill Response Facility (Formerly Shepard Point Oil Spill Response Facility and Access Road)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of additional public scoping.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) is extending the scoping period to gather information necessary for preparing an Environmental Impact Statement (EIS). The EIS will analyze the proposed enhancement of oil spill response capabilities in southeast Prince William Sound (PWS) by means of constructing a regional oil spill response facility in the Cordova area, and a deepwater dock with road connection to a regional airport.

The purpose of scoping is to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are encouraged.

DATES: The meeting dates are:

1. March 2, 2004, Open House from 5:30 p.m. to 7 p.m., Formal Testimony from 7 to 9 p.m., Anchorage, Alaska. The meeting will be held at the BLM Campbell Tract Facility, 6881 Abbott Loop Road, Anchorage, Alaska.

2. March 4, 2004, Open House from 5:30 p.m. to 7 p.m., Formal Testimony from 7 to 9 p.m., Cordova, Alaska. The meeting will be held at the Mount Eccles Elementary School Cafeteria, 201 Adams Street, Cordova, Alaska.

Meeting times and specific locations will be published in the local papers.

Comments on the proposed project must be postmarked by March 19, 2004.

ADDRESSES: Mail written comments to ATTN: Cordova Response Facility EIS, URS Corporation, 2700 Gambell Street, Suite 200, Anchorage, AK, 99507. You may also post comments at the Web site: *http://www.cordovaresponsefacility.com*, or via e-mail: *cordovarf@urscorp.com.*

FOR FURTHER INFORMATION CONTACT: Kristin K'eit, Environmental Scientist, (907) 586–7423, or Mark Boatwright, Environmental Protection Specialist, (907) 586–7301, Bureau of Indian Affairs, Alaska Region, PO Box 25520, Juneau, AK 99802–5520.

SUPPLEMENTARY INFORMATION: In March 1989, the T/V Exxon Valdez went aground on Bligh Reef in Prince William Sound, in south central Alaska, spilling 10.8 million gallons of oil, costing over $335 million for cleanup and for studies of damages and resource recovery plans. Oil spill response facilities at that time were poorly located with limited capabilities. Consequently, the Oil Pollution Act of 1990 required pre-positioned oil spill containment and removal equipment in communities and other strategic locations within Prince William Sound. Further, on November 25, 1992 a civil lawsuit was settled in the ''Agreement and Consent Decree in re: The EXXON VALDEZ'' (the Agreement) between the State of Alaska and the U.S. Government, and the Alyeska Pipeline Service Company and the ''Alyeska Owner Companies.'' Under the Agreement, funding was specifically set aside in the Alyeska Settlement Fund (the Fund) for construction of oil spill response storage facilities and docks in three PWS communities: Chenega Bay, Tatitlek and Cordova. Facilities have since been constructed in Tatitlek and Chenega Bay. Funding was appropriated from the Fund through Alaska State Legislation, CCS SB 165, Chapter No. 41, June 1, 1993. A Memorandum of Agreement between the State of Alaska and the BIA specifies that the BIA is responsible for the development of the project, including acting as the Lead Agency for National Environmental Policy Act compliance in connection with the proposed action.

The proposed action is to enhance the oil spill response capabilities in the southeast area of Prince William Sound (PWS) by developing an oil spill response facility in the Cordova area. Proposed project components consist of a deepwater dock with adequate depth for large oil spill response vessels loaded with heavy equipment, a staging area contiguous to the dock for staging oil spill recovery equipment, and an access road or upgrades to the existing transportation system sufficient for linking the facility to the Cordova Airport, a PWS regional airport facility. This will allow efficient transport of out-of-region supplies and equipment through the Cordova airport to a wide variety of vessels operating in PWS. While economic development is not a direct purpose of the proposed action, the proposed action will have economic and transportation effects that will be assessed in the environmental impact statement.

The first scoping period for this project was initiated in October 2002 under the project title ''Shepard Point Oil Spill Response Facility and Access Road.'' The project is now titled the ''Cordova Oil Spill Response Facility Project.'' The project title was revised to maintain consistency with other descriptions of the project and to accurately reflect that a reasonable range of alternatives will be analyzed in the EIS, in compliance with the National Environmental Policy Act. All public comments received during the October 2002 scoping period will be evaluated with equal consideration as comments received during this extended period.

Authority: This notice is published in accordance with section 1501.7, Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) and the Department of the Interior Manual (516 DM 1.6) and is within the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: February 4, 2004.

Dave Anderson,

Assistant Secretary—Indian Affairs.

[FR Doc. 04–3150 Filed 2–12–04; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of an information collection (1010–0086).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), MMS is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in

the regulations under ''30 CFR 250, Subpart P, Sulphur Operations.''

DATES: Submit written comments by April 13, 2004.

ADDRESSES: Mail or hand carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the address is: *rules.comments@mms.gov.* Reference ''Information Collection 1010–0086'' in your e-mail subject line and mark your message for return receipt. Include your name and return address in your message.

FOR FURTHER INFORMATION CONTACT: Arlene Bajusz, Rules Processing Team at (703) 787–1600. You may also contact Arlene Bajusz to obtain a copy, at no cost, of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 250, Subpart P, Sulphur Operations.

OMB Control Number: 1010–0086.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations ''to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein'' and to include provisions ''for the prompt and efficient exploration and development of a lease area.'' These authorities and responsibilities are among those delegated to MMS under which we issue regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This information collection request addresses the regulations at 30 CFR Part 250, Subpart P, Sulphur Operations, and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

MMS uses the information collected to ascertain the condition of drilling sites for the purpose of preventing hazards inherent in drilling and production operations and to evaluate the adequacy of equipment and/or procedures to be used during the conduct of drilling, well-completion, well-workover, and production operations. For example, MMS uses the information to:

- Ascertain that a discovered sulphur deposit can be classified as capable of production in paying quantities.
- Ensure accurate and complete measurement of production to determine the amount of sulphur royalty payments due the United States; and that the sale locations are secure, production has been measured accurately, and appropriate follow-up actions are initiated.
- Ensure that the drilling unit is fit for the intended purpose.
- Review expected oceanographic and meteorological conditions to ensure the integrity of the drilling unit (this information is submitted only if it is not otherwise available).
- Review hazard survey data to ensure that the lessee will not encounter geological conditions that present a hazard to operations.
- Ensure the adequacy and safety of firefighting plans.
- Ensure the adequacy of casing for anticipated conditions.
- Review log entries of crew meetings to verify that crew members are properly trained.
- Review drilling, well-completion, and well-workover diagrams and procedures to ensure the safety of the proposed drilling, well-completion, and well-workover operations.
- Review production operation procedures to ensure the safety of the proposed production operations.
- Monitor environmental data during operations in offshore areas where such data are not already available to provide a valuable source of information to evaluate the performance of drilling rigs under various weather and ocean conditions. This information is necessary to make reasonable determinations regarding safety of operations and environmental protection.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 250.196, ''Data and information to be made available to the public.'' No items of a sensitive nature are collected. Responses are mandatory.

Frequency: Varies by section, but is generally ''on occasion'' or annual.

Estimated Number and Description of Respondents: Approximately 1 Federal OCS sulphur lessee.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The currently approved ''hour'' burden for this information collection is a total of 903 hours. The following chart details the individual components of this burden and estimated burden per response or record. In calculating the burden, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 subpart P	Reporting or recordkeeping requirement	Hour burden
1600	Submit exploration or development and production plan. [Burden included under 30 CFR 250, subpart B (1010–0049).].	0
1603(a)	Request determination whether sulphur deposit can produce in paying quantities	1
1605(b)(3)	Submit data and information on fitness of drilling unit	4
1605(c)	Report oceanographic, meteorological, and drilling unit performance data upon request*	1
1605(d)	Submit results of additional surveys and soil borings upon request*	1
1605(e)(5)	Request copy of directional survey (by holder of adjoining lease)*	1
1605(f)	Submit application for installation of fixed drilling platforms or structures. [Burden included under 30 CFR 250, subpart I (1010–0058).].	0
1607	Request establishment, amendment, or cancellation of field rules for drilling, well- completion, or well-workover.	8

Citation 30 CFR 250 subpart P	Reporting or recordkeeping requirement	Hour burden
1608	Submit well casing and cementing plan or modification	5
1610(d)(8)	Request exception to ram-type blowout preventer (BOP) system components rated working pressure.	1
1611(b); 1625(b)	Request exception to water-rated working pressure to test ram-type and annular BOPs and choke manifold.	1
1611(f); 1625(f)	Request exception to recording pressure conditions during BOP tests on pressure charts*.	1
1612	Request exception to § 250.408 requirements for well-control drills*	1
1615	Request exception to blind-shear ram or pipe rams and inside BOP to secure wells	1
1617; 1618; 1619(b); 1622	Submit forms MMS–123 (Application for Permit to Drill), MMS–124 (Sundry Notices and Reports on Wells), Form MMS–125 (Well Summary Report). [Burden included with forms: MMS–123 (1010–0044); MMS–124 (1010–0045); MMS–125 (1010–0046).].	0
1619(c), (d), (e)	Submit copies of records, logs, reports, charts, etc., upon request	1
1628(b), (d)	Submit application for design and installation features of sulphur production facilities and fuel gas safety system; certify new installation conforms to approved design.	4
1629(b)(3)	Request approval of firefighting systems	4
1630(a)(5)	Notify MMS of pre-production test and inspection of safety system and commencement of production.	2
1633(b)	Submit application for method of production measurement	2
1634(b)	Report evidence of mishandling of produced sulphur or tampering or falsifying any measurement of production.	1
1600 thru 1634	General departure and alternative compliance requests not specifically covered elsewhere in subpart P.	2
	Recordkeeping	
1604(f)	Check traveling-block safety device for proper operation weekly and after each drill-line slipping; enter results in log.	3
1609(a)	Pressure test casing; record time, conditions of testing, and test results in log	2
1611(d)(3); 1625(c)(3)	Record in driller's report the date, time, and reason for postponing pressure testings	**10
1611(f), (g); 1625(f), (g)	Conduct tests, actuations, inspections, maintenance, and crew drills of BOP systems at least weekly; record results in driller's report; retain records for 2 years following completion of drilling activity.	6
1613(e)	Pressure test diverter sealing element/valves weekly; actuate diverter sealing element/ valves/ control system every 24 hours; test diverter line for flow every 24 hours; record test times and results in driller's report.	2
1616(c)	Retain training records for lessee and drilling contractor personnel. [Burden included under 30 CFR 250, subpart O (1010–0128).].	0
1619(a)	Retain records for each well and all well operations for 2 years	12
1621	Conduct safety meetings prior to well-completion or well-workover operations; record date and time.	1
1628(d)	Maintain information on approved design and installation features for the life of the facility.	1
1629(b)(1)(ii) and (iii)	Retain pressure-recording charts used to and determine operating pressure ranges for 2 years; post firefighting system diagram.	12
1630(b)	Maintain records for each safety device installed for 2 years	1
1631	Conduct safety device training prior to production operations and periodically thereafter; record date and time.	1

* We included a minimal burden, but it has not been necessary to request these data and/or no submissions received for many years.
** Minutes.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burdens.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *''.

Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and

software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Policy: MMS's practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. If you wish your name and/or address to be withheld, you must state this prominently at the beginning of your comment. MMS will honor this request to the extent allowable by law; however, anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

MMS Federal Register Liaison Officer: Denise Johnson (202) 208–3976.

Dated: February 5, 2004.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 04–3248 Filed 2–12–04; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, Fritch, TX

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of a Plan of Operations, an Environmental Assessment, and a Statement of Findings for a 30-day public review at Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, Hutchinson County, Moore County, and Potter County, Texas.

SUMMARY: The National Park Service (NPS), in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations and Executive Order 11988, Floodplain Management, has received from Pioneer Natural Resources USA a Plan of Operations for the continued operations of forty-four natural gas wells, Re-entry to Drill Horizontal Laterals on twenty-four gas wells, and drill one new gas well at Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument. Additionally, the NPS has adopted a contractor prepared Environmental Assessment for the Plan of Operations and prepared a Statement of Findings for those natural gas wells located within the 500-year flood event elevation and the 100-year flood event elevations.

DATES: The Plan of Operations, an Environmental Assessment, and the Statement of Findings are available for public review and comment for a period of 30-days from the publication date of this notice in the **Federal Register**.

ADDRESSES: The Plan of Operations, an Environmental Assessment, and the Statement of Findings are available for public review and comment in the Office of the Superintendent, Lake Meredith National Recreation Area, 419 E. Broadway, Fritch, Texas. Copies are available, for a duplication fee, from the Superintendent, Lake Meredith National Recreation Area, P.O. Box 1460, Fritch, Texas 79306–1460.

FOR FURTHER INFORMATION CONTACT: Paul Eubank, Environmental Protection Specialist, Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, P.O. Box 1460, Fritch, Texas 79036, Telephone: 806–865–3874.

SUPPLEMENTARY INFORMATION: If you wish to comment, you may submit comments by mailing them to the post office address provided above, or you may hand-deliver comments to the park at the street address provided above. Our practice is to make comments, including names and home addresses of responders, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the decision-making record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the decision-making record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Karren C. Brown,

Superintendent.

[FR Doc. 04–3142 Filed 2–12–04; 8:45 am]

BILLING CODE 4312–KE–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Prepare an Environmental Impact Statement

SUMMARY: The National Park Service in cooperation with the State of Alaska, Department of Transportation and Public Facilities; State of Alaska, Department of Natural Resources, Division of Parks and Outdoor Recreation; and the Matanuska-Susitna Borough, Alaska intend to prepare the South Denali Implementation Plan and accompanying Environmental Impact Statement (EIS). The 1986 General Management Plan for Denali National Park and Preserve called for the development of visitor services and access to the South Denali region, and the 1997 South Side Denali Development Concept Plan/EIS identified a site within the western portion of Denali State park for new visitor facilities. The Implementation Plan will study new site locations and provide more detailed information on the proposed facilities.

The purpose of the plan is to implement the 1997 South Side Plan and to evaluate specific locations for proposed visitor and administrative facilities, including a nature center, access road, trail systems, campsites, picnic shelters, employee housing and administrative facilities. In addition to siting the facilities, the plan will identify and evaluate the design, capacity and function of proposed development. Options and opportunities to enhance recreation and access throughout the South Denali region will also be evaluated. The study area for the Implementation Plan encompasses the Petersville Road corridor, the southern boundary area of Denali National Park and Preserve, the western section of Denali State Park and the Peters Hills. The goals are to provide a quality visitor experience while protecting resource values in Denali State Park and Denali National Park and Preserve and preserving the quality of life for residents in nearby communities, and to enhance recreational and access opportunities for a wide variety of visitors including Alaskans, and independent and package tour travelers. Alternatives under consideration for

this project focus on variations in location and extent of new visitor opportunities and facilities and access options in the areas mentioned above:

1. No new construction of facilities or access. (No-Action alternative).

2. Construct facilities in the Peters Hills at the southern boundary of Denali State Park and provide access to the site from the Petersville Road (Proposed Action).

3. Construct facilities at the Tokositna site identified in the 1997 South Side plan, and provide access to the site by extending the Petersville Road.

Other facility locations and access options within the study area may be identified for alternative evaluation based on the public comments received during public scoping.

Scoping: The planning team requests input from interested federal and state agencies, local governments, groups, organizations, recreational users, and the public. Written and verbal scoping comments are being solicited . Further information on this planning process will be available through public scoping meetings, press releases, and newsletters. Public scoping meetings will be held in Anchorage, Wasilla, Susitna Valley, McKinley Village, and Fairbanks Alaska in early 2004. Specific dates, times, and locations of scoping meetings will be announced. An agency scoping meeting will be held in Anchorage, Alaska in early 2004.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record, which we will honor to the extent allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Comments concerning the scope of this project should be received on or before April 13, 2004. The draft EIS is projected to be available in late 2004. Comments may be sent to the address or Web site provided below.

FOR FURTHER INFORMATION CONTACT: Miriam Valentine, Park Planner, at the Talkeetna Ranger Station, P.O. Box 588, Talkeetna, AK 99676, (907) 733–9102, or at the following Web site: *http://parkplanning.nps.gov.*

SUPPLEMENTARY INFORMATION: The implementation plan will be based on existing federal and state plans including the 1986 Denali National Park and Preserve General Management Plan, the 1997 National Park Service South Side Denali Development Concept Plan. the 1989 Denali State Park Master Plan, the 1998 Matanuska-Susitna Borough Petersville Road Corridor Management Plan, and consideration of the Governor-chartered South Denali Citizens Consultation Committee report (1999).

The 1986 Denali National Park and Preserve General Management Plan calls for the development of visitor services and access to the South Denali region to take advantage of the area's dramatically sculptured landscapes and mountain-oriented recreational opportunities. This plan recommends the project be planned and developed cooperatively with the state of Alaska and with involvement from the private sector.

The 1997 South Side Denali Development Concept Plan is a regional cooperative plan formulated by a team representing the National Park Service, State of Alaska, Matanuska-Susitna Borough, Denali Borough, Ahtna, Inc., and Cook Inlet Region, Inc. In the Record of Decision the NPS decided to construct visitor facilities at the western edge of Denali State Park near the end of an upgraded and extended Petersville Road. Developments would include a visitor center, parking, up to 50 campsites, a picnic area, hiking trails, information and safety signage, and associated facilities.

The 1999 South Denali Citizens Consultation Committee Final Report recommended modifying the development concepts in the South Side Denali Development Concept Plan while remaining consistent with its goals and objectives: to provide resident and visitor facilities throughout the south side of the Alaska Range to meet a wide range of needs and interests of the region's diverse user groups. The committee recommended that a nature center be constructed within the Denali State Park boundary and avoid an extensive upgrade of the Petersville Road through the canyon, thereby minimizing impacts to mining and backcountry uses.

The 1989 Denali State Park Master Plan recommends facility construction in the South Denali region: ''Tremendous views of the Mt. McKinley massif and the diversity of surrounding areas make the park an appropriate location for a ''South Denali Visitor Complex''. The visitor complex will provide a focal point and staging area for the Denali State Park interpretive program.''

One of the objectives of the 1998 Matanuska-Susitna Borough Petersville Road Corridor Management Plan is to enhance the visitor experience of Petersville Road in conjunctions with facility development in the South Denali region. Recommendations include interpretive panels, informational kiosks, vegetative buffers, and retention of scenic qualities along the road corridor.

Dated: January 28, 2004.

Thomas J. Ferranti,

Acting Regional Director, Alaska.

[FR Doc. 04–3250 Filed 2–12–04; 8:45 am]

BILLING CODE 4310–PW–P

DEPARTMENT OF THE INTERIOR

National Park Service

Announcement of Subsistence Resource Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Announcement of Subsistence Resource Commission meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Aniakchak National Monument Subsistence Resource Commission will be held at King Salmon, Alaska. The purpose of the meeting will be to review Federal Subsistence Board wildlife proposals and continue work on National Park Service subsistence hunting program recommendations including other related subsistence management issues. The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed.

The Subsistence Resource Commission is authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, and operates in accordance with the provisions of the Federal Advisory Committee Act.

DATES: The meeting will be held on February 25, 2004, from 9 a.m. to 4 p.m. at the COMSERFAC, FA Housing Complex in King Salmon, Alaska.

FOR FURTHER INFORMATION CONTACT: Mary McBurney, Subsistence Manager at (907) 644–3598.

SUPPLEMENTARY INFORMATION: Notice of this meeting will be published in local newspapers and announced on local radio stations prior to the meeting dates. Locations and dates may need to be changed based on weather or local circumstances.

The following agenda items will be discussed:

1. Call to Order (SRC Chair).
2. Roll Call and Confirmation of Quorum.
3. SRC Chair and Superintendent's Welcome and Introductions.
4. Review Commission Purpose and Status of Membership.
5. Review and Adopt Agenda.
6. Review and adopt minutes from last meeting.
7. Superintendent's Report.
8. Update—Review Federal Subsistence Board ''Wildlife Proposals.
9. Update—Review Federal Subsistence Board Fisheries Actions.
10. Develop Comments for Federal Subsistence Board Proposals.
11. Public and Agency Comments.
12. Set time and place of next SRC meeting.
13. Adjournment.

Draft minutes of the meeting will be available for public inspection approximately six weeks after the meeting from: Superintendent, Lake Clark National Park and Preserve, P.O. Box 4230, University Drive #311, Anchorage, AK 99508.

Dated: January 30, 2004.

Kathryn C. Collins,

Alaska Desk Officer.

[FR Doc. 04–3143 Filed 2–12–04; 8:45 am]

BILLING CODE 4312–6Y–P

DEPARTMENT OF THE INTERIOR

National Park Service

Announcement of Subsistence Resource Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Announcement of Subsistence Resource Commission meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Aniakchak National Monument Park Subsistence Resource Commission will be held at King Salmon, Alaska. The purpose of the meeting will be to review Federal Subsistence Board wildlife proposals and continue work on National Park Service subsistence hunting program recommendations including other related subsistence management issues. The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed.

The Subsistence Resource Commissions are authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96–487, and operation in accordance with the provisions of the Federal Advisory Committee Act.

DATES: The meeting will be on February 25, 2004, from 9 a.m. to 4 p.m. at the COMSERFAC, FA Housing Complex in King Salmon, Alaska.

In accordance with 41 CFR 102–3.150, we may provide less than 15 days notice in the **Federal Register** to convene the Commission prior to the February 26, 2004, Bristol Bay Regional Council meeting.

FOR FURTHER INFORMATION CONTACT: Mary McBurney, Subsistence Manager at (907) 644–3598.

SUPPLEMENTARY INFORMATION: Notice of this meeting will be published in local newspapers and announced on local radio stations prior to the meeting dates. Locations and dates may need to be changed based on weather or local circumstances.

The following agenda items will be discussed:

1. Call to order (SRC Chair).
2. Roll Call and Confirmation of Quorum.
3. SRC Chair and Superintendent's Welcome and Introductions.
4. Review Commission Purpose and Status of Membership.
5. Review and Adopt Agenda.
6. Review and adopt minutes from last meeting.
7. Superintendent's Report.
8. Update—Review Federal Subsistence Board Wildlife Proposals.
9. Update—Review Federal Subsistence Board Fisheries Actions.
10. Develop comments for Federal Subsistence Board Proposals
11. Review Status of Subsistence Hunting Program Recommendations
12. Public and agency comments.
13. Set time and place of next SRC meeting.
14. Adjournment.

Draft minutes of the meeting will be available for public inspection approximately six weeks after the meeting from: Superintendent, Aniakchak National Monument and Preserve, P.O. Box 7, King Salmon, Alaska 99613.

Dated: January 12, 2004.

Marcia Blaszak,

Acting Regional Director, Alaska.

[FR Doc. 04–3146 Filed 2–12–04; 8:45 am]

BILLING CODE 4312–64–P

DEPARTMENT OF THE INTERIOR

National Park Service

Boston Harbor Islands Advisory Council; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) that the Boston Harbor Islands Advisory Council will hold its annual meeting on Wednesday, March 3, 2004. The meeting will convene at 6 p.m. at the Children's Museum, 300 Congress Street, 5th Floor, Boston, MA.

The Advisory Council was appointed by the Director of National Park Service pursuant to Pub. L. 104–333. The 28 members represent business, educational/cultural, community and environmental entities; municipalities surrounding Boston Harbor; Boston Harbor advocates; and Native American interests. The purpose of the Council is to advise and make recommendations to the Boston Harbor Islands Partnership with respect to the development and implementation of a management plan and the operations of the Boston Harbor Islands national park area. The Agenda for this meeting is as follows:

1. Call to Order, Introductions of Advisory Council members present
2. Review and Approval of Minutes from the December 3, 2003 meeting
3. Presentation of video program presented at the LA Partnership Conference featuring—the Boston Harbor Islands!
4. Update on Outreach Program
5. Nomination for Advisory Council Seats
6. Election of Officers
7. Report from the Superintendent
8. Public Comment
9. Next Meeting
10. Adjourn

The meeting is open to the public. Further information concerning Council meetings may be obtained from the Superintendent, Boston Harbor Islands. Interested persons may make oral/written presentations to the Council or file written statements. Such requests should be made at least seven days prior to the meeting to: Superintendent, Boston Harbor Islands NRA, 408 Atlantic Avenue, Boston, MA 02110, telephone (617) 223–8667.

Dated: January 12, 2004.

George E. Price, Jr.,

Superintendent, Boston Harbor Islands NRA.

[FR Doc. 04–3147 Filed 2–12–04; 8:45 am]

BILLING CODE 4310–86–M

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Cod National Seashore, South Wellfleet, MA; Cape Cod National Seashore Advisory Commission; Notice of the Two Hundred Forty-Sixth Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on March 15, 2004.

The Commission was reestablished pursuant to Pub. L. 87–126 as amended by Public L. 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1 p.m. at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:

1. Adoption of agenda
2. Approval of minutes of previous meeting (January 26, 2004)
3. Reports of officers
4. Reports of subcommittees
5. Superintendent's report
   Salt Pond Visitor Center update
   Transportation
   Highlands Center
   Eastham Town Beach
   East Harbor salinity report
   Commonwealth appointments
   News from Washington
6. Old business
7. New business
   Commercial Certificates of Suspension of Condemnation
8. Date and agenda for next meeting
   Invasive Species Field Trip
9. Public comment, and
10. Adjournment

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: January 28, 2004.

Maria Burks,

Superintendent.

[FR Doc. 04–3141 Filed 2–12–04; 8:45 am]

BILLING CODE 4310–10–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Meeting of Concessions Management Advisory Board

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App. 1, section 10), notice is hereby given that the Concessions Management Advisory Board (the Board) will hold its 11th meeting on Wednesday, March 3 and Thursday, March 4, 2004. The meeting will be held at the Madison Hotel located at 1155 Fifteenth Street, NW., Washington, DC 20005. The meeting will convene at 8:30 a.m. and will conclude at 4:30 p.m. each day.

SUPPLEMENTARY INFORMATION: The Board was established by Title IV, section 409 of the National Parks Omnibus Management Act of 1998, November 13, 1998 (Pub. L. 105–391). The purpose of the Board is to advise the Secretary and the National Park Service on matters relating to management of concessions in the National Park System.

The Board will meet at 8:30 a.m. for the regular business meeting for continued discussion on the following subjects:

- Discussion of issues related to leasehold surrender interest;
- Highlights from WASO and the regions on concession activities;
- Status of commercial use authorizations and proposed handcraft regulations;
- Other business (re-appointments of Board members, logistics of next meeting), *etc.*

The meeting will be open to the public, however, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis.

Assistance to Individuals With Disabilities at the Public Meeting

The meeting site is accessible to individuals with disabilities. If you plan to attend and will require an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least 2 weeks before the scheduled meeting date. Attempts will be made to meet any request(s) we receive after that date, however, we may not be able to make the requested auxiliary aid or service available because of insufficient time to arrange for it.

Anyone may file with the Board a written statement concerning matters to be discussed. The Board may also permit attendees to address the Board, but may restrict the length of the presentations, as necessary to allow the Board to complete its agenda within the allotted time.

Interested persons may make oral/written presentations to the Board during the business meeting or file written statements. Such requests should be made to the Director, National Park Service, attention: Manager, Concession Program at least 7 days prior to the meeting. Further information concerning the meeting may be obtained from National Park Service, Concession Program, 1849 C St., NW. (2410), Washington, DC 20240, Telephone: 202/513–7144.

Draft minutes of the meeting will be available for public inspection approximately 6 weeks after the meeting at the Concession Office located at 1201 Eye Street, NW., 11th Floor, Washington, DC.

Dated: January 28, 2004.

Randy Jones,

Director, National Park Service.

[FR Doc. 04–3139 Filed 2–12–04; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Announcement of Lake Clark National Park Subsistence Resource Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Announcement of Lake Clark National Park Subsistence Resource Commission meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Lake Clark National Park Subsistence Resource Commission will be held at Iliamna, Alaska. The purpose of the meeting will be to review Federal Subsistence Board wildlife proposals and continue work on National Park Service subsistence hunting program recommendations including other related subsistence management issues. The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed.

The Subsistence Resource Commission is authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96–487, and operates in accordance with the provisions of the Federal Advisory Committee Act.

DATES: The meeting will be held on February 19, 2004, from 10 a.m. to 4 p.m. at the Iliamna Community Center in Iliamna, Alaska.

GSA regulations (41 CFR 102–3.150) governing advisory committee meetings allow us, in exceptional circumstances, to give less than 15 days advance notice prior to an advisory committee meeting. It is necessary for us to publish this notice less than 15 days prior to the meeting so that the work of the committee can be made available for consideration at a subsequent meeting of the Bristol Bay Regional Council. We were not aware sufficiently in advance of the need to more closely coordinate the scheduling of the two meetings.

FOR FURTHER INFORMATION CONTACT: Mary McBurney, Subsistence Manager at (907) 644–3598.

SUPPLEMENTARY INFORMATION: Notice of this meeting will be published in local newspapers and announced on local radio stations prior to the meeting dates. Locations and dates may need to be changed based on weather or local circumstances.

The following agenda items will be discussed:

1. Call to Order (SRC Chair).
2. Roll Call and Confirmation of Quorum.
3. SRC Chair and Superintendent's Welcome and Introductions.
4. Review Commission Purpose and Status of Membership.
5. Review and Adopt Agenda.
6. Review and adopt minutes from last meeting.
7. Superintendent's Report.
8. Update—Review Federal Subsistence Board—Wildlife Proposals.
9. Update—Review Federal Subsistence Board—on Fisheries Actions.
10. Develop Subsistence Hunting Program Recommendations/Comments on Proposals.
11. Public and Agency Comments.
12. Set time and place of next SRC meeting.
13. Adjournment.

Draft minutes of the meeting will be available for public inspection approximately six weeks after the meeting from: Superintendent, Lake Clark National Park and Preserve, P.O. Box 4230, University Drive #311, Anchorage, AK 99508.

Dated: January 30, 2004.

Kathryn C. Collins,

Acting Regional Director, Alaska.

[FR Doc. 04–3145 Filed 2–12–04; 8:45 am]

BILLING CODE 4312–64–P

DEPARTMENT OF THE INTERIOR

National Park Service

Committee for the Preservation of the White House; Notice of Public Meeting

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Committee for the Preservation of the White House will be held at the White House at 11 a.m. on Friday, March 12, 2004.

DATES: March 12, 2004.

FOR FUTHER INFORMATION CONTACT: Executive Secretary, Committee for the Preservation of the White House, 1100 Ohio Drive, SW., Washington, DC 20242. (202) 619–6344.

SUPPLEMENTARY INFORMATION: It is expected that the meeting agenda will include policies, goals, and long range plans. The meeting will be open, but subject to appointment and security clearance requirements. Clearance information, which includes full name, date of birth and social security number, must be received by March 5, 2004. Due to the present mail delays being experienced, clearance information should be faxed to (202) 619–6353 in order to assure receipt by deadline. Inquiries may be made by calling the Committee for the Preservation of the White House between 9 a.m. and 4 p.m. weekdays at (202) 619–6344. Written comments may be sent to the Executive Secretary, Committee for the Preservation of the White House, 1100 Ohio Drive, SW., Washington, DC 20242.

Dated: February 5, 2004.

Ann Bowman Smith,

Executive Secretary, Committee for the Preservation of the White House.

[FR Doc. 04–3144 Filed 2–12–04; 8:45 am]

BILLING CODE 4316–71–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 31, 2004. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, (202) 371–6447. Written or faxed comments should be submitted by March 1, 2004.

Carol D. Shull,

Keeper of the National Register of Historic Places.

ARIZONA

Gila County

Miller, Pryor, House, 3800 AZ 87, Pine, 04000146

Navajo County

Brimhall, Norman, House, 210 S. Main St., Taylor, 04000137
Palmer, A.Z., House, 26 E. Center, Taylor, 04000139
Palmer, Jordan, House, 101 S. Main St., Taylor, 04000136
Standifird, Aquilla, House, 306 S. Main St., Taylor, 04000138

CALIFORNIA

Los Angeles County

Southwest Museum, 234 Museum Dr., Los Angeles, 04000185

Siskiyou County

Edgewood Store, 24505 Edgewood Rd., Edgewood, 04000140

DISTRICT OF COLUMBIA

District of Columbia

Dumbarton Oaks Park, Entrance from Lovers Ln, off R St. bet. 31st and 32nd Sts, Washington, 04000141

FLORIDA

Flagler County

Mala Compra Plantation Archeological Site, 5880 N. Oceanshore Blvd., Palm Coast, 04000142

Lake County

Purdy Villa, 3045 Eudora Rd., Eustis, 04000143

ILLINOIS

Adams County

Lock and Dam No. 21 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 0.5 mi. W oif IL 57, Quincy, 04000181

Brown County

La Grange Lock and Dam Historic District, (Illinois Waterway Navigation System Facilities MPS) 0.75 mi. S of Cty Rte 795N at Illinois River, Versailles, 04000170

Champaign County

Lincoln (Statue), 1000 Blk of S. Race St., Urbana, 04000144

Grundy County

Dresden Island Lock and Dam Historic District, (Illinois Waterway Navigation System Facilities MPS) 7521 N. Lock Rd., Morris, 04000164

Henderson County

Lock and Dam No. 18 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 1.5 mi. N of unnamed cty rd. from Gladstone, Gladstone, 04000178

La Salle County

Marseilles Lock and Dam Historic District, (Illinois Waterway Navigation System Facilities MPS) 1 Hawk Dr., Marseilles, 04000165

Starved Rock Lock and Dam Historic District, (Illinois Waterway Navigation System Facilities MPS) 950 N 27th Rd., Ottawa, 04000166

Mercer County

Lock and Dam No. 17 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 173 Lock and Dam Rd., New Boston, 04000177

Peoria County

Illinois Waterway Project Office, (Illinois Waterway Navigation System Facilities MPS) 257 Grant St., Peoria, 04000168

Rock Island County

Lock and Dam No. 15 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) NW of Rodman Ave., Twd., NW tip Arsenal Island, Rock Island, 04000175

Tazewell County

Peoria Lock and Dam Historic District, (Illinois Waterway Navigation System Facilities MPS) 1071 Wesley Rd., Creve Coeur, 04000169

Whiteside County

Lock and Dam No. 13 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 4999 Lock Rd., Fulton, 04000173

Will County

Brandon Road Lock and Dam Historic District, (Illinois Waterway Navigation System Facilities MPS) 1100 Brandon Rd., Joliet, 04000163

Lockport Lock, Dam and Power House Historic District, (Illinois Waterway Navigation System Facilities MPS) 2502 Channel Dr., Lockport, 04000167

IOWA

Dubuque County

Lock and Dam No. 11 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 11 Lime St., Dubuque, 04000171

Jackson County

Lick and Dam No. 12 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 401 N. Riverview St., Bellavue, 04000172

Lee County

Lock and Dam No. 19 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 525 N. Water St., Keokuk, 04000179

Muscatine County

Lock and Dam No. 16 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 33109 102nd Ave. W, Muscatine, 04000176

Scott County

Lock and Dam No. 14 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 25549 182nd St., Pleasant Valley, 04000174

LOUISIANA

Morehouse Parish

Mer Roughe High School, 500 S. 14 St., Mer Rouge, 04000145

MISSOURI

Lewis County

Lock and Dam No. 20 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 0.5 mi. N of Henderson St., Canton, 04000180

Lincoln County

Lock and Dam No. 25 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 10 Sandy Slough Rd., Winfield, 04000184

Pike County

Lock and Dam No. 24 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) 350 N. First St., Clarksville, 04000183

Ralls County

Lock and Dam No. 22 Historic District, (Upper Mississippi River 9–Foot Navigation Project MPS) Secondary Rd. E, New London, 04000182

NEW HAMPSHIRE

Hillsborough County

Sullivan, Roger, House, 168 Walnut St., Manshester, 04000150

Merrimack County

Pineground Bridge, 0.15 mi. E of NH 28 on Depot Rd., Chichester, 04000149

NEW JERSEY

Monmouth County

Water Witch Club Historic District, Roughly bounded by NJ 36, Water Wich Dr., Sea View Terrace, Park Way, Windlass Path and Serpentine Dr., Middletown Township, 04000147

NORTH CAROLINA

Carteret County

Queen Anne's Revenge, Address Restricted, Atlantic Beach, 04000148

OHIO

Highland County

New Market Township Community House, 4641 U.S. 62, Hillsboro, 04000151

TENNESSEE

Cocke County

Neas Farm, 3301 Sable Rd., Parrottsville, 04000152

Knox County

Southern Terminal and Warehouse Historic District (Boundary Increase), 100 N Broadway and 525 W. Jackson Ave., Knoxville, 04000153

TEXAS

Washington County

Brenham Downtown Historic District, (Brenham MPS) Roughly bounded W. Vulcan, E. Vulcan, South Market, West First, Bassett, S. Austin and N. Austin, Brenham, 04000154

VERMONT

Caledonia County

Downtown Hardwick Village Historic District (Boundary Increase), Brush St., Hardwick, 04000161

VIRGINIA

Clarke County

Boyce Historic District, Includes Crescent Sts., Greenway Ave., Huntingdon Ln., Main St. Old Chapel Ave., Railroad Ln., Saratoga, VA, and Whiting Boyce, 04000155

Stafford County

Conway House, 305 King St., Falmouth, 04000162

WASHINGTON

King County

Jovita Land Company Model Home—Corbett House, 4600 S. 364th St., Federal Way, 04000158

Kitsap County

Shelbanks, 1520 Shorewood Dr., Bremerton, 04000160

Spokane County

Corbin, Daniel C. and Anna, House, 507 W. Seventh Ave., Spokane, 04000157

Thurston County

Rainier School, (Rural Public Schools of Washington State MPS) Jct. of Algyers St. and Centre Sts., Rainier, 04000159

WISCONSIN

Oneida County

Indianapolis Outing Club, 7371 Wheeler Island Rd., Three Lakes, 04000156

[FR Doc. 04–3140 Filed 2–12–04; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: University of Nevada-Reno, Anthropology Research Museum, Reno, NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the University of Nevada-Reno, Anthropology Research Museum, Reno, NV. The human remains and associated funerary objects were removed from White Pine and Nye Counties, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Nevada State Museum professional staff for the University of Nevada-Reno, Anthropology Research Museum in consultation with representatives of the Battle Mountain Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Confederated Tribes of the Goshute Reservation, Nevada and Utah; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Elko Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Ely Shoshone Tribe of Nevada; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; South Fork Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Wells Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Winnemucca Indian Colony of Nevada; and Yomba Shoshone Tribe of the Yomba Reservation, Nevada.

In 1966, human remains representing a minimum of one individual were removed from site 26WP104 in White Pine, White Pine County, NV. While conducting a cultural resource management survey in the area, a crew of the Nevada Archaeological Survey excavated skeletal material, which was eroding out of an unstable dune. The human remains and associated cultural material were transported to the Nevada Archeological Survey facilities at the University of Nevada-Reno and cataloged. In 1976, the human remains and associated cultural material were loaned to Sheila Brooks, a physical anthropologist, for study. The assemblage was later accidentally returned to the Nevada State Museum in Carson City, NV. The University of Nevada-Reno, Anthropology Research Museum retrieved the human remains and cultural material from the Nevada State Museum in 1995. No known individual was identified. The 49 associated funerary objects are 8 fragments of cloth and metal, 5 fragments of leather from shoes, 4 50–cent coins, 10 pine nuts, 1 glass button, 1 flaked stone, 4 fragments of metal, 14 percussion caps, and 2 bags of debris.

The coins and shoe fragments associated with the burial date to the 1870s. Based on the dates and geographical location of the burial, the individual is believed to be Native American. Based on continuity of occupation in this location by the Western Shoshone, the individual is believed to be Western Shoshone. The Western Shoshone are believed to have occupied this area of Nevada during the 1800s.

In 1978, human remains representing a minimum of one individual were removed from Nye County, NV. The burial was discovered and excavated by a special investigator affiliated with the Nye County District Attorney's office, and the excavated materials were turned over to the Nevada Archaeological Survey for analysis. In 1983, the human remains and associated objects were sent to the University of Nevada-Reno, Anthropology Research Museum where they were accessioned into the collection. No known individual was identified. The 178 associated funerary objects are 1 projectile point, 163 beads, 3 buttons, 1 ring, 8 bundles of textile, and 2 pieces of rope.

Associated with the burial are historic artifacts that place the burial between 1870 and the 1880s. In 1997, forensic professionals determined that the skull exhibits morphological traits that are associated with Numic- speaking populations, who occupied the region historically. Additionally, in Nye County, NV, there is evidence for continuous occupation by the Western Shoshone. Based on the forensic evidence and dates and geographical location, the individual is believed to be Native American. Based on continuity of occupation in this location by the Western Shoshone, the individual is believed to be Western Shoshone. The Western Shoshone are believed to have occupied this area of Nevada during the 1800s.

