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INFORMATION
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Federal Register

2–27–04 Friday
Vol. 69 No. 39 Feb. 27, 2004

Pages 9189–9514

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket No. FV–00–303]

Peaches, Plums, and Nectarines; Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the United States Standards for Grades of Peaches, the United States Standards for Grades of Fresh Plums and Prunes, and the United States Standards for Grades of Nectarines. These standards are issued under the Agricultural Marketing Act of 1946. The changes are based on the findings of a California Tree Fruit Agreement (CTFA) Task Force that was formed to review the standards, and on subsequent discussions with industry. The revisions will bring the standards into conformity with current packing, marketing and cultural practices. This document also contains conforming and editorial changes.

EFFECTIVE DATE: March 29, 2004.

FOR FURTHER INFORMATION CONTACT: David Priester, Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1661 South Building, STOP 0240, Washington, DC 20250–0240, Fax (202) 720–8871.

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and 12988

The Office of Management and Budget has waived the review process required by Executive Order 12866 for this action. This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of the rule.

Regulatory Flexibility Act

The Agricultural Marketing Service (AMS) received a request to update and revise the United States Standards for Grades of Peaches, the United States Standards for Grades of Fresh Plums and Prunes, and the United States Standards for Grades of Nectarines from the CTFA. The United States Standards for Grades of Peaches has not had a major revision since June 1952. There was a minor revision in 1995. The United States Standards for Grades of Fresh Plums and Prunes were last revised in June 1973, and the United States Standards for Grades of Nectarines were last revised April 1966. The CTFA is an industry association representing over 2,000 individual growers, packers and shippers. The CTFA has requested that these standards be revised to bring them into conformity with current packing, marketing and cultural practices. This request also has the support of the California Plum Marketing Board, Peach Commodity Committee, and the Nectarine Administrative Committee. The revisions will benefit all aspects of the peach, plum, prune, and nectarine industries by making the standards current with today's marketing trends and practices.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Accordingly, AMS has prepared this final regulatory flexibility analysis.

This rule will revise the U.S. Standards for Grades of Peaches, the U.S. Standards for Grades of Fresh Plums and Prunes and the U.S. Standards for Grades of Nectarines that were issued under the Agricultural Marketing Act of 1946. Standards issued under the 1946 Act are voluntary.

There are approximately 400 handlers of peaches, plums, prunes, and nectarines and approximately 2,200 producers of these fruits in the United States. Small agricultural service firms, which include handlers, have been defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000. The majority of these handlers and producers may be classified as small entities.

This rule will: delete the ''Unclassified'' section; establish a 25-count minimum sample; revise standard pack and size requirements for all three grade standards; develop en route or at destination tolerances for grades of peaches; define damage and serious damage by discoloration and growth cracks for grades of plums and prunes; revise color requirements for grades of nectarines.

The effects of this rule are not expected to be disproportionately greater or smaller for small handlers or producers than for larger entities.

This action will make the standards more consistent and uniform with marketing trends and practices. This action will not impose any additional reporting or recordkeeping requirements on either small or large peach, plum, prune, or nectarine producers or handlers. USDA has not identified any Federal rules that duplicate, overlap, or conflict with this rule. However, there are marketing programs which regulate the handling of nectarines and peaches under 7 CFR Parts 916 and 917. Nectarines and peaches under the marketing order have to meet certain requirements set forth in the grade standards for nectarines and peaches.

Alternatives were considered for this action. One alternative would be to not issue a rule. However, the need for revisions have increased as a result of changing marketing characteristics by industry, and the rule is the result of input from all sectors of the peach, plum, prune, and nectarine industries and government. Further, since the purpose of these standards is to facilitate the marketing of agricultural commodities in the United States, not revising the standards could result in confusion in terms of industry marketing and the proper application of the grade standards.

The proposed rule, the United States Standards for Grades of Peaches, the United States Standards for Grades of Fresh Plums and Prunes, and the United States Standards for Grades of Nectarines, was published in the **Federal Register** on September 25, 2002 (67 FR 60171). A comment period of sixty days was issued which closed on November 25, 2002. Two comments were received requesting an extension of the comment period for the proposed rule. The request was granted and a notice of the reopening and extension of the comment period for the proposed rule was published in the **Federal Register** on January 31, 2003 (68 FR 4967). The comment period was reopened and extended for thirty-five days which closed on March 7, 2003.

Comments

In addition to the two comments requesting the extension of the comment period, six comments were received during the comment period regarding the proposed changes. These included comments from growers, packers, shippers and industry associations representing growers, packers and shippers.

One comment, received from an industry association representing peach shippers, was in favor of the proposal with the exception of the change adding a definition for "well filled'' to the U.S. Standards for Grades of Peaches. Peaches packed in loose or volume filled containers are required to be well filled in order to meet the optional standard pack requirement in Section 51.1217.

AMS proposed adding the following definition for this term: "Well filled'' means that the peaches are packed within one inch from the top of the container. The commenter stated the issue with definition is that "early season peach varieties grown in Georgia and South Carolina are smaller fruit. This smaller sized fruit sometimes does not reach within one inch of the top of the box, as would be required under the guidelines, but in fact is a full half bushel of fruit.'' The commenter further stated the new definition would require the producers to purchase new containers in order to pack this smaller fruit and this would be an economic disadvantage for the producers. However, as previously noted, the standard pack requirements are optional. Producers may choose not to pack standard pack requirements and still meet the requirements for all the U.S. grades for peaches. Also, as the commenter stated, this is only an issue sometimes for early season varieties. AMS believes while in some cases this may require the purchase of additional containers, the industry as a whole will benefit by having a uniform definition of well filled. Therefore, the term well filled will be added to the standards.

Two additional comments were received from representatives of an industry association regarding the addition of the definition of well filled to all three standards. These commenters recommended adding "packed in loose or volume filled containers'' to the definitions of well filled. They felt this addition would clarify that this term is only applied to loose or volume filled containers. AMS agrees, and all three standards will be revised based on these comments. The definition of "well filled'' in the U.S. Standards for Grades of Peaches will be revised to read as follows: "Well filled'' means that the peaches packed in loose or volume filled containers are packed within 1 inch of the top of the container. The definition of well filled in the U.S. Standards for Grades of Fresh Plums and Prunes will be revised to read as follows: "Well filled'' means that the plums or prunes packed in loose or volume filled containers are packed within 1 inch of the top of the container. Also, the definition of well filled in the U.S. Standards for Grades of Nectarines will be revised to read as follows: "Well filled'' means that the nectarines packed in loose or volume filled containers are packed within 1 inch of the top of the container.