Officials of the University of Nevada-Reno, Anthropology Research Museum have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of two individuals of Native American ancestry. Officials of the University of Nevada-Reno, Anthropology Research Museum also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 227 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the University of Nevada-Reno, Anthropology Research Museum have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Western Shoshone, today represented by the Battle Mountain Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Confederated Tribes of the Goshute Reservation, Nevada and Utah; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Elko Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Ely Shoshone Tribe of Nevada; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; South Fork Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Wells Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Winnemucca Indian Colony of Nevada; and Yomba Shoshone Tribe of the Yomba Reservation, Nevada.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and

associated funerary objects should contact Dr. C.S. Fowler, Anthropology Research Museum, Department of Anthropology, College of Arts and Sciences, Ansari Business Building, Reno, NV 89557, telephone (775) 784–6704, before March 15, 2004. Repatriation of the human remains and associated funerary objects to the Battle Mountain Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Confederated Tribes of the Goshute Reservation, Nevada and Utah; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Elko Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Ely Shoshone Tribe of Nevada; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; South Fork Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Wells Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Winnemucca Indian Colony of Nevada; and Yomba Shoshone Tribe of the Yomba Reservation, Nevada may proceed after that date if no additional claimants come forward.

The University of Nevada-Reno, Anthropology Research Museum is responsible for notifying the Battle Mountain Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Confederated Tribes of the Goshute Reservation, Nevada and Utah; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Elko Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Ely Shoshone Tribe of Nevada; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; South Fork Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Wells Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Winnemucca Indian Colony of Nevada; and Yomba Shoshone Tribe of the Yomba Reservation, Nevada that this notice has been published.

Dated: January 12, 2004.

John Robbins,

Assistant Director, Cultural Resources.

[FR Doc. 04–3148 Filed 2–12–04; 8:45 am]

BILLING CODE 4310–50–S

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Central Valley Project Improvement Act, Water Management Plans.

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability.

SUMMARY: The following Water Management Plans are available for review:

- Corning Water District.
- Delano-Earlimart Irrigation District.
- Feather Water District.
- Orland-Artois Water District.
- Proberta Water District.
- Westside Water District.

To meet the requirements of the Central Valley Project Improvement Act of 1992 (CVPIA) and the Reclamation Reform Act of 1982, the Bureau of Reclamation (Reclamation) developed and published the Criteria for Evaluating Water Management Plans (Criteria). Note: For the purpose of this announcement, Water Management Plans (Plans) are considered the same as Water Conservation Plans. The above entities have developed a Plan, which Reclamation has evaluated and preliminarily determined to meet the requirements of these Criteria. Reclamation is publishing this notice in order to allow the public to review the plans and comment on the preliminary determinations. Public comment on Reclamation's preliminary (*i.e.*, draft) determination is invited at this time.

DATES: All public comments must be received by March 15, 2004.

ADDRESSES: Please mail comments to Bryce White, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, or contact at 916–978–5208 (TDD 978–5608), or e-mail at *bwhite@mp.usbr.gov.*

FOR FURTHER INFORMATION CONTACT: To be placed on a mailing list for any subsequent information, please contact Bryce White at the e-mail address or telephone number above.

SUPPLEMENTARY INFORMATION: We are inviting the public to comment on our preliminary (*i.e.*, draft) determination of Plan adequacy. Section 3405(e) of the CVPIA (Title 34 Pub. L. 102–575) requires the Secretary of the Interior to establish and administer an office on Central Valley Project water conservation best management practices that shall ''* * * develop criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by section 210 of the Reclamation Reform Act of 1982.'' Also, according to Section 3405(e)(1), these criteria must be developed ''* * * with the purpose of promoting the highest level of water use efficiency reasonably achievable by project contractors using best available cost-effective technology and best management practices.'' These criteria state that all parties (Contractors) that contract with Reclamation for water supplies (municipal and industrial contracts over 2,000 acre-feet and agricultural contracts over 2,000 irrigable acres) must prepare Plans that contain the following information:

1. Description of the District
2. Inventory of Water Resources
3. Best Management Practices (BMPs) for Agricultural Contractors
4. BMPs for Urban Contractors
5. Plan Implementation
6. Exemption Process
7. Regional Criteria
8. Five-Year Revisions

Reclamation will evaluate Plans based on these criteria. A copy of these Plans will be available for review at Reclamation's Mid-Pacific (MP) Regional Office located in Sacramento, California, and the local area office.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that Reclamation withhold their home address from public disclosure, and we will honor such request to the extent allowable by law. There also may be circumstances in which Reclamation would elect to withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments. We will make all submissions from organizations, businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses available for public disclosure in their entirety. If you wish to review a copy of these Plans, please contact Mr. White to find the office nearest you.

Dated: January 27, 2004.

Donna E. Tegelman,

Regional Resources Manager, Mid-Pacific Region, Bureau of Reclamation.

[FR Doc. 04–3200 Filed 2–12–04; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Lake Berryessa Visitor Services Plan, Napa County, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Extension of comment period for review of Draft Environmental Impact Statement (DEIS).

SUMMARY: The Bureau of Reclamation is extending the review period for the DEIS to March 22, 2004. The notice of availability of the DEIS and notice of public workshop and notice of public hearings was published in the **Federal Register** on October 31, 2003 (68 FR 62097). A notice for an additional open house meeting was published in the **Federal Register** on December 19, 2003 (68 FR 70835). The public review period was originally to end on February 4, 2004.

DATES: Submit comments on the DEIS on or before March 22, 2004.

ADDRESSES: Send comments on the DEIS to Ms. Janet Sierzputowski, Bureau of Reclamation, 2800 Cottage Way (Attn: MP–140), Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Rodgers at 707–966–2111 x106, fax 707–966–0409, or e-mail: *srodgers@mp.usbr.gov.* A copy of the Executive Summary, DEIS, and/or the technical appendices may be obtained by calling Ms. Sierzputowski at 916–978–5112. The DEIS is also accessible at *www.usbr.gov/mp/berryessa.*

SUPPLEMENTARY INFORMATION: Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: January 27, 2004.

Frank Michny,

Regional Environmental Officer, Mid-Pacific Region.

[FR Doc. 04–3201 Filed 2–12–04; 8:45 am]

BILLING CODE 4310–MN–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps: Preliminary Finding of No Significant Impact (FONSI) for the Proposed Job Corps Center Located on Scott Hamilton Drive in Little Rock, AR

AGENCY: Employment and Training Administration, Labor.

ACTION: Preliminary Finding of No Significant Impact (FONSI) for the proposed Job Corps Center to be located on Scott Hamilton Drive in Little Rock, Arkansas.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Labor, Employment and Training Administration, Office of Job Corps, in accordance with 29 CFR 11.11(d), gives notice that an Environmental Assessment (EA) has been prepared for a proposed new Job Corps Center to be located in Little Rock, Arkansas, and that the proposed plan for a new Job Corps Center will have no significant environmental impact. This preliminary Finding of No Significant Impact (FONSI) will be made available for public review and comment for a period of 45 days.

DATES: Comments must be submitted by March 29, 2004.

ADDRESSES: Any comment(s) are to be submitted to Eric Luetkenhaus, Employment and Training Administration, Department of Labor, 200 Constitution Avenue, NW., Room S–4203, Washington, DC 20210, (202) 693–3109 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Copies of the EA are available to interested parties by contacting Michael F. O'Malley, Architect, DOL Historic Preservation Officer, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N–4659, Washington, DC 20210, (202) 693–3108 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This Environmental Assessment (EA) summary addresses the proposed construction of a new Job Corps Center in Little Rock, Arkansas. The subject property for the proposed Job Corps Center is an approximately 32-acre undeveloped parcel of land owned by Celestica Corporation.

The new center will require construction of nine (9) new buildings. The proposed Job Corps Center will provide housing, training, and support services for 272 resident students and 28 non-resident students. The current facility utilization plan includes new dormitories, a cafeteria building, administration offices, recreation facilities, and classroom facilities.

The construction of the Job Corps Center on this proposed site would be a positive asset to the area in terms of environmental and socioeconomic improvements, and long-term productivity. The proposed Job Corps Center will be a new source of employment opportunity for people in the central Arkansas area. The Job Corps program provides basic education, vocational skills training, work experience, counseling, health care and related support services. The program is designed to graduate students who are ready to participate in the local economy.

The proposed project will not have any significant adverse impact on any natural systems or resources. No State or Federal threatened or endangered species (proposed or listed) have been identified on the subject property.

The Job Corps Center construction will not affect any existing historic structures, as there are no known historic or archeologically sensitive areas on the proposed property parcel.

Air quality and noise levels should not be affected by the proposed development project. Due to the nature of the proposed project, it would not be a significant source of air pollutants or additional noise, except possibly during construction of the facility. All construction activities will be conducted in accordance with applicable noise and air pollution regulations, and all pollution sources will be permitted in accordance with applicable pollution control regulations.

The proposed Job Corps Center is not expected to significantly increase the vehicle traffic in the vicinity.

The proposed project will not have any significant adverse impact on the surrounding water, sewer, and storm water management infrastructure. The new buildings to be constructed for the proposed Job Corps Center will be tied in to the existing Central Arkansas Water distribution system. The new buildings to be constructed for the proposed Job Corps Center will also be tied in to the existing Little Rock Wastewater Utility system.

Entergy would provide the electricity for the site. This is not expected to create any significant impact to the regional utility infrastructure.

The relocation of the Job Corps Center is not expected to result in a significant

increase in vehicular traffic, since many of the Job Corps Center residents will either live at the Job Corps Center or use public transportation. While some Job Corps Center students and staff may use personal vehicles, their number would not result in a significant increase in vehicular traffic in the area. However, the proposed Job Corps Center entrance would be from Scott Hamilton Road. Scott Hamilton Road is a well used, two-lane thoroughfare. It may be necessary to install a traffic signal or widen Scott Hamilton Road in the area of the property.

No significant adverse affects to local medical, emergency, fire and police services are anticipated. The primary medical provider located closest to the proposed Job Corps parcel is the Southwest Hospital, approximately 5 miles from the proposed Job Corps Center. The Job Corps Center will have a small medical and dental facility on-site for use by the residents as necessary. Security services at the Job Corps will be provided by the center's security staff. Law enforcement services are provided by the Little Rock Police Department's Southwest Little Rock Patrol Division, located approximately 5 miles from the proposed project site. The local fire station is the Little Rock Fire Department. The fire department has two stations which operate 24 hours a day near the proposed site.

The proposed project will not have a significant adverse sociological affect on the surrounding community. Similarly, the proposed project will not have a significant adverse affect on demographic and socioeconomic characteristics of the area.

The alternatives considered in the preparation of this FONSI were as follows: (1) No action; and (2) continue project as proposed. The no action alternative was not selected. The U.S. Department of Labor's goal of improving the Job Corps Program by improving the learning environment at Job Corps Centers would not be met under this alternative. Due to the suitability of the proposed site for establishment of a new Job Corps Center, and the absence of any identified significant adverse environmental impacts from locating a Job Corps Center on the subject property, the ''continue project as proposed'' alternative was selected.

Based on the information gathered during the preparation of the EA, no environmental liabilities, current or historical, were found to exist on the proposed Job Corps Center site. The construction of the Job Corps Center on Scott Hamilton Road in Little Rock, Arkansas will not create any significant adverse impacts on the environment.

Dated this 9th day of February, 2004.

Richard C. Trigg,

Administrator, Office of Job Corps.

[FR Doc. 04–3182 Filed 2–12–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work at the character and in the localities described therein.

Good cause is hereby found for not uitlizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determinations decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by this agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or government agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The Number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

Pennsylvania

PA030001 (Jun. 13, 2003)
PA030003 (Jun. 13, 2003)
PA030005 (Jun. 13, 2003)
PA030006 (Jun. 13, 2003)
PA030008 (Jun. 13, 2003)
PA030017 (Jun. 13, 2003)
PA030018 (Jun. 13, 2003)
PA030019 (Jun. 13, 2003)
PA030021 (Jun. 13, 2003)
PA030023 (Jun. 13, 2003)
PA030024 (Jun. 13, 2003)
PA030025 (Jun. 13, 2003)

PA030026 (Jun. 13, 2003)
PA030030 (Jun. 13, 2003)
PA030033 (Jun. 13, 2003)
PA030041 (Jun. 13, 2003)
PA030052 (Jun. 13, 2003)
PA030061 (Jun. 13, 2003)
PA030065 (Jun. 13, 2003)
West Virginia
WV030001 (Jun. 13, 2003)
WV030006 (Jun. 13, 2003)

Volume III

Georgia
GA030003 (Jun. 13, 2003)
GA030004 (Jun. 13, 2003)
GA030006 (Jun. 13, 2003)
GA030023 (Jun. 13, 2003)
GA030031 (Jun. 13, 2003)
GA030032 (Jun. 13, 2003)
GA030033 (Jun. 13, 2003)
GA030034 (Jun. 13, 2003)
GA030044 (Jun. 13, 2003)
GA030050 (Jun. 13, 2003)
GA030055 (Jun. 13, 2003)
GA030062 (Jun. 13, 2003)
GA030073 (Jun. 13, 2003)
GA030078 (Jun. 13, 2003)
GA030085 (Jun. 13, 2003)
GA030086 (Jun. 13, 2003)
GA030087 (Jun. 13, 2003)
GA030088 (Jun. 13, 2003)
Tennessee
TN030001 (Jun. 13, 2003)
TN030003 (Jun. 13, 2003)
TN030041 (Jun. 13, 2003)
TN030042 (Jun. 13, 2003)
TN030043 (Jun. 13, 2003)
TN030044 (Jun. 13, 2003)
TN030062 (Jun. 13, 2003)

Volume IV

None

Volume V

Iowa
IA030001 (Jun. 13, 2003)
IA030002 (Jun. 13, 2003)
IA030003 (Jun. 13, 2003)
IA030004 (Jun. 13, 2003)
IA030005 (Jun. 13, 2003)
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IA030059 (Jun. 13, 2003)
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IA030067 (Jun. 13, 2003)
Kansas
KS030008 (Jun. 13, 2003)
KS030016 (Jun. 13, 2003)
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KS030020 (Jun. 13, 2003)
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KS030022 (Jun. 13, 2003)
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Missouri
MO030005 (Jun. 13, 2003)
Oklahoma
OK030013 (Jun. 13, 2003)
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OK030043 (Jun. 13, 2003)
Texas
TX030001 (Jun. 13, 2003)
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TX030007 (Jun. 13, 2003)
TX030009 (Jun. 13, 2003)
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TX030069 (Jun. 13, 2003)
TX030081 (Jun. 13, 2003)
TX030093 (Jun. 13, 2003)
TX030096 (Jun. 13, 2003)
TX030100 (Jun. 13, 2003)
TX030104 (Jun. 13, 2003)
TX030114 (Jun. 13, 2003)
TX030117 (Jun. 13, 2003)
TX030121 (Jun. 13, 2003)

Volume VI

Alaska
AK030006 (Jun. 13, 2003)
Oregon
OR030001 (Jun. 13, 2003)
Washington
WA030001 (Jun. 13, 2003)
WA030002 (Jun. 13, 2003)
WA030003 (Jun. 13, 2003)
WA030005 (Jun. 13, 2003)
WA030007 (Jun. 13, 2003)
WA030008 (Jun. 13, 2003)
WA030011 (Jun. 13, 2003)

Volume VII

California
CA030001 (Jun. 13, 2003)
CA030002 (Jun. 13, 2003)
CA030023 (Jun. 13, 2003)
CA030029 (Jun. 13, 2003)
CA030031 (Jun. 13, 2003)
CA030033 (Jun. 13, 2003)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov)of* the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 5th day of February 2004.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 04–2899 Filed 2–12–04; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the ''Report on Occupational Employment.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before April 13, 2004.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue, NE., Washington, DC 20212, telephone number (202) 691–7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number (202) 691–7628, (*See* **ADDRESSES** section).

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Employment Statistics (OES) survey is a Federal/State establishment survey of wage and salary workers designed to produce data on current occupational employment and wages. OES survey data assist in the development of employment and training programs established by the 1998 Workforce Investment Act (WIA) and the Perkins Vocational Education Act of 1984.

The OES program operates a periodic mail survey of a sample of non-farm establishments conducted by all fifty States, Guam, Puerto Rico, the District of Columbia, and the Virgin Islands. Over three-year periods, data on occupational employment and wages are collected by industry at the four- and five-digit North American Industry Classification System (NAICS) levels. The Department of Labor uses OES data in the administration of the Alien Labor Certification process under the Immigration Act of 1990.

II. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Action

Office of Management and Budget clearance is being sought for the Occupational Employment Statistics (OES) program. Occupational employment data obtained by the OES survey are used to develop information regarding current and projected employment needs and job opportunities. These data assist in the development of state vocational education plans. OES wage data provide a significant source of information to support a number of different Federal, State, and local efforts. The BLS plans to have email data collection in place in all States in 2004 or in early 2005. At this time, six volunteer States are testing the procedures and software of email data collection. OES is enhancing the State Survey Processing and Management (SPAM) computer system to improve the quality and timeliness of the data. OES will convert to the June 6, 2003, definitions of Metropolitan Statistical Areas by 2005.

Type of Review: Extension of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Report on Occupational Employment.

OMB Number: 1220–0042.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal Government; State, Local, or Tribal Government.

Total Respondents: 315,900.

Frequency: Semi-annually.

Total Responses: 315,900.

Average Time Per Response: 45 minutes.

Estimated Total Burden Hours: 236,925 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 30th day of January, 2004.

Cathy Kazanowski,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 04–3184 Filed 2–12–04; 8:45 am]

BILLING CODE 4510–28–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Maritime Advisory Committee for Occupational Safety and Health; Notice of Meeting

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

ACTION: Maritime Advisory Committee for Occupational Safety and Health (MACOSH); notice of meeting.

SUMMARY: The Maritime Advisory Committee for Occupational Safety and Health (MACOSH) was established to advise the Assistant Secretary of Labor for OSHA on issues relating to occupational safety and health in the maritime industries. The purpose of this **Federal Register** notice is to announce the March 2004 meeting of the committee.

DATES: The committee will meet on March 2 through 4, 2004. On March 2, the MACOSH work groups will meet from 8 a.m. until 5 p.m.; on March 3, the full committee will meet from 8:30 a.m. until 5 p.m.; on March 4, the full committee will meet from 8 a.m. until approximately 2 p.m.

ADDRESSES: The committee will meet at the Washington Court Hotel, 525 New Jersey Avenue, NW., Washington, DC

20001. On March 2 the work groups will meet in the Madison Room II and the Monticello Room. On March 3 and 4, the committee will meet in the Springwood I Room.

Mail comments, views, or statements in response to this notice to Jim Maddux, Acting Director, Office of Maritime Standards, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210. Phone: (202) 693–2086; fax: (202) 693–1663.

FOR FURTHER INFORMATION CONTACT: For general information about MACOSH and this meeting: Jim Maddux, Acting Director, Office of Maritime, OSHA, U.S. Department of Labor, room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; phone: (202) 693–2086. For information about the submission of comments, and requests to speak: Vanessa L. Welch, Office of Maritime, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; phone: (202) 693–2086. Individuals with disabilities wishing to attend the meeting should contact Vanessa L. Welch at (202) 693–2086 no later than February 23, 2004, to obtain appropriate accommodations.

SUPPLEMENTARY INFORMATION: All MACOSH meetings are open to the public. All interested persons are invited to attend MACOSH at the times and places listed above. This meeting will include presentations and discussion of OSHA's standard and guidance activities, maritime enforcement, alliances and partnerships, outreach activities, and MACOSH work group reports. MACOSH has formed five work groups to deal with health issues, container safety, traffic safety, outreach, and safety culture.

Public Participation

Written data, views or comments for consideration by MACOSH on the various agenda items listed above may be submitted to Vanessa Welch at the address listed above. Submissions received by February 23, 2004, will be provided to committee members and will be included in the record of the meeting. Requests to make oral presentations to the Committee may be granted as time permits. Anyone wishing to make an oral presentation to the Committee on any of the agenda items listed above should notify Vanessa Welch by February 23, 2004. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Authority: John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by 6(b)(1) and 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656), the Federal Advisory Committee Act (5 U.S.C. App. 2), and 29 CFR part 1912.

Signed in Washington, DC, this 9th day of February, 2004.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 04–3213 Filed 2–12–04; 8:45 am]

BILLING CODE 4510–26–M

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption For Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (*http://www.pbgc.gov*).

The PBGC notes that the provisions of the Job Creation and Worker Assistance Act of 2002 that temporarily increased the required interest rate to be used to determine the PBGC's variable-rate premium to 100% (from 85%) of the annual yield on 30-year Treasury securities expired at the end of 2003. Thus, the required interest rate announced in this notice for plan years beginning in February 2004 has been determined under prior law. Legislation has been proposed that would further change the rules for determining the required interest rate. If such legislation is adopted, and the change affects the required interest rate for plan years beginning in February 2004, the PBGC will promptly publish a **Federal Register** notice with the new required interest rate and post the change on the PBGC's Web site.

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in February 2004. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in March 2004.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the ''required interest rate'') in determining a single-employer plan's variable-rate premium. The required interest rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). (Although the Treasury Department has ceased issuing 30-year securities, the Internal Revenue Service announces a surrogate yield figure each month—based on the 30-year Treasury bond maturing in February 2031—which the PBGC uses to determine the required interest rate.) The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in February 2004 is 4.23 percent (*i.e.*, 85 percent of the 4.98 percent yield figure for January 2004).

The PBGC notes that the provisions of the Job Creation and Worker Assistance Act of 2002 that temporarily increased the required interest rate to be used to determine the PBGC's variable-rate premium to 100% (from 85%) of the annual yield on 30-year Treasury securities expired at the end of 2003. Thus, the required interest rate announced in this notice for plan years beginning in February 2004 has been determined under prior law. Legislation has been proposed that would further change the rules for determining the required interest rate. If such legislation is adopted, and the change affects the required interest rate for plan years beginning in February 2004, the PBGC will promptly publish a **Federal Register** notice with the new required interest rate and post the change on the PBGC's Web site.

The following table lists the required interest rates to be used in determining variable-rate premiums for premium

payment years beginning between March 2003 and February 2004.

For premium payment years beginning in:	The required interest rate is:
March 2003	4.81
April 2003	4.80
May 2003	4.90
June 2003	4.53
July 2003	4.37
August 2003	4.93
September 2003	5.31
October 2003	5.14
November 2003	5.16
December 2003	5.12
January 2004	4.31
February 2004	4.23

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in March 2004 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 10th day of February 2004.

Joseph H. Grant,

Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation.

[FR Doc. 04–3245 Filed 2–12–04; 8:45 am]

BILLING CODE 7708–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Reclearance of a Revised Information Collection: Federal Employees Health Benefits (FEHB) Open Season Express Interactive Voice Response (IVR) System

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for reclearance of a revised information collection. The Federal Employees Health Benefits (FEHB) Open Season Express Interactive Voice Response (IVR) System and the open season Web site, Open Season Online, is used by retirees and survivors; it collects information for changing FEHB enrollments, collecting dependent and other insurance information for self and family enrollments, requesting plan brochures, requesting a change of address, requesting cancellation or suspension of FEHB benefits, asking to make payment to the Office of Personnel Management when the FEHB payment is greater than the monthly annuity amount, or requesting FEHB plan accreditation and Customer Satisfaction Survey information.

We estimate we will receive 215,000 responses per year to the IVR system and the online Web site. Each response takes approximately 10 minutes to complete. The annual burden is 35,833 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, FAX (202) 418–3251 or e-mail to *mbtoomey@opm.gov.* Please include your mailing address with your request.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—

William C. Jackson, Chief, Retirement Eligibility and Services Group,Retirement Services Program, U.S. Office of Personnel Management, 1900 E Street, NW., Room 2336, Washington, DC 20415–3560.

and

Joseph F. Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

For Information Regarding Administrative Coordination Contact:

Cyrus S. Benson, Team Leader, Publications Team, Administrative Services Branch, (202) 606–0623.

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 04–3251 Filed 2–12–04; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for a Revised Information Collection: SF 15, Application for 10-Point Veteran Preference

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) submitted to the Office of Management and Budget (OMB) a request for a revised information collection. The Application for 10-Point Veteran Preference (Standard Form 15) is used by agencies, OPM examining offices, and agency appointing officials to adjudicate individuals' claims for veterans' preference in accordance with the Veterans' Preference Act of 1944. OPM will update the form to eliminate references to the defunct Federal Personnel Manual and Standard Form 171 (Application for Federal Employment), as well as to reflect revisions to forms issued by the Department of Veterans Affairs that document service-connected disabilities.

Approximately 4,500 forms are completed annually. Each form takes approximately 10 minutes to complete. The annual estimated burden is 750 hours.

One agency commented that the proposed requirement that official statements from the Veterans' Administration (VA) used to document service-connected disabilities be dated within the last 10 years rather than dated 1991 or later, as OPM proposes. We have not adopted this suggested change because VA has informed OPM that any VA letter issued after 1991 documenting a service-connected disability is proof of a permanent disability unless the letter specifically states that the disability is temporary. The 10 year requirement suggested by the agency is not consistent with current VA policy regarding its documentation and may disqualify veterans who received VA letters more than 10 years before the effective date of the SF 15 changes but after 1991.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, FAX (202) 418–3251 or e-mail to *mbtoomey@opm.gov.* Please be sure to include a mailing address with your request.

DATES: We will consider comments received on or before March 15, 2004.

ADDRESSES: Send or deliver written comments to:

Leah M. Meisel, Deputy Associate Director for Talent and Capacity Policy, U.S. Office of Personnel Management, 1900 E Street, NW, Room 6551, Washington, DC 20415
and
Joseph F. Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503.

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 04–3253 Filed 2–12–04; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–26349; File No. 812–13004]

Nationwide Life Insurance Company, et al.

February 9, 2004.

AGENCY: The Securities and Exchange Commission (the ''Commission'').

ACTION: Notice of application for an order pursuant to section 6(c) of the Investment Company Act of 1940 (the ''1940 Act'') to amend prior orders of the Commission under section 6(c) of the 1940 Act which granted exemptions from the provisions of sections 2(a)(32), 22(c), and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder to permit the recapture of credits applied to purchase payments made under certain deferred variable annuity contracts.

APPLICANTS: Nationwide Life Insurance Company (''Nationwide''); Nationwide Variable Account-II (''VA-II''); and Nationwide Investment Services Corporation (''NISC'') (all collectively, the ''Applicants'').

SUMMARY OF APPLICATION: On January 19, 2000, the Commission issued an order pursuant to section 6(c) of the 1940 Act granting exemptions from sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder to permit the recapture of credits applied to purchase payments made under certain variable annuity contracts issued by Nationwide (the ''Original Order''). *See* Nationwide Life Insurance Company, *et al.*, Investment Company Act Release No. 24256 (File No. 812–11824). On February 20, 2003, the Commission issued an amended order pursuant to section 6(c) of the 1940 Act permitting Nationwide to recapture credits under circumstances not contemplated in the Original Order (the ''Amended Order''). *See* Nationwide Life Insurance Company, *et al.*, Investment Company Act Release No. 25938 (File No. 812–12885). Applicants seek an amendment to the Amended Order pursuant to section 6(c) of the 1940 Act granting exemptions from the provisions of sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder to permit the recapture of credits applied to purchase payments made under certain variable annuity contracts under circumstances not contemplated under either the Original Order or the Amended Order. Applicants also request the relief under the order to extend to any current or future separate accounts of Nationwide which may in the future offer or support contracts that are substantially similar in all material respects to the contracts described in the application (the ''Other Separate Accounts'') and to any other NASD registered broker/dealers under common control with Nationwide which may in the future serve as general distributor-principal underwriter of VA–II or Other Separate Accounts that offer or support variable annuity contracts that are substantially similar in all material respects to those described in the Application.

FILING DATE: The application was filed on August 15, 2003. Amended applications were filed on November 5, 2003, and on January 9, 2004.

HEARING OF NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 10, 2004, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, c/o Nationwide Life Insurance Company, One Nationwide Plaza 01–09–V3, Columbus, Ohio 43215, Attn: Jamie Casto, Esq.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Marquigny, Senior Counsel, or Zandra Bailes, Branch Chief, at (202) 942–0670, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. Nationwide is a stock life insurance company organized under the laws of the State of Ohio. Nationwide offers traditional group and individual life insurance products as well as group and individual variable and fixed annuity contracts. Nationwide is wholly owned by Nationwide Financial Services, Inc. (''NFS''). NFS, a Delaware Corporation, is a publicly traded holding company with two classes of common stock outstanding, each with different voting rights. This enables Nationwide Corporation (the holder of all the outstanding Class B Common Stock) to control NFS. Nationwide Corporation stock is held by Nationwide Mutual Insurance Company (95.24%) and Nationwide Mutual Fire Insurance Company (4.76%), the ultimate controllers of Nationwide.

2. On October 7, 1981, the Nationwide Spectrum Variable Account was established under Ohio law by Nationwide for the purpose of funding variable annuity contracts. On April 1, 1987, the Board of Directors for Nationwide changed the name of the Nationwide Spectrum Variable Account to Nationwide Variable Account-II. VA–II is registered as a unit investment trust (File No. 811–3330) and supports several different variable annuity contracts that are registered separately on Form N–4.

3. On January 19, 2000, the Commission issued the Original Order pursuant to section 6(c) of the 1940 Act granting exemptions from sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder to permit the recapture of credits applied to purchase payments made under certain variable annuity contracts (the ''Original Contracts''). On February 20, 2003, the Commission issued the Amended Order pursuant to section 6(c) of the 1940 Act permitting Nationwide to recapture credits under circumstances not contemplated in the Original Order.

4. Nationwide intends to offer a 5% credit option as part of some of its variable annuity contracts. The related contract features are as follows: a. The contract requires an initial purchase payment of $15,000. If the contract

owner elects to make subsequent purchase payments, they must be at least $1,000 each ($150 each if submitted via automatic electronic transfer).

b. The contract assesses a Variable Account Charge equal to an annualized rate of 1.55% of the daily net assets of the variable account.

c. The standard Contingent Deferred Sales Charge (''CDSC'') schedule under the contract is as follows:

Number of completed years from date of purchase payment	0	1	2	3	4	5	6	7	8
CDSC Percentage	8	7	6	5	4	3	2	1	0

d. The contract permits a certain amount of CDSC-free withdrawals each year. This annual ''free-out'' amount is equal to 15% of purchase payments that are subject to CDSC. Additionally, no CDSC is assessed: Upon the annuitant's death, upon annuitization of the contract, when distributions are necessary in order to meet minimum distribution requirements under the Internal Revenue Code of 1986, 26 U.S.C. *et seq.*, (the ''Code''), and under an age-based ''free-withdrawal'' program that allows contract owners to take systematic withdrawals of certain contract value percentages at specified ages without incurring a CDSC. Finally, the contract includes a Long-Term Care/Nursing Home Waiver at no additional charge that allows a contract owner to withdraw value from the contract free of CDSC under certain circumstances.

e. The contract provides for a death benefit to be paid to a beneficiary upon the death of the annuitant.

f. The contract may be modified or augmented by a number of ''rider options'' that enable owners to elect certain contract features or benefits that fit their particular needs. The rider options available under the contract include:

i. Four Year CDSC Option. The Four Year CDSC Option reduces the standard 8 year CDSC period to 4 years as follows:

Number of completed years from date of purchase payment	0	1	2	3	4
CDSC Percentage	7	6	5	4	0

An annualized charge of 0.20% of the daily net assets of the variable account is assessed for the election of this rider option. The charge associated with this option will be assessed for the life of the contract.

ii. No CDSC Option. The No CDSC Option eliminates the assessment of CDSC upon withdrawal of value from the contract. An annualized charge of 0.25% of the daily net assets of the variable account is assessed for the election of this rider option. The charge associated with the No CDSC Option will be assessed for the life of the contract.

iii. Greater of One-Year or 5% Enhanced Death Benefit.

iv. Beneficiary Protector Option II.

v. Capital Preservation Plus Option.

vi. 3% Extra Value Option. Nationwide offers a 3% Extra Value Option whereby Nationwide applies a credit equal to 3% of all purchase payments made during the first 12 months of the contract. The credit is funded from Nationwide's general account and is credited proportionately among the investment options chosen by the contract owner. The charge for this rider is an annualized rate of 0.10% of the daily net assets of the variable account for the first 8 contract years only.

vii. 4% Extra Value Option. Nationwide offers a 4% Extra Value Option whereby Nationwide applies a credit equal to 4% of all purchase payments made during the first 12 months of the contract. The credit is funded from Nationwide's general account and is credited proportionately among the investment options chosen by the contract owner. The charge for this rider is an annualized rate of 0.25% of the daily net assets of the variable account for the first 8 contract years only.

viii. 5% Extra Value Option. In addition to the 3% Extra Value Option and the 4% Extra Value Option, Nationwide intends to offer a 5% Extra Value Option whereby Nationwide applies a credit equal to 5% of all purchase payments made during the first 12 months of the contract. The credit will be funded from Nationwide's general account and will be credited proportionately among the investment options chosen by the contract owner. The charge for this rider will be an annualized rate of 0.45% of the daily net assets of the variable account for the first 8 contract years only.

5. Applicants' request for relief concerns the recapture of the 5% Extra Value Option Credits as follows:

a. The 5% credits will be fully vested except during the contractual free-look period and when certain surrenders of contract value are made. Nationwide intends to recapture 5% credits under the following circumstances:

i. If the contract owner cancels the contract pursuant to the contractual free look privilege, Nationwide will recapture all of the credits applied to the contract under that option. For those jurisdictions that allow a return of contract value upon exercise of the free look provision, the contract owner will also forfeit any amounts deducted from the contract as an Extra Value Option charge.

ii. If the contract owner surrenders the entire contract or takes a partial surrender of the contract after the free look period but prior to the end of the 7th contract year that is subject to a CDSC, or would be subject to a CDSC under the CDSC schedule standard to that contract, Nationwide will recapture a portion of the credits applied to the contract under that option. Accordingly, any amount withdrawn pursuant to the contractual free withdrawal privilege is not subject to recapture. CDSC is calculated in the same manner as it is calculated in Nationwide's other contracts that offer similar credits.

b. Recapture in connection with the 5% Extra Value Option will depend on how many years have passed since the credit was applied to the contract. When a contract owner who elected the 5% Extra Value Option withdraws value from the contract that is or would be subject to a CDSC under the standard CDSC schedule applicable to that

contract, Nationwide will recapture the following credit amounts:

Number of completed years from date of credit	0	1	2	3	4	5	6	7	8
Amount of credit recaptured	5	4.75	4	4	4	4	4	0	0

The recaptured amount will be taken proportionately from each investment option as allocated at the time of the withdrawal.

c. Nationwide will not recapture credits:

i. upon annuitization of the contract;

ii. when a death benefit becomes payable;

iii. if distributions are taken in order to meet minimum distribution requirements under the Code; and

iv. if free withdrawals are taken pursuant to an age-based systematic withdrawal program.

d. All credits applied under the 5% Extra Value Option are considered earnings, not purchase payments.

e. At the end of the 7th contract year, credits are fully vested and are no longer subject to recapture.

f. The charge associated with the 5% Extra Value Option will no longer be assessed after the end of the 8th contract year. To remove the rider option charge, Nationwide will replace the class of sub-account units corresponding to total variable account charges that include the rider option charge with another class of sub-account units associated with total variable account charges without the rider option charge. The latter class of units will have a greater individual unit value than the original class. Therefore, a reduction in the number of units is necessary to ensure that the contract value remains the same as it was prior to the removal of the charge. From the date of the removal forward, the variable account value will be calculated using the class of sub-account unit values that do not reflect the rider option charge. The charge for that option will no longer be assessed in the daily sub-account valuation for the contract.

6. Applicants seek an amendment to the Amended Order, pursuant to Section 6(c) of the 1940 Act, for exemption from sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder to the extent necessary to permit Nationwide to issue contracts from the VA–II and Other Separate Accounts that provide for the recapture of:

a. all of the 5% credit in the event that the contract owner cancels the contract pursuant to the contractual free look provisions;

b. part or all of the 5% credit in the event that the contract owner takes a full surrender of the contract prior to the end of the 7th contract year; and

c. part or all of the 5% credit associated with partial surrenders taken from the contract prior to the end of the 7th contract year that are or would be subject to a CDSC under the standard CDSC schedule applicable to the contract, as discussed herein.

Applicants' Legal Analysis

1. Section 6(c) of the 1940 Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the 1940 Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. Applicants request that the Commission issue an order pursuant to section 6(c) of the 1940 Act granting the exemptions outlined herein with respect to the contracts funded by VA–II that are issued by Nationwide and underwritten or distributed by NISC. Applicants also request the relief under the order to extend to any of the Other Separate Accounts of Nationwide and to any other NASD registered broker/dealers under common control with Nationwide which may in the future serve as general distributor-principal underwriter of VA–II or Other Separate Accounts that offer or support variable annuity contracts that are substantially similar in all material respects to those described in the application. Applicants represent that any such future contracts funded by VA–II or Other Separate Accounts will be substantially similar in all material respects to the contracts described herein. Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants represent that it is not administratively feasible to track the credit amounts in VA–II after the credits are applied. Accordingly, the asset-based charge associated with the 5% Extra Value Option will be assessed against the entire amounts held in VA–II for 8 contract years.

3. Subsection (i) of section 27 provides that section 27 does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of the subsection. Paragraph (2) provides that it shall be unlawful for any registered separate account funding variable insurance contracts or a sponsoring insurance company of such account to sell a contract funded by the registered separate account unless, among other things, such contract is a redeemable security. Section 2(a)(32) defines ''redeemable security'' as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his or her proportionate share of the issuer's current net assets, or the cash equivalent thereof.

4. Applicants submit that recapturing the credit will not deprive an owner of his or her proportionate share of VA–II's current net assets. Applicants state than an owner's interest in the credit allocated to his or her contract value is not entirely vested until the end of the 7th contract year. Until the credit is vested, Applicants submit that Nationwide retains the right and interest in the credit, although not in any earnings attributable to the credit. Applicants argue that when Nationwide recaptures a credit, it is merely retrieving its own assets and the contract owner is not deprived of his or her proportionate share of separate account assets because his or her interest in the credit has not vested.

5. Furthermore, Applicants state that permitting a contract owner to retain the credit upon cancellation of the contract pursuant to the contractual free-look privilege would be unfair and would encourage individuals to purchase a contract with the intention of retaining the credited amount for an unjustified profit at Nationwide's expense. Applicants represent that the recapture of the credit is designed to protect Nationwide when a contract owner takes partial or full surrender of the

contract shortly after the credit is applied, leaving Nationwide insufficient time to recover the cost of the credit.

6. Applicants assert that the 5% Extra Value Option will be attractive to and in the interest of investors because it will permit owners to have an additional 5% of purchase payments remitted during the first twelve months invested in selected investment options from the date the purchase payment is received. Also, any earnings attributable to the credit will be retained by the contract owner in addition to the principal amount of the credit, provided the contingencies set forth in the application are satisfied. Finally, Applicants assert that the 5% Extra Value Option will be particularly attractive to and in the interest of long-term investors due to the elimination of the charge after 8 contract years. Applicants assert that the elimination of the 5% Extra Value Option charge will allow prospective purchasers to assess the value of the 5% Extra Value Option, and elect or decline it, based on their particular circumstances, preferences and expectations.

7. Applicants submit that the provisions for recapture of the credit under the contracts do not violate sections 2(a)(32) and 27(i)(2)(A) of the 1940 Act. Nevertheless, to avoid any possible uncertainties, Applicants request an exemption from those Sections, to the extent deemed necessary, to permit the recapture of any credit under the circumstances described herein with respect to the contracts and any future contracts issued in conjunction with VA–II or any Other Separate Accounts without loss of the relief from section 27 provided by section 27(i).

8. Section 22(c) of the 1940 Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company to accomplish the same purposes as contemplated by section 22(a). Rule 22c–1 thereunder prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security, from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

9. It could be argued that Nationwide's recapture of the credit constitutes a redemption of securities for a price other than one based on the current net asset value of the separate accounts. Applicants contend, however, that recapture of the credit does not violate section 22(c) and Rule 22c–1. Applicants argue that such recapture does not involve either of the evils or harmful events that Rule 22c–1 was intended to eliminate or reduce, namely: (1) The dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or their redemption or repurchase at a price above it; and (2) other unfair results including speculative trading practices. These evils were the result of backward pricing, the practice of pricing a mutual fund share based on the per share net asset value determined as of the close of the market on the previous day. Backward pricing diluted the value of outstanding mutual fund shares by allowing investors to take advantage of increases or decreases in net asset value that were not yet reflected in the mutual fund share price.

10. Applicants submit that the recapture of credits described herein does not pose such a threat of dilution. To recapture any credit, Nationwide will redeem contract owners' interests in the sub-accounts at a price determined on the basis of current sub-account accumulation unit values. In no event will the amount recaptured be more than the amount of the credit that Nationwide paid out of its general account. Although contract owners will be entitled to retain any investment gain attributable to a credit, the amount of such gain will be determined on the basis of the current net asset value of the respective sub-account. Thus, no dilution will occur upon the recapture of the credit.

11. Applicants also submit that the second harm that Rule 22c–1 was designed to address, namely, speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the credit.

12. To avoid any uncertainty as to full compliance with the 1940 Act, Applicants request an exemption from the provisions of section 22(c) and Rule 22c–1 to the extent deemed necessary to permit them to recapture the credit under the contracts and any future contracts (that are substantially similar in all material respects to the contracts described herein) issued in conjunction with VA–II or any Other Separate Accounts.

13. Section 6(c) of the 1940 Act provides:

> The Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transactions, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if an to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Applicants submit that their request for an amended Order is appropriate in the public interest. Applicants state that such an amended Order would promote competitiveness in the variable annuity market by eliminating the need to file redundant exemptive applications, thereby reducing administrative expenses and maximizing the efficient use of Applicants' resources. Applicants argue that investors would not receive any benefit or additional protection by requiring Applicants to repeatedly seek exemptive relief that would present no issue under the 1940 Act that has not already been addressed in the application described herein. Applicants submit that filing additional applications would impair their ability to effectively take advantage of business opportunities as they arise. Furthermore, Applicants state that if they were repeatedly required to seek exemptive relief with respect to the same issues addressed in the application described herein, investors would not receive any benefit or additional protection thereby.

14. Applicants further submit, based on the grounds summarized above, that their exemptive request meets the standards set out in Section 6(c) of the 1940 Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act, and that, therefore, the Commission should grant the requested amended Order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–3192 Filed 2–12–04; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of February 16, 2004: A Closed Meeting will be held on Thursday, February 19, 2004, at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(5), (7), (9B), and (10) and 17 CFR 200.402(a)(5), (7), (9ii), and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Campos, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the Closed Meeting scheduled for Thursday, February 19, 2004 will be:

Formal orders of investigation;
Institution and settlement of administrative proceedings of an enforcement nature;
Institution and settlement of injunctive actions;
Litigation matter; and
Opinion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: February 10, 2004.

Jonathan G. Katz,

Secretary.

[FR Doc. 04–3304 Filed 2–10–04; 4:24 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27798]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

February 6, 2004.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 3, 2004, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 3, 2004, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Cinergy Corp. (70–10188)

Cinergy Corp. (''Cinergy'' or ''Applicant''), 139 East Fourth Street, Cincinnati, Ohio 45202, a registered public-utility holding company under the Act, has filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b) and 13(b) of the Act and rules 45, 54, 90 and 91.

Cinergy requests authorization to establish a subsidiary captive insurance company (''Cinergy Captive'') to engage in the business of insuring or reinsuring certain levels of risk for Cinergy and its associate companies (collectively, ''Cinergy System'' or ''System'' and, any constituent company, a ''System Company'').[1] Cinergy states that it considers risk management a key corporate function, providing for protection of physical and financial assets. As such, risk management is one of the primary responsibilities of Cinergy Services, Inc. (''Service Company''), a wholly owned subsidiary of Cinergy, which coordinates, and will continue to coordinate, risk management through the Insurance and Claims Department of its Global Risk Management Department.[2]

Cinergy intends Cinergy Captive to underwrite a significant portion of the Cinergy System deductible or self-insured retained risks for workers' compensation, general liability, auto liability and property insurance coverage. In addition to this primary role of underwriting System retained risks, Cinergy Captive may be used to replace, or reduce, insurance coverage purchased on behalf of System Companies from traditional insurance providers for workers' compensation, general liability, auto liability and property risks. In this context, Cinergy Captive would seek to obtain equal levels of loss protection and coverage in the reinsurance market. Cinergy, at some future time, also may propose to underwrite certain additional coverage, but not without a further Commission order.[3] Consequently, Cinergy requests that the Commission reserve jurisdiction over these potential additional activities, pending completion of the record. Cinergy does not intend to increase the risk of loss to the Cinergy System with its use of Cinergy Captive, but to enhance the System's risk

[1] Cinergy directly or indirectly owns all the outstanding common stock of five public utility companies, the most significant of which are PSI Energy, Inc. (''PSI''), an Indiana electric utility, and The Cincinnati Gas & Electric Company (''CG&E''), a combination Ohio electric and gas utility and holding company. PSI and CG&E (including the utility subsidiaries of CG&E, the most significant of which is The Union Light, Heat and Power Company, a Kentucky combination electric and gas utility) collectively provide electric and gas service to approximately 1.6 million retail and wholesale customers in parts of Indiana, Ohio and Kentucky. The Cinergy System also includes numerous nonutility subsidiaries engaged in energy-related businesses and other nonutility businesses.

[2] On an annual basis, Cinergy's System Companies spend approximately $15 million for commercial insurance and related services. Currently, System Companies maintain insurance policies with underlying deductibles of $1 million per event for automobile and general liability coverage and $2.5 million for property coverage. In excess of these deductibles, System Companies purchase commercial insurance. System Companies currently self-insure for workers' compensation in the States of Ohio, Indiana and Kentucky (*i.e.*, carry no or only minimal commercial insurance for those risks). System Companies, nevertheless, from time to time, may choose to purchase commercial insurance in place of, or to reduce, the deductible or self-insurance to meet their strategic goals and objectives. Commercial premiums and the deductibles and self-insured retained risks are then allocated by the Service Company to subsidiaries owning a given risk, based on such factors as number of automobiles, payroll, revenues, total property values, product throughput, as well as loss history. The allocation methods used are designed to result in a fair and equitable apportionment of insurance costs to System Companies consistent with the relevant cost drivers.

[3] Cinergy Captive may propose to underwrite the following additional coverages: transmission and distribution line coverage; construction-related insurance for contractors working on projects for System Companies; performance and construction bonds; employee benefits; legal malpractice for employee attorneys; directors and officers fiduciary liability; weather risk; and credit risk or reinsurance of certain customer warranty programs.

management processes, while attempting to save costs.

Cinergy states that, in today's insurance market, traditional insurance programs are relatively expensive to maintain, largely due to the costs of doing business with a ''full service'' traditional insurer. Underlying the traditional insurance programs is a robust reinsurance market that is available, generally speaking, only to insurance companies. By eliminating the traditional insurance company ''middleman'' for selected transactions and coverage, Cinergy seeks to take advantage of opportunities for savings, it believes exist for those companies that are able to deal directly in the reinsurance market. Cinergy further notes that many Fortune 500 companies presently utilize a captive insurance company to control and manage their insurance costs more effectively.

Cinergy believes that its proposed comprehensive insurance program—blending traditional commercial insurance, management of retained risks through the Cinergy Captive and direct access to the wholesale reinsurance markets—is the best way for it to maximize cost effectiveness, minimize risk exposure and provide each System Company with the flexibility to meet its strategic goals and objectives. Cinergy proposes to establish Cinergy Captive as a wholly owned, direct subsidiary organized under Vermont law and licensed to operate as an insurance company in the State of Vermont.[4]

Cinergy intends to establish Cinergy Captive with an aggregate initial capitalization of approximately $12.5 million, comprised of (i) $2.5 million to be supplied by Cinergy as an equity contribution and (ii) approximately $10 million in 2004 premiums from participating System Companies (representing the value of the total loss expected by all System Companies for 2004 expected events).[5] Funding of the approximately $10 million in 2004 premiums will be paid in cash by the participating System Companies based on their allocated shares.[6]

Cinergy Captive will initially focus on providing four major coverages to System Companies: (1) Workers' compensation, (2) general liability, (3) automobile liability and (4) property (including terrorism, as defined under the Terrorism Risk Insurance Act of 2002). Cinergy Captive will not provide these coverages to any company or person other than System Companies. Specifically, Cinergy Captive is expected to underwrite, or assume the risk of, a significant portion of the deductible or self-insured retained risk currently maintained by System Companies for these coverages. Cinergy Captive will attempt to reinsure a portion of these risks in the reinsurance market. As previously discussed, Cinergy Captive may also seek to replace, or reduce, insurance coverages of System Companies obtained from traditional commercial insurers in the areas of general liability, automobile liability, property and possibly workers' compensation. In this event, the captive will seek to obtain equal levels of loss protection and coverage in the reinsurance market.

An unaffiliated Vermont management company will be retained to provide management and administrative services, as is the case with most captives.[7] Cinergy Captive will allocate premiums and nominal operating costs to System Companies using the same methods currently used for allocation of the costs of commercial insurance premiums.[8] The allocation methods are designed to result in a fair and equitable apportionment of insurance costs to System Companies congruent with the relevant cost drivers.[9]

The Service Company's Insurance and Claims Department will continue to give each System Company a choice of deductibles. Premiums payable to Cinergy Captive will be based on the level of deductibles chosen, as well as the allocation methods (number of vehicles, payroll, revenues, *etc.*). Consideration will also be given to the subsidiary's own prior loss experience, so that a subsidiary with a historically lower loss experience would be rewarded with lower premiums. Cinergy notes that, under the current program, a commercial insurance premium increase caused by a significant loss or a higher frequency of losses may have been allocated on a basis that did not take the cause of the loss or frequency of loss into account. Under the new program, the source of the loss or the subsidiary's loss history will also be used as a basis for allocation.

To the extent Cinergy Captive obtains insurance at a lower cost than could be obtained through traditional insurers, the savings in the premiums could flow through ratably to System Companies, using the allocation method for premiums. Good loss prevention would be encouraged, and with lower administrative costs and the expected efficiency of the new program, overall premiums are expected to be lower.

Cinergy Captive will analyze the commercial insurance bought by System Companies and coordinate coverage to minimize the risk of loss to the System. An actuarial analysis will be performed to determine the proper premiums, consistent with methods used to determine the retained risk premium. Cinergy Captive will apply stringent credit standards to all reinsurance counterparties, as Cinergy currently does with its insurance providers.

Cinergy states that its captive will not be operated to generate profits beyond those necessary to maintain adequate reserves. To the extent that premiums and interest earned exceed current

[4] Vermont is the largest, most established domestic domicile for captive insurance companies (''captives'') and has had stable and consistent growth of licensed captives over the past 20 years. Applicant states that the Vermont Department of Banking, Insurance, Securities and Health Care Administration has a strong, experienced regulatory staff focused on maintaining captive solvency.

[5] Premiums for the first year were actuarially determined to equal the aggregate losses for System Companies plus administrative expenses. Ultimate first year losses are estimated to be approximately $9.5 million, an amount Applicant expects will be paid over a seven-year period. Applicant states that this $10 million estimate (the 2004 premiums for the System Companies) was determined based on the following analysis. Initially, the captive will assume the risk from System Companies for losses between zero and $1 million for workers' compensation, general liability and automobile liability. In addition, the captive will assume the property risks in excess of a $1 million deductible up to $2.5 million. The captive will attempt to purchase reinsurance in excess of $1 million for workers' compensation and aggregate ''stop loss'' coverage, to limit the overall risks assumed by the captive for all liability coverages.

[6] All funds will be deposited with Cinergy Captive's bank and invested in securities exempt under rule 40. Beyond its initial capitalization and funding of the captive, Cinergy will provide any subsequently required capital contributions through additional equity and or debt purchases exempt under rule 52 or 45, letters of credit or other forms of credit support. If payment is required under a letter of credit, Cinergy will reimburse the bank providing such letter of credit and the amount paid will be treated as a capital contribution to the captive.

[7] Administrative functions will be directed by the Service Company through the Vermont management company and will include: (1) Accounting and reporting activities; (2) legal, actuarial, banking and audit services; (3) negotiating reinsurance contracts, policy terms and conditions; (4) invoicing and making payments; and (5) managing regulatory affairs. All goods and services provided by the Service Company to the captive will be provided in accordance with the Commission-approved service agreement for nonutility associate companies and the captive's costs will be recovered in the premiums paid by the respective System Companies.

[8] *See* note 2 above.

[9] For example, automobile liability insurance costs will be allocated to System Companies in proportion to the number of vehicles operated by each company (or a similar approximation of risk exposure). Allocation to the System Companies for workers' compensation insurance rates will be based on payroll and job classifications. General liability rates will be allocated to the System Companies based on projected revenues to determine a base premium, audited and adjusted at year-end. Property insurance rates will be allocated by the total property values of the System Companies.

claims and expenses, an appropriate reserve will be accumulated to respond in years when claims and expenses exceed premiums. Furthermore, to the extent losses over the long term are lower than projected, Cinergy Captive could correspondingly lower premiums, reducing the System Companies' premium expenses. In addition, if losses are lower than predicted, the captive may be able to reduce the amount of its reserves and return excess capital to the System Companies.

Cinergy states that, based on actuarial models with a high confidence factor, it is expected that the captive would not experience losses in excess of approximately $10 million in the first year of operation. In the unlikely event of losses exceeding this amount, not covered by outside insurance and accumulated claim reserves, additional capital from Cinergy would be needed. Commercial insurance will continue to respond to any claims in excess of the retained risks to ensure coverage will be available to the Cinergy System. Finally, to assure its financial strength and integrity (it must comply with strict Vermont capital-to-premium requirements of approximately $1 of capital for every $5 of net premium), Cinergy Captive will attempt to purchase aggregate ''stop loss'' protection from a commercial insurer.

The benefits to be obtained from the use of a captive insurance subsidiary are, in sum: (1) Reduced System exposure to retained risks and enhanced risk management control; (2) reduced overhead charges for commercial insurance underwriting; (3) direct access to global reinsurers; (4) continued choice of deductibles; (5) greater control and input over the claims management process; and (6) less reliance on the commercial insurance market resulting in less volatility of future premiums.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–3168 Filed 2–12–04; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49212; File No. SR–FICC–2003–05]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of a Proposed Rule Change Relating to Additional Account Structures

February 9, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 9, 2003, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by FICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend the rules of both the Government Securities Division (''GSD'') and the Mortgage-Backed Securities Division (''MBSD'') of FICC with respect to their additional account structures.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

GSD and MBSD both permit members to open and maintain accounts in addition to their primary accounts. Additional accounts developed as an administrative convenience provided to members who wanted to keep certain activities segregated from their primary accounts. The proposed rule change would address certain legal risks associated with these accounts.

Government Securities Division

For each additional account opened for a member, GSD assigns a unique participant ID number and separately calculates daily clearing fund requirements, funds-only settlement requirements, and net settlement positions based solely upon the activity in the additional account.[3] Currently, the opening and maintenance of additional accounts requested by a GSD member is governed by an agreement between the member and GSD.[4] Pursuant to the additional account agreement, the member agrees to be responsible for all of the obligations and liabilities associated with the additional account; however, GSD's rules do not address the opening and maintenance of these additional accounts.[5]

The proposed rule change would reflect the principles set forth in the additional account agreement and those that FICC management has defined to govern these accounts. Specifically, additional accounts that are opened for someone other than a member itself or for the member's wholly-owned subsidiary shall require the approval of FICC's Membership and Risk Management Committee. The proposed rule change makes clear that GSD members will be responsible for all of the obligations arising under GSD's rules that are associated with additional accounts. The additional account entity will not have any proprietary interest with respect to the additional account, and will not have any rights or privileges of GSD members. GSD will have the right to deny the opening of an additional account if it believes that the additional account entity presents risk to FICC, such as legal risk from an insolvency regime that is adverse to GSD's rights.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] The maintenance of such accounts has billing implications as set forth in GSD's fee structure.

[4] The additional account structure permitted by GSD should be contrasted with GSD's executing firm feature, which permits a member to submit trades of a non-GSD member with which the member has a correspondent relationship. Executing firm trades are commingled with the member's own trades in the member's GSD account and are not separated from the member's other activity (including other executing firm activity) for any purpose. Therefore, the member's clearing fund requirement, funds-only settlement requirement, and net settlement position reflects all executing firm activity in its GSD account.

[5] The only exceptions to this are with respect to repo brokers who are expressly required to open second accounts for their brokered repo activity and GSD's fee structure which includes charges associated with the maintenance of additional accounts.

Mortgage-Backed Securities Division

Currently, MBSD rules expressly permit participants to open additional accounts upon request for themselves or for any other entity. FICC has reviewed MBSD's current rules and is proposing to enhance them by making clear that (i) additional account holders do not have membership or property rights with respect to additional accounts and (ii) MBSD may apply collateral associated with one account of a participant to satisfy obligations among any or all of that participant's accounts. These provisions will serve to protect MBSD in the event an additional account holder makes a claim with respect to the property, proceeds, or collateral associated with the activity of the account.

FICC believes the proposed rule change is consistent with the requirements of section 17A of the Act and the rules and regulations thereunder because it addresses and limits the legal risk to FICC and its members that arises from the opening and maintenance of additional accounts.

(B) Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe that the proposed rule change would have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited nor received. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve the proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov.* All comment letters should refer to File No. SR–FICC–2003–05. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of FICC and on FICC's Web site at *http://www.ficc.com/gov/gov.docs.jsp?NS-query* and at *http://www.ficc.com/mbs/mbs.docs.jsp/NS-query.* All submissions should refer to the File No. SR–FICC–2003–05 and should be submitted by March 5, 2004.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–3193 Filed 2–12–04; 8:45 am]

BILLING CODE 8010–01–P

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49205; File No. SR–IFX–2004–01]

Self-Regulatory Organization; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Inet Futures Exchange, LLC Relating to Its Name Change From the Island Futures Exchange, LLC to the Inet Futures Exchange, LLC

February 6, 2004.

Pursuant to section 19(b)(7) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–7 under the Act,[2] notice is hereby given that on January 14, 2004, the Inet Futures Exchange, LLC (''IFX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in items I, II, and III below, which items have been prepared by IFX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. On December 2, 2003, IFX filed the proposed rule change with the Commodity Futures Trading Commission (''CFTC''), together with a written certification under section 5c(c) of the Commodity Exchange Act[3] (''CEA'') in which IFX indicated that the effective date of the proposed rule change would be December 5, 2003.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

The purpose of the proposed rule change is to change the name of the Exchange from the Island Futures Exchange, LLC to the Inet Futures Exchange, LLC. The text of the proposed rule change is available at the Office of the Secretary, Exchange, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filing with the Commission, IFX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. IFX has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(7).

[2] 17 CFR 240.19b–7.

[3] 7 U.S.C. 7a–2(c).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

1. Purpose

The purpose of the proposed rule change is to change the name of the Island Futures Exchange, LLC to the Inet Futures Exchange, LLC. Under the proposed rule change, IFX is amending references in Inet's Constitution and Rules that specifically refer to the name of the Exchange to reflect the defined term ''Exchange,'' which IFX also proposes to modify to accommodate the name change. Moreover, IFX proposes a new definition for the term ''Trading System'' to ease the identification of the Trading System within Inet's Rules.

2. Statutory Basis

This filing and the enclosed Rules are submitted pursuant to section 19(b)(7) of the Act.[4] The Rules are consistent with the purpose and requirements of the Commodity Futures Modernization Act of 2000 [5] and section 6 of the Act of 1934 [6] in that it reflects the name change of the Inet Futures Exchange, LLC from its previous name of Island Futures Exchange, LLC.

B. Self-Regulatory Organization's Statement on Burden on Competition

IFX does not believe that the proposed rule change would impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on Proposed Rule Changes Received From Members, Participants, or Others

IFX neither solicited nor received written comment on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The proposed rule change became effective on December 5, 2003. Within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of section 19(b)(1) of the Act.[7]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change conflicts with the Act. Persons making written submissions should file nine copies of the submission with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov.* All comment letters should refer to File No. SR–IFX–2004–01. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of these filings will also be available for inspection and copying at the principal office of the IFX. All submissions should refer to File No. SR–IFX–2004–01 and should be submitted by March 5, 2004.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–3195 Filed 2–12–04; 8:45 am]

BILLING CODE 8010–01–P

[4] 15 U.S.C. 78s(b)(7).

[5] Pub. L. 106–554, 114 Stat. 2763 (2000).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78s(b)(1).

[8] 17 CFR 200.30–3(a)(75).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49208; File No. SR–OCC–2003–08]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of a Proposed Rule Change Related to Delivery Settlement of Exercised Stock Options and Matured Stock Futures

February 9, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 22, 2003, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I and II below, which items have been prepared primarily by OCC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

OCC is seeking to restructure its rules applicable to delivery settlement of exercised stock options and matured stock futures.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to:

(1) Restructure OCC's rules applicable to physical settlement of exercised stock options and matured stock futures to reflect that such settlements are normally effected through the National Securities Clearing Corporation (''NSCC'') (*i.e.*, the correspondent clearing corporation) with broker-to-broker (''BTB'') settlement procedures as a backup;

(2) Require that BTB settlements be made on a delivery-versus-payment (''DVP'') basis at The Depository Trust Company (''DTC'') unless OCC directs otherwise;

(3) Revise OCC's rules applicable to delivery settlement effected on a BTB basis in order to reflect the enhanced system capabilities to track such settlements offered by ENCORE Release 4.0, which is scheduled for installation on September 26, 2003; [3]

(4) Revise OCC's rules relating to buy-ins and sell-outs to parallel NSCC's

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by OCC.

[3] ENCORE Release 4.0, which includes updated systems for settlement of physical delivery stock options and stock futures, is the next major installation in OCC's multiyear project to rewrite its clearance and settlement system.

rules relating to buy-ins in respect of security balance orders;

(5) Revise OCC's rule relating to protect provisions so OCC rules parallel NSCC's rules relating to protect provisions with respect to security balance orders.

OCC's by-laws define an ''underlying security'' with respect to physically settled stock options and stock futures to mean the security or other asset that OCC is obligated to sell or purchase upon exercise or maturity of the contract. Normally, underlying securities are delivered and paid for through the facilities of NSCC, but under certain circumstances, settlement must be made on a BTB basis.[4] If more than one underlying security is deliverable with respect to an exercised or matured contract, ENCORE Release 4.0 will treat the delivery of each underlying security as a separate settlement obligation. Payment of the aggregate purchase price for an underlying security will also be treated as a separate settlement obligation.[5] As is the case today, OCC will allocate a percentage of the exercise price or the final settlement price to each underlying security to be delivered.[6]

OCC will provide clearing members with Delivery Advices indicating whether settlements are to be effected via NSCC or on a BTB basis. Delivery Advices will specify settlement information for the clearing member including each underlying security to be delivered or received, the aggregate purchase price to be received or paid, the delivery date, the exercise price or final settlement price, the percentage of the exercise price allocated to the underlying security, the contra clearing member to the settlement (for BTB settlements), and in the case of options, the activity (*i.e.,* exercise or assignment) giving rise to the settlement obligation.

OCC will normally require that BTB settlements be made on a DVP basis through the facilities of DTC in order to avoid the need for OCC to margin ''Herstatt risk'' (*i.e.,* the risk that a party may fail to make delivery or payment, as the case may be, after having itself received payment or delivery). However, the proposed rule change retains provisions for BTB settlements outside DTC to provide for the rare case where an underlying security may not be DTC-eligible and reflects the enhanced ENCORE Release 4.0 system capabilities to process and monitor BTB settlements. For BTB settlements, the delivering clearing member will enter into ENCORE the number of units of the underlying security delivered (up to the total delivery requirement) and the amount received in respect thereof. The receiving clearing member will enter the number of units of the underlying security received and the amount paid. These entries can occur at different times. Only if the entries match (*i.e.,* the number of units delivered equals the number received or the amount received equals the amount paid, as the case may be) will the settlement obligation be discharged. In the event that the matched number of units or payment amounts is less than the total settlement obligation, only the deficiency will be treated as unsettled. An entry for which no response has been given by the second business day after its posting will be deemed settled provided that the specified delivery date has passed. Contradictory entries will be treated as unmatched items and will be deemed unsettled. All unsettled obligations will be margined.[7] Partial deliveries will be permitted but only in round lots except where an adjustment has resulted in a unit of trading other than a round lot, in which case partial deliveries will also be permitted in the odd lot component or multiples thereof.[8]

Chapter IX of OCC's Rules sets forth the delivery and payment rules for stock options and stock futures. Those Rules will be restructured to reflect that settlement normally occurs through NSCC with BTB settlement as the backup. Consistent with other OCC Rule Chapters, an introductory section has been added to Chapter IX of the Rules. This introductory section sets forth OCC's authority to designate a settlement method with regard to exercised stock options and matured stock futures, OCC's general policy to effect such settlement through NSCC, and OCC's authority to alter a previous designation of a settlement method. Former Rule 913, which concerns settlements through NSCC, has been renumbered as Rule 901. Other conforming changes have been made to the Rule to reflect the general policy that settlement will occur through NSCC.

Former Rules 901 through 907, which pertain to BTB settlements, have been renumbered as Rules 902 through 908. These Rules, along with Rule 909, have been modified to reflect the enhanced system for monitoring and tracking BTB settlements described above. Rules 910 and 911, which concern fails to deliver and receive, respectively, and 910A, which concerns protect procedures, have been modified to more closely parallel applicable provisions of NSCC's rules. Obsolete rule references have been deleted, and conforming changes have been made to other by-law and rule provisions as necessary.

OCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[9] and the rules and regulations thereunder applicable to OCC because it will promote the prompt and accurate clearance and settlement of securities transactions by enhancing physical settlement of exercised options and matured security futures.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

[4] Such circumstances include cases when NSCC excludes an underlying security from its continuous net settlement system or when OCC suspends a clearing member with pending settlements that have not yet been guaranteed by NSCC.

[5] If the underlying security includes a cash component (*e.g.*, cash in lieu amounts or the proceeds of a cash merger), the cash is settled through OCC's cash settlement system.

[6] An adjustment of a contract in response to a corporate action may result in more than one underlying security being deliverable upon exercise or maturity. OCC By-Laws, Article VI, Section 11 and Article XIII, Section 4.

[7] The total obligation will continue to be margined until the installation of the margin subsystem.

[8] For example, where the unit of trading for an adjusted contract is 133 shares, a writer of three assigned calls could deliver in increments of 100 shares, 200 shares, 300 shares, 33 shares, 66 shares, and/or 99 shares, separately or in any combination up to a total of 399 shares.

[9] 15 U.S.C. 78q–1.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov.* All comment letters should refer to File No. SR–OCC–2003–08. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *www.optionsclearing.com.* All submissions should refer to File No. SR–OCC–2003–08 and should be submitted by March 5, 2004.

All submissions should refer to File No. SR–OCC–2003–08 and should be submitted by March 5, 2004.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–3196 Filed 2–12–04; 8:45 am]

BILLING CODE 8010–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49207; File No. SR–PCX–2004–04]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. To Amend Its Schedule of Fees and Charges to Temporarily Waive Market Maker Fees for Market Makers That Use More Than One Seat

February 6, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 28, 2004, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in items I, II and III below, which items have been prepared by the Exchange. The PCX has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the PCX under section 19(b)(3)(A)(ii) of the Act,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Market Maker Fees portion of its Schedule of Fees and Charges (''Schedule'') to adopt a temporary waiver of the Market Maker fees for those Market Makers that use more than one seat. The text of the proposed rule change is available at the PCX and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in item IV below. The PCX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Market Maker Fees portion of the Schedule to adopt a temporary waiver of the Market Maker fees for those Market Makers that use more than one seat.

Under the current Schedule, all Market Makers are assessed a fee of $1,750 per month for each seat that such Market Maker holds a primary appointment. In connection, PCX Rule 6.35(g)(2) permits Market Makers to increase the number of issues within their primary appointments depending on the number of seats that the Market Maker holds.[4] Hence, a Market Maker benefits with additional issues as a result of holding multiple seats.

The Exchange proposes to temporarily waive the $1,750 Market Maker fee for all Market Makers for each additional seat (for which the Market Maker holds a primary appointment) beyond the first seat held by such Market Maker. In other words, a Market Maker will only be assessed one Market Maker fee of $1,750 per month whether the market Maker utilizes one seat or multiple seats. The PCX believes that a temporary waiver of the Market Maker fee in this limited circumstance is appropriate to encourage participation by a larger number of Market Makers on PCX Plus. As PCX Plus continues to expand, this temporary waiver will provide Market Makers with an incentive to take on a larger number of issues without incurring additional Market Maker fees. Therefore, the added participation should result in increased liquidity, which, in turn, will further competition. This waiver will remain in effect until April 30, 2004, or such earlier date as determined by the Exchange.[5]

2. Statutory Basis

The Exchange believes the proposal is consistent with section 6(b) of the Act,[6] in general, and section 6(b)(4) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

[4] *See* PCX Rule 6.35(g)(2).

[5] The Commission notes that the PCX is required to file a proposed rule change if it decides to terminate the fee waiver before April 30, 2004.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act [8] and subparagraph (f)(2) of Rule 19b–4 thereunder,[9] because it establishes or changes a due, fee, or other charge. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov*. All comment letters should refer to File No. SR–PCX–2004–04. This file number should be included on the subject line if e-mail is used. To help the Commission process and review comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to file number SR–PCX–2004–04 and should be submitted by March 5, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–3194 Filed 2–12–04; 8:45 am]

BILLING CODE 8010–01–P

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

[10] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 4623]

Comprehensive Environmental Evaluations for Antarctic Activities

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Department of State gives notice of the availability of two draft Comprehensive Environmental Evaluations (CEEs) for activities proposed to be undertaken in Antarctica. Interested members of the public are invited to submit comments relative to these CEEs.

DATES: Comments must be submitted on or before May 17, 2004.

ADDRESSES: Send comments to OES/OA, Room 5805; Department of State; Washington, DC 20520, or to SaturniFM@state.gov.

FOR FURTHER INFORMATION CONTACT: Fabio M. Saturni, Office of Oceans Affairs, (202) 647–0237.

SUPPLEMENTARY INFORMATION: Article 3 of Annex I to the Protocol on Environmental Protection to the Antarctic Treaty requires the preparation of a CEE for any proposed Antarctic activity likely to have more than a minor or transitory impact. Draft CEEs are to be made publicly available with a 90-day period for receipt of comments. This notice is published pursuant to 16 U.S.C. 2403a(h).

The Department of State has received two draft CEEs:

1. The Czech Republic has submitted a draft CEE for construction and operation of a scientific station in Antarctica. The document is available at the following Web site: *http://www.geology.cz/app/ftp/CzechStationCEE2004.zip*.

2. Norway has submitted a draft CEE for upgrading a summer station to a permanent station in Antarctica. The document is available at the following Web site: *ftp://ftp.npolar.no/Out/CEE/*.

The Department of State invites interested members of the public to provide written comments on these draft CEEs.

Dated: February 10, 2004.

Raymond V. Arnaudo,

Deputy Director, Office of Oceans Affairs, Department of State.

[FR Doc. 04–3242 Filed 2–12–04; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice 4624]

Proposals for U.S. Pavilion at the 2005 World Exhibition in Aichi, Japan

SUMMARY: The Bureau of Educational and Cultural Affairs (ECA) of the Department of State requests proposals from private U.S. individuals, firms, associations and organizations (for profit and non-profit) for the development, organization and management of a U.S. pavilion/exhibition covering 15,000 square feet at the 2005 World Exposition in Aichi, Japan (the Aichi Expo). The Department will provide the organization submitting the winning proposal with a letter authorizing it to proceed with fundraising until the funds necessary to complete the U.S. Pavilion project have been raised. This letter will include guidelines on fundraising to be followed by the winning organization. At the time at which all funding has been raised, the Department will sign a Memorandum of Understanding (MOU) with the winning organization and will appoint a Commissioner General. Proposals from non-U.S. citizens or non-U.S. firms or organizations will be deemed ineligible. Cost for a representative U.S. pavilion/exhibit is estimated at $20 million and must be provided completely by the winning organization. The Department of State is not authorized and does not now or in the future intend to make any commitment, implied or otherwise, to provide funding for any aspect of the U.S. pavilion/exhibition at the Aichi Expo.

DATES: The deadline for ''submission'' of proposals is 5 p.m., Thursday, March 4, 2004 (see below for details).

ADDRESSES: Proposals must be communicated Room 220, 301 Fourth Street, SW., Washington, DC, 20547.

FOR FURTHER INFORMATION CONTACT: James Ogul, Program Manager, (see address), telephone to 202–205–0535, fax to 202–260–0440 or e-mail at *OgulJE@state.gov*.

In light of recent events and heightened security measures, proposal

submissions must be sent via a nationally recognized overnight delivery service (*i.e.,* DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, *etc.*) and be SHIPPED no later than the above deadline. The delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline (*i.e.,* received after 5 p.m. March 11) will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages may not be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Please review carefully the guidelines below for details on the format for submission of indications of interest.

Background

The Government of Japan has invited the United States to participate in the 2005 World Exposition in Aichi, Japan, and the U.S. government has advised the Japanese government of its intention to participate. The Aichi Expo will be held on specially constructed exhibition grounds in Seto City and Toyota City, Japan. The Expo opens on March 25, 2005 and closes on September 25, 2005.

Aichi 2005 Expo is a large-scale international exposition or ''world's fair'' sanctioned or ''registered'' by the Bureau of International Expositions, an international treaty organization established to sanction and monitor international exhibitions of long duration (over three weeks) and significant scale. Invitations to world's fairs are extended from the host government to other governments.

With a projected 18 million visitors, the Aichi exposition offers an excellent opportunity to educate and inform foreign audiences about the United States and its people. The theme of the expo, ''Nature's Wisdom,'' is one of considerable interest to the people of the United States and other countries. The purpose of the exposition is to ''promote the understanding of the relationship between human activities and nature in order to encourage cooperation in the status quo between technology and human lifestyles.''

The United States intends to participate officially in the Aichi Expo, and ECA must ensure that the U.S. exhibit is nonpolitical in nature, of the highest possible quality, and balanced and representative of the diversity of American political, social and cultural life. The pavilion/exhibit must maintain the highest level of scholarly integrity and meet the highest standards of artistic achievement and academic excellence.

The U.S. presence at the Aichi Expo will help promote mutual understanding and confirm the strength and importance of US-Japan bilateral ties. Further information on the Aichi Expo can be found at the official expo Web site: *http://www.expo2005.com/*

Statutory Authority: Overall authority for Department of State support for U.S. participation in international expositions is contained in section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2452(a)(3); also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' Pursuant to this authority, ECA is the Department bureau responsible for coordinating U.S. participation in the Aichi Expo 2005. Consequently, ECA will represent the U.S. Government in dealings with the organizers of the Aichi Expo.

Funding Limitations: Section 204 of Public Law 106–113 (22 U.S.C. 2452b) limits the support the Department of State may provide for U.S. participation in international expositions registered by the Bureau of International Expositions (BIE). This includes the Aichi Expo. This Request for Proposals is intended to help identify a private U.S. individual, firm or organization interested in and capable of providing a complete pavilion/exhibit at the Aichi Expo. The Department of State is not authorized, and does not now or in the future intend to make any commitment—implied or otherwise—to provide funding for any aspect of the U.S. exhibition at the Aichi Expo.

Costs: As an official national participant, the United States will have the right to use five exhibition ''modules'' provided at no cost by the Expo organizers. The U.S. pavilion will cover approximately 15,000 square feet. It is estimated that a representative exhibition in that space will cost $20 million. Costs would include, but not be limited to:

—*Design* of the exhibit and drafting of the story line
—*Fundraising expenses*
—*Production* of exhibits, audio-visual materials, films, DVDs, videos, posters and other promotional materials needed for the exhibit
—*Building modifications/enhancements* necessary to incorporate the exhibit and decorate the building facade and interior and provide exterior landscaping and crowd control features such as providing necessary equipment and linking into Aichi Expo 2005's IC chip technology built into Expo admission tickets
—*Promotion* and advertising for the U.S. exhibition
—*Administrative and staff costs,* including salaries, benefits, contracting and supplier costs and consulting fees
—*Transport,* travel, insurance, postage and shipping fees
—*Security,* development and implementation of a security program for the U.S. Pavilion in consultation with the State Department and appropriate Japanese authorities
—*Tear-down,* including removal of exhibits and return of the pavilion in the condition required by the Expo organizers, and
—*Cultural* and informational programs associated with the exhibition, including, but not limited to, production of U.S. National Day activities

Expo Guidelines: Interested parties may obtain copies of the General Regulations and Expo Guidelines from the Aichi Expo offices in Japan at: Director General, Official Participation *Group, Lino Bldg.,* 7F, 2–1–1 Uchisaiwi-cho, Chiyoda-ku, Tokyo 100–0011, Japan.

Proposals should be provided in a narrative of no more than twenty (20) pages, single-spaced, plus a detailed budget and attachments and exhibits. The narrative and additional documents should outline in as much detail as possible plans for providing a U.S. exhibition at the Aichi Expo.

Proposals should address the following:

• Willingness to adhere to the General Regulations of the Aichi Expo as stipulated by the Expo organizers;

• Track record of working with exhibitions and on the proposed theme;

• An experienced staff with language facility;

• A clear exhibit plan and storyline;

• A detailed fundraising plan listing intended individuals and institutions to be approached, description of donation and sample donation agreement; and

• Willingness to consult closely with and follow the guidance of ECA and U.S. diplomatic officers in Japan.

Proposals should state clearly that all materials developed specifically for the project will be subject to review and approval by ECA.

Review Process

Proposals will be deemed ineligible if they are not submitted by a U.S. citizen, corporation or U.S.-based organization and do not fully adhere to the General Regulations of the Aichi Expo and the guidelines stated herein.

A panel of senior U.S. Government employees will review eligible proposals. ECA and other elements of the Department in Washington, and the Public Diplomacy section and other elements at the U.S. Embassy in Tokyo and U.S. Consulate General in Nagoya, will also review all eligible proposals. The final decision on a potential U.S. exhibitor will be at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs.

Review Criteria

Technically eligible proposals will be competitively reviewed according to the criteria stated below. These criteria are not rank-ordered and all carry equal weight in the evaluation.

1. *Program planning to achieve exhibit objectives:* Proposals should clearly demonstrate how the planned exhibit would achieve its objectives and how it would comply with the theme and General Regulations of the Expo. Exhibit objectives should be reasonable, feasible, and flexible. The proposal should contain a detailed timeline and budget that demonstrate substantive undertakings and fundraising and logistical capacity.

2. *Institutional Capacity/Record/Ability:* Proposed personnel and institutional resources should be defined and adequate and appropriate to achieve the exhibit's goals. Proposals should demonstrate an institutional record of successful exhibit activities, including responsible fiscal management and full compliance with all BIE-registered Expo requirements. ECA will give serious weight to past performance and demonstrated potential of the staffing proposed for the project.

3. *Multiplier effect/impact:* Exhibit content and related activities should strengthen long-term mutual understanding between the United States and Japan.

4. *Support of Diversity:* Programs sponsored by ECA must encourage the involvement of participants from all traditionally underrepresented groups including women, racial and ethnic minorities and people with disabilities.

5. *Monitoring and Project Evaluation Plan:* Proposals that include a plan to measure the impact of the proposed U.S. exhibition are encouraged.

6. *Cost-effectiveness:* Proposals must present a credible budget and fundraising plan to fund all aspects of the U.S. Pavilion project. Note that prospective donors will be vetted with the State Department for potential conflict of interest.

Notice

The terms and conditions published in this Request for Proposals are binding and may not be modified by any ECA representative. Explanatory information provided by ECA that contradicts published language will not be binding. Issuance of this RFP does not constitute an intention to agree to work with any private sector exhibitor at the Aichi Expo. ECA reserves the right to select the final U.S. exhibitor for the Aichi Expo and to approve all elements of the exhibition and project. Decisions made based on indications of interest submitted in response to this RFP will be made solely by ECA and are final.

Dated: February 6, 2004.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 04–3243 Filed 2–12–04; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Trade and Environment Policy Advisory Committee (TEPAC)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice that the March 4, 2004, meeting of the Trade and Environment Policy Advisory Committee will be held from 10 a.m. to 12 noon. The meeting will be closed to the public from 10 a.m. to 11:30 a.m. and open to the public from 11:30 a.m. to 12 noon, when trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committee will not be invited to comment.

SUMMARY: The meeting will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to section 2155(f)(2) of title 19 of the United States Code, I have determined that this meeting will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States.

DATES: The meeting is scheduled for March 4, 2004, unless otherwise notified.

ADDRESSES: The meeting will be held in the Truman Room of the White House Conference Center located at 726 Jackson Place, NW., Washington, DC, unless otherwise notified.

FOR FURTHER INFORMATION CONTACT: Christina Sevilla, Office of Intergovernmental Affairs and Public Liaison, (202) 395–6120.

Christopher A. Padilla,

U.S. Trade Representative for Intergovernmental Affairs and Public Liaison.

[FR Doc. 04–3276 Filed 2–12–04; 8:45 am]

BILLING CODE 3170–W3–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2004–1A]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this

aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before February 18, 2004.

ADDRESSES: You may submit comments [identified by DOT DMS Docket Number FAA–200X–XXXXX] by any of the following methods:

- *Web site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Tim Adams (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on February 11, 2004.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2004–17087.

Petitioner: Joint Special Operations Command.

Section of 14 CFR Affected: 14 CFR 105.17, and 105.19(a) and (b).

Description of Relief Sought: To allow the Joint Special Operations Command forces to conduct night parachute operations using parachutes with no illumination, outside of the special use airspace at and below 1,500 feet above ground level. These large scale training operations would be conducted in Class B, C, D, or E airspaces at certain airports that would be closed to nonparticipating air traffic.