Four comments, two from individual growers, packers and shippers and two from industry associations representing growers, packers and shippers, were received regarding the proposal to establish a 25-count minimum sample size for all three grade standards. These commenters felt the proposed 25-count minimum sample was not enough to accurately determine the percentage of defects present in a lot. One of the commenters recommended a 50-count minimum sample size for all three standards. The three other commenters recommended a 40-count minimum sample size for peaches and 50-count minimum sample size for plums and nectarines. These commenters stated that these minimum sample sizes have been the accepted standard in the industry for many years. These commenters also recommended the co-mingling of the contents of adjacent consumer size packages, when necessary, to obtain the minimum sample size. AMS agrees that an increase in the minimum sample size is warranted for packages with 50 or more fruit. However, while a 40-count sample size for peaches is an industry standard in some regions of the country, AMS feels it would be preferable and beneficial to have a uniform and consistent 50-count minimum sample for peaches, plums, prunes, and nectarines. Additionally, with regard to consumer size packages, AMS believes that requiring a larger than 25-count minimum sample for consumer size packages will cause undue destruction of packages. Therefore, the U.S. Standards for Grades of Peaches, § 51.1214, the U.S. Standards for the Grade of Fresh Plums and Prunes, § 51.1525 and the U.S. Standards for Grades of Nectarines, § 51.3150 will be revised as follows: In order to allow for variations incident to proper grading and handling in each of the following grades, the following tolerances, by count, based on a minimum 50-count sample, except when packages contain less than 50 fruit, a minimum 25-count sample shall be examined, (when packages contain less than 25 fruit, adjoining packages shall be opened to obtain the 25-count minimum sample), are provided as specified.

One comment, received from a grower, packer and shipper, recommended the following additional requirement to each standard: "a minimum of at least 2 samples must be examined to certify a lot.'' AMS feels that currently requiring in the inspection instructions that a minimum of 3 samples be examined to certify a lot provides for a more representative sample of the lot and therefore should remain unchanged. This commenter further recommended adding an application of tolerances for consumer size packages which would allow individual packages to be unrestricted as to the percentages of defects. This issue was not addressed in the proposed rule, and further review from industry would be needed before including this recommendation.

Five comments were received regarding the addition of the definition for damage and serious damage scoring criteria for discoloration for grades of fresh plums and prunes. The proposal defined damage as, "Discoloration when greenish to brown definitely contrasting with the normal surface color of the fruit and affecting more than 10 percent of the surface.'' The proposal defined serious damage as, "Discoloration when greenish to brown definitely contrasting with the normal surface color of the fruit and affecting more than 25 percent of the surface.''

Two comments were received from an industry association representing growers, packers and shippers requesting the terms "mottled discoloration'' and "discolored surface area'' be added to clarify the definition.

The proposed definition provides a scoring criteria for all discoloration. If the term mottled was added, it would exclude other types of discoloration. One of the commenters, a grower, packer and shipper, requested the removal of the proposed definition due to their concern that characteristic mottled color of some varieties such as Catalina and Mariposa would be confused as a defect. The proposed definition states "definitely contrasting with the normal surface color of the fruit.'' This means that varieties for which mottled color is characteristic, the mottled color would be considered "normal surface color'' and would not be considered a defect. Another comment, received from a grower, packer and shipper, requested that this change be postponed until further research could be conducted to assess how this proposal would affect the industry. The commenter further stated it is their belief that both consumers and producers would be greatly impacted by the inclusion of the definition. They feel the definition is too broad and not as restrictive as the scoring criteria for small peaches. The proposed surface area is appropriate for plums and prunes. Additionally, it is currently used by most of the industry. Consumers or producers should not be impacted negatively, as adding this defined scoring criteria will provide a more objective means of evaluating this defect. One comment received from a grower and packer expressed concern with the proposal, stating that most plums grown in their area "need to be harvested at maturity levels precluding full dark color. Consequently, many marketable plums have more than 10 percent greenish to brown color which definitely contrasts with the normal surface color of the fruit.'' This comment has merit and we are deleting reference to greenish and brown color in the plum and prunes standard. The proposed definitions for damage and serious damage are intended to be applied to discoloration resulting from injury to the fruit, not due to early harvesting, immaturity, or characteristic color of the variety.

Based on these comments AMS will revise the defined scoring criteria for damage as follows: "Discoloration when definitely contrasting with the normal surface color of the fruit and affects more than 10 percent of the surface.'' The defined scoring criteria for serious damage will be revised to read as follows: "Discoloration when definitely contrasting with the normal surface color and affects more than 25 percent of the surface.''

Two comments were received from two industry association representatives requesting a defined scoring criteria for hollow cavities be added to the U.S. grades for plums and prunes. They requested the following be added to Damage, § 51.1532, "Hollow areas or cavities in the blossom end of Kesley, Empress and similar varieties is characteristic of the variety and shall not be considered as damage. However, flesh discoloration of the cavity, which materially affects the appearance of the area, shall be considered.'' They requested the following be added to Serious damage, § 51.1536, "Hollow areas or cavities in the blossom end of Kesley, Empress and similar varieties is characteristic of the variety and shall not be considered as damage. However, flesh discoloration of the cavity, which seriously affects the appearance of the area, shall be considered.'' A similar request was discussed prior to the proposed rule. AMS stated at that time and continues to be of the view that these types of scoring guides are included in the inspection instructions, as they are variety specific and it is not possible to determine in which varieties hollow cavities would be characteristic. Accordingly, AMS still believes that this scoring guide is best stated in the inspection instructions for grades of plums and prunes.

Accordingly, AMS amends the United States Standards for Grades of Peaches, the United States Standards for Grades of Fresh Plums and Prunes, and the United States Standards for Grades of Nectarines.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Trees, Vegetables.

■ For reasons set forth in the preamble, 7 CFR part 51 is amended as follows:

PART 51—[AMENDED]

■ 1. The authority citation for 7 CFR part 51 continues to read as follows:

Authority: 7 U.S.C. 1622, 1624.

■ 2. Subpart—United States Standards for Peaches is revised to read as follows:

Subpart—United States Standards for Grades of Peaches

Grades

Sec.
51.1210 U.S. Fancy.
51.1211 U.S. Extra No. 1.
51.1212 U.S. No. 1.
51.1213 U.S. No. 2.

Tolerances

51.1214 Tolerances.

Application of Tolerances

51.1215 Application of tolerances to individual packages.

Size

51.1216 Size requirements.

Standard Pack

51.1217 Standard pack.

Definitions

51.1218 Mature.
51.1219 Well formed.
51.1220 Leaf or limb rub injury.
51.1221 Damage.
51.1222 Serious damage.
51.1223 Badly misshapen.

Subpart—United States Standards for Grades of Peaches

Grades

§ 51.1210 U.S. Fancy.

"U.S. Fancy'' consists of peaches of one variety which are mature but not soft or overripe, well formed and which are free from decay, bacterial spot, cuts which are not healed, growth cracks, hail injury, scab, scale, split pits, worms, worm holes, leaf or limb rub injury; and free from damage caused by bruises, dirt or other foreign material, other disease, insects or mechanical or other means. In addition to the above requirements, each peach shall have not less than one-third of its surface showing blushed, pink or red color.

§ 51.1211 U.S. Extra No. 1.

Any lot of peaches may be designated "U.S. Extra No. 1'' when the peaches meet the requirements of the U.S. No. 1 grade: *Provided,* That in addition to these requirements, 50 percent, by count, of the peaches in any lot shall have not less than one-fourth of the surface showing blushed, pink or red color.

§ 51.1212 U.S. No. 1.