[FR Doc. 04–3396 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 04–07–C–00–STT To Impose and Use the Revenue From a Passenger Facility Charge (PFC) Cyril E. King Airport, St. Thomas, Virgin Islands

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Cyril E. King Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before March 15, 2004.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando Florida, 32822.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Darlin Brin, Executive Director of the Virgin Islands Port Authority at the following address: Cyril E. King Airport, Administration Building, Third Floor, St. Thomas, Virgin Islands 00802.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Virgin Islands Port Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Orlando Airports District Office, Susan Moore, Program Manager, 5950 Hazeltine National Drive, Suite 400, Orlando Florida, 32822, (407) 812–6331, Extension 120. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Cyril E. King Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 6, 2004, the FAA determined that the application to impose and use the revenue from a PFC submitted by Virgin Islands Port Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 22, 2004.

The following is a brief overview of the application.

Proposed charge effective date: June 1, 2004.

Proposed charge expiration date: April 1, 2008.

Level of the proposed PFC: $3.00.

Total estimated PFC revenue: $8,000,000.

Brief description of proposed projects(s): Expand Federal Inspection/Screening Terminal Area, Expand Passenger and Baggage Claim Terminal Areas, Reimburse Terminal Site Improvements.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: 1701 Columbia Avenue, College Park, Georgia 30337. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Virgin Islands Port Authority.

Issued in Orlando, Florida, on February 6, 2004.

Bart Vernace,

Acting Manager, Airports District Office, Southern Region.

[FR Doc. 04–3272 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at San Angelo Regional Airport/Mathis Field, San Angelo, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at San Angelo Regional Airport/Mathis Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title

IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before March 15, 2004.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Craig Williams, Airport Manager, San Angelo Regional Airport/Mathis Field at the following address: 8618 Terminal Circle, Suite 101, San Angelo, Texas 76904.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, 2601 Meacham Blvd., Fort Worth, Texas 76193–0610, (817) 222–5613.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at San Angelo Regional Airport/Mathis Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 4, 2004, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 2, 2004.

The following is a brief overview of the application.

Level of the proposed PFC: $4.50.

Proposed change effective date: August 1, 2004.

Proposed charge expiration date: January 1, 2006.

Total estimated PFC revenue: $335,042.

PFC application number: 04–05–C–00–SJT.

Brief description of proposed project(s):

Projects To Impose and Use PFC's

1. Acquire ARFF Vehicle and Associated Equipment
2. Rehabilitate Runways 9/27 and 3/21
3. Rehabilitate Runway and Taxiway Lighting
4. Acquire RPZ Land for Runway 21
5. Rehabilitate Taxiways

Proposed class or classes of air carriers to be exempted from collecting PFCs: Nonscheduled/On-demand Air Carriers Filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at San Angelo Regional Airport/Mathis Field.

Issued in Fort Worth, Texas, on February 4, 2004.

Mike Nicely,

Acting Manager, Airports Division.

[FR Doc. 04–3271 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on October 16, 2003 [68 FR 59678–59679].

DATES: Comments must be submitted on or before March 15, 2004.

FOR FURTHER INFORMATION CONTACT: Michael Huntley at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 5320, NVS–113, Washington, DC 20590. Mr. Huntley's telephone number is (202) 366–0029.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: 49 CFR 571.213, Child Restraint Systems.

OMB Number: 2127–0511.

Type of Request: Extension of a currently approved collection.

Abstract: Manufacturers are required to provide owner registration cards and to label each child restraint system with a message informing users of the importance of registering the restraint with the manufacturer. The owner registration information is then retained in the event that owners need to be contacted for recall or replacement campaigns. The manufacturer is also required to provide a printed instructions brochure with step-by-step information on how the restraint is to be used. Without proper use, the effectiveness of these systems is greatly diminished. Each child restraint system must also have a permanent label. A permanently attached label gives quick-look information on whether the restraint meets the safety requirements, recommended installation and use, and warnings against misuse.

Affected Public: Business.

Estimated Total Annual Burden: 90,000 hours.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments Are Invited On

Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A Comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued in Washington, DC, on February 6, 2004.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 04–3274 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–59–U

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket RSPA–98–4957; Notice 04–03]

Agency Information Collection Activities; Proposals, Submissions, and Approvals

ACTION: Request for Extension of Existing Information Collection.

AGENCY: Research and Special Programs Administration, DOT.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Research and Special Program Administration (RSPA) is publishing this notice seeking public comments on a proposed renewal of an information collection, ''Reporting of Safety-Related Conditions on Gas, Hazardous Liquid and Carbon Dioxide Pipelines and Liquefied Natural Gas Facilities.''

DATES: Comments on this notice must be received no later than April 13, 2004 to be assured of consideration.

ADDRESSES: You must identify the docket number RSPA–98–4957; Notice 04–03, at the beginning of your comments. Comments can be mailed to the U.S. Department of Transportation, Dockets Facility, Plaza 401, 400 Seventh Street, SW., Washington, DC 20590. Comments can also be sent electronically by visiting *dms.dot.gov.*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) of you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Marvin Fell, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–6205, by fax at (202) 366–4566, or via electronic mail at *marvin.fell@rspa.dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Reporting of Safety-Related Conditions on Gas, Hazardous Liquid, and Carbon Dioxide Pipelines and Liquefied Natural Gas Facilities.

OMB Number: 2137–0578.

Type of Request: Renewal of existing information collection.

Abstract: 49 U.S.C. 60102 requires each operator of a pipeline facility (except master meter) to submit to the Department of Transportation a written report on any safety-related condition that causes or has caused a significant change or restriction in the operation of a pipeline facility or a condition that is a hazard to life, property or the environment.

Estimate of Burden: The average burden hour per response is 6 hours.

Respondents: Pipeline and Liquefied Natural Gas facility operators.

Estimated response per year: 65.

Estimated Total Annual Burden on Respondents: 390 hours.

Use: To alert RSPA of hazardous conditions that might continue uncorrected.

Copies of this information can be reviewed at the Dockets Unit, Plaza 401, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC, 9 a.m. to 5 p.m., Monday through Friday excluding Federal Holidays or through the internet at *dms.dot.gov.*

Comments are invited on (a) the need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who respond including the use of the appropriate automated, electronic, mechanical, or other technological collection techniques. Send written comments in duplicate to Dockets Facility, Plaza 401, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Please be sure to include the docket number RSPA–98–4957 Notice 04–03. Comments can also be sent electronically by visiting *dms.dot.gov.*

Issued in Washington, DC on February 9, 2004.

Richard D. Huriaux,

Regulations Manager, Office of Pipeline Safety.

[FR Doc. 04–3275 Filed 2–12–04; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–600]

Yakima Interurban Lines Association—Adverse Abandonment—In Yakima County, WA

On January 27, 2004, Kershaw Sunnyside Ranches, Inc. (Kershaw) filed an adverse application under 49 U.S.C. 10903 requesting that the Surface Transportation Board authorize the abandonment by Yakima Interurban Lines Association (YILA) of a portion of the Naches Line, which consists of approximately 11.29 miles of rail line between mileposts 2.97 at Fruitvale, WA, and milepost 14.26 at Naches, WA. The portion to be abandoned is an approximately one-mile segment of the line that crosses Kershaw's property. Mileposts for the segment are unavailable; however, the description of the line contained in the deed reads as follows:

> Said strip of land being a certain strip of land seventy five feet wide across the E.2 of S.W. 4 and the S.W.4 of S.E.4 of Sec. 24 twp. 14 N. R. 17 E. W. M. [A]lso the N.W.4 of the N.W. 4 of Sec. 25 twp. 14 N. R. 17 E. W.M. being a strip of land seventy five (75) feet in width 37½ feet on each side of the center line of the railroad of said company as the same [is now] located and staked out across said premises, together with any and all additional widths that may be necessary to catch the slopes of the cuts and fills of the roadbed of said railroad.

The line traverses United States Postal Service ZIP Code 98908 and includes no stations.

Kershaw indicates that it filed the adverse abandonment application because the line has been inoperable, and there has been no traffic on the line, for approximately seven years. It states that the line is in complete disrepair, as large sections of track are missing, portions of the track are suspended by the rail due to erosion of the roadbed, and portions of the line are covered with rocks and debris while others are covered with thick vegetation. It asserts that the vegetation on the line promotes the proliferation of noxious weeds and pests that are unsightly and are a fire hazard. Furthermore, Kershaw indicates that YILA has no current plans or funds to rehabilitate and maintain the line and there are currently $750,000 in liens against the line. Applicant further states that no other public or private entity has shown any interest in assuming responsibility for the line. Kershaw argues that the burden of abandoning the line on shippers in the community would be minimal because shippers

have used alternate transportation services for at least seven years and a major highway is located adjacent to the line. Should the Board grant abandonment authority here, Kershaw states that it will proceed in state court to obtain control of the property. This agency and its predecessor have long held that granting an adverse abandonment application would remove this agency's primary jurisdiction over the line, thereby subjecting the line to actions under state law.[1]

In a decision served in this proceeding on February 6, 2004, Kershaw was granted a waiver from some of the filing requirements of the Board's abandonment regulations at 49 CFR 1152 that were not relevant to its adverse abandonment application or that sought information not available to it. Specifically, Kershaw was granted waiver from the notice requirements at 49 CFR 1152.20(a)(2)(xii) and (a)(3), from the application requirements at 49 CFR 1152.22(a)(4), (a)(5), and (d), and from the consummation time periods at 49 CFR 1152.29(e)(2).[2]

Kershaw states that the line does not contain federally granted rights-of-way. Any documentation in Kershaw's possession will be made available promptly to those requesting it. The applicant's entire case in chief for abandonment was filed with the application.

The railroad has no employees on the line. Accordingly, there are no railroad employee interests that require labor protection.

Any interested person may file written comments concerning the proposed abandonment or protests (including protestant's entire opposition case) by March 12, 2004. All interested persons should be aware that, following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (49 CFR 1152.28) or for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by March 12, 2004. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

The line sought to be abandoned will be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation.

Persons opposing the proposed adverse abandonment who wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments. Parties seeking information concerning the filing of protests should refer to section 1152.25.

All filings in response to this notice must refer to STB Docket No. AB–600 and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20424–0001; and (2) Sarah Wixson, Velikanje, Moore and Shore, P.S., 405 East Lincoln Ave., P.O. Box 22550, Yakima, WA 98907. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in section 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

The waiver decision noted that Kershaw had sought a waiver from the environmental requirements at 49 CFR 1152.22(f), arguing that this abandonment would not significantly alter the condition of the surrounding land and environment. However, the Board denied this request. It noted that, because Kershaw had already submitted the required environmental documentation to the Board's Section of Environmental Analysis (SEA), a waiver was not needed.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact SEA. EAs in abandonment or discontinuance proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to SEA at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

Board decisions and notices are available on our Web site at *''http://www.stb.dot.gov.''*

Decided: February 6, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 04–3218 Filed 2–12–04; 8:45 am]

BILLING CODE 4915–01–P

[1] *See Modern Handcraft, Inc.—Abandonment*, 363 I.C.C. 969 (1981); *Kansas City Pub. Ser. Frgt. Operations Exempt.–Aban.*, 7 I.C.C.2d 216, 224–26 (1990); and *Chelsea Property Owners—Aban.—The Consol. R. Corp.*, 8 I.C.C.2d 773, 778 (1992), *aff'd sub nom. Conrail* v. *ICC*, 29 F.3d 706 (D.C. Cir. 1994).

[2] Because Kershaw had already satisfied a number of provisions for which it had requested a waiver, some of its waiver requests were denied as unnecessary. A fee waiver request had been denied earlier by the Board's Secretary and applicant was directed to comply with the provisions of 49 CFR 1152.24(f).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–32 (Sub–No. 97X); STB Docket No. AB–355 (Sub–No. 29X)]

Boston and Maine Corporation—Abandonment Exemption—in Middlesex County, MA; Springfield Terminal Railway Company—Discontinuance of Service Exemption—in Middlesex County, MA

Boston & Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) have filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances* for B&M to abandon and ST to discontinue service over a line of railroad, known as the Tewksbury Branch, extending from milepost 0.0 to milepost .75, in Middlesex County, MA. The line traverses United States Postal Service Zip Code 01876.

B&M and ST have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period;

and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 17, 2004,[1] unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 23, 2004. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 4, 2004, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicants' representative: Katherine E. Potter, Esq., Iron Horse Park, North Billerica, MA 01862.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

B&M and ST have filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by February 20, 2004. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), B&M shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by B&M's filing of a notice of consummation by February 13, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: February 5, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 04–3094 Filed 2–12–04; 8:45 am]

BILLING CODE 4915–01–P

[1] Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. While the applicant initially indicated a proposed consummation date of March 16, 2004, because the verified notice was filed on January 27, 2004, consummation may not take place prior to March 17, 2004.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,100. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5303

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5303, Application for Determination for Collectively Bargained Plan.

DATES: Written comments should be received on or before April 13, 2004 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Application for Determination for Collectively Bargained Plan.

OMB Number: 1545–0534.

Form Number: 5303.

Abstract: Form 5303 is used to request a determination letter from the IRS for the qualification of a defined benefit or a defined contribution plan and the exempt status of any related trust. The form provides the IRS with the information necessary to verify that the employer has a qualified plan and may make tax deductible contributions to it.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, and individuals.

Estimated Number of Respondents: 2,500.

Estimated Time Per Respondent: 35 hours, 17 minutes.

Estimated Total Annual Burden Hours: 88,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the

quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 4, 2004.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 04–3264 Filed 2–12–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5308

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5308, Request for Change in Plan/Trust Year.

DATES: Written comments should be received on or before April 13, 2004 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Request for Change in Plan/Trust Year.

OMB Number: 1545–0201.

Form Number: 5308.

Abstract: Form 5308 is used to request a permission to change the plan or trust year for a pension benefit plan. The information submitted is used in determining whether IRS should grant permission for the change.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 480.

Estimated Time Per Respondent: 42 minutes.

Estimated Total Annual Burden Hours: 339.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 4, 2004.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 04–3265 Filed 2–12–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8819

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8819, Dollar Election Under Section 985.

DATES: Written comments should be received on or before April 13, 2004 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Dollar Election Under Section 985.

OMB Number: 1545–1189.

Form Number: 8819.

Abstract: Form 8819 is filed by U.S. and foreign businesses to elect the U.S. dollar as their functional currency or as the functional currency of their controlled entities. The IRS uses Form 8819 to determine if the election is properly made.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time Per Respondent: 6 hours, 28 minutes.

Estimated Total Annual Burden Hours: 3,235.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 4, 2004.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 04–3266 Filed 2–12–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4768

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4768, Application for Extension of Time To File a Return and/or Pay U.S. Estate (and Generation-Skipping Transfer) Taxes.

DATES: Written comments should be received on or before April 13, 2004 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Application for Extension of Time To File a Return and/or Pay U.S. Estate (and Generation-Skipping Transfer) Taxes.

OMB Number: 1545–0181.

Form Number: 4768.

Abstract: Form 4768 is used to request an extension of time to file an estate (and generation-skipping) tax return and/or to pay the estate (and generation-skipping) taxes and to explain why the extension should be granted. IRS uses the information to decide whether the extension should be granted.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and business or other for-profit organizations.

Estimated Number of Respondents: 18,500.

Estimated Time Per Respondent: 1 hour, 57 minutes.

Estimated Total Annual Burden Hours: 36,075.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 5, 2004.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 04–3267 Filed 2–12–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–209–76]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, LR–209–76 (TD 7941), Special Lien for Estate Taxes Deferred Under Section 6166 or 6166A (Section 301.6324A–1).

DATES: Written comments should be received on or before April 13, 2004 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or

through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Special Lien for Estate Taxes Deferred Under Section 6166 or 6166A.

OMB Number: 1545–0757.

Regulation Project Number: LR–209–76.

Abstract: Internal Revenue Code section 6324A permits the executor of a decedent's estate to elect a lien on section 6166 property in favor of the United States in lieu of a bond or personal liability if an election under section 6166 was made and the executor files an agreement under section 6324A(c). This regulation clarifies the procedures for complying with the statutory requirements.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 34,600.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 8,650.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 5, 2004.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 04–3268 Filed 2–12–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2032

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 2032, Contract Coverage Under Title II of the Social Security Act.

DATES: Written comments should be received on or before April 13, 2004, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Contract Coverage Under Title II of the Social Security Act.

OMB Number: 1545–0137.

Form Number: 2032.

Abstract: Citizens and resident aliens employed abroad by foreign affiliates of American employers are exempt from social security taxes. Under Internal Revenue Code section 3121(1), American employers may file an agreement to waive this exemption and obtain social security coverage for U.S. citizens and resident aliens employed abroad by their foreign affiliates. Form 2032 is used for this purpose.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 160.

Estimated Time Per Respondent: 3 hours.

Estimated Total Annual Burden Hours: 480.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 9, 2004.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 04–3269 Filed 2–12–04; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Friday,
February 13, 2004

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities to Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4901–N–07]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD reviewed in 2002 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR part 581.3(b) landholding agencies are required to notify HUD by December 31, 2003, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8(d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Heather Ransom, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Julie Jones-Conte, Headquarters, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM–MD, Room 1E677, 600 Army Pentagon, Washington, DC 20310–0600; (703) 692–9223; Corps of Engineers: Shirley Middleswarth, Army Corps of Engineers, Civil Division, Directorate of Real Estate, 441 G Street, Washington, DC 20314–1000; (202) 761–7425; U.S. Navy: Charles C. Cocks, Dept. of Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9200; U.S. Air Force: Albert F. Lowas, Jr., Air Force Real Property Agency, 1700 North Moore St., Suite 2300, Arlington, VA 22209–2802; (703) 696–5501; GSA: Brian K. Polly, Office of Property Disposal, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 501–0084; Dept. of Veterans Affairs: Amelia McLellan, Real Property Service, Dept. of Veterans Affairs, room 419, 810 Vermont Ave. NW., Washington, DC 20420; (202) 565–5398; Dept. of Energy: Andy Duran, Office of Engineering & Construction Management, ME–90, Washington, DC 20585; (202) 586–4548; Dept. of Transportation: Rugene Spruill, DOT Headquarters Project Team, 400 Seventh St. SW., room 10314, Washington, DC 20590; (202) 366–4246; Dept. of Interior: Linda Tribby, Acquisition & Property Management, Dept. of Interior, 1849 C St. NW., MS 5512, Washington, DC 20240; (202) 219–0728; (These are not toll-free numbers).

Dated: February 5, 2004.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

Title V. Properties Reported in Year 2003 Which Are Suitable and Available

Air Force

Alaska

Building

Bldg. 7525
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Property No.: 18200230009
Status: Unutilized
Comment: 26,226 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—dormitory, off-site use only

Florida

Land

Homestead Communications Annex
Homestead Co: Dare FL 33033–
Property No.: 18200210015
Status: Excess
Comment: 20 acres w/concrete bldg., consists of wetlands/100 year floodplain, most recent use—high frequency regional broadcasting system

Hawaii

Building

Bldg. 849
Bellows AFS
Bellows AFS Co: HI
Property No.: 18200330008
Status: Unutilized
Comment: 462 sq. ft., concrete storage facility

Missouri

Building

Bldgs. 90A/B, 91A/B, 92A/B
Jefferson Barracks Housing
St. Louis Co: MO 63125–
Property No.: 18200220002
Status: Excess
Comment: 6450 sq. ft., needs repair, includes 2 acres

Nebraska

Land

Hastings Radar Bomb Scoring
Hastings Co: Adams NE 68901–
Property No.: 18199810027
Status: Unutilized
Comment: 11 acres

New York

Building

Lockport Comm. Facility
Shawnee Road
Lockport Co: Niagara NY
Property No.: 18200040004
Status: Excess
Comment: 2 concrete block bldgs., (415 & 2929 sq. ft.) on 7.68 acres

Bldg. 240
Rome Lab
Rome Co: Oneida NY 13441–
Property No.: 18200340023
Status: Unutilized
Comment: 39108 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 247
Rome Lab
Rome Co: Oneida NY 13441–
Property No.: 18200340024
Status: Unutilized
Comment: 13199 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 248
Rome Lab
Rome Co: Oneida NY 13441–
Property No.: 18200340025
Status: Unutilized
Comment: 4000 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 302
Rome Lab
Rome Co: Oneida NY 13441–
Property No.: 18200340026
Status: Unutilized
Comment: 10288 sq. ft., presence of asbestos, most recent use—communications facility

South Dakota

Building

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Property No.: 18199340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage

Land

S. Nike Ed. Annex Land
Ellsworth AFB
Pennington Co: SD 57706–
Property No.: 18200220010
Status: Unutilized
Comment: 7 acres w/five foundations from demolished bldgs. remain on site; with a road and a parking lot

Army

Alabama

Building

Bldg. 02915
Fort Rucker
Ft. Rucker Co: Dale AL 36362–
Property No.: 21200310050
Status: Excess
Comment: 1224 sq. ft., most recent use—bath house, off-site use only

Alaska

Building

Bldgs. 09100, 09104–09106
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020158
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

5 Bldgs.
Fort Richardson
09108, 09110–09112, 09114
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020159
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldgs. 09128, 09129
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020160
Status: Unutilized
Comment : various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldgs. 09151, 09155, 09156
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020161
Status: Unutilized
Comment : various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldg. 09158
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020162
Status: Unutilized
Comment: 672 sq. ft., most recent use—storage shed, off-site use only

Bldgs. 09160–09162
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020163
Status: Unutilized
Comment: 11520 sq. ft., concrete, most recent use—NCO–ENL FH, off-site use only

Bldgs. 09164, 09165
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020164
Status: Unutilized
Comment: 2304 & 2880 sq. ft., most recent use—storage, off-site use only

Bldg. 10100
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020165
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldg. 00390
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030067
Status: Excess
Comment: 13,632 sq. ft., off-site use only

Bldgs. 01200, 01202
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030068
Status: Excess
Comment: 4508 & 6366 sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. 01205–01207
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030070
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. 01208, 01210, 01212
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030071
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. 01213, 01214
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030072
Status: Excess
Comment: 11964 & 13740 sq. ft., most recent use—transient UPH, off-site use only

Bldgs. 01218, 01230
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030073
Status: Excess
Comment: 480 & 188 sq. ft., most recent use—hazard bldgs., off-site use only

Bldgs. 01231, 01232
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030074
Status: Excess
Comment: 458 & 4260 sq. ft., most recent use—hazard bldgs., off-site use only

Bldg. 01234
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030075
Status: Excess
Comment: 615 sq. ft., most recent use—admin., off-site use only

Bldg. 01237
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030076
Status: Excess
Comment: 408 sq. ft., most recent use—fuel/pol bldg., off-site use only

Bldg. 01272
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030077
Status: Excess
Comment: 308 sq. ft., most recent use—storage, off-site use only

Bldg. 08109
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030080
Status: Excess
Comment: 1920 sq. ft., most recent use—storage, off-site use only

Armory
NG Noorvik
Noorvik Co: AK 99763–
Property No.: 21200110075
Status: Unutilized
Comment: 1200 sq. ft., most recent use—armory, off-site use only

Bldg. 00229
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200120085
Status: Excess
Comment: 13,056 sq. ft., off-site use only

Bldg. 00001
Kiana Natl Guard Armory
Kiana Co: AK 99749–
Property No.: 21200340075
Status: Excess
Comment: 1200 sq. ft., butler bldg., needs repair, off-site use only

Arizona

Building

Bldg. 30012
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Property No.: 21199310298
Status: Excess
Comment 237 sq. ft., 1-story block, most recent use—storage

Bldg. S–306
Yuma Proving Ground

Yuma Co: Yuma/La Paz AZ 85365–9104
Property No.: 21199420346
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, off-site use only

Bldg. 503,
Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Property No.: 21199520073
Status: Underutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos, off-site use only

Bldg. 00500
Yuma Proving Ground
Yuma Co: AZ 85365–9498
Property No.: 21200340076
Status: Unutilized
Comment: 4171 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—training, off-site use only

California

Building

Bldgs. 204–207, 517
Presidio of Monterey
Monterey Co: CA 93944–5006
Property No.: 21200020167
Status: Unutilized
Comment: 4780 & 10950 sq. ft., presence of asbestos/lead paint, most recent use—classroom/admin/storage, off-site use only

Bldgs. 18026, 18028
Camp Roberts
Monterey Co: CA 93451–5000
Property No.: 21200130081
Status: Excess
Comment: 2024 sq. ft. & 487 sq. ft., concrete, poor condition, off-site use only

Colorado

Building

Bldg. F–107
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130082
Status: Unutilized
Comment: 10,126 sq. ft., poor condition, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–108
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130083
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–209
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130084
Status: Unutilized
Comment: 400 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldg. T–217
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130085
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T–218
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130086
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T–220
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130087
Status: Unutilized
Comment: 690 sq. ft., poor condition, possible asbestos/lead paint, most recent use—heat plant, off-site use only

Bldg. T–6001
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130088
Status: Unutilized
Comment: 4372 sq. ft., poor condition, possible asbestos/lead paint, most recent use—vet clinic, off-site use only

Bldg. S6263
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200310051
Status: Unutilized
Comment: 24,902 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—offices, off-site use only

Bldg. S6265
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200310052
Status: Unutilized
Comment: 19,499 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—child development center, off-site use only

Bldg. S6266
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200310053
Status: Unutilized
Comment: 27,286 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. S6267
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200310054
Status: Unutilized
Comment: 20,075 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—child development center, off-site use only

Bldg. S6286
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200310055
Status: Unutilized
Comment: 13,128 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—armory, off-site use only

Bldg. T–211
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200340080
Status: Unutilized
Comment: 4172 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. S6250
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200340083
Status: Unutilized
Comment: 22,125 sq. ft., presence of asbestos/lead paint, most recent use—armory, off-site use only

Bldg. S6268
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200340085
Status: Unutilized
Comment: 840 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Georgia

Building

Bldg. 2285
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Property No.: 21199011704
Status: Unutilized
Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 1252
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220694
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220707
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 4963
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220710
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 2396
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220712
Status: Unutilized
Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 4882
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220727
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4967
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220728
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4977
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220736
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, need repairs, off-site removal only.

Bldg. 4944
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220747
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only.

Bldg. 4960
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220752
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4969
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220753
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4884
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220762
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4964
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220763
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4966
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220764
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4965
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only.

Bldg. 4945
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only.

Bldg. 4979
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only.

Bldg. 4023
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199310461
Status: Unutilized
Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4024
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199310462
Status: Unutilized
Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 11813
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property No.: 21199410269
Status: Unutilized
Comment: 70 sq. ft.; 1 story; metal; needs rehab.; most recent use—storage; off-site use only

Bldg. 21314
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property No.: 21199410270
Status: Unutilized
Comment: 85 sq. ft.; 1 story; needs rehab.; most recent use—storage; off-site use only

Bldg. 12809
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property No.: 21199410272
Status: Unutilized
Comment: 2788 sq. ft.; 1 story; wood; needs rehab.; most recent use—maintenance shop; off-site use only

Bldg. 10306
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property No.: 21199410273
Status: Unutilized
Comment: 195 sq. ft.; 1 story; wood; most recent use—oil storage shed; off-site use only

Bldg 4051, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199520175
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 322
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720156
Status: Unutilized
Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 1737
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720161
Status: Unutilized
Comment: 1500 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 2593
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720167
Status: Unutilized
Comment: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 2595
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720168
Status: Unutilized
Comment: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only

Bldg. 4476
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720184
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint. shop, off-site use only

8 Bldgs.
Fort Benning
4700–4701, 4704–4707, 4710–4711
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720189
Status: Unutilized
Comment: 6433 sq. ft. each, needs rehab, most recent use—unaccompanied personnel housing, off-site use only

Bldg. 4714
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720191
Status: Unutilized
Comment: 1983 sq. ft., needs rehab, most recent use—battalion headquarters bldg., off-site use only

Bldg. 4702
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720192
Status: Unutilized
Comment: 3690 sq. ft., needs rehab, most recent use—dining facility off-site use only

Bldgs. 4712–4713
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720193
Status: Unutilized
Comment: 1983 sq. ft. and 10270 sq. ft., needs rehab, most recent use—company headquarters bldg., off-site use only

Bldg. 305
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810268
Status: Unutilized
Comment: 4083 sq. ft., most recent use—recreation center, off-site use only

Bldg. 318
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810269
Status: Unutilized
Comment: 374 sq. ft., poor condition, most recent use—maint. shop, off-site use only

Bldg. 1792
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810274
Status: Unutilized
Comment: 10,200 sq. ft., most recent use—storage, off-site use only

Bldg. 1836
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810276
Status: Unutilized
Comment: 2998 sq. ft., most recent use—admin., off-site use only

Bldg. 4373
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810286
Status: Unutilized
Comment: 409 sq. ft., poor condition, most recent use—station bldg., off-site use only

Bldg. 4628
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810287
Status: Unutilized
Comment: 5483 sq. ft., most recent use—admin., off-site use only

Bldg. 92
Fort Benning
Co: Muscogee GA 31905–
Property No.: 21199830278
Status: Unutilized
Comment: 637 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2445
Fort Benning
Co: Muscogee GA 31905–
Property No.: 21199830279
Status: Unutilized
Comment: 2385 sq. ft., needs rehab, most recent use—fire station, off-site use only

Bldg. 4232
Fort Benning
Co: Muscogee GA 31905–
Property No.: 21199830291
Status: Unutilized
Comment: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only

Bldg. 39720
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property No.: 21199930119
Status: Unutilized
Comment: 1520 sq. ft., concrete block, possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. 492
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930120
Status: Unutilized
Comment: 720 sq. ft., most recent use—admin/maint, off-site use only

Bldg. 880
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930121
Status: Unutilized
Comment: 57,110 sq. ft., most recent use—instruction, off-site use only

Bldg. 1370
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930122
Status: Unutilized
Comment: 5204 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 2288
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930123
Status: Unutilized
Comment: 2481 sq. ft., most recent use—admin., off-site use only

Bldg. 2290
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930124
Status: Unutilized
Comment: 455 sq. ft., most recent use—storage, off-site use only

Bldg. 2293
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930125
Status: Unutilized
Comment: 2600 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 2297
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930126
Status: Unutilized
Comment: 5156 sq. ft., most recent use—admin.

Bldg. 2505
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930127
Status: Unutilized
Comment: 10,257 sq. ft., most recent use—repair shop, off-site use only

Bldg. 2508
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930128
Status: Unutilized
Comment: 2434 sq. ft., most recent use—storage, off-site use only

Bldg. 2815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930129
Status: Unutilized
Comment: 2578 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 3815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930130
Status: Unutilized
Comment: 7575 sq. ft., most recent use—storage, off-site use only

Bldg. 3816
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930131
Status: Unutilized
Comment: 7514 sq. ft., most recent use—storage, off-site use only

Bldg. 5886
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930134
Status: Unutilized
Comment: 67 sq. ft., most recent use—maint/storage, off-site use only

Bldgs. 5974–5978
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930135
Status: Unutilized
Comment: 400 sq. ft., most recent use—storage, off-site use only

Bldg. 5993
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930136
Status: Unutilized
Comment: 960 sq. ft., most recent use—storage, off-site use only

Bldg. 5994
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930137
Status: Unutilized
Comment: 2016 sq. ft., most recent use—storage, off-site use only

Bldg. T–1003
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030085
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—admin., off-site use only

Bldgs. T–1005, T–1006, T–1007
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030086
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1015, T–1016, T–1017
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030087
Status: Excess
Comment: 7496 sq ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1018, T–1019
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030088
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1020, T–1021
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030089
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. T–1022
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030090
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—supply center, off-site use only

Bldg. T–1027
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030091
Status: Excess
Comment: 9024 sq ft., poor condition, most recent use—storage, off-site use only

Bldg. T–1028
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030092
Status: Excess
Comment: 7496 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1035, T–1036, T–1037
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030093

Status: Excess
Comment: 1626 sq ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1038, T–1039
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030094
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1040, T–1042
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030095
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1086, T–1087, T–1088
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030096
Status: Excess
Comment: 7680 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 223
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21200040044
Status: Unutilized
Comment: 21,556 sq. ft., most recent use—gen. purpose

Bldg. 228
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21200040045
Status: Unutilized
Comment: 20,220 sq. ft., most recent use—gen. purpose

Bldg. 2051
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21200040046
Status: Unutilized
Comment: 6077 sq. ft., most recent use—storage

Bldg. 2053
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21200040047
Status: Unutilized
Comment: 14,520 sq. ft., most recent use—storage

Bldg. 2677
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21200040048
Status: Unutilized
Comment: 19,326 sq. ft., most recent use—maint. shop

Bldg. 02301
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property No.: 21200140075
Status: Unutilized
Comment: 8484 sq. ft., needs major rehab, potential asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T0130
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230041
Status: Excess
Comment: 10,813 sq. ft., off-site use only

Bldg. T0157
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230042
Status: Excess
Comment: 1440 sq. ft., off-site use only

Bldg. T0251
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230043
Status: Excess
Comment: 27,254 sq. ft., off-site use only

Bldgs. T291, T292
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230044
Status: Excess
Comment: 5220 sq. ft. each, off-site use only

Bldg. T0295
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230045
Status: Excess
Comment: 5220 sq. ft., off-site use only

Bldg. T0470
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230046
Status: Excess
Comment: 27,254 sq. ft., off-site use only

Bldg. T1191
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230047
Status: Excess
Comment: 9386 sq. ft., off-site use only

Bldg. T1192
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230048
Status: Excess
Comment: 3992 sq. ft., off-site use only

Bldgs. 00064, 00065
Camp Frank D. Merrill
Dahlonega Co: Lumpkin GA 30597–
Property No.: 21200330108
Status: Unutilized
Comment: 648 sq. ft. each, concrete block, most recent use—water support treatment bldg., off-site use only

Land

Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199440440
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential

Hawaii

Building

P–88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818–
Property No.: 21199030324
Location: Approximately 600 feet from Main Gate on Aliamanu Drive
Status: Unutilized
Comment: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

Bldg. T–337
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Property No.: 21199640203
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only

Bldg. 06508
Schofield Barracks
Wahiawa Co: HI 96786–
Property No.: 21200220106
Status: Unutilized
Comment: 1140 sq. ft., most recent use—office, off-site use only

Illinois

Building

Bldg. 54
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–
Property No.: 21199620666
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only

Bldg. AR112
Sheridan Reserve
Arlington Heights Co: IL 60052–2475
Property No.: 21200110081
Status: Unutilized
Comment: 1000 sq. ft., off-site use only

Louisiana

Building

Bldg. 8423
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property No.: 21199640528
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Maryland

Building

Bldg. 2837
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property No.: 21200120101
Status: Unutilized
Comment: 7670 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 00313
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120104
Status: Unutilized
Comment: 983 sq. ft., most recent use—storage, off-site use only

Bldg. 00340
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120105
Status: Unutilized
Comment: 384 sq. ft., most recent use—storage, off-site use only

Bldg. 0459B
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120106
Status: Unutilized
Comment: 225 sq. ft., poor condition, most recent use—equipment bldg., off-site use only

Bldg. 00785
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001

Property No.: 21200120107
Status: Unutilized
Comment: 160 sq. ft., poor condition, most recent use—shelter, off-site use only

Bldg. E3728
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120109
Status: Unutilized
Comment: 2596 sq. ft., presence of asbestos/lead paint, most recent use—testing facility, off-site use only

Bldg. 05213
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120112
Status: Unutilized
Comment: 200 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. E5239
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120113
Status: Unutilized
Comment: 230 sq. ft., most recent use—storage, off-site use only

Bldg. E5317
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120114
Status: Unutilized
Comment: 3158 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. E5637
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120115
Status: Unutilized
Comment: 312 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. 503
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property No.: 21200130092
Status: Unutilized
Comment: 14,244 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—training, off-site use only

Bldg. 8481
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property No.: 21200130098
Status: Unutilized
Comment: 7718 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—heat plant, off-site use only

Bldg. 219
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140078
Status: Unutilized
Comment: 8142 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 229
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140079
Status: Unutilized
Comment: 2250 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 287
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140080
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 294
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140081
Status: Unutilized
Comment: 3148 sq. ft., presence of asbestos/lead paint, most recent use—entomology facility, off-site use only

Bldg. 949
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140083
Status: Unutilized
Comment: 2441 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 979
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140084
Status: Unutilized
Comment: 2331 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1007
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140085
Status: Unutilized
Comment: 3108 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 00546
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200220109
Status: Unutilized
Comment: 5659 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 00939
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200220110
Status: Unutilized
Comment: 8185 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 02207
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200220112
Status: Unutilized
Comment: 6855 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 02271
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200220114
Status: Unutilized
Comment: 10,080 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 04675
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200220115
Status: Unutilized
Comment: 1710 sq. ft., possible asbestos/lead paint, most recent use—rental store, off-site use only

Bldg. 2050A
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230051
Status: Unutilized
Comment: 200 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 2214
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230054
Status: Unutilized
Comment: 7740 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2217
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230055
Status: Unutilized
Comment: 7710 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—admin/warehouse, off-site use only

Bldg. 2253
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230056
Status: Unutilized
Comment: 18,912 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. 2275
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230057
Status: Unutilized
Comment: 10,080 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 2276
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230058
Status: Unutilized
Comment: 10,080 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 2273
Ft. George G. Meade
Ft. Meade Co: MD 20755–5115
Property No.: 21200320105
Status: Unutilized
Comment: 54 sq. ft., most recent use—storage, off-site use only

Bldg. 2456
Ft. George G. Meade
Ft. Meade Co: MD 20755–5115
Property No.: 21200320106
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—clinic, off-site use only

Bldg. 00375
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320107
Status: Unutilized
Comment: 64 sq. ft., most recent use—storage, off-site use only

Bldg. 0384A
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320108
Status: Unutilized
Comment: 130 sq. ft., most recent use—ordnance facility, off-site use only

Bldg. 00385
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320109
Status: Unutilized
Comment: 5517 sq. ft., most recent use—storage, off-site use only

Bldg. 0385A
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320110
Status: Unutilized
Comment: 944 sq. ft., off-site use only

Bldg. 00442
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320111
Status: Unutilized
Comment: 900 sq. ft., most recent use—storage, off-site use only

Bldg. 00443
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320112
Status: Unutilized
Comment: 1488 sq. ft., off-site use only

Bldg. 00523
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320113
Status: Unutilized
Comment: 3897 sq. ft., most recent use—paint shop, off-site use only

Bldg. 00524
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320114
Status: Unutilized
Comment: 240 sq. ft., most recent use—storage, off-site use only

Bldg. 0645A
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320115
Status: Unutilized
Comment: 64 sq. ft., most recent use—storage, off-site use only

Bldg. 00649
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320116
Status: Unutilized
Comment: 1079 sq. ft., most recent use—storage, off-site use only

Bldg. 00650
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320117
Status: Unutilized
Comment: 4215 sq. ft., most recent use—storage, off-site use only

Bldgs. 00654, 00655
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320118
Status: Unutilized
Comment: 1110 sq. ft., off-site use only

Bldg. 00657
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320119
Status: Unutilized
Comment: 1048 sq. ft., most recent use—bunker, off-site use only

Bldgs. 00679, 00705
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320120
Status: Unutilized
Comment: 119/100 sq. ft., most recent use—safety shelter, off-site use only

Bldg. 0700B
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320121
Status: Unutilized
Comment: 505 sq. ft., off-site use only

Bldg. 00741
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320122
Status: Unutilized
Comment: 894 sq. ft., most recent use—storage, off-site use only

Bldg. 00768
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320123
Status: Unutilized
Comment: 97 sq. ft., most recent use—observation bldg., off-site use only

Bldg. 00786
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320124
Status: Unutilized
Comment: 1600 sq. ft., most recent use—ordnance bldg., off-site use only

Bldgs. 00900, 00911
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320125
Status: Unutilized
Comment: 225/112 sq. ft., most recent use—safety shelter, off-site use only

Bldg. 01101
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320126
Status: Unutilized
Comment: 6435 sq. ft., most recent use—storage, off-site use only

Bldg. 1102A
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320127
Status: Unutilized
Comment: 1416 sq. ft., most recent use—storage, off-site use only

Bldg. 01113
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320128
Status: Unutilized
Comment: 1012 sq. ft., off-site use only

Bldgs. 01124, 01132
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320129
Status: Unutilized
Comment: 740/2448 sq. ft., most recent use—lab, off-site use only

Bldgs. 02373, 02378
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320130
Status: Unutilized
Comment: 8359 sq. ft., most recent use—training, off-site use only

Bldg. 03328
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320131
Status: Unutilized
Comment: 1628 sq. ft., most recent use—exchange, off-site use only

Bldg. 03512
Aberdeen Proving Grounds
Aberdeen Co: Harford MD
Property No.: 21200320132
Status: Unutilized
Comment: 10,944 sq. ft., most recent use—storage, off-site use only

Bldg. 03558
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320133
Status: Unutilized
Comment: 18,000 sq. ft., most recent use—storage, off-site use only

Bldgs. 05258, 05260
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320135
Status: Unutilized
Comment: 10067 sq. ft., most recent use—storage, off-site use only

Bldg. 05262
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320136
Status: Unutilized
Comment: 864 sq. ft., most recent use—storage, off-site use only

Bldg. 05608
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320137
Status: Unutilized
Comment: 1100 sq. ft., most recent use—maint bldg., off-site use only

Bldg. E1387
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320138
Status: Unutilized
Comment: 433 sq. ft., most recent use—woodworking shop, off-site use only

Bldg. E1415
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320139
Status: Unutilized
Comment: 730 sq. ft., most recent use—lab, off-site use only

Bldg. E1416
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320140
Status: Unutilized
Comment: 120 sq. ft., most recent use—safety shelter, off-site use only

Bldgs. E1420, E1429
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320141

Status: Unutilized
Comment: 220/150 sq. ft., most recent use—test range/storage, off-site use only

6 Bldgs.
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320142
Location: E1432, E1444, E1446, E1447, E1449, E1453
Status: Unutilized
Comment : various sq. ft., most recent use—range shelter, off-site use only

Bldgs. E1481, E1482
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320143
Status: Unutilized
Comment: 100 sq. ft., most recent use—observation bldg., off-site use only

Bldg. E1484
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320144
Status: Unutilized
Comment: 256 sq. ft., most recent use—admin., off-site use only

Bldgs. E2363, E2610
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320145
Status: Unutilized
Comment: 138/133 sq. ft., most recent use—storage, off-site use only

Bldgs. E3328, E3540, E4261
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320146
Status: Unutilized
Comment : various sq. ft., most recent use—test facilities, off-site use only

Bldg. E5108
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320147
Status: Unutilized
Comment: 5155 sq. ft., most recent use—recreation center, off-site use only

Bldg. E5483
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320148
Status: Unutilized
Comment: 2140 sq. ft., most recent use—vehicle storage, off-site use only

Bldg. E5602
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320149
Status: Unutilized
Comment: 238 sq. ft., most recent use—storage, off-site use only

Bldg. E5645
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320150
Status: Unutilized
Comment: 548 sq. ft., most recent use—storage, off-site use only

Bldg. E7228
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320151
Status: Unutilized
Comment: 441 sq. ft., off-site use only

Bldg. 2728
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200330109
Status: Unutilized
Comment: 4072 sq. ft., most recent use—storage, off-site use only

Bldgs. 00264, 00265
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330110
Status: Unutilized
Comment: 1322/1048 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 00435
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330111
Status: Unutilized
Comment: 1191 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 0449A
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330112
Status: Unutilized
Comment: 143 sq. ft., needs rehab, most recent use—substation switch bldg., off-site use only

Bldgs. 00458, 00464
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330113
Status: Unutilized
Comment: 900/2647 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 0460
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330114
Status: Unutilized
Comment: 1800 sq. ft., needs rehab, most recent use—electrical EQ bldg., off-site use only

Bldgs. 00506, 00509, 00605
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330115
Status: Unutilized
Comment: 38,690/1137 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 00724
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–
Property No.: 21200330116
Status: Unutilized
Comment: off-site use only

Bldgs. 00728, 00784
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–
Property No.: 21200330117
Status: Unutilized
Comment: 2100/232 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 00914
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330118
Status: Unutilized
Comment : needs rehab, most recent use—safety shelter, off-site use only

Bldg. 00915
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330119
Status: Unutilized
Comment: 247 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 00931
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330120
Status: Unutilized
Comment: 1400 sq. ft., needs rehab, off-site use only

Bldg. 01050
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330121
Status: Unutilized
Comment: 1050 sq. ft., needs rehab, most recent use—transmitter bldg., off-site use only

Bldg. 1101A
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330122
Status: Unutilized
Comment: 1800 sq. ft., needs rehab, most recent use—ordnance bldg., off-site use only

Bldg. 01169
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330123
Status: Unutilized
Comment: 440 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 01170
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330124
Status: Unutilized
Comment: 600 sq. ft., needs rehab, most recent use—lab test bldg., off-site use only

Bldg. 01171
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330125
Status: Unutilized
Comment: 2412 sq. ft., needs rehab, most recent use—changing facility, off-site use only

Bldg. 01189
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330126
Status: Unutilized
Comment: 800 sq. ft., needs rehab, most recent use—range bldg., off-site use only

Bldg. E1413
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330127
Status: Unutilized
Comment : needs rehab, most recent use—observation tower, off-site use only

Bldgs. E1418, E2148
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330128
Status: Unutilized
Comment: 836/1092 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E1486
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330129

Status: Unutilized
Comment: 388 sq. ft., needs rehab, most recent use—ordnance facility, off-site use only

Bldg. E2314
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330130
Status: Unutilized
Comment: 11,279 sq. ft., needs rehab, most recent use—high explosive bldg., off-site use only

Bldgs. 02350, 02357
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330131
Status: Unutilized
Comment: 163/920 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E2350A
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330132
Status: Unutilized
Comment: 325 sq. ft., need rehab, most recent use—oil storage, off-site use only

Bldg. 2456
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330133
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. E3175
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330134
Status: Unutilized
Comment: 1296 sq. ft., needs rehab, most recent use—hazard bldg., off-site use only

4 Bldgs.
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330135
Location: E3224, E3228, E3230, E3232, E3234
Status: Unutilized
Comment: sq. ft. varies, needs rehab, most recent use—lab test bldgs., off-site use only

Bldg. E3241
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330136
Status: Unutilized
Comment: 592 sq. ft., needs rehab, most recent use—medical res bldg., off-site use only

Bldgs. E3265, E3266
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330137
Status: Unutilized
Comment: 5509/5397 sq. ft., needs rehab, most recent use—lab test bldg., off-site use only

Bldgs. E3269, E3270
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330138
Status: Unutilized
Comment: 200/1200 sq. ft., needs rehab, most recent use—flam. storage, off-site use only

Bldg. E3300
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330139
Status: Unutilized
Comment: 44,352 sq. ft., needs rehab, most recent use—chemistry lab, off-site use only

Bldg. E3320
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330140
Status: Unutilized
Comment: 50,750 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. E3322
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330141
Status: Unutilized
Comment: 5906 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E3326
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330142
Status: Unutilized
Comment: 2184 sq. ft., needs rehab, most recent use—admin., off-site use only

5 Bldgs.
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330143
Location: E3329, E3334, E3344, E3350, E3370
Status: Unutilized
Comment: sq. ft. varies, needs rehab, most recent use—lab test bldgs., off-site use only

Bldg. E3335
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330144
Status: Unutilized
Comment: 400 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldgs. E3360, E3362, E3464
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330145
Status: Unutilized
Comment: 3588/236 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E3514
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330146
Status: Unutilized
Comment: 4416 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldgs. E3517, E3525
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330147
Status: Unutilized
Comment: 1001/2175 sq. ft., needs rehab, most recent use—nonmet matl facility, off-site use only

Bldg. E3542
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330148
Status: Unutilized
Comment: 1146 sq. ft., needs rehab, most recent use—lab test bldg., off-site use only

Bldgs. 03554, 03556
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330149
Status: Unutilized
Comment: 18,000/9,000 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldgs. E3863, E3864, E4415
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330150
Status: Unutilized
Comment: sq. ft. varies needs rehab, most recent use—admin., off-site use only

Bldg. E4420
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330151
Status: Unutilized
Comment: 14,997 sq. ft., needs rehab, most recent use—police bldg., off-site use only

Bldg. E4733
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330152
Status: Unutilized
Comment: 252 sq. ft., needs rehab, most recent use—flammable storage, off-site use only

Bldg. E4734
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330153
Status: Unutilized
Comment: 1114 sq. ft., needs rehab, most recent use—private club, off-site use only

4 Bldgs.
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330154
Location: E5005, E5049, E5050, E5051
Status: Unutilized
Comment: sq. ft. varies, needs rehab, most recent use—storage, off-site use only

Bldg. E5068
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330155
Status: Unutilized
Comment: 1200 sq. ft., needs rehab, most recent use—fire station, off-site use only

4 Bldgs.
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330156
Location: E5107, E5181, E5182, E5269
Status: Unutilized
Comment: sq. ft. varies, needs rehab, most recent use—storage, off-site use only

Bldgs. E5329, E5374
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330157
Status: Unutilized
Comment: 1001/308 sq. ft., needs rehab, most recent use—fuel POL bldg., off-site use only

Bldgs. E5425, 05426
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330158
Status: Unutilized
Comment: 1363/3888 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 05446
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330159

Status: Unutilized
Comment: 1991 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 05447
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330160
Status: Unutilized
Comment: 2464 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldgs. 05448, 05449
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330161
Status: Unutilized
Comment: 6431 sq. ft., needs rehab, most recent use—enlisted UHP, off-site use only

Bldg. 05450
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330162
Status: Unutilized
Comment: 2730 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldgs. 05451, 05455
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330163
Status: Unutilized
Comment: 2730/6431 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 05453
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330164
Status: Unutilized
Comment: 6431 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldgs. 05456, 05459, 05460
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330165
Status: Unutilized
Comment: 6431 sq. ft., needs rehab, most recent use—enlisted bldg., off-site use only

Bldgs. 05457, 05458
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330166
Status: Unutilized
Comment: 2730 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. E5609
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330167
Status: Unutilized
Comment: 2053 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5611
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330168
Status: Unutilized
Comment: 11,242 sq. ft., needs rehab, most recent use—hazard bldg., off-site use only

Bldg. E5634
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330169
Status: Unutilized
Comment: 200 sq. ft., needs rehab, most recent use—flammable storage, off-site use only

Bldgs. E5648, E5697
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330170
Status: Unutilized
Comment: 6802/2595 sq. ft., needs rehab, most recent use—lab test bldg., off-site use only

Bldg. E5654
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330171
Status: Unutilized
Comment: 21,532 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5779
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330172
Status: Unutilized
Comment: 174 sq. ft., needs rehab, most recent use—wash rack bldg., off-site use only

Bldgs. E5782, E5880
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330173
Status: Unutilized
Comment: 510/1528 sq. ft., needs rehab, most recent use—flammable storage, off-site use only

Bldg. E5854
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330174
Status: Unutilized
Comment: 5166 sq. ft., needs rehab, most recent use—eng/MTN bldg., off-site use only

Bldgs. E5870, E5890
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330175
Status: Unutilized
Comment: 1192/11,279 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5942
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330176
Status: Unutilized
Comment: 2147 sq. ft., needs rehab, most recent use—igloo storage, off-site use only

Bldgs. E5952, E5953
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330177
Status: Unutilized
Comment: 100/24 sq. ft., needs rehab, most recent use—compressed air bldg., off-site use only

Bldgs. E7401, E7402
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330178
Status: Unutilized
Comment: 256/440 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E7407, E7408
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330179
Status: Unutilized
Comment: 1078/762 sq. ft., needs rehab, most recent use—decon facility, off-site use only

Bldg. E7500
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330180
Status: Unutilized
Comment: 256 sq. ft., needs rehab, most recent use—changing bldg., off-site use only

Bldgs. E7501, E7502
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330181
Status: Unutilized
Comment: 256/77 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E7931
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330182
Status: Unutilized
Comment: needs rehab, most recent use—sewer treatment, off-site use only

Missouri

Building

Bldg. T2171
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199340212
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only

Bldg. T1497
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199420441
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199420446
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T–2191
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199440334
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2197
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199440335
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T2385

Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Property No.: 21199510115
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. 1650
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199810311
Status: Unutilized
Comment: 1676 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only

Bldg. 2170
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199810313
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2167
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199820179
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2169, 2181, 2182, 2183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199820180
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 2186
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199820181
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2187
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199820182
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldgs. 2192, 2196, 2198
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199820183
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Montana

Building

Bldg. 00405
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636–
Property No.: 21200130099
Status: Unutilized
Comment: 3467 sq. ft., most recent use—storage, security limitations

Bldg. T0066
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636–
Property No.: 21200130100
Status: Unutilized
Comment: 528 sq. ft., needs rehab, presence of asbestos, security limitations

New Jersey

Building

Bldg. 178
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property No.: 21199740312
Status: Unutilized
Comment: 2067 sq. ft., most recent use—research, off-site use only

Bldg. 732
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property No.: 21199740315
Status: Unutilized
Comment: 9077 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 816C
Armament R, D, & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property No.: 21200130103
Status: Unutilized
Comment: 144 sq. ft., most recent use—storage, off-site use only

New Mexico

Building

Bldg. 34198
White Sands Missile Range
Dona Ana Co: NM 88002–
Property No.: 21200230062
Status: Excess
Comment: 107 sq. ft., most recent use—security, off-site use only

New York

Building

Bldg. T–181
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130129
Status: Unutilized
Comment: 3151 sq. ft., needs rehab, most recent use—housing mnt., off-site use only

Bldg. T–201
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130131
Status: Unutilized
Comment: 2305 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. T–203
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130132
Status: Unutilized
Comment: 2284 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. T–252
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130133
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldgs. T–253, T–256, T–257
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130134
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldgs. T–271, T–272, T–273
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130135
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldg. T–274
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130136
Status: Unutilized
Comment: 2750 sq. ft., needs rehab, most recent use—BN HQ, off-site use only

Bldgs. T–276, T–277, T–278
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130137
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldg. T–1030
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130139
Status: Unutilized
Comment: 15606 sq. ft., needs rehab, most recent use—simulator bldg., off-site use only

Bldg. P–2159
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130140
Status: Unutilized
Comment: 1948 sq. ft., needs rehab, most recent use—waste/water treatment, off-site use only

Bldg. T–2443
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130142
Status: Unutilized
Comment: 793 sq. ft., needs rehab, most recent use—vet facility, off-site use only

Bldgs. T–401, T–403
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210042
Status: Unutilized
Comment: 2305/2284 sq. ft., needs repair, most recent use—battalion hq bldg., off-site use only

Bldgs. T–404, T–406, T–407
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210043
Status: Unutilized
Comment: 2000/1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–430
Fort Drum
Ft. Drum Co: Jefferson NY 13602–

Property No.: 21200210044
Status: Unutilized
Comment: 2731 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

4 Bldgs.
Fort Drum
T–431, T–432, T–433, T–434
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210045
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–435
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210046
Status: Unutilized
Comment: 2731 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldgs. T–437, T–438
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210047
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldgs. T–439, T–460
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210048
Status: Unutilized
Comment: 2588/2734 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

4 Bldgs.
Fort Drum
T–461, T–462, T–463, T–464
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210049
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–465
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210050
Status: Unutilized
Comment: 2734 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldgs. T–405, T–408
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210051
Status: Unutilized
Comment: 1296 sq. ft., needs repair, most recent use—storage, off-site use only

6 Bldgs.
Fort Drum
T–410, T–411, T–412, T–416, T–417, T–418
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210052
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldgs. T–421, T–422
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210053
Status: Unutilized
Comment: 2510 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldgs. T–423, T–424
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210054
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

7 Bldgs.
Fort Drum
T–441, T–442, T–443, T–444, T–446-T–448
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210055
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

6 Bldgs.
Fort Drum
T–451, T–452, T–453, T–454, T–456, T–458
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210056
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

5 Bldgs.
Fort Drum
T–471, T–472, T–473, T–474, T–477
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210057
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldgs. T–420, T–445, T–470
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210058
Status: Unutilized
Comment: 2510 sq. ft., needs repair, most recent use—dining facility, off-site use only

Bldgs. T–440, T–450
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210059
Status: Unutilized
Comment: 2360 sq. ft., needs repair, most recent use—dining facility, off-site use only

Bldg. T–478
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210060
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—classroom, off-site use only

5 Bldgs.
Orangeburg USARC
#206, 207, 208, 218, 223
Orangeburg Co: Rockland NY 10962–2209
Property No.: 21200310061
Status: Unutilized
Comment: various sq. ft., need major repairs, presence of lead paint, most recent use—admin/storage, off-site use only

North Carolina

Building

Bldg. C5536
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–5000
Property No.: 21200130150
Status: Unutilized
Comment: 600 sq. ft., single wide trailer w/ metal storage shed, needs major repair, presence of asbestos/lead paint, off-site use only

Ohio

Land

Land
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Property No.: 21200340094
Status: Excess
Comment: 11 acres, railroad access

Oklahoma

Building

Bldg. T–838, Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Property No.: 21199220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–954, Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Property No.: 21199240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Bldg. T–3325, Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Property No.: 21199240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.

Bldg. T1652, Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199330380
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T–4226
Fort Sill
Lawton Co: Comanche OK 73503–
Property No.: 21199440384
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1015, Fort Sill
Lawton Co: Comanche OK 73501–5100
Property No.: 21199520197
Status: Unutilized
Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–366, Fort Sill
Lawton Co: Comanche OK 73503–
Property No.: 21199610740
Status: Unutilized
Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only

Building T–2952
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199710047
Status: Unutilized
Comment: 4,327 sq. ft., possible asbestos and lead paint, most recent use—motor repair shop, off-site use only

Building P–5042
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199710066
Status: Unutilized
Comment: 119 sq. ft., possible asbestos and lead paint, most recent use—heatplant, off-site use only

4 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199710086
Location: T–6465, T–6466, T–6467, T–6468
Status: Unutilized
Comment: various sq. ft., possible asbestos and lead paint, most recent use—range support, off site use only

Bldg. T–810
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730350
Status: Unutilized
Comment: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only

Bldgs. T–837, T–839
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730351
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–934
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730353
Status: Unutilized
Comment: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1177
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730356
Status: Unutilized
Comment: 183 sq. ft., possible asbestos/lead paint, most recent use—snack bar, off-site use only

Bldgs. T–1468, T–1469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730357
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1470
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730358
Status: Unutilized
Comment: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1940
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730360
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1954, T–2022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730362
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2184
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730364
Status: Unutilized
Comment: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2186, T–2188, T–2189
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730366
Status: Unutilized
Comment: 1656—3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. T–2187
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730367
Status: Unutilized
Comment: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2291 thru T–2296
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730372
Status: Unutilized
Comment: 400 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–3001, T–3006
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730383
Status: Unutilized
Comment: approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3314
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730385
Status: Unutilized
Comment: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. T–4401, T–4402
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730393
Status: Unutilized
Comment: 2260 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–5041
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730409
Status: Unutilized
Comment: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–5420
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730414
Status: Unutilized
Comment: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldg. T–7775
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730419
Status: Unutilized
Comment: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only

4 Bldgs.
Fort Sill
P–617, P–1114, P–1386, P–1608
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910133
Status: Unutilized
Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P–746
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910135
Status: Unutilized
Comment: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. P–2581, P–2773
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910140
Status: Unutilized
Comment: 4093 and 4129 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–2582
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910141
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. P–2912, P–2921, P–2944
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910144
Status: Unutilized
Comment: 1390 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–2914
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910146
Status: Unutilized
Comment: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–5101
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910153
Status: Unutilized
Comment: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only

Bldg. S–6430
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910156

Status: Unutilized
Comment: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6461
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910157
Status: Unutilized
Comment: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6462
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910158
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. P–7230
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910159
Status: Unutilized
Comment: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only

Bldg. S–4023
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200010128
Status: Unutilized
Comment: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–747
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120120
Status: Unutilized
Comment: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only

Bldg. P–842
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120123
Status: Unutilized
Comment: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–911
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120124
Status: Unutilized
Comment: 3080 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–1672
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120126
Status: Unutilized
Comment: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S–2362
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120127
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—gatehouse, off-site use only

Bldg. P–2589
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120129
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3043
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120130
Status: Unutilized
Comment: 80 sq. ft., possible asbestos/lead paint, most recent use—guard shack, off-site use only

South Carolina

Building

Bldg. 3499
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property No.: 21199730310
Status: Unutilized
Comment: 3724 sq. ft., needs repair, most recent use—admin.

Bldg. 2441
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property No.: 21199820187
Status: Unutilized
Comment: 2160 sq. ft., needs repair, most recent use—admin.

Bldg. 3605
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property No.: 21199820188
Status: Unutilized
Comment: 711 sq. ft., needs repair, most recent use—storage

Bldg. 1765
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property No.: 21200030109
Status: Unutilized
Comment: 1700 sq. ft., need repairs, presence of asbestos/lead paint, most recent use—training bldg., off-site use only

Land

One Acre
Fort Jackson
Columbia Co: Richland SC 29207–
Property No.: 21200110089
Status: Underutilized
Comment: approx. 1 acre

Texas

Building

Bldg. 7137
Fort Bliss
El Paso Co: El Paso TX 79916–
Property No.: 21199640564
Status: Unutilized
Comment: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Bldg. 919
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Property No.: 21199920212
Status: Unutilized
Comment: 11,800 sq. ft., needs repair, most recent use—Bde. Hq. Bldg., off-site use only

Bldg. 92043
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200020206
Status: Unutilized
Comment: 450 sq. ft., most recent use—storage, off-site use only

Bldg. 92044
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200020207
Status: Unutilized
Comment: 1920 sq. ft., most recent use—admin., off-site use only

Bldg. 92045
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200020208
Status: Unutilized
Comment: 2108 sq. ft., most recent use—maint., off-site use only

Bldg. 1281
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110091
Status: Unutilized
Comment: 25,027 sq. ft., most recent use—cold storage, off-site use only

Bldg. 7133
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110095
Status: Unutilized
Comment: 11,650 sq. ft., most recent use—storage, off-site use only

Bldg. 7136
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110096
Status: Unutilized
Comment: 11,755 sq. ft., most recent use—vet facility, off-site use only

Bldg. 7146
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110097
Status: Unutilized
Comment: most recent use—oil storage, off-site use only

Bldg. 7147
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110098
Status: Unutilized
Comment: most recent use—oil storage, off-site use only

Bldg. 7153
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110099
Status: Unutilized
Comment: 11924 sq. ft., most recent use—bowling center, off-site use only

Bldg. 7162
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110100
Status: Unutilized
Comment: 3956 sq. ft., most recent use—development center, off-site use only

Bldg. 11116

Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110101
Status: Unutilized
Comment: 20,100 sq. ft., most recent use—storage, off-site use only

Bldg. 7113
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200220132
Status: Unutilized
Comment: 8855 sq. ft., presence of asbestos/lead paint, most recent use—child development center, off-site use only

Bldg. T5900
Camp Bullis
San Antonio Co: Bexar TX 78257–
Property No.: 21200220133
Status: Excess
Comment: 9876 sq. ft., possible lead paint, most recent use—theater/training bldg., off-site use only

Bldgs. 107, 108
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220136
Status: Unutilized
Comment: 13,319 & 28,051 sq. ft., most recent use—admin., off-site use only

Bldg. 120
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220137
Status: Unutilized
Comment: 1450 sq. ft., most recent use—dental clinic, off-site use only

Bldg. 134
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220138
Status: Unutilized
Comment: 16,114 sq. ft., most recent use—auditorium, off-site use only

Bldg. 56305
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220143
Status: Unutilized
Comment: 2160 sq. ft., most recent use—admin., off-site use only

Bldg. 56402
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220144
Status: Unutilized
Comment: 2680 sq. ft., most recent use—recreation center, off-site use only

Bldgs. 56403, 56405
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220145
Status: Unutilized
Comment: 480 sq. ft., most recent use—shower, off-site use only

Bldgs. 56620, 56621
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220146
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldgs. 56626, 56627
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220147
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56628
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220148
Status: Unutilized
Comment: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. 56630, 56631
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220149
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldgs. 56636, 56637
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220150
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56638
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220151
Status: Unutilized
Comment: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. 56703, 56708
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220152
Status: Unutilized
Comment: 1306 sq. ft., most recent use—shower, off-site use only

Bldgs. 56750, 56751
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220153
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56758
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220154
Status: Unutilized
Comment: 1133 sq. ft., most recent use—shower, off-site use only

Bldg. P6202
Fort Sam Houston
San Antonio Co: Bexar TX 78234–
Property No.: 21200220156
Status: Excess
Comment: 1479 sq. ft., presence of asbestos/lead paint, provider responsible for hazard abatement, most recent use—officer's family quarters, off-site use only

Bldg. P6203
Fort Sam Houston
San Antonio Co: Bexar TX 78234–
Property No.: 21200220157
Status: Excess
Comment: 1381 sq. ft., presence of asbestos/lead paint, provider responsible for hazard abatement, most recent use—military family quarters, off-site use only

Bldg. P6204
Fort Sam Houston
San Antonio Co: Bexar TX 78234–
Property No.: 21200220158
Status: Excess
Comment: 1454 sq. ft., presence of asbestos/lead paint, provider responsible for hazard abatement, most recent use—military family quarters, off-site use only

Bldgs. P6220, P6222
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Property No.: 21200330197
Status: Unutilized
Comment: 384 sq. ft., most recent use—carport/storage, off-site use only

Bldgs. P6224, P6226
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Property No.: 21200330198
Status: Unutilized
Comment: 384 sq. ft., most recent use—carport/storage, off-site use only

Virginia

Building

Bldg. T246
Fort Monroe
Ft. Monroe Co: VA 23651–
Property No.: 21199940047
Status: Unutilized
Comment: 756 sq. ft., needs repair, possible lead paint, most recent use—scout meetings, off-site use only

Bldgs. 1516, 1517, 1552, 1567 Fort Eustis
Ft. Eustis Co: VA 23604–
Property No.: 21200130154
Status: Unutilized
Comment: 2892 & 4720 sq. ft., most recent use—dining/barracks/admin, off-site use only

Bldg. 1559
Fort Eustis
Ft. Eustis Co: VA 23604–
Property No.: 21200130156
Status: Unutilized
Comment: 2892 sq. ft., most recent use—storage, off-site use only

Bldg. T0058
Fort Monroe
Stillwell Dr.
Ft. Monroe Co: VA
Property No.: 21200310057
Status: Excess
Comment: 7875 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only

Bldg. 18
Defense Supply Center
Richmond Co: Chesterfield VA 23875–
Property No.: 21200320174
Status: Unutilized
Comment: 6962 sq. ft., most recent use—office/warehouse, off-site use only

Bldg. T–707
Fort Eustis
Ft. Eustis Co: VA 23604–
Property No.: 21200330199
Status: Unutilized
Comment: 3763 sq. ft., most recent use—chapel, off-site use only

Washington

Building

Bldg. CO909, Fort Lewis

Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630205
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1164, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630213
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 1307, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630216
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1309, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630217
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2167, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630218
Status: Unutilized
Comment : 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 4078, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630219
Status: Unutilized
Comment: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 9599, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630220
Status: Unutilized
Comment: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. A1404, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199640570
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. A1419, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199640571
Status: Unutilized
Comment: 1307 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. EO347
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199710156
Status: Unutilized
Comment: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. B1008, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199720216
Status: Unutilized
Comment: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use—medical clinic, off-site use only

Bldgs. B1011–B1012, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199720217
Status: Unutilized
Comment: 992 sq. ft. and 1144 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. CO509, CO709, CO720 Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199810372
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, off-site use only

Bldg. 5162
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199830419
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 5224
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199830433
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only

Bldg. U001B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920237
Status: Excess
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U001C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920238
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

10 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920239
Location: U002B, U002C, U005C, U015I, U016E, U019C, U022A, U028B, 0091A, U093C
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920240
Location: U003A, U004B, U006C, U015B, U016B, U019B
Status: Unutilized
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U004D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920241
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

Bldg. U005A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920242
Status: Unutilized
Comment: 360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920245
Location: U014A, U022B, U023A, U043B, U059B, U060A, U101A
Status: Excess
Comment: needs repair, presence of asbestos/lead paint, most recent use—ofc/tower/support, off-site use only

Bldg. U015J
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920246
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U018B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920247
Status: Unutilized
Comment: 121 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U018C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920248
Status: Unutilized
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U024D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920250
Status: Unutilized
Comment: 120 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—ammo bldg., off-site use only

Bldg. U027A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920251
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tire house, off-site use only

Bldg. U031A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920253
Status: Excess
Comment: 3456 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only

Bldg. U031C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920254
Status: Unutilized
Comment: 32 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U040D
Fort Lewis

Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920255
Status: Excess
Comment: 800 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U052C, U052H
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920256
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U035A, U035B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920257
Status: Excess
Comment: 192 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. U035C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920258
Status: Excess
Comment: 242 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U039A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920259
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U039B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920260
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—grandstand/bleachers, off-site use only

Bldg. U039C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920261
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. U043A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920262
Status: Excess
Comment: 132 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U052A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920263
Status: Excess
Comment: 69 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U052E
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920264
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. U052G
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920265
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

3 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920266
Location: U058A, U103A, U018A
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U059A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920267
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U093B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920268
Status: Excess
Comment: 680 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

4 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920269
Location: U101B, U101C, U507B, U557A
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U110B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920272
Status: Excess
Comment: 138 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920273
Location: U111A, U015A, U024E, U052F, U109A, U110A
Status: Excess
Comment: 1000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support/shelter/mess, off-site use only

Bldg. U112A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920274
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use-shelter, off-site use only

Bldg. U115A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920275
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U507A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920276
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. C0120
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920281
Status: Excess
Comment: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only

Bldg. A0334
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920284
Status: Excess
Comment: 1092 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 01205
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920290
Status: Excess
Comment: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 01259
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920291
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 01266
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920292
Status: Excess
Comment: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. 1445
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920294
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only

Bldgs. 03091, 03099
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920296
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 4040
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920298
Status: Excess

Comment: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only

Bldgs. 4072, 5104
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920299
Status: Excess
Comment: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 4295
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920300
Status: Excess
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 5170
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920301
Status: Excess
Comment: 19,411 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—store, off-site use only

Bldg. 6191
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920303
Status: Excess
Comment: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only

Bldgs. 08076, 08080
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920304
Status: Excess
Comment: 3660/412 sq .ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 08093
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920305
Status: Excess
Comment: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only

Bldg. 8279
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920306
Status: Excess
Comment: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only

Bldgs. 8280, 8291
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920307
Status: Excess
Comment: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 8956
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920308
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 9530
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920309
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 9574
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920310
Status: Excess
Comment: 6005 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. shop., off-site use only

Bldg. 9596
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920311
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only

COE

Arkansas

Land

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010071
Status: Unutilized
Comment: 77.6 acres

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010072
Status: Unutilized
Comment: 198.5 acres

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010073
Status: Unutilized
Comment: 50.46 acres

Parcel 04
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010074
Status: Unutilized
Comment: 236.37 acres

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010075
Status: Unutilized
Comment: 187.30 acres

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010076
Status: Unutilized
Comment: 13.0 acres

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring AR 71923–9361
Property No.: 31199010077
Status: Unutilized
Comment: 0.27 acres

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010078
Status: Unutilized
Comment: 14.6 acres

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Property No.: 31199010079
Status: Unutilized
Comment: 6.60 acres

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Property No.: 31199010080
Status: Unutilized
Comment: 4.5 acres

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Property No.: 31199010081
Status: Unutilized
Comment: 19.50 acres

Lake Greeson
Section 7, 8 and 18
Murfreesboro Co: Pike AR 71958–9720
Property No.: 31199010083
Status: Unutilized
Comment: 46 acres

Kansas

Land

Parcel 1
El Dorado Lake
Section 13, 24, and 18
(See County) Co: Butler KS
Property No.: 31199010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Kentucky

Building

Green River Lock & Dam #3
Rochester Co: Butler KY 42273–
Property No.: 31199010022
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Land

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010025
Location: Adjoining the village of Rockcastle.
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010026
Location: 2½ miles in a southerly direction from the village of Rockcastle.

Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010027
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010028
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010029
Location: 6½ miles west of Cadiz.
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010031
Location: 1 mile in a southerly direction from the village of Rockcastle.
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199010032
Location: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek.
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199010033
Location: 3½ miles in a southerly direction from Canton, KY.
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199010034
Location: 5 miles south of Canton, KY.
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199010035
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199010036
Location: 6½ miles south of Canton, KY.
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Property No.: 31199010042
Location: On the north side of the Illinois Central Railroad.
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010044
Location: Approximately 4 miles east of Eddyville, KY.
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Property No.: 31199010045
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010046
Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010047
Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010048
Location: Approximately 5½ miles east of Eddyville, KY.
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010049
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010050
Location: 7 miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010051
Location: 9 miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199010052
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199010053
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199010054
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199010055
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010056
Location: 6½ miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Property No.: 31199010058
Location: Village of Linton, KY state highway 1254.
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Property No.: 31199010059
Location: 1 mile northwest of Linton, KY.
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199011621
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619-B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199011622
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403-B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Property No.: 31199011623
Location: 7 miles southeasterly from Eddyville, KY.
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241-B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011624
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011625
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215-B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011626
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011627
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–
Property No.: 31199140009
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Portion of Lock & Dam No. 1
Kentucky River
Carrolton Co: Carroll KY 41008–0305
Property No.: 31199320003
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access monitored.

Tract No. F–610
Buckhorn Lake Project
Buckhorn Co: KY 41721–
Property No.: 31200240001
Status: Unutilized
Comment: 0.64 acres, encroachments, most recent use—flood control purposes.

Louisiana

Land

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Property No.: 31199011009
Status: Unutilized
Comment: 10.81 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo LA 71037–9707
Property No.: 31199011010
Location: 35 miles Northeast of Shreveport, La.
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Mississippi

Land

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011020
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Grenada Lake
Section 20, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Grenada Lake
Sections 16, 17, 18 T24N R8E
Grenada Co: Calhoun MS 38901–0903
Property No.: 31199011022
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Grenada MS 38901–0903
Property No.: 31199011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Grenada Lake
Section 4, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Grenada Lake
Section 2 and 3. T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Grenada Lake
Section 7, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Grenada Lake
Section 9, T24N, R6E
Grenada Co: Yalobusha MS 38903–0903
Property No.: 31199011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Grenada Lake
Section 20, T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Property No.: 31199011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha MS 38390–10903
Property No.: 31199011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Grenada Lake
Section 34, T24N, R7E
Grenada Co: Yalobusha MS 38903–0903
Property No.: 31199011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Grenada Lake
Section 4, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Grenada Lake

Section 17, T23N, R7E
Grenada Co: Grenada MS 28901–0903
Property No.: 31199011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada Co: Grenada MS 28902–0903
Property No.: 31199011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Grenada Lake
Section 9, T22N, R7E
Grenada Co: Grenada MS 38901–0903
Property No.: 31199011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Missouri

Land

Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355–
Property No.: 31199030014
Location: Triangular shaped parcel southwest of access road ''B'', part of Bledsoe Ferry Park Tract 150.
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Montana

Building

Bldg. 1
Butte Natl Guard
Butte Co: Silverbow MT 59701
Property No.: 31200040010
Status: Unutilized
Comment: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only

Bldg. 2
Butte Natl Guard
Butte Co: Silverbow MT 59701
Property No.: 31200040011
Status: Unutilized
Comment: 3292 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3
Butte Natl Guard
Butte Co: Silverbow MT 59701
Property No.: 31200040012
Status: Unutilized
Comment: 964 sq. ft., most recent use—cold storage, off-site use only

Bldg. 4
Butte Natl Guard
Butte Co: Silverbow MT 59701
Property No.: 31200040013
Status: Unutilized
Comment: 72 sq. ft., most recent use—cold storage, off-site use only

Bldg. 5
Butte Natl Guard
Butte Co: Silverbow MT 59701
Property No.: 31200040014
Status: Unutilized
Comment: 1286 sq. ft., most recent use—cold storage, off-site use only

North Dakota

Building

Office Bldg.
Lake Oahe Project
3rd & Main
Ft. Yates Co: Sioux ND 58538
Property No.: 31200020001
Status: Unutilized
Comment: 1200 sq. ft., 2-story wood, off-site use only

Ohio

Building

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Property No.: 31199120018
Location: Located at lock site, downstream of lock and dam structure
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only

Residence
506 Reservoir Rd.
Paint Creek Lake
Bainbridge Co: Highland OH 45612
Property No.: 31200210008
Status: Unutilized
Comment: 1200 sq. ft., needs repair, off-site use only

Oklahoma

Land

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Property No.: 31199010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Building

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242
Property No.: 31199210008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only

Dwelling
Lock & Dam 6, Allegheny River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Property No.: 31199620008
Status: Unutilized
Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes

Govt. Dwelling
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Property No.: 31199640002
Status: Unutilized
Comment: 1421 sq. ft., 2-story brick w/ basement, most recent use—residential

Dwelling
Lock & Dam 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Property No.: 31199710009
Status: Unutilized
Comment: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only

Dwelling #1
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Property No.: 31199740002
Status: Excess
Comment: 2030 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Property No.: 31199740003
Status: Excess
Comment: 3045 sq. ft., most recent use—residential, good condition, off-site use only

Govt Dwelling
East Branch Lake
Wilcox Co: Elk PA 15870–9709
Property No.: 31199740005
Status: Underutilized
Comment: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only

Dwelling #1
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Property No.: 31199740006
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Property No.: 31199740007
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #1
Woodcock Creek Lake
Saegertown Co: Crawford PA 16433–0629
Property No.: 31199740008
Status: Excess
Comment: 2106 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Lock & Dam 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Property No.: 31199740009
Status: Excess
Comment: 2652 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Property No.: 31199830003
Status: Excess
Comment: 1421 sq. ft., 2-story + basement, most recent use—residential

Land

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Property No.: 31199010018
Location: Route 28 north to Belknap, Road #4
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150

Property No.: 31199011001
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Status: Excess
Comment: 24.09 acres; subject to flowage easement

Tracts L24, L26
Crooked Creek Lake
Co: Armstrong PA 03051–
Property No.: 31199011011
Location: Left bank—55 miles downstream of dam.
Status: Unutilized
Comment: 7.59 acres; potential for utilities.

Portion of Tract L–21A
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226–
Property No.: 31199430012
Status: Unutilized
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights

South Dakota

Building

Residence/Tract 143
Pierre Co: SD 57532–
Property No.: 31200330008
Status: Excess
Comment: 960 sq. ft., off-site use only

Residence/Tract 420
Pierre Co: SD 57532–
Property No.: 31200330012
Status: Excess
Comment: 1680 sq. ft., off-site use only

Tennessee

Land

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058–
Property No.: 31199010927
Location: 2½ miles west of Dover, TN.
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Property No.: 31199010928
Location: 3½ miles south of village of Tabaccoport.
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Property No.: 31199010929
Location: ½ mile downstream from Cheatham Dam
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Property No.: 31199010930
Location: West of Buckeye Bottom Road
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Property No.: 31199010931
Location: Old Jefferson Pike
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Property No.: 31199010932
Location: Across Fall Creek near Fall Creek camping area.
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562–
Property No.: 31199010933
Location: TN Highway 56
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Property No.: 31199010934
Location: East of Lamar Road
Status: Excess
Comment: 6.92 acres; subject to existing easements.

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Property No.: 31199010936
Location: 2½ miles SE of Dover, TN.
Status: Excess
Comment: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050–
Property No.: 31199010937
Location: 1½ miles East of Cumberland City.
Status: Excess
Comment: 96 acres; subject to existing easements.

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050–
Property No.: 31199010938
Location: 4 miles east of Cumberland City.
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tract 11503
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Property No.: 31199010939
Location: 2 miles downstream from Cheatham Dam.
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Property No.: 31199010940
Location: 2½ miles downstream from Cheatham Dam.
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028–
Property No.: 31199010941
Location: 4½ miles SW. of Bumpus Mills.
Status: Excess
Comment: 17 acres; subject to existing easements.

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142–
Property No.: 31199010943
Location: 3 miles NE of Palmyer, TN, Highway 149
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tract 6949
Barkley Lake
Dover Co: Stewart TN 37058–
Property No.: 31199010944
Location: 1½ miles SE of Dover, TN
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart TN 37058–
Property No.: 31199011173
Location: 3 miles south of Village of Tobaccoport.
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074–
Property No.: 31199130007
Status: Underutilized
Comment: 54 acres, (portion in floodway), most recent use—recreation.

Tract A–102
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551–
Property No.: 31199140006
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements.

Tract A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Property No.: 31199140007
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Tract D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570–
Property No.: 31199140010
Status: Underutilized
Comment: 97 acres, most recent use—hunting, subject to existing easements.

Virginia

Building

Metal Bldg.
John H. Kerr Dam & Reservoir
Co: Boydton VA
Property No.: 31199620009
Status: Excess
Comment: 800 sq. ft., most recent use—storage, off-site use only.