"U.S. No. 1'' consists of peaches of one variety which are mature but not soft or overripe, well formed, and which are free from decay, growth cracks, cuts which are not healed, worms, worm holes, and free from damage caused by bruises, dirt, or other foreign material, bacterial spot, scab, scale, hail injury, leaf or limb rubs, split pits, other disease, insects or mechanical or other means.

§ 51.1213 U.S. No. 2.

"U.S. No. 2'' consists of peaches of one variety which are mature but not soft or overripe, not badly misshapen, and which are free from decay, cuts which are not healed, worms, worm holes, and free from serious damage caused by bruises, dirt or other foreign material, bacterial spot, scab, scale,

growth cracks, hail injury, leaf or limb rubs, split pits, other disease, insects, or mechanical or other means.

Tolerances

§ 51.1214 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the following grades, the following tolerances, by count, based on a minimum 50-count sample, except when packages contain less than 50 fruit, a minimum 25-count sample shall be examined, (when packages contain less than 25 fruit adjoining packages shall be opened to obtain the 25-count minimum sample), are provided as specified:

(a) *U.S. Fancy, U.S. Extra No. 1, and U.S. No. 1 grades*—(1) *For defects at shipping point.*[1] 10 percent of the peaches in any lot may fail to meet the requirements of the specified grade: *Provided,* That included in this amount, 5 percent shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for peaches which are affected by decay.

(2) *For defects en route or at destination.* 14 percent for peaches in any lot that fail to meet the requirements of the grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 10 percent for permanent defects;

(ii) 7 percent for defects causing serious damage, included therein not more than 5 percent for serious damage by permanent defects and not more than 2 percent for soft, overripe, or decayed peaches.

(3) *For color*—(i) *U.S. Fancy grade.* 10 percent for peaches in any lot which fail to meet the requirements of the grade:

(ii) *U.S. Extra No. 1 grade.* Individual packages may contain not less than 40 percent of peaches which meet the requirements of the grade: *Provided,* That the entire lot averages not less than 50 percent.

(b) *U.S. No. 2 grade*—(1) *For defects at shipping point.* 10 percent of the peaches in any lot may fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 1 percent for peaches which are affected by decay.

(2) *For defects en route or at destination.* 14 percent for peaches in any lot that fail to meet the requirements of the grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 10 percent for permanent defects;

(ii) 2 percent for peaches which are affected by soft, overripe, or decay.

Application of Tolerances

§ 51.1215 Application of tolerances to individual packages.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of oversize, where a tolerance of 15 percent is provided), individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one peach which is seriously damaged by insects or affected by decay may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one peach which is seriously damaged by insects or affected by decay may be permitted in any package.

Size

§ 51.1216 Size requirements.

(a) The numerical count or a count-size based on equivalent tray pack size designations or the minimum diameter of the peaches packed in a closed container shall be indicated on the container.

(b) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2 inches minimum, 2¼ inches minimum, 1⅞ inches minimum, in accordance with the facts. The minimum and maximum diameters may both be stated, as 1⅞ to 2 inches, or 2 to 2¼ inches, in accordance with the facts.

(c) "Diameter'' means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(d) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of peaches in any lot may be below the specified minimum size and not more than 15 percent may be above any specified maximum size.

Standard Pack

§ 51.1217 Standard pack.

(a) Each package shall be packed so that the peaches in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) Peaches packed in U.S. Standard bushel baskets, or half-bushel baskets, shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages when lidded.

(c) Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of overfilled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(d) Peaches packed in other type boxes such as wire-bound boxes and fiber-board boxes may be place packed, or jumble packed faced, and all packs shall be well filled.

(e) Peaches packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(f) Peaches placed in individual paper cups and packed in boxes shall be in cups of the proper size for the peaches.

(g) Peaches packed in loose or volume filled boxes shall be uniform in size and well filled.

(h) In order to allow for variations incident to proper packing, not more than 10 percent of the packages in any lot may not meet these requirements.

(i) "Well filled'' means that the peaches packed in loose or volume filled containers are packed within 1 inch of the top of the container.

Definitions

§ 51.1218 Mature.

"Mature'' means that the peach has reached the stage of growth which will ensure a proper completion of the ripening process.

§ 51.1219 Well formed.

"Well formed'' means that the shape of the peach may be slightly irregular but not to the extent that its appearance is materially affected.

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

§ 51.1220 Leaf or limb rub injury.

"Leaf or limb rub injury'' means that the scarring is not smooth, not light colored, or aggregates more than ¼ inch in diameter.

§ 51.1221 Damage.

"Damage'' means any injury or defect which materially affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Bacterial spot, when cracked, or when aggregating more than ⅜ inch in diameter;

(b) Scab spots, when cracked, or when aggregating more than ⅜ inch in diameter;

(c) Scale, when concentrated, or when scattered and aggregating more than ¼ inch in diameter;

(d) Hail injury which is unhealed, or deep, or when aggregating more than ¼ inch in diameter;

(e) Leaf or limb rubs, when not smooth, or when not light colored, or when aggregating more than ½ inch in diameter;

(f) Split pit, when causing any unhealed crack, or when causing any crack which is readily apparent, or when affecting shape to the extent that the fruit is not well formed.

§ 51.1222 Serious damage.

"Serious damage'' means any injury or defect which seriously affects the appearance or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Bacterial spot, when any cracks are not well healed, or when aggregating more than ¾ inch in diameter;

(b) Scab spots, when cracked, or when healed and aggregating more than one inch in diameter;

(c) Scale, when aggregating more than ½ inch in diameter;

(d) Growth cracks, when unhealed, or more than ½ inch in length;

(e) Hail injury, when unhealed, or shallow hail injury when aggregating more than ¾ inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than ½ inch in diameter;

(f) Leaf or limb rubs, when smooth and light colored and aggregating more than 1½ inches in diameter, or dark or slightly rough and barklike scars aggregating more than ¾ inch in diameter;

(g) Split pit, when causing any unhealed crack, or when healed and aggregating more than ½ inch in length including any part of the crack which may be covered by the stem;

(h) Soft or overripe peaches;

(i) Wormy fruit or worm holes.

§ 51.1223 Badly misshapen.

"Badly misshapen'' means that the peach is so decidedly deformed that its appearance is seriously affected.

■ 3. Subpart—United States Standards for Grades of Fresh Plums and Prunes is revised to read as follows:

Subpart—United States Standards for Grades of Fresh Plums and Prunes

Grades

Sec.
51.1520 U.S. Fancy.
51.1521 U.S. No. 1.
51.1522 U.S. Combination.
51.1523 U.S. No. 2.
51.1524 [Reserved]

Tolerances

51.1525 Tolerances.

Application of Tolerances

51.1526 Application of tolerances.

Standard Pack

51.1527 Standard pack.

Definitions

51.1528 Well formed.
51.1529 Clean.
51.1530 Mature.
51.1531 Sunscald.
51.1532 Damage.
51.1533 Well colored.
51.1534 Fairly well colored.
51.1535 Badly misshapen.
51.1536 Serious damage.
51.1537 Diameter.

Metric Conversion Table

51.1538 Metric conversion table.

Subpart—United States Standards for Grades of Fresh Plums and Prunes

Grades

§ 51.1520 U.S. Fancy.