Wisconsin

Building

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–
Property No.: 31199011524
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 4th Lock 905 South Lowe Street
Appleton Co: Outagamie WI 54911–
Property No.: 31199011525
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Kaukauna 1st Lock 301 Canal Street
Kaukauna Co: Outagamie WI 54131–
Property No.: 31199011527
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 1st Lock 905 South Oneida Street
Appleton Co: Outagamie WI 54911–
Property No.: 31199011531
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown Co: Outagamie WI 54180–
Property No.: 31199011533
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence Co: Brown WI 54130–
Property No.: 31199011535
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway ''D'') and River Street.
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Little Chute, 2nd Lock 214 Mill Street
Little Chute Co: Outagamie WI 54140–
Property No.: 31199011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

Energy

Idaho

Building

Bldg. CF603
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Property No.: 41200020004
Status: Excess
Comment: 15,005 sq. ft. cinder block, presence of asbestos/lead paint, major rehab, off-site use only

GSA

California

Building

Bell Federal Service Center
5600 Rickenbacker Road
Bell Co: Los Angeles CA 90201–
Property No.: 54200320009
Status: Excess
Comment: Correction/Republished: 7 bldgs., various sq. ft., need repair, portion occupied, restricted access, presence of asbestos/lead paint/PCBs, most recent use—warehouse/office
GSA Number: 9–G–CA–06984

SSA Building
1230 12th Street
Modesto Co: CA 95354–
Property No.: 54200330003
Status: Surplus
Comment: 11,957 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office
GSA Number: 9–G–CA–1610

Colorado

Building

Strategic Range Tng Complex
Industrial Park
LaJunta Co: Otero CO 81050–9501
Property No.: 54200330013
Status: Surplus
Comment: Main bldg. with 6 storage bldgs.
GSA Number: 7–D–CO–0648

Illinois

Building

Soc. Sec. Admin. Ofc.
525 18th Street
Rock Island Co: IL
Property No.: 54200310017
Status: Surplus
Comment: 5800 sq. ft., most recent use—office
GSA Number: 1–G–IL–730

Indiana

Building

Soc. Sec. Admin. Ofc.
327 West Marion
Elkhart Co: IN
Property No.: 54200310016
Status: Surplus
Comment: 6600 sq. ft., most recent use—office
GSA Number: 1–G–IN–596

Paulsen U.S. Army Reserve Ctr
800 East Crystal
N. Judson Co: Starke IN 46366–
Property No.: 54200330001
Status: Surplus
Comment: 13,114 sq. ft., presence of asbestos/lead paint, most recent use—office/training/vehicle maint. and repair
GSA Number: 1–D–IN–597

Iowa

Building

Fed Bldg/Courthouse
350 W 6th Street
Dubuque Co: IA 52001–
Property No.: 54200330014
Status: Excess
Comment: 45,729 sq. ft., needs repair, portion occupied, most recent use—office, historic covenants
GSA Number: 7–G–IA–0495–1

23 Buildings
Former Naval Housing
Waverly Co: Bremer IA 50677–
Property No.: 54200340006
Status: Surplus
Comment: 2 to 3 bedroom homes, 864 to 1760 sq. ft., presence of asbestos/lead paint
GSA Number: 7–I–IA–0463–5

Louisiana

Building

SSA Baton Rouge Dist. Ofc.
350 Donmoor Avenue
Baton Rouge Co: LA 70806–
Property No.: 54200330005
Status: Surplus
Comment: 9456 sq. ft., most recent use—office
GSA Number: 7–G–LA–0567

Michigan

Building

Detroit Job Corp Center
10401 E. Jefferson
1265 St. Clair
Detroit Co: Wayne MI
Property No.: 54200230012
Status: Surplus
Comment: Parcel One = 80,590 sq. ft. bldg., needs repair, presence of asbestos; Parcel Two = 5140 sq. ft. bldg.
GSA Number: 2–L–MI–757

Land

IOM Site
Chesterfield Road
Chesterfield Co: Macomb MI
Property No.: 54200340008
Status: Excess
Comment : approx. 17.4 acres w/concrete block bldg. in poor condition, most recent use—radio antenna field, narrow right-of-way
GSA Number: 1–D–MI–0603F

Nevada

Building

Young Fed Bldg/Courthouse 300 Booth Street
Reno Co: NV 89502–
Property No.: 54200330006
Status: Surplus
Comment: 133,439 sq. ft. (85,637 sq. ft. available), presence of asbestos/lead paint
GSA Number: 9–G–NV–529

New Mexico

Land

H Marker Facility
Roswell Co: Chaves NM 88201–
Property No.: 54200330011
Status: Surplus
Comment: 12.398 acres, subject to existing easements
GSA Number: 7–U–NM–0587

Utah

Land

0.5 acres
2968 W. Alice Way

West Valley Co: Salt Lake UT 84119–
Property No.: 54200340004
Status: Excess
Comment: paved
GSA Number: 7–U–UT–0515

Interior

Washington

Building

Bldg. 88
1917 Marsh Road
Yakima Co: WA 98901–
Property No.: 61200340007
Status: Unutilized
Comment: 1032 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Land

15.1 acres
Road I8NE & Road 36NE
Coulee City Co: Grant WA 99115–
Property No.: 61200310002
Status: Excess
Comment: subject to existing easements/substation site

Navy

California

Building

Bldg. 199
Naval Postgraduate School
Monterey Co: CA 93943–
Property No.: 77200310003
Status: Excess
Comment: 2186 sq. ft., gold pro shop, presence of asbestos/lead paint

Hawaii

Building

Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199630088
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only

Bldg. S180
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640039
Status: Unutilized
Comment: 3412 sq. ft., 2-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. S181
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640040
Status: Unutilized
Comment: 4258 sq. ft., 1-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. 219
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640041
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 220
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 255
Navy Marine Golf Course
Pearl Harbor Co: HI 96860–
Property No.: 77200340042
Status: Excess
Comment: 1946 sq. ft., possible asbestos/lead paint, most recent use—guest quarters, off-site use only

Maine

Building

Bldg. 20
Naval Air Station
Brunswick Co: Cumberland ME
Property No.: 77200340026
Status: Excess
Comment: 25,871 sq. ft., most recent use—office, off-site use only

Bldg. 41
Naval Air Station
Brunswick Co: Cumberland ME–
Property No.: 77200340027
Status: Excess
Comment: 10,526 sq. ft., most recent use—police station, off-site use only

Bldg. 109
Naval Air Station
Brunswick Co: Cumberland ME
Property No.: 77200340028
Status: Excess
Comment: 529 sq. ft., most recent use—dog kennel, off-site use only

Bldg. 225
Naval Air Station
Brunswick Co: Cumberland ME
Property No.: 77200340029
Status: Excess
Comment: 15,020 sq. ft., most recent use—auto maintenance, off-site use only

Bldg. 252
Naval Air Station
Brunswick Co: Cumberland ME
Property No.: 77200340030
Status: Excess
Comment: 5100 sq. ft., most recent use—auto maintenance, off-site use only

Bldg. H–10
Portsmouth Naval Shipyard
Kittery Co: York ME
Property No.: 77200340031
Status: Excess
Comment: 27,201 sq. ft., presence of asbestos/lead paint, most recent use—support functions, off-site use only

Bldg. H–25
Portsmouth Naval Shipyard
Kittery Co: York ME
Property No.: 77200340032
Status: Excess
Comment: 1573 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. H–30
Portsmouth Naval Shipyard
Kittery Co: York ME
Property No.: 77200340033
Status: Excess
Comment: 523 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 46
Portsmouth Naval Shipyard
Kittery Co: York ME
Property No.: 77200340034
Status: Excess
Comment: 2992 sq. ft., presence of asbestos/lead paint, most recent use—shredding facility, off-site use only

Bldg. 75
Portsmouth Naval Shipyard
Kittery Co: York ME 03904–
Property No.: 77200340035
Status: Excess
Comment: 44,818 sq. ft., presence of asbestos/lead paint, most recent use—shop, off-site use only

Bldg. 76
Portsmouth Naval Shipyard
Kittery Co: York ME
Property No.: 77200340036
Status: Excess
Comment: 37,466 sq. ft., presence of asbestos/lead paint, most recent use—shop, off-site use only

Bldg. 85
Portsmouth Naval Shipyard
Kittery Co: York ME
Property No.: 77200340037
Status: Excess
Comment: 742 sq. ft., presence of asbestos/lead paint, off-site use only

Bldg. 157
Portsmouth Naval Shipyard
Kittery Co: York ME
Property No.: 77200340038
Status: Excess
Comment: 640 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 184
Portsmouth Naval Shipyard
Kittery Co: York ME
Property No.: 77200340039
Status: Excess
Comment: 10,610 sq. ft., presence of asbestos/lead paint, most recent use—offices, off-site use only

Maryland

Building

9 Housing Units
U.S. Naval Station
Annapolis Co: Anne Arundel MD 21402–
Property No.: 77200240005
Status: Excess
Comment: size varies, brick veneer wood frame on slab, off-site use only

New Jersey

Building

Bldg. MA–1
Naval Weapons Station
Colts Neck Co: NJ 07722
Property No.: 77200310007
Status: Unutilized
Comment: 7200 sq. ft., presence of asbestos/lead paint, off-site use only

Bldg. 5A
Naval Weapons Station
Colts Neck Co: NJ
Property No.: 77200310008
Status: Unutilized
Comment: 687 sq. ft., most recent use—storage, off-site use only

Bldg. R–17
Naval Weapons Station
Colts Neck Co: NJ 07722–
Property No.: 77200310009
Status: Unutilized
Comment: 1134 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. C–32A
Naval Weapons Station
Colts Neck Co: NJ 07722–
Property No.: 77200310010
Status: Unutilized
Comment: 255 sq. ft., off-site use only

Bldg. S–331
Naval Weapons Station
Colts Neck Co: NJ 07722–
Property No.: 77200310011
Status: Unutilized
Comment: 256 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 513
Naval Weapons Station
Colts Neck Co: NJ 07722–
Property No.: 77200310012
Status: Unutilized
Comment: 1647 sq. ft., presence of asbestos/lead paint, off-site use only

VA

Alabama

Land

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Property No.: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

California

Land

Land 4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Property No.: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area.

Indiana

Building

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Property No.: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Property No.: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Property No.: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Property No.: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Property No.: 97199810003
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Property No.: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Property No.: 97199810005
Status: Unutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 1
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Property No.: 97200310001
Status: Unutilized
Comment: 20,287 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 3
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Property No.: 97200310002
Status: Unutilized
Comment: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 4
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Property No.: 97200310003
Status: Unutilized
Comment: 20,550 sq .ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 13
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Property No.: 97200310004
Status: Unutilized
Comment: 8971 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 19
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Property No.: 97200310005
Status: Unutilized
Comment: 12,237 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 20
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Property No.: 97200310006
Status: Unutilized
Comment: 14,039 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office/storage

Bldg. 42
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Property No.: 97200310007
Status: Unutilized
Comment: 5025 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 60
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Property No.: 97200310008
Status: Unutilized
Comment: 18,126 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 122
N. Indiana Health Care System
Marion Co: Grant IN 46952–
Property No.: 97200310009
Status: Unutilized
Comment: 37,135 sq. ft., needs extensive repairs, presence of asbestos, most recent use—dining hall/kitchen

Iowa

Land

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Property No.: 97199740002
Status: Unutilized
Comment: golf course, easement requirements

Pennsylvania

Building

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Property No.: 97199230012
Status: Underutilized
Comment: portion of bldg. (4046 sq. ft.), most recent use—storage, second floor—lacks elevator access

Texas

Land

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Property No.: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Wisconsin

Building

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Property No.: 97199010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Property No.: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Title V Properties Reported in Year 2003 Which Are Suitable and Unavailable

Air Force

Colorado

Building

Bldg. 100
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230001
Status: Excess
Reason: interest expressed

Bldg. 101
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230002
Status: Excess
Reason: interest expressed

Bldg. 102
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230003
Status: Excess
Reason: interest expressed

Bldg. 103
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230004
Status: Excess
Reason: interest expressed

Bldg. 104
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230005
Status: Excess
Reason: interest expressed

Bldg. 106
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230006
Status: Excess
Reason: interest expressed

Idaho

Building

Bldg. 224
Mountain Home Air Force
Co: Elmore ID 83648–
Property No.: 18199840008
Status: Unutilized
Reason: Extension of runway

Iowa

Building

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Property No.: 18199310002
Status: Unutilized
Reason: Will be transferred to Sioux City

New York

Building

Bldg. 1225
Verona Text Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220014
Status: Unutilized
Reason: Held in trust

Bldg. 1226
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220015
Status: Unutilized
Reason: Held in trust

Bldg. 1227
Verona Text Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220016
Status: Unutilized
Reason: Held in trust

Bldg. 1231
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220017
Status: Unutilized
Reason: Held in trust

Bldg. 1233
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220018
Status: Unutilized
Reason: Held in trust

Bldgs. 1235, 1239
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220019
Status: Unutilized
Reason: Held in trust

Bldg. 1241
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220020
Status: Unutilized
Reason: Held in trust

Bldg. 1243
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220021
Status: Unutilized
Reason: Held in trust

Bldg. 1245
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220022
Status: Unutilized
Reason: Held in trust

Bldg. 1247
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220023
Status: Unutilized
Reason: Held in trust

Bldg. 1250 + land
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220024
Status: Unutilized
Reason: Held in trust

Bldg. 1253
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220025
Status: Unutilized
Reason: Held in trust

Bldg. 1255
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220026
Status: Unutilized
Reason: Held in trust

Bldg. 1261
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220027
Status: Unutilized
Reason: Held in trust

Bldg. 1263
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220028
Status: Unutilized
Reason: Held in trust

Bldgs. 1266, 1269
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220029
Status: Unutilized
Reason: Held in trust

Bldg. 1271
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220030
Status: Unutilized
Reason: Held in trust

Bldg. 1273
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220031
Status: Unutilized
Reason: Held in trust

Bldg. 1277
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220032
Status: Unutilized
Reason: Held in trust

Bldg. 1279
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220033
Status: Unutilized
Reason: Held in trust

Bldg. 1285
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220034
Status: Unutilized
Reason: Held in trust

Bldg. 1287
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220035
Status: Unutilized
Reason: Held in trust

Pennsylvania

Building

Bldg. 201
Pittsburgh IAP
Coraopolis Co: Allegheny PA 15108–
Property No.: 18200240014
Status: Excess

Reason: mission use

Bldg. 203
Pittsburgh IAP
Coraopolis Co: Allegheny PA 15108–
Property No.: 18200240015
Status: Excess
Reason: mission use

Bldg. 208
Pittsburgh IAP
Coraopolis Co: Allegheny PA 15108–
Property No.: 18200240016
Status: Excess
Reason: mission use

Bldg. 210
Pittsburgh IAP
Coraopolis Co: Allegheny PA 15108–
Property No.: 18200240017
Status: Excess
Reason: mission use

Bldg. 211
Pittsburgh IAP
Coraopolis Co: Allegheny PA 15108–Property No.: 18200240018
Status: Excess
Reason: mission use

South Dakota

Land

Tract 133
Ellsworth AFB
Box Elder Co: Pennington SD 57706–
Property No.: 18200310004
Status: Unutilized
Reason: Special Legislation

Tract 67
Ellsworth AFB
Box Elder Co: Pennington SD 57706–
Property No.: 18200310005
Status: Unutilized
Reason: mission purpose

Army

Alabama

Building

Bldgs. 1001–1006, 1106–1107
Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Property No.: 21200210027
Status: Unutilized
Reason: utilized

Bldg. 01433
Fort Rucker
Ft. Rucker Co: Dale AL 36362–
Property No.: 21200220098
Status: Excess
Reason: being utilized

Bldg. 24220
Fort Rucker
Ft. Rucker Co: Dale AL 36362–
Property No.: 21200320093
Status: Unutilized
Reason: occupied

Alaska

Building

Bldgs. 345, 347
Ft. Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200320094
Status: Excess
Reason: occupied

Bldgs. 354, 357, 359
Ft. Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200320095
Status: Excess
Reason: occupied

Bldg. 368
Ft. Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200320096
Status: Excess
Reason: occcupied

Bldg. 370
Ft. Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200320097
Status: Excess
Reason: occupied

Arizona

Building

Bldg. 00701
Yuma Proving Ground
Yuma Co: AZ 85365–9498
Property No.: 21200340077
Status: Unutilized
Reason: occupied

Bldg. 00702
Yuma Proving Ground
Yuma Co: AZ 85365–9498
Property No.: 21200340078
Status: Unutilized
Reason: occupied

Colorado

Building

Bldg. T–203
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200340079
Status: Unutilized
Reason: occupied

Bldgs. T–223 thru T–227
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200340081
Status: Unutilized
Reason: occupied

Bldg. S6222
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200340082
Status: Unutilized
Reason: occupied

Bldg. S6264
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200340084
Status: Unutilized
Reason: occupied

Georgia

Building

Bldg. 4090
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199630007
Status: Underutilized
Reason: Plan to utilize as a museum

Bldg. 2410
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property No.: 21200140076
Status: Unutilized
Reason: change in mission requirement

Bldg. 20802
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property No.: 21200210078
Status: Unutilized
Reason: utilized

Bldg. T–920
Fort Stewart
Hinesville Co: Liberty GA 31314–
Property No.: 21200240083
Status: Excess
Reason: mission use

Bldgs. 00960, 00961, 00963
Fort Benning
Ft. Benning Co: Chattahoochee GA
Property No.: 21200330107
Status: Unutilized
Reason: occupied

Indiana

Building

Bldg. 301
Fort Benjamin Harrison
Indianapolis Co: Marion IN 45216–
Property No.: 21200320098
Status: Unutilized
Reason: occupied

Bldg. 302
Fort Benjamin Harrison
Indianapolis Co: Marion IN 46216–
Property No.: 21200320099
Status: Unutilized
Reason: occupied

Bldg. 303
Fort Benjamin Harrison
Indianapolis Co: Marion IN 46216–
Property No.: 21200320100
Status: Unutilized
Reason: occupied

Bldg. 304
Fort Benjamin Harrison
Indianapolis Co: Marion IN 46216–
Property No.: 21200320101
Status: Unutilized
Reason: occupied

Bldg. 334
Fort Benjamin Harrison
Indianapolis Co: Marion IN 46216–
Property No.: 21200320102
Status: Unutilized
Reason: occupied

Bldg. 337
Fort Benjamin Harrison
Indianapolis Co: Marion IN 46216–
Property No.: 21200320103
Status: Unutilized
Reason: occupied

Maryland

Building

Bldg. 2282C
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230059
Status: Unutilized
Reason: secured

Bldg. 05257
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320134
Status: Unutilized
Reason: collapsed

Missouri

Building

Bldg. 2172
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Property No.: 21200040059
Status: Unutilized
Reason: reutilized

Bldg. 1230
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Property No.: 21200340087
Status: Unutilized
Reason: occupied

Bldg. 1621
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Property No.: 21200340088
Status: Unutilized
Reason: occupied

Bldg. 03289
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Property No.: 21200340089
Status: Unutilized
Reason: occupied

Bldg. 03291
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Property No.: 21200340090
Status: Unutilized
Reason: occupied

Bldg. 6822
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Property No.: 21200340091
Status: Unutilized
Reason: occupied

Bldg. 9000
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Property No.: 21200340092
Status: Unutilized
Reason: occupied

Bldg. 10201
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Property No.: 21200340093
Status: Unutilized
Reason: occupied

New York

Building

Bldgs. 1511–1518
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320160
Status: Unutilized
Reason: occupied

Bldgs. 1523–1526
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320161
Status: Unutilized
Reason: occupied

Bldgs. 1704–1705, 1721–1722
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320162
Status: Unutilized
Reason: occupied

Bldg. 1723
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320163
Status: Unutilized
Reason: occupied

Bldgs. 1706–1709
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320164
Status: Unutilized
Reason: occupied

Bldgs. 1731–1735
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320165
Status: Unutilized
Reason: occupied

North Carolina

Building

Bldgs. A2245, A2345
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–
Property No.: 21200240084
Status: Excess
Reason: mission use

Bldg. A2544
Fort Bragg
Ft. Bragg Co: Cumberland NC–
Property No.: 21200240085
Status: Excess
Reason: mission use

Bldg. D2826
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–
Property No.: 21200240086
Status: Excess
Reason: mission use

Bldg. N4116
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–
Property No.: 21200240087
Status: Excess
Reason: mission use
103 Bldgs.
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–5000
Property No.: 21200240088
Status: Excess
Reason: mission use

Pennsylvania

Building

Bldg. 00001
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330183
Status: Unutilized
Reason: occupied

Bldg. 00002
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330184
Status: Unutilized
Reason: occupied

Bldgs. 00004, 00005, 00006
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330185
Status: Unutilized
Reason: occupied

Bldg. 00013
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330186
Status: Unutilized
Reason: occupied

Bldg. 00024
Defense Distribution Depot
New Cumberland Co: York PA 17070–500
Property No.: 21200330187
Status: Unutilized
Reason: occupied

Bldg. 00025
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330188
Status: Unutilized
Reason: occupied

Bldg. 00028
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330189
Status: Unutilized
Reason: occupied

Bldg. 00064
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330190
Status: Unutilized
Reason: occupied

Bldg. 00068
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330191
Status: Unutilized
Reason: occupied

Bldg. 00078
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330192
Status: Unutilized
Reason: occupied

Bldg. 00095
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330193
Status: Unutilized
Reason: occupied

Bldg. 00096
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330194
Status: Unutilized
Reason: occupied

Bldg. 00097
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Property No.: 21200330195
Status: Unutilized
Reason: occupied

Bldg. 02010
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002

Property No.: 21200330196
Status: Unutilized
Reason: occupied

Tennessee

Building

Bldgs. 01551, 01552
Fort Campbell
Ft. Campbell Co: Montgomery TN 42223–
Property No.: 21200230076
Status: Unutilized
Reason: utilized

Texas

Building

Bldgs. 4219, 4227
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220139
Status: Unutilized
Reason: admin use

Bldgs. 4229, 4230, 4231
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220140
Status: Unutilized
Reason: admin use

Bldgs. 4244, 4246
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220141
Status: Unutilized
Reason: admin use

Bldgs. 4260, 4261, 4262
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220142
Status: Unutilized
Reason: admin use

Virginia

Building

Bldg. T2827
Fort Pickett
Blackstone Co: Nottoway VA 23824–
Property No.: 21200320172
Status: Unutilized
Reason: occupied

Bldg. T2841
Fort Pickett
Blackstone Co: Nottoway VA 23824–
Property No.: 21200320173
Status: Unutilized
Reason: occupied

Washington

Building

Bldg. 03272
Fort Lewis
Tacoma Co: Pierce WA 98335–
Property No.: 21200220160
Status: Unutilized
Reason: utilized

Bldg. 04180
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21200240091
Status: Excess
Reason: mission use

Bldg. 05904
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21200240092
Status: Excess
Reason: mission use

Bldgs. 9003, 9517
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21200240093
Status: Excess
Reason: mission use

COE

Illinois

Building

Bldg. 7
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010001
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 6
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010002
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 5
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010003
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 4
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010004
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 3
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010005
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 2
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010006
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 1
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010007
Status: Unutilized
Reason: Project integrity and security; safety liability

Land

Lake Shelbyville
Shelbyville Co: Shelby & Moultrie IL 62565–9804
Property No.: 31199240004
Status: Unutilized
Reason: Disposal action initiated

Ohio

Building

Bldg.—Berlin Lake 7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Property No.: 31199640001
Status: Unutilized
Reason: utilized as construction office

Pennsylvania

Building

Tract 403A
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property No.: 31199430021
Status: Unutilized
Reason: To be transferred to Borough

Tract 403B
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property No.: 31199430022
Status: Unutilized
Reason: To be transferred to Borough

Tract 403C
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property No.: 31199430023
Status: Unutilized
Reason: To be transferred to Borough

Land

East Branch Clarion River Lake
Wilcox Co: Elk PA
Property No.: 31199011012
Status: Underutilized
Reason: Location near damsite

Dashields Locks and Dam (Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Property No.: 31199210009
Status: Unutilized
Reason: Leased to Township

Wisconsin

Building

Former Lockmaster's Dwelling
DePere Lock 100 James Street
De Pere Co: Brown WI 54115-Property No.: 31199011526
Status: Unutilized
Reason: In negotiation for transfer to the State.

Energy

Idaho

Building

Bldg. CFA–613
Central Facilities Area
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Property No.: 41199630001
Status: Unutilized
Reason: Historical issues

GSA

Alaska

Land

37.109 acres
U.S. Coast Guard
Gibson Cove Co: Kodiak AK
Property No.: 54200320001
Status: Surplus
GSA Number : 9–U–AK–783
Reason: interest by City

California

Building

Merced Federal Bldg.
415 W. 18th St.
Merced Co: CA 95340–
Property No.: 54200220012

Status: Surplus
GSA Number : 9–G–CA–1567
Reason: Federal interest

Fed. Bldg./Post Office 1125 I Street
Modesto Co: CA 95354–
Property No.: 54200310010
Status: Excess
GSA Number : 9–G–CA–1576
Reason: Federal interest

Calexico Border Patrol Station 813 Andrade Ave.
Calexico Co: CA 92231-Property No.: 54200320012
Status: Excess
GSA Number : 9–J–CA–1539
Reason: expressed interest

Florida

Land

Communications Annex Site
S. Allapattah Road
Homestead Co: Miami-Dade FL
Property No.: 54200310008
Status: Excess
GSA Number : 4–D–FL–1078–4A
Reason: State of Florida has expressed interest

Georgia

Land

Land w/highway interchange
Fort Benning
I–185 and Hwy 27/280
Columbus Co: Muscogee GA 31905–
Property No.: 54200320002
Status: Excess
GSA Number : 4–D–GA–0872
Reason: State interest

Hawaii

Land

Parcels 9, 2, 4
Loran Station Upolu Point
Hawi Co: Hawaii HI
Property No.: 54200220002
Status: Surplus
GSA Number : 9–U–HI–0572
Reason: Park interest

Illinois

Building

LaSalle Comm. Tower Site 1600 NE 8th St.
Richland Co: LaSalle IL 61370–
Property No.: 54200020019
Status: Excess
GSA Number : 1–D–IL–724
Reason: conveyance to State

Indiana

Building

Federal Building
610 Connecticut Street
Gary Co: IN 46402–
Property No.: 54200310011
Status: Excess
GSA Number: 1–G–IN–591
Reason: negotiated sale

Maryland

Building

29 Bldgs.
Walter Reed Army Medical Center
Forest Glen Annex, Linden Lane
Silver Spring Co: Montgomery MD 20910–1246
Property No.: 54200130012
Status: Excess
GSA Number: 11–D–MD–558–B
Reason: written expression of interest

Minnesota

Building

GAP Filler Radar Site
St. Paul Co: Rice MN 55101–
Property No.: 54199910009
Status: Excess
GSA Number: 1–GR(1)–MN–475
Reason: homeless conveyance

MG Clement Trott Mem. USARC
Walker Co: Cass MN 56484–
Property No.: 54199930003
Status: Excess
GSA Number: 1–D–MN–575
Reason: Federal interest

Mississippi

Building

Federal Building
500 West Main Street
Tupelo Co: Lee MS 38801–
Property No.: 54200340002
Status: Surplus
GSA Number: 4–G–MS–0561
Reason: Federal need

Missouri

Building

Hardesty Federal Complex
607 Hardesty Avenue
Kansas City Co: Jackson MO 64124–3032
Property No.: 54199940001
Status: Excess
GSA Number: 7–G–MO–637
Reason: continuation

New Jersey

Land

Belle Mead Depot
Rt. 206/Mountain View Rd.
Hillsborough Co: Somerset NJ 08502–
Property No.: 54200210014
Status: Excess
GSA Number: 1–G–NJ–0642
Reason: environmental

New York

Building

Social Sec. Admin. Bldg.
517 N. Barry St.
Olean Co: NY 10278–0004
Property No.: 54200230009
Status: Excess
GSA Number: 1–G–NY–0895
Reason: environmental questions

Army Reserve Center
205 Oak Street
Batavia Co: NY 14020–
Property No.: 54200240004
Status: Excess
GSA Number: 1–D–NY–890
Reason: Federal interest

Fed. Bldg. #2
850 Third Ave.
Brooklyn Co: NY 11232–
Property No.: 54200240005
Status: Surplus
GSA Number: 1–G–NY–0872
Reason: public interest

Hancock Army Complex
Track 4
Stewart Drive West
Cicero Co: Onondaga NY 13039–
Property No.: 54200310013
Status: Excess
GSA Number: 1–D–NY–803
Reason: negotiated sale

North Carolina

Building

Tarheel Army Missile Plant
Burlington Co: Alamance NC 27215–
Property No.: 54199820002
Status: Excess
GSA Number: 4–D–NC–593
Reason: Advertised

Vehicle Maint. Facility
310 New Bern Ave.
Raleigh Co: Wake NC 27601–
Property No.: 54200020012
Status: Excess
GSA Number: NC076AB
Reason: Federal need

Tennessee

Building

3 Facilities, Guard Posts
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930011
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale

4 Bldgs.
Volunteer Army Ammunition Plant
Railroad System Facilities
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930012
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale

200 bunkers
Volunteer Army Ammunition Plant
Storage Magazines
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930014
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale

Bldg. 232
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930020
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale

2 Laboratories
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930021
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale

3 Facilities
Volunteer Army Ammunition Plant
Water Distribution Facilities
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930022
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale

Land

1500 acres
Volunteer Army Ammunition Plant

Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930015
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale

Virginia

Building

SSA Trust Fund Bldg.
2301 Park Ave.
Lynchburg Co: VA 24501–
Property No.: 54200340010
Status: Excess
GSA Number: 4–G–VA–0734
Reason: homeless interest

Navy

Maryland

Land

1 acre
Naval Air Station
Patuxent River Co: St. Mary's MD 20670–
Property No.: 77200340014
Status: Underutilized
Reason: lease

VA

Iowa

Land

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Property No.: 97199740001
Status: Unutilized
Reason: Enhanced-Use Legislation potential

Michigan

Land

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Property No.: 97199010015
Status: Underutilized
Reason: Being used for patient and program activities.

Montana

Building

VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301–
Property No.: 97200030001
Status: Underutilized
Reason: transfer to Custer County

New York

Land

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Property No.: 97199010017
Status: Underutilized
Reason: Portion leased; portion landlocked

Pennsylvania

Land

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Property No.: 97199010016
Status: Underutilized
Reason: Used as natural drainage for facility property.

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Property No.: 97199010080
Status: Unutilized
Reason: Property is essential to security and safety of patients.

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Property No.: 97199340001
Status: Underutilized
Reason: needed for mission related functions

Wisconsin

Building

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295–
Property No.: 97199830002
Status: Underutilized
Reason: Subject of leasing negotiations

[FR Doc. 04–3032 Filed 2–12–04; 8:45 am]

BILLING CODE 4210–29–P

Federal Register

Friday,
February 13, 2004

Part III

Department of Housing and Urban Development

24 CFR Parts 200, 203 and 291

Nonprofit Organization Participation in Federal Housing Administration (FHA) Single Family Mortgage Insurance Programs; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 200, 203 and 291

[Docket No. FR–4702–P–01]

RIN 2502–AH71

Nonprofit Organization Participation in Federal Housing Administration (FHA) Single Family Mortgage Insurance Programs

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: Nonprofit organizations, including faith-based and community-based organizations, are important participants in HUD's single family housing programs, particularly because of the unique role they play in their communities. They participate by purchasing HUD-owned properties at a discount, acting as non-occupant mortgagors, and providing secondary financing. Unfortunately, nonprofit organizations have significantly higher default rates than other program participants. Therefore, HUD has determined that it is necessary to revise its regulations governing nonprofit organizations in an effort to reduce the defaults and to create more reasonable conditions for participation by nonprofit organizations. A significant percentage of nonprofit organizations that have obtained FHA financing for an unmanageable number of properties have suffered extraordinarily high rates of default on multiple-unit properties. The intent of this proposed rule is to implement conditions and procedures based on HUD's recent experience with practices and requirements that result in successful participation by nonprofit organizations in FHA single family mortgage insurance programs.

Specifically, this rule proposes to require nonprofit organizations that obtain insured financing from the FHA for 10 or more properties in a federal fiscal year to prepay at least 80 percent of that total number of FHA insured mortgages by the end of the second fiscal year following the fiscal year in which the FHA insured financing was acquired. Furthermore, this rule would not permit nonprofit organizations to obtain FHA insurance for mortgages secured by single family properties with more than two living units, and the rule would impose additional underwriting guidelines on two-unit properties. The rule also proposes to codify the existing practice to approve as participating nonprofit organizations those organizations that provide evidence of two years of tax-exempt status under the Internal Revenue Code of 1986, and two consecutive years of housing development experience within the previous five years.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address.

DATES: *Comment Due Date:* April 13, 2004.

FOR FURTHER INFORMATION CONTACT: Donna Tomposki, Housing Program Policy Specialist Coordinator, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, at (202) 708–0317. (This is not a toll-free number.) Persons with hearing- or speech-impairments may access these numbers through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

A. Background

Under the National Housing Act, the Secretary has authority to insure single family mortgages; that is, mortgages on one-to-four family dwellings on ''such terms as the Secretary may prescribe'' (12 U.S.C. 1709(a)). In accordance with this authority, HUD has issued regulations and other guidance regarding single family mortgage insurance establishing the conditions for such insurance. HUD's general regulations on mortgage insurance are found in 24 CFR part 200. Specific regulations on nonprofit organizations are found in a new subpart F of part 200, published on June 6, 2002, at 67 FR 39240.

The requirements for nonprofit organizations that participate in FHA programs were developed at a time when the FHA had minimal experience working with nonprofit organizations, and therefore, insufficient data on the business risks that participation by certain nonprofit organizations would present. As a result of FHA's experience, HUD will now require all nonprofit organizations seeking approval to serve as FHA mortgagors, purchasers of HUD's real estate owned (REO) properties, or providers of secondary financing to have: (1) Two years of tax-exempt status under section 501(c)(3) of the Internal Revenue Code, and (2) two consecutive years of housing development experience within the previous five years. In this regard, this proposed rule codifies existing policy and incorporates this tax status and experience requirement into the regulations of 24 CFR part 291 for nonprofit organizations acquiring HUD's REO properties.

Over the past nine fiscal years, HUD's Section 203(k) program (203(k) program), under which HUD may insure loans to nonprofit organizations for the purchase and rehabilitation of single family residential properties, has experienced high default and claim rates, particularly for two-to-four unit properties. Similar problems have occurred in HUD's other single family mortgage insurance programs in which nonprofit organizations participate, under Title II of the National Housing Act. For those reasons, this rule proposes that nonprofit organizations not obtain FHA insured financing for three- and four-unit properties. HUD will continue to allow FHA insured financing for two-unit properties, but will establish additional underwriting requirements for such properties.

Similar problems have occurred in HUD's other single family mortgage insurance programs in which nonprofit organizations participate, under Title II of the National Housing Act, with respect to nonprofits that hold large numbers of properties with FHA insured financing in their portfolios. For those reasons, this rule proposes to establish certain prepayment requirements when nonprofit organizations obtain FHA insured financing on 10 or more properties in a single Federal fiscal year. When nonprofit organizations accumulate large numbers of such properties over a multi-year period (even if they have not acquired 10 or more in a single fiscal year), HUD may, on a case-by-case basis, examine those large portfolios to determine whether or not a certain percentage of the FHA-financed mortgages should be prepaid before the nonprofit organization will be eligible for additional acquisition with FHA insured financing. HUD, in this examination, will look at administrative operations, financial capacity, and past performance. HUD believes that, as a result, the FHA single family insured housing programs will experience less risk of default and that mortgagors and the public generally will be better served.

B. This Proposed Rule

This rule would add a new regulatory section to the regulations in part 200, subpart F, which regulate the participation of nonprofit organizations in single family insured housing programs, entitled ''Nonprofit Participation.'' This new section proposes that nonprofit organizations that obtain FHA insured financing for 10 or more properties during a single fiscal year will be required to prepay at least 80 percent of that total number by the end of the second fiscal year following the fiscal year in which the financing was obtained. The last day of each fiscal year will be the basis for determining the two-year period, for example, September 30, 2001 to September 30, 2003. This rule proposes to define this period of time as the ''80 percent payoff period.'' Nonprofit organizations that do not fulfill this requirement would not be able to obtain new FHA insured financing unless 80 percent of the FHA loans acquired during that fiscal year are prepaid within the 80 percent payoff period. Nonprofit organizations that have obtained FHA insured financing on a large number of properties over a multi-year period, but have not acquired 10 or more within a single fiscal year, may be assessed by HUD on a case-by-case basis as to their administrative operations, financial capacity, and past performance prior to being approved for additional FHA insured financing. HUD may require nonprofit organizations with a large number of FHA insured mortgages in their portfolios to prepay a percentage of those mortgages, to be determined by HUD, before allowing such nonprofit organizations to obtain FHA insured financing on additional properties.

In order to address issues of high risk in the cases of nonprofit organizations acting as mortgagors of two-to-four family properties, the new regulatory section also would restrict nonprofit organizations in HUD single family insurance programs from obtaining FHA insured financing on properties that have more than two living units. Because of the increased risks to the FHA insurance fund, resulting from the insurance of mortgages on properties with two-to-four units, HUD would establish additional underwriting guidelines on two-unit properties, in addition to not allowing acquisition of three- and four-unit properties with FHA insured financing. Nonprofit organizations that have, as of the effective date of the final rule, mortgages on properties with more than two living units in their single family portfolio could retain those mortgages, but could not add any new mortgages.

A nonprofit organization participating in HUD's single family insurance programs must be a tax-exempt organization under section 501(a) pursuant to 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a) and 501(c)(3)), as currently required under 12 U.S.C. 1709(g)(2)(B), and proposed to be implemented in this new regulatory section in 24 CFR 200.196(b)(1). This rule would require submission to HUD of the Internal Revenue Service (IRS) letter of determination as verification of tax-exempt status, which demonstrates two years of such status, and certification of the nonprofit's compliance with any IRS requirement to provide notice of changes in the organization's character, purpose, or methods of operation. This rule would also provide that nonprofit organizations may not assume the Employer Identification Number (EIN) of a dormant or defunct nonprofit organization.

Furthermore, this rule would change existing policy as explained in Mortgagee Letter 96–52 that permitted nonprofit organizations to substitute two years of community service for two years of housing development experience. Under this rule, HUD proposes to require participating nonprofit organizations to have a minimum of two consecutive years of housing development experience within the previous five years.

This rule would also require that participating nonprofits be included in the Nonprofit Organization Roster pursuant to 24 CFR 200.194. Finally, this proposed rule would make conforming amendments to 24 CFR 203.18, 203.41, and 291.5.

HUD continues to strongly encourage the participation of nonprofit organizations, including community and faith-based organizations, in its programs. This proposed rule is not designed to place particular burdens on participation by nonprofit organizations. Rather, the proposed rule is designed to ensure that nonprofit organizations have the capacity, experience, and interest to participate in HUD's housing programs. Additionally, the rule is designed to ensure the integrity of FHA's insurance funds and the continued availability of insurance for nonprofit organizations and other FHA participants.

Findings and Certifications

Public Reporting Burden

The information collection requirements contained in this proposed rule have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and are pending OMB approval. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The burden of the information collections in this proposed rule is estimated as follows:

REPORTING AND RECORDKEEPING BURDEN

Section reference	Number of parties	Number of responses per respondent	Estimated average time for requirement (in hours)	Estimated annual burden (in hours)
200.196(a)(5) (Certification of compliance with IRS regulations pertaining to nonprofits, including any requirement that the nonprofit notify the IRS of any change in its character, purpose, or methods of operation)	400	1	.50	200

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting comments from members of the public and affected agencies concerning this collection of information to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Interested persons are invited to submit comments regarding the information collection requirements in this proposal. Under the provisions of 5 CFR part 1320, OMB is required to make a decision concerning this collection of information between 30 and 60 days after today's publication date. Therefore, a comment on the information collection requirements is best assured of having its full effect if OMB receives the comment within 30 days of today's publication. This time frame does not affect the deadline for comments to the agency on the proposed rule, however. Comments must refer to the proposal by name and docket number (FR–4702) and must be sent to:

Melanie Kadlic, OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number (202) 395–6947, Email: *mkadlic@omb.eop.gov*

and

Kathleen McDermott, Reports Liaison Officer, Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 9116, Washington, DC 20410–8000.

Executive Order 12866

The Office of Management and Budget (OMB) reviewed this rule under Executive Order 12866, *Regulatory Planning and Review.* OMB determined that this rule is a ''significant regulatory action,'' as defined in section 3(f) of the Order (although not economically significant, as provided in section 3(f)(1) of the Order). Any changes made to the rule subsequent to its submission to OMB are identified in the docket file, which is available for public inspection in the Regulations Division, Office of the General Counsel, Room 10276, 451 Seventh Street, SW., Washington, DC 20410–0500.

Regulatory Flexibility Act

The impact of this proposed rule would be minimal, and the program changes contained in this rule are necessary to reduce claim and default rates and protect the health of the FHA insurance fund. The single family mortgage insurance program is currently being misused by some nonprofit agencies that use this mortgage insurance to administer large-scale rental-housing programs, rather than provide for homeownership opportunities. In the past, some nonprofit agencies administering these programs have accumulated portfolios of over 300 properties. The single family program was not designed to accumulate a portfolio of rental properties. Various other offices within HUD have venues for rental housing, such as the Office of Multifamily Housing, which offers rental-housing programs, and the Office of Community Planning and Development, which administers the HOME Investment Partnerships program.

HUD expects that requiring 80 percent prepayment over two years in the case of nonprofit organizations that obtain FHA insured financing on 10 or more properties in a fiscal year will affect relatively few nonprofits out of approximately 500 active nonprofit entities that participate with the FHA in its programs, and will create a prudent limitation without unduly burdening the ability of nonprofits to obtain FHA insured financing. For those nonprofit agencies affected by this rule, the Department has taken steps to assure fairness for current program participants by allowing the nonprofit agency the ability to retain current properties, but establishing a restriction on acquiring new FHA insured financing until the 80 percent payoff goal is met. In addition, those nonprofit agencies that have single family properties with three- and four-unit dwellings may retain these properties, but will not be permitted to obtain additional three- and four-unit properties.

Notwithstanding HUD's determination that this rule does not have a significant economic impact on a substantial number of small entities, HUD specifically invites comment regarding less burdensome alternatives to this rule that will meet HUD's objectives as described in the preamble.

Environmental Impact

A Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Finding is available for public inspection during regular business hours in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410–0500.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on state and local governments and is not required by statute, or preempts state law, unless the relevant requirements of section 6 of the Executive Order are met. This rule affects only private nonprofit organizations and does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This proposed rule does not impose any federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers applicable to the programs affected by this rule are: 14.108, 14.112, 14.117, 14.121, and 14.133.

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Lead poisoning, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social Security, Unemployment compensation, Wages.

24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 291

Community facilities, Conflict of interests, Homeless, Lead poisoning, Low and moderate income housing, Mortgages, Reporting and recordkeeping requirements, Surplus government property.

For the reasons stated in the preamble, HUD proposes to amend 24 CFR parts 200 and 291 as follows:

PART 200—INTRODUCTION TO FHA PROGRAMS

1. The authority citation for 24 CFR part 200 continues to read as follows:

Authority: 12 U.S.C. 1702–1715z–21; 42 U.S.C. 3535(d).

2. Add a new § 200.196 to read as follows:

§ 200.196 Participation of nonprofit organizations.

(a) *Definitions.* ''80 percent payoff period'' means the period from the end of the fiscal year in which a nonprofit organization has obtained FHA insured financing on 10 or more properties to the end of the second fiscal year following that date.

(b) *Eligibility requirements.* An eligible nonprofit organization, in order to participate in HUD single family insurance programs, must comply with applicable requirements, including the following:

(1) Provide a currently valid Letter of Determination from the Internal Revenue Service (IRS) confirming that it is tax-exempt under section 501(a) pursuant to section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a) and 501(c)(3)), and has maintained such status for at least 2 consecutive years;

(2) Have at least 2 consecutive years of housing development experience within the previous 5 years as demonstrated by previous experience purchasing, rehabilitating, and reselling residential properties, and financial and administrative capacity as determined by the Secretary;

(3) Certify biennially to HUD that it is in compliance with IRS regulations pertaining to tax-exempt organizations, including any requirement that the nonprofit notify the IRS of any change in its character, purpose, or methods of operation;

(4) Have a voluntary board;

(5) Have no part of its net earnings inure to the benefit of any member, founder, contributor, or individual of the organization;

(6) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles, or designate an entity to maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles;

(7) Have and maintain a policy and practice of nondiscrimination in accordance with 24 CFR 5.105(a);

(8) Be included on the Nonprofit Organization Roster pursuant to 24 CFR 200.194; and

(9) Not assume or use the Employer Identification Number (EIN) of a dormant or defunct nonprofit organization.

(c) *Origination limitations.* (1) Once an eligible nonprofit organization has obtained, in a single fiscal year, FHA insured financing for 10 or more properties, it must prepay at least 80 percent of the FHA insured mortgages acquired in that year within the 80 percent payoff period, or it will not be eligible for further FHA insured financing;

(2) An eligible nonprofit organization will not be approved for FHA insured financing for three- and four-unit properties, and must meet HUD's underwriting requirements for FHA insured financing for two-unit properties.

(d) *Nonprofit organizations that currently have portfolios that exceed origination limitations.* A nonprofit organization or entity that, as of the effective date of this regulation:

(1) Has outstanding FHA insured financing on a large number of properties over a multi-year period, regardless of whether it had acquired 10 or more within a single fiscal year, may be assessed by HUD as to its administrative operations, financial capacity, and past performance prior to being approved for additional FHA insured financing. HUD may require nonprofit organizations with large FHA portfolios to prepay a percentage, to be determined by HUD, of FHA insured mortgages before allowing such nonprofit organizations to obtain additional FHA insured financing;

(2) Has FHA insured mortgages on single family properties with three- and four-dwelling units may continue to retain that financing but may not obtain any other or additional FHA mortgage insurance on other such properties.

(e) *Applicability.* This section applies to single family mortgage insurance programs pursuant to Title II of the National Housing Act and to discount purchases by nonprofit organizations without insurance under part 291 of this chapter.

3. Amend § 203.18 by revising paragraph (f)(3) to read as follows:

§ 203.18 Maximum mortgage amounts.

* * * * *

(f) * * *

(3) *Eligible non-occupant mortgagor* means a mortgagor (or co-mortgagor, as appropriate) who is not to occupy the dwelling as a principal residence or a secondary residence and who is—

(i) A public entity, as provided in section 214 or section 247 of the National Housing Act, or any other State or local government or agency thereof;

(ii) A private nonprofit organization or public entity, as provided in section 221(h) or section 235(j) of the National Housing Act, or other private nonprofit organization that is exempt from taxation under section 501(a) pursuant to 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a) and 501(c)(3)), and that complies with the requirements of 24 CFR 200.196 and intends to sell the mortgaged property to low or moderate income persons, as determined by the Secretary;

(iii) An Indian tribe, as provided in section 248 of the National Housing Act;

(iv) A serviceperson who is unable to meet the occupancy requirement because of his or her duty assignment, as provided in section 216 of the National Housing Act or section 222(b)(4) or (f) of the National Housing Act;

(v) A mortgagor or co-mortgagor in section 203(k) of the National Housing Act (including nonprofit organizations, if they are in compliance with the requirements of 24 CFR 200.196); or

(vi) A mortgagor who, pursuant to § 203.43(c) of this part, is refinancing an existing mortgage insured under the National Housing Act for not more than the outstanding balance of the existing mortgage, if the amount of the monthly payment due under the refinancing mortgage is less than the amount due under the existing mortgage for the month in which the refinancing mortgage is executed.

* * * * *

4. Amend § 203.41 by revising paragraph (a)(5) to read as follows:

§ 203.41 Free assumability; exceptions.

(a) * * *

(5) *Eligible nonprofit organization* means a secular or faith-based organization that has tax-exempt status under section 501(a) pursuant to section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a) and 501(c)(3)), and which meets the eligibility requirements stated in 24 CFR 200.196(b). The organization must comply with the requirements of 24 CFR 200.196(c) and (d) in obtaining FHA insured financing.

PART 291—DISPOSITION OF HUD-ACQUIRED SINGLE FAMILY PROPERTY

5. The authority citation for 24 CFR part 291 continues to read as follows: 12 U.S.C. 1701 *et seq.*; 42 U.S.C. 1441, 1441a, 1551a, and 3535(d).

6. Revise the definition of ''private nonprofit organization'' in paragraph (b) of § 291.5 to read as follows.

§ 291.5 Definitions.

* * * * *

(b) * * *

Private nonprofit organization means a secular or faith-based organization, no part of the net earnings of which may inure to the benefit of any member, founder, contributor, or individual. The organization must meet the eligibility requirements stated in 24 CFR 200.196(b). If obtaining FHA insured financing, the organization must comply with the additional requirements of 24 CFR 200.196(c) and (d).

* * * * *

Dated: January 12, 2004.

Sean Cassidy,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 04–3138 Filed 2–12–04; 8:45 am]

BILLING CODE 4210–27–P

Federal Register

Friday,
February 13, 2004

Part IV

Federal Trade Commission

16 CFR Part 310
Telemarketing Sales Rule; Proposed Rule

FEDERAL TRADE COMMISSION

16 CFR Part 310

RIN 3084–0098

Telemarketing Sales Rule

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Federal Trade Commission (''FTC'' or ''Commission''), pursuant to a directive in the Consolidated Appropriations Act of 2004, seeks comment on amendment of the Telemarketing Sales Rule (''TSR'') to require sellers and telemarketers, in complying with the Do Not Call provisions of the TSR, to use a version of the National Do Not Call Registry obtained from the Commission no more than thirty (30) days prior to the date any call is made.

DATES: Written comments will be accepted until February 26, 2004. Due to the time constraints of this rulemaking procedure, the Commission does not contemplate any extensions of this comment period or any additional periods for written comments or rebuttal comment. Comments that are not timely submitted and directly responsive to the specific questions set forth in Section G of this document may not be considered.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Monthly Registry Access, Project No. R411001'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 159–H (Annex D), 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, as explained in the Supplementary Information section. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

An electronic comment can be filed by (1) clicking on *http://www.regulations.gov*; (2) selecting ''Federal Trade Commission'' at ''Search for Open Regulations;'' (3) locating the summary of this Notice; (4) clicking on ''Submit a Comment on this Regulation;'' and (5) completing the form. For a given electronic comment, any information placed in the following fields—''Title,'' ''First Name,'' ''Last Name,'' ''Organization Name,'' ''State,'' ''Comment,'' and ''Attachment''—will be publicly available on the FTC Web site. The fields marked with an asterisk on the form are required in order for the FTC to fully consider a particular comment. Commenters may choose not to fill in one or more of those fields, but if they do so, their comments may not be considered.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *www.ftc.gov.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

FOR FURTHER INFORMATION CONTACT: Catherine Harrington-McBride, (202) 326–2452, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Section A. Background

On January 23, 2004, the President signed into law the Consolidated Appropriations Act of 2004. In enacting this legislation, Congress, *inter alia,* mandated that ''not later than 60 days after the date of enactment of this Act, the Federal Trade Commission shall amend the Telemarketing Sales Rule to require telemarketers subject to the Telemarketing Sales Rule to obtain from the Federal Trade Commission the list of telephone numbers on the 'do-not-call' registry once a month.'' [1] Accordingly, the Commission proposes to amend the TSR's Do Not Call safe harbor provision, 16 CFR 310.4(b)(3)(iv), to substitute the phrase ''no more than thirty (30) days prior to the date any call is made'' for the phrase that currently appears in that provision, which is ''no more than three (3) months prior to the date any call is made.'' This proposed amendment would change, from quarterly to every thirty (30) days, the frequency with which telemarketers and sellers will have to purge from their calling lists numbers appearing on the National Do Not Call Registry. It also would enable a consumer to assert a valid Do Not Call complaint thirty (30) days after entering his or her number on the Registry, rather than waiting three months, as is currently the case. The text of section 310.4(b)(3)(iv) incorporating the proposed amendment appears at the end of this notice. This proposal is made pursuant to the directive of the Appropriations Act, and the Commission's authority under the Telemarketing and Consumer Fraud and Abuse Prevention Act,[2] and the Do Not Call Implementation Act.[3]

Section B. Discussion

The Commission seeks comment on two specific issues relating to the proposed amendment. First, the proposal employs the phrase ''thirty (30) days,'' rather than the term used in the statute, ''monthly.'' Second, the Commission seeks input on the appropriate effective date for the proposed amendment.

1. Thirty (30) Days

The Commission believes that the term ''thirty (30) days'' achieves greater clarity and precision in effectuating Congress's twofold intent in the Appropriations Act—to shorten from quarterly to monthly the interval for telemarketers and sellers to purge registered telephone numbers from their calling lists, and to enable consumers to assert valid Do Not Call complaints thirty (30) days after entering their numbers on the Registry rather than having to wait three months.

The ''thirty (30) days'' language removes the ambiguity inherent in the term ''monthly.'' This language would obviate questions such as whether a provision using the term ''monthly'' requires sellers and telemarketers to purge Registry numbers from their call lists every calendar month, whether ''scrubbing'' every 30 days would comply even if one did not scrub in February, and whether scrubbing in each calendar month without regard to the interval since the last scrub would comply. This clarification should provide a brighter line for industry, making compliance easier to effectuate. Moreover, it will prevent subverting the intent of the Registry by such stratagems as downloading the Registry at 11 p.m. on the last day of one calendar month and again at 12:01 a.m. on the first day

[1] Consolidated Appropriations Act of 2004, Pub. L. 108–199, 188 Stat. 3. The requirement is in Division B, Title V.

[2] 15 U.S.C. 6102.

[3] Pub. L. 108–10, 117 Stat. 557.

of the next, thereby technically complying with the requirement, but effectively ''scrubbing'' only bi-monthly.

2. Effective Date

The second issue on which the Commission seeks comment is the appropriate effective date for this amendment. Modifying the Commission's established Registry system to account for increased download traffic and logic changes will take some time. The Commission believes that sellers and telemarketers similarly may need an extended period to make the necessary modifications in their systems and procedures to be able to comply with this amended provision. In this regard, the Commission notes that because of similar issues present in the Amended TSR's requirement for sellers and telemarketers to transmit Caller ID information, it established an effective date for that requirement of one year after the Amended Rule was promulgated, and ten months after the effective date of most of the other Amended TSR provisions.[4] Similarly, on petition from industry, the Commission postponed, for similar periods, the original effective dates of certain other provisions, including the provision to use a recorded message when the consumer could not be connected to a live sales representative within two seconds of answering a telemarketing call.[5] The Commission requests factual information regarding the amount of time it reasonably will take sellers and telemarketers to modify their business procedures and systems to be able to comply with the amended provision.

Section C. Invitation To Comment

All persons are hereby given notice of the opportunity to submit written data, views, facts, and arguments addressing the issues raised by this Notice. The Commission notes that the Appropriations Act provides no discretion in the matter of whether to amend the TSR as described above. Comment going to that issue would not be responsive to this notice and will not be considered. Written comments must be submitted on or before February 26, 2004. Comments should refer to ''Monthly Registry Access, Project No. R411001'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 159–H (Annex D), 600 Pennsylvania Avenue, NW., Washington, DC 20580. If the comment contains any material for which confidential treatment is requested, it must be filed in paper (rather than electronic) form, and the first page of the document must be clearly labeled ''Confidential.''[6] The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

An electronic comment can be filed by (1) clicking on *http://www.regulations.gov;* (2) selecting ''Federal Trade Commission'' at ''Search for Open Regulations;'' (3) locating the summary of this Notice; (4) clicking on ''Submit a Comment on this Regulation;'' and (5) completing the form. For a given electronic comment, any information placed in the following fields—''Title,'' ''First Name,'' ''Last Name,'' ''Organization Name,'' ''State,'' ''Comment,'' and ''Attachment''—will be publicly available on the FTC Web site. The fields marked with an asterisk on the form are required in order for the FTC to fully consider a particular comment. Commenters may choose not to fill in one or more of those fields, but if they do so, their comments may not be considered.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *www.ftc.gov.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Section D. Communications by Outside Parties to Commissioners or Their Advisors

Written communications and summaries or transcripts of oral communications respecting the merits of this proceeding from any outside party to any Commissioner or Commissioner's advisor will be placed on the public record. *See* 16 CFR 1.26(b)(5).

Section E. Paperwork Reduction Act

The information collection requirements contained in the TSR were reviewed by OMB under the Paperwork Reduction Act and cleared on July 24, 2003, under OMB Control Number 3084–0097. The proposed rule amendment, as discussed above, changes the interval at which entities covered by the TSR must obtain data from the National Do Not Call Registry from every three (3) months to every thirty (30) days. Thus, the proposed rule amendment does not impose any new, or affect any existing, record submission, recordkeeping, or public disclosure requirement that would be subject to review and approval by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501–3520.

Section F. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, requires an agency to provide an Initial Regulatory Flexibility Analysis (''IRFA'') with a proposed rule and a Final Regulatory Flexibility Analysis (''FRFA'') with the final rule, if any, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 603–605.

As discussed above, the Appropriations Act expressly mandates the modification, and, therefore, any associated economic impact. Nonetheless, the Commission has determined that it is appropriate to publish an IRFA in order to inquire into the impact of the proposed rule on small entities. Therefore, the Commission has prepared the following analysis.

1. Reasons for the Proposed Rule

The proposed modification of the TSR, discussed above, is pursuant to the directive of the Appropriations Act of 2004, which mandates that ''not later than 60 days after the date of enactment of th[at] Act, the Federal Trade Commission shall amend the Telemarketing Sales Rule to require telemarketers subject to the Telemarketing Sales Rule to obtain from the Federal Trade Commission the list

[4] 68 FR 4664 (Jan 29, 2003).

[5] 68 FR 16414 (Apr. 4, 2003).

[6] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

of telephone numbers on the ''do-not-call'' registry once a month.'' [7]

2. Statement of Objectives and Legal Basis

The objectives of the proposed rule are discussed above. The legal basis for the proposed rule is the Appropriations Act of 2004, as discussed in F.1., above.

3. Description of and, Where Feasible, an Estimate of the Number of Small Entities to Which the Proposed Rule Will Apply

This proposed rule will primarily impact sellers that make interstate telephone calls to consumers (outbound calls) in an attempt to sell their products or services. Also affected may be firms that provide telemarketing services to others on a contract basis. In the proceedings to amend the TSR to include National Do Not Call Registry provisions, the Commission sought public comment and information on the number of small business sellers and telemarketers that would be impacted by those amendments.[8] In its requests, the Commission noted the lack of publicly available data regarding the number of small entities. As the Commission received no further information in response to this request, the number of firms making outbound calls cannot be reliably estimated.[9]

4. Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule, Including an Estimate of the Classes of Small Entities That Will Be Subject to the Requirement of Obtaining Data From the National Do Not Call Registry Every Thirty (30) Days and the Type of Professional Skills That Will Be Necessary To Comply

The proposed rule does not impose any new, or affect any existing, reporting, disclosure, or specific recordkeeping requirements within the meaning of the Paperwork Reduction Act. The Commission does not believe that the modification requiring sellers and telemarketers to obtain data from the National Registry at a more frequent interval will create a significant burden on sellers or telemarketers that have already established systems to comply with the requirement in the existing TSR that requires accessing the Registry database on a quarterly basis. There will likely be additional costs, however, incurred to access the Registry every thirty days (effectively twelve (12) times per year) versus the current requirement of every three months (effectively four (4) times per year). As noted in the Statement of Basis and Purpose for the final amended TSR, the cost of accessing the National Do Not Call Registry to purge the numbers it contains from a company's calling list (separate from the fee paid to obtain the list) is around $100. Given this estimate, sellers and telemarketers seeking to comply with the proposed rule modification would pay $1200 per year ($100 per scrub × 12 scrubs per year) rather than $400 per year ($100 per scrub × 4 scrubs per year).

As noted below, the Commission seeks further comment on the professional skills that will be needed to implement the proposed rule, the actual costs or expenditures, if any, of more frequent scrubbing, and the extent to which these costs may differ or vary for small entities.

5. Identification of Other Duplicative, Overlapping, or Conflicting Federal Rules

The FTC has not identified any other federal statutes, rules, or policies that would conflict with the requirement that sellers and telemarketers employ a version of the National Do Not Call Registry obtained from the Commission no more than thirty (30) days prior to the date any call is made. Although the Federal Communications Commission's (''FCC'') rules pursuant to the Telephone Consumer Protection Act closely mirror the existing TSR language requiring scrubbing every three (3) months, they would not be in conflict with the proposed amendment. Rather, entities subject only to the FCC's telemarketing rules would be required to obtain information from the National Registry every three (3) months, while those entities subject to the FTC's rules would have to do so every thirty (30) days.

The Commission is requesting comment about any Federal, State, or local statutes or rules that may duplicate, overlap with, or conflict with the proposed rule.

6. Discussion of Significant Alternatives to the Proposed Rule That Would Accomplish the Stated Objectives of the Appropriations Act and That Would Minimize Any Significant Economic Impact of the Proposed Rule on Small Entities

The Appropriations Act of 2004 provides the Commission no discretion in the matter of whether to amend the TSR as described above. However, as noted above in Section B.2. of this Notice, the Commission requests factual information regarding the amount of time it reasonably will take sellers and telemarketers, including small businesses, to modify their business procedures and systems to be able to comply with the amended provision. Toward that end, the Commission has included in Section G below questions regarding alternatives to minimize the economic impact of the rule on small entities and questions requesting information that would assist it in determining the appropriate effective date for this provision.

Section G. Specific Issues for Comment

The Commission seeks comment on the proposed rule as set forth in this Notice. The Commission is particularly interested in receiving comments on the questions that follow. In responding to these questions, include detailed and factual supporting information whenever possible.

1. Is the term ''thirty (30) days'' more precise than the term ''monthly,'' and would the former term serve as a more meaningful guideline for telemarketers and sellers as they seek to comply with this provision?

2. Will use of the term ''thirty (30) days'' rather than ''monthly'' prevent sellers and telemarketers from attempting to subvert the intent of the Registry by such stratagems as downloading the Registry and ''scrubbing'' their call lists on the last day of a month, and then immediately doing it again on the first day of the succeeding month?

3. Does the use of the precise standard, embodied in the phrase ''thirty (30) days,'' make clear the requisite interval at which data must be obtained from the National Do Not Call Registry? Is there some other standard that would accomplish this better?

4. What, if any, differences exist in the compliance burdens on industry resulting from use of the term ''thirty (30) days'' rather than ''monthly''? Why? What, if any, differences exist in the benefits for consumers resulting from use of the term ''thirty (30) days'' rather than ''monthly''? Why?

[7] Consolidated Appropriations Act of 2004, Pub. L. 108–199, 188 Stat. 3. The requirement is in Division B, Title V.

[8] *See* 68 FR 4580, 4667 (Jan. 29, 2003); 68 FR 45134, 45143 (July 31, 2003) (noting, in the final amended rules, that comment was requested, but not received, regarding the number of small entities subject to the National Do Not Call Registry provisions of the amended TSR).

[9] 68 FR 4580, 4667 (Jan. 29, 2003) (noting that Census data on small entities conducting telemarketing does not distinguish between those entities that conduct exempt calling, such as survey calling, those that receive inbound calls, and those that conduct outbound calling campaigns. Moreover, sellers who act as their own telemarketers are not accounted for in in the Census data.).

5. What should be the effective date of the proposed amendment? Why? What, if any, factors might necessitate a particular amount of lead time for industry to be able to comply with the proposed amendment? With respect to any particular recommended effective date, what are the relative costs and benefits for industry and consumers?

6. Please describe what effect the proposed rule will have on small entities that engage in outbound telemarketing and are not exempt from the National Do Not Call Registry provision of the TSR.

7. Please describe what costs will be incurred by small entities to ''implement and comply'' with the rule, including expenditures of time and money for: any employee training; acquiring additional professional skills; attorney, computer programmer, or other professional time; and preparing and processing relevant materials.

8. Are there ways the proposed rule could be modified to reduce the costs or burdens for small entities while still being consistent with the mandate of the Appropriations Act?

9. Please identify any relevant Federal, State, or local statutes or rules that may duplicate, overlap or conflict with the proposed rule.

Section H. Proposed Rule

Accordingly, the Commission proposes to amend title 16, Code of Federal Regulations, as follows:

PART 310—TELEMARKETING SALES RULE

1. The authority citation for part 310 continues to read as follows:

Authority: 15 U.S.C. 6101–6108.

2. Amend § 310.4 by revising paragraph (b)(3)(iv) to read as follows:

§ 310.4 Abusive telemarketing acts or practices.

* * * * *

(b) * * *

(3) * * *

(iv) The seller or a telemarketer uses a process to prevent telemarketing to any telephone number on any list established pursuant to §§ 310.4(b)(3)(iii) or 310.4(b)(1)(iii)(B), employing a version of the ''do-not-call'' registry obtained from the Commission no more than thirty (30) days prior to the date any call is made, and maintains records documenting this process;

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 04–3287 Filed 2–12–04; 8:45 am]

BILLING CODE 6750–01–P

Federal Register

Friday,
February 13, 2004

Part V

Department of Health and Human Services

Annual Update of the HHS Poverty Guidelines; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Annual Update of the HHS Poverty Guidelines

AGENCY: Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice provides an update of the HHS poverty guidelines to account for last (calendar) year's increase in prices as measured by the Consumer Price Index.

EFFECTIVE DATE: These guidelines go into effect on the day they are published (unless an office administering a program using the guidelines specifies a different effective date for that particular program).

ADDRESSES: Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services (HHS), Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: For information about how the poverty guidelines are used or how income is defined in a particular program, contact the Federal (or other) office which is responsible for that program.

For general questions about the poverty guidelines (but NOT for questions about a particular program that uses the poverty guidelines), contact Gordon Fisher, Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201—telephone: (202) 690–7507; persons with Internet access may visit the poverty guidelines Internet site at <*http://aspe.hhs.gov/poverty*>.

For information about the Hill-Burton Uncompensated Services Program (no-fee or reduced-fee health care services at certain hospitals and other health care facilities for certain persons unable to pay for such care), contact the Office of the Director, Division of Facilities Compliance and Recovery, Health Resources and Services Administration, HHS, Room 16C–17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. To speak to a person, call (301) 443–5656. To receive a Hill-Burton information package, call 1–800–638–0742 (for callers outside Maryland) or 1–800–492–0359 (for callers in Maryland), and leave your name and address on the Hotline recording. Persons with Internet access may visit the Division of Facilities Compliance and Recovery Internet home page site at <*http://www.hrsa.gov/osp/dfcr*>. The Division of Facilities Compliance and Recovery notes that as set by 42 CFR 124.505(b), the effective date of this update of the poverty guidelines for facilities obligated under the Hill-Burton Uncompensated Services Program is sixty days from the date of this publication.

For information about the percentage multiple of the poverty guidelines to be used on immigration forms such as USCIS Form I–864, Affidavit of Support, contact U.S. Citizenship and Immigration Services. To obtain information on the most recent applicable poverty guidelines from U.S. Citizenship and Immigration Services, call 1–800–375–5283. Persons with Internet access may obtain the information from the U.S. Citizenship and Immigration Services Internet site at <*http://uscis.gov/graphics/howdoi/affsupp.htm*>.

For information about the Department of Labor's Lower Living Standard Income Level (an alternative eligibility criterion with the poverty guidelines for certain programs under the Workforce Investment Act of 1998), contact Janeice Youngblood, Employment and Training Administration, U.S. Department of Labor—telephone: (202) 693–3606—e-mail: <*youngblood.janeice@dol.gov*>; persons with Internet access may visit the Employment and Training Administration's Lower Living Standard Income Level Internet site at <*http://wdsc.doleta.gov/llsil*>.

For information about the number of people in poverty since 1959 or about the Census Bureau poverty thresholds, contact the Housing and Household Economic Statistics Division information staff (HHES-Info), Room G251, Federal Office Building #3, U.S. Census Bureau, Washington, DC 20233–8500—telephone: (301) 763–3242—or send e-mail to <*hhes-info@census.gov*>; persons with Internet access may visit the Poverty section of the Census Bureau's Internet site at <*http://www.census.gov/hhes/www/poverty.html*>.

2004 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

Size of family unit	Poverty guideline
1	$9,310
2	12,490
3	15,670
4	18,850
5	22,030
6	25,210
7	28,390
8	31,570

For family units with more than 8 members, add $3,180 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

2004 Poverty Guidelines for Alaska

Size of family unit	Poverty guideline
1	$11,630
2	15,610
3	19,590
4	23,570
5	27,550
6	31,530
7	35,510
8	39,490

For family units with more than 8 members, add $3,980 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

2004 Poverty Guidelines for Hawaii

Size of family unit	Poverty guideline
1	$10,700
2	14,360
3	18,020
4	21,680
5	25,340
6	29,000
7	32,660
8	36,320

For family units with more than 8 members, add $3,660 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

(Separate poverty guideline figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966–1970 period. Note that the Census Bureau poverty thresholds—the version of the poverty measure used for statistical purposes—have never had separate figures for Alaska and Hawaii. The poverty guidelines are not defined for Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, the Republic of the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and Palau. In cases in which a Federal program using the poverty guidelines serves any of those jurisdictions, the Federal office which administers the program is responsible for deciding whether to use the

contiguous-states-and-DC guidelines for those jurisdictions or to follow some other procedure.)

The preceding figures are the 2004 update of the poverty guidelines required by section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (Public Law 97–35—reauthorized by Public Law 105–285, Section 201 (1998)). As required by law, this update reflects last year's change in the Consumer Price Index (CPI–U); it was done using the same procedure used in previous years. (The poverty guidelines are calculated each year from the latest published Census Bureau poverty thresholds—not from the previous year's guidelines. Besides the inflation adjustment, the guidelines are also rounded and adjusted to standardize the differences between family sizes.)

Section 673(2) of OBRA–1981 (42 U.S.C. 9902(2)) requires the use of these poverty guidelines as an eligibility criterion for the Community Services Block Grant program. The poverty guidelines are also used as an eligibility criterion by a number of other Federal programs (both HHS and non-HHS). Due to confusing legislative language dating back to 1972, the poverty guidelines have sometimes been mistakenly referred to as the ''OMB'' (Office of Management and Budget) poverty guidelines or poverty line. In fact, OMB has never issued the guidelines; the guidelines are issued each year by the Department of Health and Human Services (formerly by the Office of Economic Opportunity/Community Services Administration). The poverty guidelines may be formally referenced as ''the poverty guidelines updated periodically in the **Federal Register** by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).''

The poverty guidelines are a simplified version of the Federal Government's statistical poverty thresholds used by the Census Bureau to prepare its statistical estimates of the number of persons and families in poverty. The poverty guidelines issued by the Department of Health and Human Services are used for administrative purposes—for instance, for determining whether a person or family is financially eligible for assistance or services under a particular Federal program. The poverty thresholds are used primarily for statistical purposes. Since the poverty guidelines in this notice—the 2004 guidelines—reflect price changes through calendar year 2003, they are approximately equal to the poverty thresholds for calendar year 2003 which the Census Bureau expects to issue in September or October 2004. (A preliminary version of the 2003 thresholds is now available from the Census Bureau.)

In certain cases, as noted in the relevant authorizing legislation or program regulations, a program uses the poverty guidelines as only one of several eligibility criteria, or uses a percentage multiple of the guidelines (for example, 125 percent or 185 percent of the guidelines). Non-Federal organizations which use the poverty guidelines under their own authority in non-Federally-funded activities also have the option of choosing to use a percentage multiple of the guidelines such as 125 percent or 185 percent.

While many programs use the guidelines to classify persons or families as either eligible or ineligible, some other programs use the guidelines for the purpose of giving priority to lower-income persons or families in the provision of assistance or services.

In some cases, these poverty guidelines may not become effective for a particular program until a regulation or notice specifically applying to the program in question has been issued.

The poverty guidelines given above should be used for both farm and non-farm families. Similarly, these guidelines should be used for both aged and non-aged units. The poverty guidelines have never had an aged/non-aged distinction; only the Census Bureau (statistical) poverty thresholds have separate figures for aged and non-aged one-person and two-person units.

Definitions

There is no universal administrative definition of ''family,'' ''family unit,'' or ''household'' that is valid for all programs that use the poverty guidelines. Federal programs in some cases use administrative definitions that differ somewhat from the statistical definitions given below; the Federal office which administers a program has the responsibility for making decisions about its administrative definitions. Similarly, non-Federal organizations which use the poverty guidelines in non-Federally-funded activities may use administrative definitions that differ from the statistical definitions given below. In either case, to find out the precise definitions used by a particular program, please consult the office or organization administering the program in question.

The following statistical definitions (derived for the most part from language used in U.S. Bureau of the Census, Current Population Reports, Series P60–185 and earlier reports in the same series) are made available for illustrative purposes only; in other words, these statistical definitions are not binding for administrative purposes.

(a) *Family.* A family is a group of two or more persons related by birth, marriage, or adoption who live together; all such related persons are considered as members of one family. For instance, if an older married couple, their daughter and her husband and two children, and the older couple's nephew all lived in the same house or apartment, they would all be considered members of a single family.

(b) *Unrelated individual.* An unrelated individual is a person (other than an inmate of an institution) who is not living with any relatives. An unrelated individual may be the only person living in a house or apartment, or may be living in a house or apartment (or in group quarters such as a rooming house) in which one or more persons also live who are not related to the individual in question by birth, marriage, or adoption. Examples of unrelated individuals residing with others include a lodger, a foster child, a ward, or an employee.

(c) *Household.* As defined by the Census Bureau for statistical purposes, a household consists of all the persons who occupy a housing unit (house or apartment), whether they are related to each other or not. If a family and an unrelated individual, or two unrelated individuals, are living in the same housing unit, they would constitute two family units (see next item), but only one household. Some programs, such as the Food Stamp Program and the Low-Income Home Energy Assistance Program, employ administrative variations of the ''household'' concept in determining income eligibility. A number of other programs use administrative variations of the ''family'' concept in determining income eligibility. Depending on the precise program definition used, programs using a ''family'' concept would generally apply the poverty guidelines separately to each family and/or unrelated individual within a household if the household includes more than one family and/or unrelated individual.

(d) *Family Unit.* ''Family unit'' is not an official U.S. Census Bureau term, although it has been used in the poverty guidelines **Federal Register** notice since 1978. As used here, either an unrelated individual or a family (as defined above) constitutes a family unit. In other words, a family unit of size one is an unrelated individual, while a family unit of two/three/etc. is the same as a family of two/three/etc.

Note that this notice no longer provides a definition of ''income.'' This is for two reasons. First, there is no universal administrative definition of ''income'' that is valid for all programs that use the poverty guidelines. Second, in the past there has been confusion regarding important differences between the statistical definition of income and various administrative definitions of ''income'' or ''countable income.'' The precise definition of ''income'' for a particular program is very sensitive to the specific needs and purposes of that program. To determine, for example, whether or not taxes, college scholarships, or other particular types of income should be counted as ''income'' in determining eligibility for a specific program, one must consult the office or organization administering the program in question; that office or organization has the responsibility for making decisions about the definition of ''income'' used by the program (to the extent that the definition is not already contained in legislation or regulations).

Dated: February 11, 2004.

Tommy G. Thompson,

Secretary of Health and Human Services.

[FR Doc. 04–3329 Filed 2–12–04; 8:45 am]

BILLING CODE 4154–05–P

Federal Register

Friday,
February 13, 2004

Part VI

Department of Health and Human Services

Centers for Medicare & Medicaid Services

Medicare Program; Revisions to the One-Time Appeal Process for Hospital Wage Index Classification; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1373–N2]

RIN 0938–AN00

Medicare Program; Revisions to the One-Time Appeal Process for Hospital Wage Index Classification

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice revises, clarifies, and corrects technical errors in the notice published in the January 6, 2004 **Federal Register** entitled ''Medicare Program; Notice of One-Time Appeal Process for Hospital Wage Index Classification.'' The January 6, 2004 notice, in accordance with section 508(a) of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, established a one-time appeal process by which a hospital may appeal the wage index classification otherwise applicable to the hospital.

DATES: *Effective Date:* This notice is effective February 13, 2004.

Deadline for Submission of Appeal Requests: Appeal requests will be considered if the Medicare Geographic Classification Review Board receives them, at the appropriate address, no later than 5 p.m. EST on February 15, 2004.

Applicability: Geographic redesignations granted under this process are applicable to discharges occurring during the 3-year period beginning with discharges on or after April 1, 2004 and before April 1, 2007.

FOR FURTHER INFORMATION CONTACT: James Hart, (410) 786–4548.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 1886(d)(10) of the Act, the Medicare Geographic Classification Review Board (MGCRB) considers applications by hospitals for geographic reclassification for purposes of payment under the inpatient prospective payment system (IPPS). Hospitals can elect to reclassify for the wage index or the standardized amount, or both, and as individual hospitals or as groups. Generally, hospitals must be proximate to the labor market area to which they are seeking reclassification and must demonstrate characteristics similar to hospitals located in that area. Hospitals must apply for reclassification to the MGCRB. The MGCRB issues its decisions by the end of February for reclassifications to become effective for the following fiscal year (FY) (beginning October 1). The regulations applicable to reclassifications by the MGCRB are located in 42 CFR 412.230 through 412.280.

Section 1886(d)(10)(D)(v) of the Act provides that, beginning with FY 2001, an MGCRB decision on a hospital reclassification for purposes of the wage index is effective for 3 FYs, unless the hospital elects to terminate the reclassification. Section 1886(d)(10)(D)(vi) of the Act provides that the MGCRB must use the 3 most recent years' average hourly wage data in evaluating a hospital's reclassification application for FY 2003 and any succeeding FY.

Section 304(b) of Public Law (Pub. L.) 106–554 provides that the Secretary must establish a mechanism under which a statewide entity may apply to have all of the geographic areas in the State treated as a single geographic area for purposes of computing and applying a single wage index, for reclassifications beginning in FY 2003. The implementing regulations for this provision are located at § 412.235.

Section 1886(d)(8)(B) of the Act permits a hospital located in a rural county adjacent to one or more urban areas to be designated as being located in the Metropolitan Statistical Areas (MSA) to which the greatest number of workers in the county commute if—(1) The rural county would otherwise be considered part of an urban area under the standards published in the **Federal Register** for designating MSAs (and for designating New England County Metropolitan Areas (NECMAs)); and (2) if the commuting rates used in determining outlying counties (or, for New England, similarly recognized areas) were determined on the basis of the aggregate number of resident workers who commute to (and, if applicable under the standards, from) the central county or counties of all contiguous MSAs (or NECMAs). Hospitals that meet these criteria are deemed urban for purposes of the standardized amounts and for purposes of assigning the wage index.

On June 6, 2003, the Office of Management and Budget (OMB) issued OMB Bulletin No. 03–04, announcing revised definitions of MSAs and new definitions of Micropolitan Statistical Areas and Combined Statistical Areas. The new definitions recognize 49 new Metropolitan Statistical Areas and 565 new Micropolitan Statistical Areas, as well as extensively revising the construct of many of the existing Metropolitan Areas. We are in the process of evaluating these new MSA definitions. At this time, however, we have not adopted these revised MSA definitions for purposes of the wage index. Therefore, references to MSAs (and, by inference, NECMAs) in this notice refer to the MSAs currently used for the wage index; those in place before the new definitions announced in June 2003 by OMB.

II. Summary of the Revisions to the January 6, 2004 Notice

Section 508(a) of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) (Pub. L. 108–173) provided that, by January 1, 2004, the Secretary must establish by instruction or otherwise, a process for hospitals to appeal their wage index classification. Therefore, on December 31, 2003 we posted the process on our Web site and it was placed on public display at the Office of the Federal Register. On January 6, 2004, the process was published in a **Federal Register** notice (69 FR 661).

In accordance with section 508(c)(2) of Public Law 108–173, which allows the Secretary, ''by instruction or otherwise,'' to specify the criteria for determining which hospitals will be considered ''qualifying hospitals'' for purposes of the appeal process, we are now making technical corrections to and revising these criteria by—

- Correcting the following errors in the January 6, 2004 notice:

++ In several sections of the document, the acronym ''EDT'' will be corrected to read ''EST'';

++ A typographical error in the percentage decrease discussed in criterion 2(e). In the first sentence of criterion 2(e), we will correct the phrase ''that experiences at least a 6 percent'' to read ''that experiences at least a 5 percent'';

++ In section III.D (Appeal Request Procedure) the sentence ''The request must be mailed.'' will be corrected to read ''The request must be mailed or delivered.''

- Clarifying the introductory paragraph of section III.B. (One-Time Appeal Process Criteria) by adding the following sentence ''For purposes of applying these criteria, the MGCRB will employ only official data provided by the CMS''.
- Revising criteria 2(a).
- Revising criteria 2(c), 2(f), and 2(h) by adding criterion 2(c)(2), 2(f)(3), and 2(h)(2), respectively.
- Revising criteria 2, first sentence, parenthetical phrase ''(except in the case of criteria 2(b) and 2(g) below)'' to read ''(except in the case of criteria 2(a), 2(b), 2(f)(3) and 2(g) below)''.

• Revising criterion 2(h), the last bulleted item, the date ''December 15, 2003'' will be revised to read ''December 30, 2003.'' In developing criterion 2(h), we estimated that we would have to receive notification from hospitals of their intention to submit performance data by December 15, 2003 in order to have enough time to consider and rate the applications received in response to 2(h). Subsequently, we have determined that we can accept the requested data beyond December 15, 2003 date and still meet our obligations with respect to the consideration and ranking of applications.

To aid the reader in reviewing our corrections, clarifications, and revisions, we are republishing sections II through V of the January 6, 2004 **Federal Register** notice (now sections III through VI) with all of the changes incorporated.

We believe hospitals have sufficient time to review these revised criteria before the February 15, 2004 due date for submitting applications. Hospitals that planned to apply under the January 6, 2004 **Federal Register** notice should not find it necessary to make any significant revisions to their applications (in the event they have begun their applications).

III. Provisions of the Notice

A. One-Time Appeal Process Requirements

Under this process, a qualifying hospital may appeal the wage index classification otherwise applicable to the hospital and apply for reclassification to another area of the State in which the hospital is located (or, at the discretion of the Secretary, to an area within a contiguous State). Such reclassifications are applicable to discharges occurring during the 3-year period beginning April 1, 2004 and ending March 31, 2007.