"U.S. Fancy'' consists of plums or prunes of one variety which are well formed, clean, mature but not overripe or soft or shriveled; which are free from decay, sunscald, heat injury, sunburn, split pits and hail marks, and free from damage caused by broken skins, growth cracks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means.

(a) Italian type prunes shall be well colored and, unless otherwise specified, shall be not less than 1¼ inches in diameter. (*See* § 51.1525.)

(b) [Reserved]

§ 51.1521 U.S. No. 1.

"U.S. No. 1'' consists of plums or prunes of one variety which are well formed, clean, mature but not overripe or soft or shriveled; which are free from decay and sunscald, and free from damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means.

(a) Italian type prunes shall be fairly well colored and, unless otherwise specified, shall be not less than 1¼ inches in diameter. (*See* § 51.1525.)

(b) [Reserved]

§ 51.1522 U.S. Combination.

"U.S. Combination'' consists of a combination of U.S. No. 1 and U.S. No. 2 plums or prunes: *Provided,* That at least 75 percent, by count, meet the requirements of U.S. No. 1 grade. (*See* § 51.1525.)

§ 51.1523 U.S. No. 2.

"U.S. No. 2'' consists of plums or prunes of one variety which are not badly misshapen, which are clean, mature but not overripe or soft or shriveled; which are free from decay and sunscald, and free from serious damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means. (*See* § 51.1525.)

§ 51.1524 [Reserved]

Tolerances

§ 51.1525 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the following grades, the following tolerances, by count, based on a minimum 50-count sample, except when packages contain less than 50 fruit, a minimum 25-count sample shall be examined, (when packages contain less than 25 fruit adjoining packages shall be opened to obtain the 25-count minimum sample), are provided as specified:

(a) *U.S. Fancy and U.S. No. 1*—(1) *For defects of plums or prunes other than Italian type prunes at shipping point.*[1] 8 percent for fruit which fails to meet the requirements of the specified grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious

[1]Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

damage, including in this latter amount not more than one-half of 1 percent for fruit which is affected by decay.

(2) *For defects of plums or prunes other than Italian type prunes en route or at destination.* 12 percent for fruit which fails to meet the requirements of the specified grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for permanent defects;

(ii) 6 percent for defects causing serious damage, including therein not more than 4 percent for serious damage by permanent defects and not more than 2 percent for decay.

(3) *For defects of Italian type prunes at shipping point.*[1] Not more than a total of 12 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 8 percent for prunes which fail to meet the remaining requirements of the grade: *Provided,* That not more than one-half of this amount, or 4 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than one-half of 1 percent for decay.

(4) For defects of Italian type prunes en route or at destination. Not more than a total of 18 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

(i) 12 percent for permanent defects including therein not more than 10 percent which fail to meet the color requirement, 10 percent which fail to meet the minimum diameter requirement, and 8 percent which fail to meet the requirements of the grade because of other permanent defects;

(ii) 6 percent for defects causing serious damage, including therein not more than 4 percent for serious damage by permanent defects and not more than 2 percent for decay.

(b) *U.S. Combination and U.S. No. 2*—(1) *For defects at shipping point.*[1] 8 percent for fruit which fails to meet the requirements of the specified grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for sunscald, decay or serious damage by insects or heat injury, including in this latter amount not more than one-half of 1 percent for decay.

(2) *For defects en route or at destination.* 12 percent for fruit which fails to meet the requirements of the specified grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for permanent defects including therein not more than 4 percent for sunscald, or serious damage by insects or heat injury; and,

(ii) 2 percent for decay.

(3) When applying the tolerance for the U.S. Combination grade individual packages may have not more than 10 percent less than the percentage of U.S. No. 1 required: *Provided,* That the entire lot averages within the required percentage. (*See* § 51.1526.)

Application of Tolerances

§ 51.1526 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) A package may contain not more than double any specified tolerance except that at least two defective and two off-size specimens may be permitted in any package: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(b) [Reserved]

Standard Pack

§ 51.1527 Standard pack.

(a) *Packing.* (1) All packages shall be tightly packed or well filled, according to the approved and recognized methods.

(2) The plums or prunes in the top layer of any package shall be reasonably representative in quality and size of those in the remainder of the package.

(3) "Well filled'' means that the plums or prunes packed in loose or volume filled containers are packed within 1 inch of the top of the container.

(4) "Tightly packed'' means the plums or prunes are the proper size for the mold or cell compartments in which they are packed, and the molds or cells are filled in such a way that movement is not allowed.

(b) *Marking.* (1) The size of plums or prunes shall be marked on each package, and shall be indicated in terms of minimum diameter, or number of fruit per package, or in accordance with the arrangement of the top layer of fruit in the package or subcontainer. Size may also be shown in terms of maximum number of fruit for a specified weight, such as "8 per pound,'' "6.4 per pound'' or "7⅔ per pound'' or by a count-size designation based on the number of fruits contained in a 10 pound sample with the designation rounded to an applicable number which is divisible by 5 (example: 40 size, 45 size, 50 size, 55 size, etc.).

(i) *California peach boxes, lug boxes and small consumer packages.* In layer-packed California peach boxes or lug boxes, and in small layer packed consumer packages, the count of the entire contents shall be marked on the package. The number of plums or prunes in California peach boxes or lug boxes shall not vary more than 4 from the number indicated on the package. Loose filled consumer packs not in a master container shall have a count-size marked on the package or on a tag closure. Master containers of loose filled consumer packages shall have a count-size marked on the package describing the size of plums or prunes within the container.

(ii) *Face and fill packs in cartons and lug boxes.* In face and fill packs in cartons and lug boxes the number of rows in the face shall be marked on the packages, as "6 row,'' "8 row,'' etc.

(c) *Sizing.* (1) Not more than 5 percent, by count, of the plums or prunes in any package may vary more than one-fourth inch in diameter, except that not more than 5 percent, by count, of the plums or prunes 2–1/4 inches or larger in diameter and packed in loose or volume filled containers may vary more than three-eighths inch in diameter.

(2) When size is indicated in terms of minimum diameter, not more than 5 percent, by count, of the fruit in any package may be smaller than the size marked.

(d) *Tolerance for standard pack.* In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of the packages in any lot may fail to meet the requirements for standard pack.

Definitions

§ 51.1528 Well formed.

"Well formed'' means that the fruit has the shape characteristic of the variety. Doubles shall not be considered well formed.

§ 51.1529 Clean.

"Clean'' means that the fruit is practically free from dirt and other foreign material.

§ 51.1530 Mature.

"Mature'' means that the fruit has reached the stage of maturity which will insure a proper completion of the ripening process.

§ 51.1531 Sunscald.

''Sunscald'' means injury caused by the sun in which softening or collapse of the flesh is apparent.

§ 51.1532 Damage.

''Damage'' means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(a) Broken skins which are unhealed except those caused by pulled stems where the skin is torn only slightly within the stem cavity. (Healed skin breaks shall be considered scars);

(b) Heat injury, sprayburn or sunburn:

(1) When the skin is blistered, cracked or decidedly flattened;

(2) When the normal color of the skin or flesh has materially changed;

(3) When there is more than one indentation; or,

(4) When an indentation exceeds three-sixteenths inch in diameter;

(c) Growth cracks:

(1) When not healed;

(2) When more than one in number;

(3) When more than one-eighth inch in depth;

(4) When more than three-eighths inch in length if within the stem cavity; or,

(5) When more than one-fourth inch in length if outside of the stem cavity;

(6) When extending from within to outside the stem cavity, when more than three-eighths inch in length if the major portion of the crack is within the stem cavity or when more than one-fourth inch in length if the major portion of the crack is outside the stem cavity;

(d) Split pit when causing any unhealed crack, or when healed and aggregating more than one-fourth inch in length, or when affecting the shape to the extent that the fruit is not well formed;

(e) Scab or bacterial spot when cracked, or when the aggregate area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or smaller; or when the aggregate area exceeds that of a circle three-eighths inch in diameter on a fruit larger than 2 inches in diameter;

(f) Drought spots or external gum spots which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(g) Scale or scale marks when the aggregate area exceeds that of a circle one-fourth inch in diameter;

(h) Scars, including those caused by hail, when the surface of the fruit is depressed more than one-sixteenth inch, or when exceeding any of the following aggregate areas, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Dark or rough scars when the area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle three-eighths inch in diameter on a fruit larger than 2 inches in diameter.

(2) Fairly light colored, fairly smooth scars when, in the case of Italian type prunes, the area exceeds that of a circle one-half inch in diameter; or when, in the case of other types of plums, the area exceeds that of a circle one-half inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle five-eighths inch in diameter on a fruit larger than 2 inches in diameter;

(3) Light colored, smooth scars when, in the case of Italian type prunes, the area exceeds one-twelfth of the fruit surface; or when, in the case of other types of plums, the area exceeds that of a circle three-fourths inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle seven-eighths inch in diameter on a fruit larger than 2 inches in diameter;

(4) Twig or limb scratches which are not well healed or which have an aggregate length of more than one-half inch;

(i) Russeting which exceeds any of the following aggregate areas of any one type of russeting, or a combination of two or more types of russeting the seriousness of which exceeds the maximum allowed for any one type:

(1) Rough russeting when the area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle one-half inch in diameter on a fruit larger than 2 inches in diameter;

(2) Slightly rough russeting when, in the case of Italian type prunes, the area exceeds one-twelfth of the fruit surface; or when, in the case of other types of plums, the area exceeds that of a circle five-eighths inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle three-fourths inch in diameter on a fruit larger than 2 inches in diameter;

(3) Fairly smooth or smooth russeting when, in the case of Italian type prunes, the area exceeds one-twelfth of the fruit surface; or when, in the case of other types of plums the area exceeds that of a circle three-fourths inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle 1 inch in diameter on a fruit larger than 2 inches in diameter.

(j) Discoloration when definitely contrasting with the normal surface color of the fruit and affects more than 10 percent of the surface.

§ 51.1533 Well colored.

''Well colored,'' as applied to Italian type prunes, means that 95 percent of the surface of the prune is purple color.

§ 51.1534 Fairly well colored.

''Fairly well colored,'' as applied to Italian type prunes, means that at least three-fourths of the surface of the prune is purple color.

§ 51.1535 Badly misshapen.

''Badly misshapen'' means that the fruit is so malformed or rough that its appearance is seriously affected. Doubles shall be considered badly misshapen, except that doubles of Italian type prunes which have approximately equal halves shall not be considered badly misshapen.

§ 51.1536 Serious damage.

''Serious damage'' means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Broken skins which are unhealed when aggregating more than one-eighth inch in diameter, length or depth. (Healed skin breaks shall be considered scars);

(b) Heat injury, sprayburn or sunburn:

(1) When the skin is blistered, cracked or decidedly flattened;

(2) When causing any dark discoloration of the flesh;

(3) When there are more than two indentations;

(4) When the aggregate area of indentations exceeds that of a circle three-eighths inch in diameter; or,

(5) When causing noticeable brownish or darker discoloration over more than one-fourth of the fruit surface;

(c) Growth cracks:

(1) When not healed and more than one-eighth inch in length or depth;

(2) When healed and more than three-sixteenths inch in depth;

(3) When healed and aggregating more than five-eighths inch in length if within the stem cavity; or,

(4) When healed and aggregating more than one-half inch in length if outside of the stem cavity;

(5) When extending from within to outside the stem cavity, when healed

and aggregating more than five-eighths inch in length if the major portion of the crack is within the stem cavity or when healed and aggregating more than one-half inch in length if the major portion of the crack is outside the cavity;

(d) Split pit when causing any unhealed crack, or when healed and aggregating more than three-eighths inch in length, or when affecting the shape to the extent that the fruit is badly misshapen;

(e) Scab or bacterial spot, when the aggregate area exceeds that of a circle one-half inch in diameter on a fruit 2 inches in diameter or smaller; or when the aggregate area exceeds that of a circle three-fourths inch in diameter on a fruit larger than 2 inches in diameter;

(f) Drought spots or external gum spots which have an aggregate area exceeding that of a circle one-half inch in diameter;

(g) Scale or scale marks when the aggregate area exceeds that of a circle three-eighths inch in diameter;

(h) Russeting and scars, including those caused by hail, when the surface of the fruit is depressed more than three-sixteenths inch, or when exceeding any of the following aggregate areas, or a combination of two or more types of russeting or scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Dark or rough scars or rough russeting when the area exceeds that of a circle three-fourths inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle one inch in diameter on a fruit larger than 2 inches in diameter;

(2) Russeting and scars which are not dark or rough when the area exceeds one-fourth of the fruit surface.

(i) Soft or overripe or shriveled plums or prunes;

(j) Plums or prunes affected by decay; and

(k) Plums or prunes affected by sunscald.

(l) Discoloration when definitely contrasting with the normal surface color and affects more than 25 percent of the surface.

§ 51.1537 Diameter.

"Diameter'' means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

Metric Conversion Table

§ 51.1538 Metric conversion table.

Inches	Millimeters (mm)
⅛ equals	3.2
¼ equals	6.4
⅜ equals	9.5
½ equals	12.7
⅝ equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
1½ equals	38.1
1¾ equals	44.5
2 equals	50.8
3 equals	76.2
4 equals	101.6

■ 4. Subpart—United States Standards for Grades of Nectarines is revised to read as follows:

Subpart—United States Standards for Grades of Nectarines

Grades

Sec.
51.3145 U.S. Fancy.
51.3146 U.S. Extra No. 1.
51.3147 U.S. No. 1.
51.3148 U.S. No. 2.
51.3149 [Reserved]

Tolerances

51.3150 Tolerances.

Application of Tolerances

51.3151 Application of tolerances.

Standard Pack

51.3152 Standard pack.

Definitions

51.3153 Mature.
51.3154 Well formed.
51.3155 Clean.
51.3156 Injury.
51.3157 Damage.
51.3158 Badly misshapen.
51.3159 Serious damage.

Metric Conversion Table

51.3160 Metric conversion table.

Subpart—United States Standards for Grades of Nectarines

Grades

§ 51.3145 U.S. Fancy.