The process requirements under section 508(a)(2) and (a)(3) of Public Law 108–173 are as follows:

• A hospital must file an appeal request no later than February 15, 2004.

• The MGCRB will consider the request of any qualifying hospital to change its geographic classification for purposes of determining the hospital's area wage index. The MGCRB will issue a decision on the requests. There shall be no further administrative review or judicial appeal of the MGCRB's decision.

• If the MGCRB determines that the hospital is a qualifying hospital, the hospital shall be reclassified to the selected area within the State where the hospital is located (or, at the discretion of the Secretary, to an area within a contiguous State). The approved reclassification will be effective for 3 years beginning with discharges occurring on April 1, 2004.

Under section 508(c) of Public Law 108–173, a ''qualifying hospital'' is defined as a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Act) that—

• Does not qualify for a change in wage index classification under paragraphs (8) or (10) of section 1886(d) of the Act on the basis of requirements relating to distance or commuting. Current distance and commuting criteria for individual hospitals seeking reclassification are set forth in § 412.230(b) of the regulations. Rural referral center and sole community hospital distance requirements are at § 412.230(a)(3)(ii). Generally, hospitals must demonstrate a close proximity to the labor market area to which they are seeking reclassification. The proximity criteria are met if—(1) For an urban hospital the distance from the hospital to the area to which the hospital is reclassifying is no more than 15 miles; and (2) for a rural hospital, the distance from the hospital to the area to which the hospital is reclassifying is no more than 35 miles (§ 412.230(b)(1)) or; at least 50 percent of the hospital's employees reside in the area (§ 412.230(b)(2)). Rural referral centers and sole community hospitals are required to reclassify to the urban or another rural area closest to the hospital. (§ 412.230(a)(3)(ii)); and

• Meets such other criteria, such as quality, as the Secretary may specify by instruction or otherwise.

Section 508(b) of Public Law 108–173 specifies that approved requests under this process must not affect the wage index computation for any area or any other hospital and shall not be budget neutral. The provisions of this section shall not affect payment for discharges occurring after the end of the 3-year period, which ends March 31, 2007. Finally, as specified, the total additional expenditures of this section shall not exceed $900 million.

Under § 412.273(b), a hospital may terminate an approved 3-year reclassification for purposes of the wage index within 45 days of publication of CMS's annual notice of proposed rulemaking concerning changes and updates to the IPPS for the FY for which the termination is to apply. That is, a hospital may terminate its wage index reclassification during the first, second, or third year of that reclassification. In order to terminate a reclassification under this one-time process, a hospital should follow the process at § 412.273(b). Terminations will be effective with discharges during the following FY (beginning October 1). Hospitals whose applications under the one-time process are approved will not be able to terminate such a reclassification before October 1, 2004.

B. One-Time Appeal Process Criteria

All hospitals seeking reclassification under this one-time process must submit an application consistent with the process described in section III.D. of this notice. Hospitals that have submitted an application under the routine MGCRB application process must still submit a separate application for consideration by the MGCRB under this process. The MGCRB may only approve a request, from any subsection (d) hospital, for geographic reclassification for purposes of wage index under this process if *both* of the following criteria are met (see section III.C. of this notice for a discussion of the rationale for the criteria). For purposes of applying these criteria, the MGCRB will employ only official data provided by CMS. For purposes of applying these criteria, average hourly wages (AHWs) refers to the 3-year average AHWs published in the August 1, 2003 final rule (68 FR 45345) for hospitals (Table 2) and MSAs and rural areas (Tables 3A and 3B, respectively), as corrected in the October 6, 2003 **Federal Register** (68 FR 57732). As noted above, references to MSAs refer to the MSA definitions currently employed for the wage index, those in place before OMB's announcement of revised MSAs in June 2003. Note that *both* of the following criteria must be met in all reclassifications under this process:

1. A hospital meets neither the distance requirement set forth in § 412.230(b)(1) nor the commuting requirement set forth in § 412.230(b)(2) (or fails to meet the requirements in § 412.230(a)(3)(ii) in the case of a rural referral center or sole community hospital) to be reclassified into the MSA for which the request under this process is submitted.

2. The hospital does not otherwise qualify for reclassification effective for discharges on or after October 1, 2004 (except in the case of criteria 2(a), 2(b), 2(f)(3), and 2(g) below), under the reclassification process at 42 CFR part 412 subpart L, and one of the following criteria is met:

a. The hospital is an urban hospital or a sole community hospital located in a State with fewer than 10 people per square mile. The hospital may only reclassify under this process to another MSA within its State. (Based on the 2000 Census data, only urban hospitals or sole community hospitals in the

States of Alaska, Montana, North Dakota, South Dakota, and Wyoming meet this criterion.)

b. The hospital is currently (for FY 2004) reclassified into another MSA and the hospital's 3-year AHW is at least 108 percent of the AHW of the hospitals geographically located in the MSA to which the hospital is currently reclassified. The hospital may only reclassify under this process to an MSA within the hospital's State that has an area AHW nearest to, but not less than, the hospital's AHW. If there is no such MSA, the hospital will receive a wage index calculated based upon its own AHW. If a hospital that otherwise would be reclassified effective for discharges on or after October 1, 2004 is approved for reclassification under this one-time appeal process based upon this criterion, any other reclassifications will be considered to have been terminated effective for discharges on or after April 1, 2004.

c. One of the following criteria is met:

(1) The hospital is currently (for FY 2004) reclassified by the MGCRB to another MSA but, upon applying to the MGCRB for FY 2005, is ineligible for reclassification because its AHW is now less than 84 percent (but greater than 82 percent) of the AHW of the hospitals geographically located in the MSA to which the hospital applied for reclassification for FY 2005. The hospital may only reclassify under this process to an MSA within its State with an FY 2004 wage index value that is nearest to the FY 2004 wage index the hospital currently receives.

(2) The hospital had a dominance percentage in its area of at least 75 percent (where the dominance percentage is the percentage of the hospital wages in the area that are paid by the hospital), and at least 50 percent of the hospital's discharges were Medicare beneficiaries. (The MGCRB will employ data on total wages from the final FY 2004 wage data public use file and the Medicare percentage from the final FY 2004 Medicare inpatient payment impact file to make these determinations. The total wages are calculated in Steps 2 and 4 of the methodology used to compute the wage index (see the August 1, 2003 final rule 68 FR 45398)). The hospital may only reclassify to an MSA within its State that has the wage index nearest to, but not less than, the FY 2004 wage index the hospital currently receives. The FY 2004 wage index of the area to which the hospital is reclassifying must exceed the FY 2004 wage index the hospital currently receives and in determining the next highest wage index, the wage index of any area to which the hospital is precluded from reclassifying under criterion 1, is excluded.

d. The hospital was part of an urban county group reclassification application to the MGCRB for FY 2004 or FY 2005 in accordance with § 412.234, but the application did not meet the standardized amount criteria set forth in § 412.234(c). Individual hospitals that were part of the urban county group reclassification application may reclassify under this process only to the MSA specified in the group application.

e. The hospital is located in an MSA that experiences at least a 5 percent decrease in its FY 2004 wage index compared to its FY 2003 wage index; and a hospital with an AHW that is at least 10 percent higher than the MSA's AHW that reclassified into the MSA during FY 2003 has reclassified elsewhere for FY 2004. The hospital may reclassify under this process only to an MSA within its State with an FY 2004 area wage index value that is nearest to what it would have received if the hospital that previously reclassified into the MSA had continued to reclassify into the MSA for FY 2004.

f. One of the following criteria are met:

(1) The hospital is located in an MSA that is adjacent to an MSA (or urban county) that was reclassified under section 152 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, Public Law 106–113 and the hospital's FY 2004 wage index is at least 10 percent less than the FY 2004 wage index of the adjacent MSA (or urban county) that was reclassified under section 152 of Public Law 106–113.

(2) The hospital is located in an MSA that is adjacent to an MSA identified in sections 153 or 154(a) of Public Law 106–113, and the hospitals' FY 2004 wage index is at least 10 percent less than the FY 2004 wage index of the adjacent MSA identified in section 153 or 154(a) of Public Law 106–113.

(3) The hospital is located in (or reclassified in FY 2004 to for wage index purposes) an MSA—

(a) In which the wage index decreased by at least 4.5 percent from FY 2002 to FY 2003;

(b) In which a hospital that paid at least 30 percent of the hospital wages paid by all the hospitals geographically located in such hospitals' MSA experienced a decrease of at least 4.5 percent in the AHW employed in the computation of the FY 2003 wage index compared to the AHW employed in the computation of the FY 2002 wage index; and

(c) Which is contiguous to an MSA that has a wage index at least 9.5 percent higher in FY 2004.

Hospitals eligible under either of subsections (f)(1) or (f)(2) above may reclassify under this process only to the adjacent MSA (or urban county) identified in the applicable section of Public Law 106–113, except that a hospital that fails to meet criterion 1 with respect to an adjacent MSA may reclassify to an MSA within the State that has the FY 2004 wage index that is nearest to the FY 2004 wage index value of the MSA adjacent to the MSA in which the hospital is located. Hospitals eligible under subsection (f)(3) above may reclassify under this process only to an adjacent MSA for which the FY 2004 wage index is at least 9.5 percent greater than the wage index for the MSA in which the hospital is currently located or reclassified to, except that a hospital that fails to meet criterion 1 with respect to an adjacent MSA may reclassify to an MSA within the State that has the FY 2004 wage index that is nearest to the FY 2004 wage index value of the MSA adjacent to the MSA in which the hospital is located

g. The hospital received reclassification by an act of the Congress that expired on September 30, 2003. The hospital may only reclassify under this process to the MSA to which it was reclassified by an act of the Congress, unless it would not qualify to reclassify under this process into such MSA because it fails to meet criterion 1 above. If the later situation applies, the hospital may reclassify to another MSA in its State, when it would meet criterion 1 above, with a FY 2004 wage index that most closely approximates the FY 2004 wage index of the area to which the hospital was reclassified by statute. Nothing in this criterion will be viewed as superseding the reclassifications extended by section 508(f) of Public Law 108–173.

h. After decisions by the MGCRB based on hospitals meeting criteria 2(a) through 2(g) above, as well as our implementation of section 508(f) of Public Law 108–173, the MGCRB may approve—

(1) A hospital to be reclassified if the hospital's 3-year AHW is at least 106 percent of the 3-year AHW of the hospitals geographically located in the area in which the hospital is located.

(2) A dominant hospital (that is, a hospital that pays at least 40 percent of the wages paid by all hospitals geographically located in the hospital's area) to be reclassified if the hospital's AHW exceeds the AHW of the hospitals geographically located in the hospital's

area by the percentage determined using the following formula:

$106 - [0.02 \times (\text{the hospital's dominance percentage})]$

The dominance percentage is the percentage of the hospital wages in the area that are paid by the hospital. (The MGCRB will employ data on total wages from the final FY 2004 wage data public use file and the Medicare percentage from the final FY 2004 Medicare inpatient payment impact file to make these determinations. The total wages are calculated in Steps 2 and 4 of the methodology used to compute the wage index (see the August 1, 2003 final rule 68 FR 45398).)

Example: A hospital's dominance percentage is 60, that is, the hospital pays 60 percent of the wages paid by all the hospitals geographically located in the area in which the hospital is located.

Under the formula: $106 - [0.02 \times 60] = 106 - 1.2 = 104.8$

Therefore, a hospital with a dominance percentage of 60 percent can be approved for reclassification if its AHW is at least 104.8 percent of the AHW of the hospitals geographically located in the hospital's area and it meets all other relevant criteria.

The MGCRB will reclassify a hospital under this process to the MSA within the hospital's State (in the case of a rural hospital or the nearest Statewide rural area of a contiguous State) that has an area 3-year AHW nearest to the hospital's 3-year AHW. However, to be classified to that area, the hospital's 3-year AHW must be at least 82 percent of the 3-year AHW of the area to which it would be reclassified. The requests submitted under this criterion will be considered and approved by the MGCRB in rank order. Ranking will be based on the percentage difference between the hospital's 3-year AHW and the 3-year AHW of the area where the hospital is geographically located. A hospital application received under criterion 2(h) will receive a 2.5 percentage point increase in its ranking for each of the following two criteria that are met:

- The hospital has either—

++ By January 23, 2004, submitted performance data on any of the 10 measures that were in the National Voluntary Hospital Reporting Initiative on November 15, 2003 meeting the sample size specifications of either the Joint Commission on Accreditation of Healthcare Organizations or CMS; or

++ Pledged, in a form dated before December 30, 2003 to submit such data; or

- The hospital is a rural hospital.

For example, an urban hospital with a 3-year AHW that is 110 percent higher than the 3-year AHW for the area where it is located would be ranked as though its 3-year AHW were 112.5 percent if that hospital had submitted quality data by January 23, 2004. If the hospital were a rural hospital, it would be ranked as though its 3-year AHW were 115 percent of its area's 3-year AHW. Hospitals applying in accordance with criterion 2(h) will only be approved after the MGCRB decides upon all applications meeting the criteria specified in 2(a) through 2(g) and section 508(f) of Public Law 108–173.

C. Rationale for Criteria

Criteria 2(a) through 2(g) above are designed to assist categories of hospitals that fall just beyond the current reclassification criteria. Although we generally believe our current reclassification process appropriately balances the requirement at section 1886(d)(3)(E) of the Act to adjust payments to reflect the ''relative hospital wage level in the geographic area of the hospital compared to the national average hospital wage level'' and the provisions for geographic reclassification at section 1886(d)(8) and (10) of the Act, section 508 of Public Law 108–173 was intended to address, on a one-time basis, situations that do not meet the established criteria. Specific rationale for each criterion follows:

a. In States with low population densities, employees are likely to commute greater distances to work. Dispersed urban areas are, therefore, more likely to compete for employees than are urban areas in more densely populated States. We established the population density and number of MSAs based on our analysis indicating these criteria best captured such a Statewide labor market situation. We did not include all rural hospitals under this criterion because we already employ Statewide rural labor markets. We included sole community hospitals out of consideration for the special role of these facilities in the program, especially in sparsely populated States. Sole community hospitals are otherwise recognized as special hospitals under Public Law 108–173 and other Medicare provisions; therefore, it is important that we recognize them and accommodate their special circumstances under this criterion.

b. This criterion recognizes that some reclassified hospitals have an AHW much higher than a nearby MSA into which they have already been reclassified. We believe it is appropriate to provide some relief for these situations under this one-time appeal process. Because, in some cases, the AHW of hospitals meeting this criterion are likely to exceed those of any labor market area within the State, we are providing under this one-time appeal process that a hospital qualifying under this criterion may receive a wage index based on its own AHW if there is no MSA AHW at least equal to the hospital's AHW.

c. This criterion recognizes two anomalous situations. The first addresses situations when previously reclassified urban hospitals would meet the lower criterion for rural hospitals to reclassify, but for FY 2005 fail to meet the urban hospital wage comparability criterion. The second recognizes the unique position of hospitals that are heavily dominant in their wage areas (and, thus, find it difficult to meet any threshold requirement based on the ratio of the hospital's AHW to the AHW of hospitals in the area) and that also have a high percentage of Medicare discharges (and are thus financially vulnerable on the Medicare side of their business).

d. This criterion recognizes situations where hospitals have been denied reclassification because they failed to meet the standardized amount criterion, even though the hospital would have received no benefit from a standardized amount reclassification because section 401 of Public Law 108–173 eliminated the differential in the standardized amounts between urban and rural areas.

e. This criterion would protect hospitals from the negative impact on an MSA's wage index resulting from a hospital with a significantly higher AHW that no longer reclassifies into the MSA. The wage index decrease standard and the AHW difference standard are designed to focus this criterion upon situations when the reclassification elsewhere of a particular hospital has a truly negative impact on the MSA's wage index.

f. The first two provisions of this criterion would alleviate large disparities in wage indices resulting from statutory reclassifications. They are limited to adjacent MSAs because these are the labor market areas most impacted by the statutory reclassifications (that is, rather than Statewide rural labor market areas). The third provision would address the situation of hospitals that are affected by an abrupt and substantial drop in the AHW of a hospital that pays a substantial portion of hospital wages in an MSA and that are in an MSA adjacent to an MSA that has a substantially higher wage index. In these situations, hospitals that

experience a substantial decrease because of a decline in the AHWs of one hospital in their wage index are placed at a competitive disadvantage compared to other hospitals in their region. Temporarily allowing these hospitals to receive the wage index of the contiguous MSAs would alleviate this harm.

g. These statutory reclassifications would have expired on September 30, 2003 but were extended by section 508(f) of Public Law 108–173 and would otherwise expire on September 30, 2004. Because of the special circumstances of these hospitals as recognized by the Congress, we believe it is appropriate to allow them to reclassify under this one-time appeal process. However, like other hospitals, these hospitals must meet criterion 1 in order to be considered qualifying hospitals under the statute. Therefore, if a hospital would not meet criterion 1 with regard to the MSA to which the Congress reclassified it, the hospital must reclassify to another MSA in its State where it would meet criterion 1 and with a FY 2004 wage index that most closely approximates the FY 2004 wage index of the area to which the Congress reclassified it.

h. This criterion would permit other hospitals that are not currently reclassified to be reclassified based upon the relationship between their AHW and the AHW of the area where they are geographically located. We believe it is appropriate to give priority to hospitals whose AHW exceeds the area's AHW by the largest percentage and demonstrate a significant disparity (that is at least 106 percent of the AHW of the area in which they are located) between the hospitals' current AHW and the area AHW. Furthermore, rural hospitals tend to have lower AHWs in general than urban hospitals. Therefore, we believe it is appropriate to provide a bonus under this criterion to rural hospitals. Finally, we believe in light of the Congress' mention of the submission of quality data in section 508(c)(2) of Public Law 108–173, and the importance for the future of health care quality to have performance measures that allow us to evaluate quality, it is appropriate to give preferential treatment to hospitals that have submitted these data. We are providing a special threshold standard to accommodate the circumstances of dominant hospitals. A dominant hospital, as described in criterion (h)(2), is a hospital that pays 40 percent of the total wages paid by all the hospitals in its area. It is mathematically more difficult for a hospital to meet any threshold requirement the more dominant it is in its area. Dominant hospitals may thus qualify for consideration at a percentage threshold less than 106 percent. This threshold is determined in relation to the hospital's dominance percentage, that is, the percentage of the hospital wages in the area that are paid by the hospital.

D. One-Time Appeal Request Procedure

We are providing that a hospital seeking reclassification under section 508 of Public Law 108–173 must submit a request in writing by February 15, 2004, to the MGCRB, with a copy to CMS. The request must be mailed or delivered. Facsimile or other electronic means are not acceptable.

The request must contain the following information:

- The hospital's name and street address.
- The hospital's Medicare provider number.
- The name, title, and telephone of a contact person for all communications regarding the appeal request.
- The name of the area/county (include the MSA/identification number) where the hospital is located.
- The name of the area/county (refer to the criteria) where the hospital wishes to be reclassified.
- A statement certifying that the hospital meets criterion 1.
- A statement describing which criterion (that is, criteria 2(a) through 2(h)) is applicable. If more than one criterion is applicable, the hospital should list the applicable criteria in order of preference.

A hospital's appeal request must be received no later than 5:00 p.m. EST on February 15, 2004. The request must be typed or clearly printed in ink.

Hospitals may submit their applications in one of two ways. The first option applies to applications submitted on or before February 13, 2004. Hospitals submitting an appeal under the first option must mail or deliver an original copy of their appeal request to the MGCRB at the following address: Medicare Geographic Classification Review Board 2520 Lord Baltimore Drive, Suite L, Baltimore, Maryland 21244–2670.

Hospitals submitting an appeal under the first option must simultaneously send an informational copy of their completed appeal request to the following address: Centers for Medicare & Medicaid Services, Center for Medicare Management, Hospital and Ambulatory Policy Group, Division of Acute Care, Attention: One-Time Appeal Process, Mail Stop C4–08–06, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

The second option is to arrange for delivery of the appeal on Saturday, February 14, 2004, or Sunday, February 15, 2004. Delivery is not possible on these days to the MGCRB address (that is, 2520 Lord Baltimore Drive, Suite L, Baltimore, Maryland 21244–1850). Therefore, we are providing special delivery arrangements for these 2 days only. Deliveries may be made on February 14 and 15 between the hours of 9 a.m. and 5 p.m. to the CMS complex at the following address: 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Deliveries on these 2 days must include the original copy of the appeal and an informational copy. In order to make delivery on February 14 or February 15, visitors must report to the main gate of the CMS complex and present photo identification in order to be admitted to the complex. Security personnel will direct visitors to the appropriate delivery site within the CMS complex.

Hospitals may want to send their application by a delivery method that guarantees a signed receipt, which indicates delivery and date of delivery of their appeal request to the MGCRB. The MGCRB and CMS addresses listed above are applicable for both United States mail and courier service delivery.

IV. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the OMB for review and approval. To fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comments on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

However, the collection requirements associated with section III.B. of this notice are currently approved under OMB PRA approval number 0938–0573, ''Medicare Geographic Classification Review Board,'' with a current expiration date of October 31, 2005. In addition, we believe that any information collected subsequent to an administrative action, such as an appeal

of a geographic classification, are exempt from the PRA as stipulated under 5 CFR 1320.4(a)(2).

Consequently, this document does not impose any new information collection and recordkeeping requirements that would require a review by the OMB under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

V. Waiver of the Delay in Effective Date

Section 903 of Public Law 108–173 amended section 1871(e)(1) of the Act to specify that a substantive change shall not become effective before the end of the 30-day period that begins on the date that the Secretary has issued or published the substantive change. Section 903 of Public Law 108–173 also states that the substantive change can take effect on a date that precedes the 30-day period if the Secretary finds that waiver of this period is necessary to comply with statutory requirements, or is contrary to the public interest. In addition, it specifies that the issuance or publication must include a brief statement of the reasons for this finding.

This notice meets the waiver criteria described in section 1871(e)(1)(B)(ii) of the Act, because it revises the January 6, 2004 **Federal Register** notice developed in accordance with section 508 of Public Law 108–173, which required the Secretary to establish a one-time appeal process by January 1, 2004 and directed that the appeals be ''filed as soon as possible after the date of enactment of the Act.'' To ensure that appeals are filed as soon as possible, a revised process must be in effect and there can be no delay in the effective date.

VI. Regulatory Impact Statement

We have examined the impact of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), and Executive Order 13132.

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This notice would increase payments to hospitals by up to $900 million, and, thus, is considered a major rule.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. Since this notice does not impose any costs on State or local governments, the requirements of E.O. 13132 are not applicable.

We estimate the impact of this provision will be to increase payments to hospitals by up to $900 million. As noted above, section 508 of Public Law 108–173 specifies that the aggregate amount of additional expenditures resulting from the application of this section shall not exceed $900 million. Section 508(f) requires that hospitals previously reclassified by an act of Congress, but such reclassification expired effective with discharges on or after October 1, 2003, shall have their reclassifications reinstated effective April 1, 2004 through September 30, 2004. The extra payments for these reclassification extensions under section 508(f) are also subject to the $900 million limit.

We estimate the increased payments under section 508(f) will total approximately $41 million. The higher payments associated with reclassifications under this one-time appeal process are not expected to exceed a total of $859 million (during the 3-year period covered by the provision).

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

Authority: Section 508(a) of the Public Law 108–173.

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 5, 2004.

Dennis G. Smith,

Acting Administrator, Centers for Medicare & Medicaid Services.

Approved: February 6, 2004.

Tommy G. Thompson,

Secretary.

[FR Doc. 04–3377 Filed 2–11–04; 1:36 pm]

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Federal Register

Vol. 69, No. 30

Friday, February 13, 2004

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FEDERAL REGISTER PAGES AND DATE, FEBRUARY

4843–5004 2
5005–5256 3
5257–5458 4
5459–5678 5
5679–5904 6
5905–6138 9
6139–6524 10
6525–6904 11
6905–7104 12
7105–7346 13

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7754 5457
7755 5677
7756 5903
Executive Orders:
12512 (Revoked by EO 13327) 5897
12958(See EO 13328) 6901
13328 6901
13327 5897
Administrative Orders:
Presidential Determinations:
No. 2004-21 4843

5 CFR

532 .....5257, 7105
Proposed Rules:
591 6020
890 5935

7 CFR

300 4845
301 4845
319 .....4845, 5673, 6905
762 5259
905 5679
930 6905
932 5905
984 6910
989 6912
1724 7105
1726 7105
1755 7105
1940 5263
1941 5259
1943 5259
1951 .....5259, 5264
1962 5264
1965 5264
Proposed Rules:
319 5673
761 6056
762 6056
763 6056
764 6056
765 6056
766 6056
767 6056
768 6056
769 6056
1205 5936
1423 6201
1728 6926

8 CFR

Proposed Rules:
103 5088

10 CFR

50 5267
71 6139
Proposed Rules:
170 4865
171 4865

11 CFR

111 6525

12 CFR

222 6526
229 6917
Proposed Rules:
Ch. VII 5300
25 5729
228 5729
345 5729
502 6201
563e 5729
703 4886
704 4886

13 CFR

Proposed Rules:
121 5302

14 CFR

1 6531
21 6531
25 6532
39 .....5505, 5007, 5459, 5907, 5909, 5911, 5913, 5914, 5918, 5920, 5922, 5924, 5926, 6139, 6532, 6533, 6534, 6536, 6538, 6539, 6541, 6542, 6546, 6547, 6549, 6552, 6553, 7111, 7113
61 6531
71 .....5008, 5009, 5010, 5011, 5012, 5013, 5014, 5461, 5462, 5463
77 5682
91 .....6531, 6532, 6555
93 6555
97 .....5683, 5684
119 .....6531, 6555
121 .....5388, 6380, 6531, 6532, 6555, 6556
125 .....6531, 6532, 6556
129 6531
135 .....5388, 6531, 6532, 6555, 6556,
139 6380
142 6531
145 5388
183 6555
1260 .....5015, 5016
1274 5016
Proposed Rules:
25 5747
36 6856
39 .....5302, 5477, 5756, 5759, 5762, 5765, 5767, 5769,

5771, 5773, 5775, 5778, 5780, 5781, 5783, 5785, 5787, 5790, 5792, 5794, 5936, 5939, 6214, 6585, 6587, 7170, 7174, 7176, 7179, 7181
60 6216
61 6218
71 ....5093, 5094, 5095, 5097, 5098, 5479
73 5099
77 5101
91 6218
119 6218
121 ....6216, 6218
135 6218
136 6218

15 CFR

730 5686
732 5686
734 ....5686, 5928
736 5686
740 ....5686, 5928
746 5686
748 5686
750 5686
752 5686
774 5927

16 CFR

456 5451
602 6526
Proposed Rules:
310 7330
315 5440
456 5440

17 CFR

1 6140
Proposed Rules:
239 6438
240 ....6124, 6438, 6928
249 6928
274 ....6438, 6928

18 CFR

2 5268
4 5268
5 5268
9 5268
16 5268
375 5268
385 5268

20 CFR

404 5691

21 CFR

1 4851
119 6788
201 7114
522 7115
529 6556
556 6556
558 6557
610 7114
1271 5272

23 CFR

140 7116
200 7116
630 7116
633 7116
635 7116
640 7116

24 CFR

Proposed Rules:
200 7324
203 7324
291 7324
990 5796

25 CFR

Proposed Rules:
162 6500

26 CFR

1 ....5017, 5248, 5272, 5931
301 5017
602 5017
Proposed Rules:
1 ....5101, 5797, 5940, 7183
301 5101

28 CFR

2 5273

29 CFR

4022 7119
4044 7119
4904 7120
Proposed Rules:
1926 7184

30 CFR

Proposed Rules:
943 ....5102, 5942

31 CFR

Proposed Rules:
10 5304

32 CFR

199 6919
Proposed Rules:
153 4890
1602 5797
1605 5797
1609 5797
1656 5797

33 CFR

110 5274
117 ....5017, 5275, 5276, 5463, 6558
147 6146
165 ....5277, 5280, 5282, 5284, 5465, 5467, 5469, 5471, 5473, 6148, 6150, 6152, 6154, 6156, 6158, 6559
Proposed Rules:
165 ....6219, 6221

34 CFR

280 4995

36 CFR

242 5018
Proposed Rules:
7 5799
242 5105

37 CFR

262 5693
263 5693

38 CFR

Proposed Rules:
3 6223

40 CFR

19 7121
27 7121
52 ....4852, 4856, 5036, 5286, 5289, 5932, 6160, 7096, 7127, 7133
60 ....7135, 7148
63 5038
81 4856
141 7156
180 ....5289, 6561, 7161
268 6567
Proposed Rules:
30 6592
31 6592
33 6592
35 6592
40 6592
51 ....4901, 5944
52 ....4902, 4903, 4908, 5412, 6223, 7098, 7185
55 6928
72 ....4901, 5944
75 ....4901, 5944
81 4908
96 ....4901, 5944
268 6593

42 CFR

71 7165

43 CFR

2930 5703

44 CFR

64 ....5474, 7166
65 ....6165, 6166, 6170
67 ....6172, 6179
Proposed Rules:
67 6224

45 CFR

2531 6181
2533 6181
Proposed Rules:
2551 6225
2552 6227
2553 6228

46 CFR

12 6575
16 6575
67 5390
Proposed Rules:
67 5403
221 5403

47 CFR

1 ....5707, 6920
2 5707
20 6578
25 ....5707, 6578
27 ....5711, 6920
54 ....5718, 6181
64 5718
73 ....6192, 6193, 6194, 6582
Proposed Rules:
15 5945
20 6595
25 ....4908, 6595
54 6229
64 6595
68 6595
73 ....6238, 6239
74 4908
78 4908

48 CFR

1804 5087
1852 5087
Proposed Rules:
52 5480

49 CFR

107 6195
171 6195
176 6195
177 6195
222 7169
229 7169
571 6583
Proposed Rules:
192 ....5305, 5480
195 ....5305, 5480
571 5108

50 CFR

100 5018
216 5720
229 6583
622 ....5297, 6921
648 4861
679 ....5298, 5299, 5934, 6198, 6199
Proposed Rules:
17 ....6240, 6600
100 5105
223 ....5810, 6621
300 5481
600 5483
622 ....7185, 7186, 7187
635 6621
648 ....5307, 6635
660 7188

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT FEBRUARY 13, 2004

ENVIRONMENTAL PROTECTION AGENCY

Air programs; State authority delegations:
- Oregon; published 2-13-04
- Washington; published 2-13-04

Air quality implementation plans; approval and promulgation; various States:
- Maryland; published 2-13-04

Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
- Nevada; published 12-15-03

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Animal drugs, feeds, and related products:
- Trenbolone and estradiol; published 2-13-04

Biological products:
- Bacterial vaccines and toxoids; efficacy review implementation
  - Correction; published 2-13-04

NUCLEAR REGULATORY COMMISSION

Practice and procedure:
- Adjudicatory process changes; published 1-14-04

PENSION BENEFIT GUARANTY CORPORATION

Ethical conduct of employees; CFR part removed; published 2-13-04

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
- Airbus; published 1-9-04
- Boeing; published 1-9-04
- Bombardier; published 1-9-04
- Dassault; published 1-9-04
- Empresa Brasileira de Aeronautica, S.A. (EMBRAER); published 1-9-04
- Eurocopter France; published 1-9-04
- Fokker; published 1-9-04
- Hamburger Flugzeugbau G.m.b.H.; published 1-9-04

TRANSPORTATION DEPARTMENT

Federal Highway Administration

Transportation Equity Act for 21st Century; implementation:
- Contract administration; removal of miscellaneous obsolete or redundant regulations; published 2-13-04

RULES GOING INTO EFFECT FEBRUARY 14, 2004

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

Pipeline safety:
- Hazardous liquid transportation—
  - Gas transmission pipelines; integrity management in high consequence areas; correction; published 1-15-04

RULES GOING INTO EFFECT FEBRUARY 16, 2004

HOMELAND SECURITY DEPARTMENT

Coast Guard

Drawbridge operations:
- Washington; published 1-27-04

INTERIOR DEPARTMENT

National Indian Gaming Commission

Indian Gaming Regulatory Act:
- Fee rates; published 1-16-04

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Soybean promotion, research, and consumer information:
- Referendum request procedures; comments due by 2-17-04; published 1-27-04 [FR 04-01602]

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Plant-related quarantine, foreign:
- Fruits and vegetables importation; conditions governing entry; comments due by 2-17-04; published 12-18-03 [FR 03-31202]

AGRICULTURE DEPARTMENT

Food and Nutrition Service

Food Stamp Program:
- Performance reporting system; high performance bonuses; comments due by 2-17-04; published 12-17-03 [FR 03-31031]

AGRICULTURE DEPARTMENT

Grain Inspection, Packers and Stockyards Administration

Sorghum; U.S. standards; comments due by 2-17-04; published 12-17-03 [FR 03-31092]

AGRICULTURE DEPARTMENT

Farm Security and Rural Investment Act of 2002:
- Biobased products designation guidelines for Federal procurement; comments due by 2-17-04; published 12-19-03 [FR 03-31347]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Alaska; fisheries of Exclusive Economic Zone—
  - Pollock; comments due by 2-19-04; published 2-9-04 [FR 04-02715]
  - Pribilof Islands blue king crab; comments due by 2-17-04; published 12-18-03 [FR 03-31226]
- Alaska; fisheries of Exclusive Economic Zone—
  - Demersal shelf rockfish; comments due by 2-20-04; published 1-21-04 [FR 04-01220]
- Caribbean, Gulf, and South Atlantic fisheries—
  - Gulf of Mexico reef fish resources; comments due by 2-19-04; published 1-5-04 [FR 04-00089]
- Magnuson-Stevens Act provisions—
  - Domestic fisheries; exempted fishing permit applications; correction; comments due by 2-20-04; published 2-5-04 [FR 04-02412]
- Northeastern United States fisheries—
  - Atlantic sea scallop; comments due by 2-19-04; published 2-4-04 [FR 04-02411]
  - Northeast multispecies; reporting and recordkeeping requirements; comments due by 2-20-04; published 1-21-04 [FR 04-01214]

Fishery conservation and management:
- Alaska; fisheries of Exclusive Economic Zone—
  - Skates; comments due by 2-20-04; published 1-6-04 [FR 04-00229]

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Semi-annual agenda; Open for comments until further notice; published 12-22-03 [FR 03-25121]

ENERGY DEPARTMENT

Climate change:
- Voluntary Greenhouse Gas Reporting Program; general guidelines; comment request; comments due by 2-17-04; published 1-29-04 [FR 04-01922]

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Electric rate and corporate regulation filings:
- Virginia Electric & Power Co. et al.; Open for comments until further notice; published 10-1-03 [FR 03-24818]

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control:
- State operating permit programs—
  - California; comments due by 2-17-04; published 1-16-04 [FR 04-01040]
  - California; comments due by 2-17-04; published 1-16-04 [FR 04-01041]

Air programs; approval and promulgation; State plans for designated facilities and pollutants:
- New York; comments due by 2-17-04; published 1-15-04 [FR 04-00889]

Air quality implementation plans; approval and promulgation; various States:
California; comments due by 2-17-04; published 1-15-04 [FR 04-00836]
New York; comments due by 2-17-04; published 1-16-04 [FR 04-01044]
South Dakota; comments due by 2-19-04; published 1-20-04 [FR 04-01035]
Environmental statements; availability, etc.:
Coastal nonpoint pollution control program—
Minnesota and Texas; Open for comments until further notice; published 10-16-03 [FR 03-26087]
Hazardous waste program authorizations:
Pennsylvania; comments due by 2-19-04; published 1-20-04 [FR 04-01042]
Solid wastes:
Hazardous waste; identification and listing—
Solvent-contaminated reusable shop towels, rags, disposable wipes, and paper towels; conditional exclusion; comments due by 2-18-04; published 11-20-03 [FR 03-28652]

FEDERAL COMMUNICATIONS COMMISSION
Common carrier services:
Access charge reform; reconsideration rules; record update; comments due by 2-17-04; published 1-16-04 [FR 04-00903]
Radio broadcasting:
Navigation devices; commercial availability; comments due by 2-19-04; published 6-17-03 [FR 03-15188]
Radio stations; table of assignments:
Michigan; comments due by 2-17-04; published 1-6-04 [FR 04-00109]
Wyoming; comments due by 2-17-04; published 1-6-04 [FR 04-00108]

FEDERAL MARITIME COMMISSION
Ocean transportation intermediaries; financial responsiblity requirements; optional rider for additional coverage allowed as proof; comments due by 2-20-04; published 1-29-04 [FR 04-01808]

FEDERAL TRADE COMMISSION
Sexually oriented e-mail; label requirements; comments due by 2-17-04; published 1-29-04 [FR 04-01916]

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration
Administrative practice and procedure:
Civil money penalties hearings; maximum penalty amounts and compliance with Federal Civil Penalties Inflation Adjustment Act; comments due by 2-17-04; published 12-1-03 [FR 03-29741]
Medical devices:
Class III devices—
Premarket approval requirement effective date; comments due by 2-17-04; published 11-18-03 [FR 03-28741]
Reports and guidance documents; availability, etc.:
Evaluating safety of antimicrobial new animal drugs with regard to their microbiological effects on bacteria of human health concern; Open for comments until further notice; published 10-27-03 [FR 03-27113]

HEALTH AND HUMAN SERVICES DEPARTMENT
Health Resources and Services Administration
Smallpox Compensation Program:
Implementation; comments due by 2-17-04; published 12-16-03 [FR 03-30790]

HOMELAND SECURITY DEPARTMENT
Coast Guard
Anchorage regulations:
Maryland; Open for comments until further notice; published 1-14-04 [FR 04-00749]
Ports and waterways safety:
Savannah River, GA; regulated navigation area; comments due by 2-17-04; published 11-19-03 [FR 03-28813]

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office
Permanent program and abandoned mine land reclamation plan submissions:
Ohio; comments due by 2-19-04; published 1-20-04 [FR 04-01059]

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION
Fellowship program requirements; comments due by 2-17-04; published 12-16-03 [FR 03-30945]

JUSTICE DEPARTMENT
Parole Commission
Federal prisoners; paroling and releasing, etc.:
District of Columbia and United States Codes; prisoners serving sentences—
Parole violators found mentally incompetent prior to scheduled parole revocation hearings; fair and expeditious handling of hearing; comments due by 2-17-04; published 12-19-03 [FR 03-31293]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Acquisition regulations:
Administrative procedures and guidance; comments due by 2-20-04; published 12-22-03 [FR 03-31407]

NUCLEAR REGULATORY COMMISSION
Spent nuclear fuel and high-level radioactive waste; independent storage; licensing requirements:
Approved spent fuel storage casks; list; comments due by 2-17-04; published 1-16-04 [FR 04-00976]
Spent nuclear fuel and high-level radioactive waste; independent storage; licensing requirements:
Approved spent fuel storage casks; list; comments due by 2-17-04; published 1-16-04 [FR 04-00977]

SMALL BUSINESS ADMINISTRATION
Disaster loan areas:
Maine; Open for comments until further notice; published 12-30-99 [FR 04-03374]
Small business size standards:
Nonmanufacturer rule; waivers—
General aviation turboprop aircraft; comments due by 2-20-04; published 2-4-04 [FR 04-02239]

SOCIAL SECURITY ADMINISTRATION
Organization and procedures:
Social Security numbers assignment to foreign academic students in F-1 status; comments due by 2-17-04; published 12-16-03 [FR 03-30965]

TRANSPORTATION DEPARTMENT
Uniform relocation assistance and real property acquisition for Federal and federally-assisted programs; comments due by 2-17-04; published 12-17-03 [FR 03-30804]

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
Boeing; comments due by 2-17-04; published 12-31-03 [FR 03-32134]
Pilatus Aircraft Ltd.; comments due by 2-19-04; published 1-9-04 [FR 04-00476]
Class D and Class E airspace; comments due by 2-17-04; published 1-15-04 [FR 04-00920]
Class E airspace; comments due by 2-17-04; published 1-15-04 [FR 04-00919]
Restricted areas; comments due by 2-20-04; published 1-6-04 [FR 04-00238]
VOR Federal airways; comments due by 2-17-04; published 12-31-03 [FR 03-32083]

TRANSPORTATION DEPARTMENT
Federal Railroad Administration
Railroad safety:
Locomotive horns use at highway-rail grade crossings; requirement for sounding; comments due by 2-17-04; published 12-18-03 [FR 03-30606]

TREASURY DEPARTMENT
Internal Revenue Service
Income taxes:
Charitable remainder trusts; ordering rule application; comments due by 2-17-04; published 11-20-03 [FR 03-29042]
Contested liabilities; transfers to provide for satisfaction; cross reference; public hearing; comments due by 2-19-04; published 11-21-03 [FR 03-29043]

TREASURY DEPARTMENT
Alcohol and Tobacco Tax and Trade Bureau
Alcohol; viticultural area designations:
Trinity Lakes, Trinity County, CA; comments due by 2-

17-04; published 12-17-03 [FR 03-31052]

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