"U.S. Fancy'' consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from injury caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pit, scars, russeting, other disease, insects, or mechanical or other means.

(a) Each nectarine shall have not less than one-third of its surface showing red color characteristic of the variety. (*See* § 51.3150.)

(b) [Reserved]

§ 51.3146 U.S. Extra No. 1.

"U.S. Extra No. 1'' consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes and free from injury caused by split pit and free from damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, scars, russeting, other disease, insects or mechanical or other means.

(a) At least 75 percent of the nectarines in any lot shall show some blushed or red color including therein at least 50 percent of the nectarines with not less than one-third of the fruit surface showing red color characteristic of the variety. (*See* § 51.3150.)

(b) [Reserved]

§ 51.3147 U.S. No. 1.

"U.S. No. 1'' consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from injury caused by split pit and free from damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, scars, russeting, other disease, insects, or mechanical or other means.

§ 51.3148 U.S. No. 2.

"U.S. No. 2'' consists of nectarines of one variety which are mature but not soft or overripe, which are not badly misshapen, which are clean and free from decay, broken skins which are not healed, worms, worm holes, and free from serious damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pit, scars, russeting, other disease, insects, or mechanical or other means.

§ 51.3149 [Reserved]

Tolerances

§ 51.3150 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the following grades, the following tolerances, by count, based on a minimum 50-count sample, except when packages contain less than 50 fruit, a minimum 25-count sample shall be examined, (when packages contain less than 25 fruit adjoining packages shall be opened to obtain the 25-count minimum sample), are provided as specified:

(a) *U.S. Fancy, U.S. Extra No. 1, and U.S. No. 1 grades*—(1) *For defects at shipping point.*[1] 8 percent for nectarines

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the

which fail to meet the requirements of the specified grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for nectarines which are affected by decay.

(2) *For defects en route or at destination.* 12 percent for nectarines which fail to meet the requirements of the specified grade: *Provided,* That included in this amount, not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for permanent defects;

(ii) 6 percent for defects causing serious damage, including therein not more than 4 percent for serious damage by permanent defects and not more than 2 percent for decay.

(3) *For color*—(i) *U.S. Fancy grade.* 10 percent for nectarines in any lot which fail to meet the requirements of the grade.

(ii) *U.S. Extra No. 1 grade and when specified in connection with a grade.* Individual containers may contain not more than 10 percentage points less than the required percentage of nectarines showing the amount of color specified for the grade: *Provided,* That the entire lot averages not less than the required percentage of nectarines showing the specified color for the grade.

(b) *U.S. No. 2 grade*—(1) *For defects at shipping point.*[1] 8 percent for nectarines which fail to meet the requirements of the grade: *Provided,* That included in this amount, not more than 4 percent shall be allowed for sunscald, decay, or serious damage by insects or heat injury, including in this latter amount not more than one-half of 1 percent for nectarines which are affected by decay.

(2) *For defects en route or at destination.* 12 percent for nectarines which fail to meet the requirements of the grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for permanent defects including therein not more than 4 percent for sunscald, or serious damage by insects or heat injury; and

(ii) 2 percent for decay.

Application of Tolerances

§ 51.3151 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) A package may contain not more than double any specified tolerance except that at least two defective specimens may be permitted in any package: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(b) [Reserved]

Standard Pack

§ 51.3152 Standard pack.

(a) Nectarines shall be fairly uniform in size and shall be packed in boxes, lugs, crates, or cartons and arranged according to the approved and recognized methods. All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising resulting from overfilling. The nectarines in the shown face shall be reasonably representative in size, color and quality of the contents of the container.

(b) When packed in closed containers, the size shall be indicated by marking the container with the numerical count, the pack arrangement, or the minimum diameter or minimum and maximum diameters in terms of inches and not less than one-eighth fractions of inches, or a count-size based on equivalent tray pack size designations.

(c) Boxes, lugs or cartons: (1) Nectarines packed in containers equipped with cell compartments, cardboard fillers or molded trays shall be of the proper size for the cells, fillers, or molds in which they are packed, and the number of nectarines in the container shall correspond to the count marked on the container.

(2) In order to allow for variations incident to proper packing, when packed in other types of packs in lugs, cartons, or boxes, the number of nectarines in the container may vary not more than two from the number marked on the container.

(d) "Well filled'' means that the nectarines packed in loose or volume filled containers are packed within 1 inch of the top of the container.

(e) "Fairly uniform in size'' means that when the average diameter of nectarines in any container is 2 inches or smaller not more than 5 percent, by count, of the nectarines in the container shall be outside a diameter range of one-fourth inch; when the average diameter of nectarines in any container is over 2 inches not more than 5 percent, by count, of the nectarines in the container shall be outside a diameter range of three-eighths inch.

(f) Minimum size: When size is indicated in terms of minimum diameter not more than 5 percent, by count, of the fruit in any container may be smaller than the size marked.

(g) "Diameter'' means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(h) Tolerances. In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of the containers in any lot may fail to meet the requirements for standard pack.

Definitions

§ 51.3153 Mature.

"Mature'' means that the nectarine has reached the stage of growth which will insure a proper completion of the ripening process.

§ 51.3154 Well formed.

"Well formed'' means that the nectarine has the shape characteristic of the variety and that bumps or other roughness do not materially detract from the appearance.

§ 51.3155 Clean.

"Clean'' means that the fruit is practically free from dirt and other foreign material.

§ 51.3156 Injury.

"Injury'' means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which more than slightly detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as injury:

(a) Growth cracks:

(1) When not healed;

(2) When more than one in number;

(3) When more than one-eighth inch in depth; or,

(4) When more than one-eighth inch in length.

(b) Heat injury, sprayburn or sunburn when the normal color of the skin or flesh is more than slightly changed, or when any indentation is present;

(c) Scab or bacterial spot when cracked, or when the aggregate area exceeds that of a circle one-eighth inch in diameter on a fruit 2 inches in diameter or smaller; or when the aggregate area exceeds that of a circle one-fourth inch in diameter on a fruit larger than 2 inches in diameter;

(d) Scale or scale marks when more than one large scale or scale mark or when more than three scales or scale marks of any size are present;

(e) Split pit when causing any unhealed crack, or when healed and aggregating more than one-fourth inch

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producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

in length, or when affecting the shape to the extent that the fruit is not well formed;

(f) Drought spots or external gum spots which have an aggregate area exceeding that of a circle one-eighth inch in diameter;

(g) Scars, including those caused by hail, when the surface of the fruit is depressed more than one-sixteenth inch or when not light in color, or when not smooth, or when exceeding any of the following aggregate areas, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Light colored, smooth scars when the area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle one-half inch in diameter on a fruit larger than 2 inches in diameter;

(2) Twig or limb scratches which are not well healed or which have an aggregate length of more than one-fourth inch; and

(h) Russeting which exceeds any of the following aggregate areas of any one type of russeting, or a combination of two or more types of russeting the seriousness of which exceeds the maximum allowed for any one type:

(1) Rough or slightly rough russeting when the area exceeds that of a circle one-eighth inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle one-fourth inch in diameter on a fruit larger than 2 inches in diameter;

(2) Fairly smooth or smooth russeting or staining when the area exceeds 10 percent of the fruit surface: *Provided,* That speckling characteristic of certain varieties shall not be considered as russeting or discoloration.

§ 51.3157 Damage.

"Damage'' means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(a) Growth cracks:

(1) When not healed;

(2) When more than one in number;

(3) When more than one-eighth inch in depth;

(4) When more than three-eighths inch in length if within the stem cavity; or,

(5) When more than one-fourth inch in length if outside of the stem cavity;

(b) Heat injury, sprayburn or sunburn:

(1) When the skin is blistered, cracked, or decidedly flattened;

(2) When the normal color of the skin or flesh has materially changed;

(3) When there is more than one indentation; or,

(4) When an indentation exceeds three-sixteenths inch in diameter;

(c) Scab or bacterial spot when cracked, or when the aggregate area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or smaller; or when the aggregate area exceeds that of a circle three-eighths inch in diameter on a fruit larger than 2 inches in diameter;

(d) Scale or scale marks when the aggregate area exceeds that of a circle one-fourth inch in diameter;

(e) Drought spots or external gum spots which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(f) Scars, including those caused by hail, when the surface of the fruit is depressed more than one-sixteenth inch, or when exceeding any of the following aggregate areas, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Dark or rough scars when the area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or smaller; or when the aggregate area exceeds that of a circle three-eighths inch in diameter on a fruit larger than 2 inches in diameter;

(2) Fairly light colored, fairly smooth scars when the area exceeds that of a circle one-half inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle five-eighths inch in diameter on a fruit larger than 2 inches in diameter;

(3) Light colored, smooth scars when the area exceeds that of a circle three-fourths inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle seven-eighths inch in diameter on a fruit larger than 2 inches in diameter;

(4) Twig or limb scratches which are not well healed or which have an aggregate length of more than one-half inch; and

(g) Russeting which exceeds any of the following aggregate areas of any one type of russeting, or a combination of two or more types of russeting the seriousness of which exceeds the maximum allowed for any one type:

(1) Rough russeting when the area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle one-half inch in diameter on a fruit larger than 2 inches in diameter;

(2) Slightly rough russeting when the area exceeds that of a circle five-eighths inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle three-fourths inch in diameter on a fruit larger than 2 inches in diameter;

(3) Fairly smooth or smooth russeting when the area exceeds 15 percent of the fruit surface: *Provided,* That discoloration occurring as yellow to brown staining of the skin shall not be considered as russeting and shall be considered as causing damage only when materially detracting from the appearance of the nectarine, and that speckling characteristic of certain varieties shall not be considered as russeting or discoloration.

§ 51.3158 Badly misshapen.

"Badly misshapen'' means that the nectarine is so decidedly deformed that its appearance is seriously affected.

§ 51.3159 Serious damage.

"Serious damage'' means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Growth cracks:

(1) When not healed and more than one-eighth inch in length or depth;

(2) When healed and more than three-sixteenths inch in depth;

(3) When healed and aggregating more than five-eighths inch in length if within the stem cavity; or,

(4) When healed and aggregating more than one-half inch in length if outside of the stem cavity;

(b) Heat injury, sprayburn or sunburn:

(1) When the skin is blistered, cracked, or decidedly flattened;

(2) When causing any dark discoloration of the flesh;

(3) When there are more than two indentations;

(4) When the aggregate area of indentations exceeds that of a circle three-eighths inch in diameter; or,

(5) When causing noticeable brownish or darker discoloration over more than one-fourth of the fruit surface;

(c) Scab or bacterial spot when the aggregate area exceeds that of a circle one-half inch in diameter on a fruit 2 inches in diameter or smaller; or when the aggregate area exceeds that of a circle three-fourths inch in diameter on a fruit larger than 2 inches in diameter;

(d) Scale or scale marks when the aggregate area exceeds that of a circle three-eighths inch in diameter;

(e) Split pit when causing any unhealed crack or when healed and

aggregating more than three-eighths inch in length, or when affecting the shape to the extent that the fruit is badly misshapen;

(f) Drought spots or external gum spots which have an aggregate area exceeding that of a circle one-half inch in diameter;

(g) Scars, including those caused by hail, when the surface of the fruit is depressed more than three-sixteenths inch, or when exceeding any of the following aggregate areas, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Dark or rough scars when the area exceeds that of a circle three-fourths inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle one inch in diameter on fruit larger than 2 inches in diameter;

(2) Scars which are not dark or rough when the area exceeds one-fourth of the fruit surface;

(h) Russeting which exceeds any of the following aggregate areas of any one type of russeting, or a combination of two or more types of russeting the seriousness of which exceeds the maximum allowed for any one type:

(1) Rough or slightly rough russeting when the area exceeds 10 percent of the fruit surface; or

(2) Fairly smooth or smooth russeting when the area exceeds 50 percent of the fruit surface: *Provided,* That discoloration occurring as yellow to brown staining of the skin shall not be considered russeting and shall be considered as causing serious damage only when seriously detracting from the appearance of the nectarine, and that speckling characteristic of certain varieties shall not be considered as russeting or discoloration.

(i) Soft or overripe nectarines;

(j) Nectarines affected by decay;

(k) Unhealed broken skins except those associated with growth cracks; and,

(l) Wormy fruit or worm holes.

Metric Conversion Table

§ 51.3160 Metric conversion table.

Inches	Millimeters (mm)
1/8 equals	3.2
1/4 equals	6.4
3/8 equals	9.5
1/2 equals	12.7
5/8 equals	15.9
3/4 equals	19.1
7/8 equals	22.2
1 equals	25.4
1–1/4 equals	31.8
1–1/2 equals	38.1
1–3/4 equals	44.5
2 equals	50.8
3 equals	76.2
4 equals	101.6

Dated: February 20, 2004.

A. J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 04–4221 Filed 2–26–04; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[RIN 3150–AH20]

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS® –24P, –52B, –61BT, –32PT, and –24PHB Revision, Confirmation of Effective Date

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule: Confirmation of effective date.

SUMMARY: The Nuclear Regulatory Commission (NRC) is confirming the effective date of March 2, 2004, for the direct final rule that was published in the **Federal Register** on December 18, 2003. This direct final rule amended the NRC's regulations to revise the Transnuclear, Inc., Standardized NUHOMS® Horizontal Modular Storage System (Standardized NUHOMS® System) listing within the "List of approved spent fuel storage casks'' to include Amendment No. 7 in Certificate of Compliance (CoC) Number 1004.

EFFECTIVE DATE: The effective date of March 2, 2004, is confirmed for this direct final rule.

ADDRESSES: Documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. These same documents may also be viewed and downloaded electronically via the rulemaking Web site (*http://ruleforum.llnl.gov*). For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher (301) 415–5905; e-mail *CAG@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6219, e-mail *jmm2@nrc.gov.*

SUPPLEMENTARY INFORMATION: On December 18, 2003 (68 FR 70423), the NRC published a direct final rule amending its regulations in 10 CFR part 72 to revise the Standardized NUHOMS® System listing within the "List of Approved Spent Fuel Storage Casks'' to include Amendment No. 7 to CoC No. 1004. This amendment incorporates changes in support of the Amergen Corporation plans to load damaged fuel and additional fuel types at its Oyster Creek Nuclear Station. Specifically, the amendment adds damaged Boiling Water Reactor spent fuel assemblies and additional fuel types to the authorized contents of the NUHOMS®–61BT Dry Shielded Canister under a general license. In addition, the amendment includes three minor changes to the Technical Specifications to correct inconsistencies and remove irrelevant references. In the direct final rule, NRC stated that if no significant adverse comments were received, the direct final rule would become final on March 2, 2004. The NRC did not receive any comments that warranted withdrawal of the direct final rule. Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 23rd day of February, 2004.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 04–4342 Filed 2–26–04; 8:45 am]

BILLING CODE 7590–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 790

Organization and Operations of Federal Credit Unions; Description of NCUA

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The National Credit Union Administration (NCUA) Board decided to restructure NCUA's regions, effective January 1, 2004, due to economic and operational factors. The final rule amends the NCUA's regulations to reflect the resulting elimination of one office and the relocation of another office. The final rule also amends the office description of NCUA's Executive Director to include the delegated responsibility of being the NCUA's Director of Equal Employment Opportunity (EEO).

EFFECTIVE DATE: January 1, 2004.

FOR FURTHER INFORMATION CONTACT: Regina Metz, Staff Attorney, Division of Operations, Office of General Counsel, (703) 518–6540, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

SUPPLEMENTARY INFORMATION: The NCUA Board is amending parts 701 and 790 of its regulations, to conform them to the restructuring of NCUA's regional office locations. 12 CFR parts 701, 790. The NCUA is transitioning from six regional offices to five, and relocating its California office to Arizona. The new regional structure is effective January 1, 2004, but we note that the Lisle, Illinois office will remain open until April 3, 2004. In part 701, the office addresses are found in Appendix C to NCUA's Interpretive Ruling and Policy Statement (IRPS) 03–1.

The Board is also amending part 790 to reflect that, while the NCUA Board has ultimate responsibility for all equal employment opportunity programs within NCUA, the Board has delegated responsibility to NCUA's Executive Director to be Director of EEO.

Regulatory Procedures

Final Rule Under the Administrative Procedure Act

The revisions made to this part are not subject to the notice and comment provisions of the Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.* The final rule revisions relate only to matters relating to agency management and personnel, topics exempt from APA requirements. 5 U.S.C. 553(a)(2).

Effective Date

NCUA also finds good cause to dispense with the 30-day delayed effective date requirement under the APA. 5 U.S.C. 553(d)(3). The rule relates only to internal agency operations. The rule will, therefore, be effective on the day the new regional structure is effective, January 1, 2004.

Regulatory Flexibility Act

An initial regulatory flexibility analysis under the Regulatory Flexibility Act is required only when an agency is required to publish a general notice of proposed rulemaking for any proposed rule. 5 U.S.C. 603. As noted previously, NCUA has determined that it is unnecessary to publish a notice of proposed rulemaking for this rule. Accordingly, an initial regulatory analysis is not required. Moreover, since this final rule imposes no new requirements and makes only housekeeping amendments, NCUA has determined and certifies that this rule will not have any significant economic impact on a substantial number of small credit unions (primarily those under $10 million in assets).

Small Business Regulatory Enforcement Fairness Act

Title II of the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104–121) provides, generally, for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by section 551 of the APA. 5 U.S.C. 551. The Office of Management and Budget has reviewed this rule and has determined that for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996 it is not a major rule.

Paperwork Reduction Act

NCUA has determined that the final rule does not increase paperwork requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and regulations of the Office of Management and Budget.

Executive Order 13132 Statement

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on State and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the Executive Order. NCUA has determined that this final rule does not constitute a policy that has federalism implications for purposes of the Executive Order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this final rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Parts 701 and 790

Credit unions.

By the National Credit Union Administration Board on February 20, 2004.

Becky Baker,

Secretary of the Board.

■ For the reasons stated in the preamble, NCUA amends 12 CFR chapter VII as set forth below:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, 1789.

Section 701.6 is also authorized by 15 U.S.C. 3717.

Section 701.31 is also authorized by 15 U.S.C. 1601, *et seq.*, 42 U.S.C. 1981 and 3601–3610.

Section 701.35 is also authorized by 12 U.S.C. 4311–4312.

Note: The text of the Interpretive Ruling and Policy Statement (IRPS 03–1) does not appear in the Code of Federal Regulations.

§ 701.1 [Amended]

■ 2. In IRPS 03–1 (68 FR 18340, April 15, 2003), Appendix C is revised to read as follows:

Appendix C.—NCUA Offices

Central Office

1775 Duke Street
Alexandria, VA 22314–3428

Commercial: 703–518–6300

Region I—Albany

9 Washington Square
Washington Avenue Extension
Albany, NY 12205–5512

Commercial: 518–862–7400
FAX: 518–862–7420

Connecticut	Maine
Massachusetts	Michigan
New Hampshire	New York
Rhode Island	Vermont

Region II—Capital

1775 Duke Street, Suite 4206
Alexandria, VA 22314–3437

Commercial: 703–519–4600
FAX: 703–519–4620

Delaware	District of Columbia
Maryland	New Jersey
Pennsylvania	Virginia
West Virginia	

Region III—Atlanta

7000 Central Parkway, Suite 1600
Atlanta, GA 30328–4598

Commercial: 678–443–3000
FAX: 678–443–3020

Alabama	Florida
Georgia	Indiana
Kentucky	Mississippi
North Carolina	Ohio
Puerto Rico	South Carolina
Tennessee	Virgin Islands

Region IV—Austin

4807 Spicewood Springs Road, Suite 5200
Austin, TX 78759–8490

Commercial: 512–342–5600
FAX: 512–342–5620

Arkansas	Illinois
Iowa	Kansas
Louisiana	Minnesota

Missouri
North Dakota
South Dakota
Wisconsin
Nebraska
Oklahoma
Texas

Region V—Tempe

1230 W. Washington Street, Suite 301
Tempe, AZ 85281

Commercial: 602–302–6000
FAX: 602–302–6024

Alaska
American Samoa
Colorado
Hawaii
Montana
New Mexico
Utah
Wyoming
Arizona
California
Guam
Idaho
Nevada
Oregon
Washington

PART 790—DESCRIPTION OF NCUA; REQUESTS FOR AGENCY ACTION

■ 3. The authority citation for part 790 continues to read as follows:

Authority: 12 U.S.C. 1766, 1789, 1795f.

■ 4. Amend § 790.2 as follows:
■ a. Revise paragraph (a);
■ b. Add a new sentence at the end of paragraph (b)(6); and
■ c. Revise paragraph (c)(1).

§ 790.2 Central and Regional Office Organization.

(a) *General organization.* NCUA is composed of the Board with a Central Office in Alexandria, Virginia, five Regional Offices, the Asset Management and Assistance Center, the Community Development Revolving Loan Program, and the NCUA Central Liquidity Facility (CLF).

(b) * * *

(6) * * * The Executive Director also serves as the agency's Director of Equal Employment Opportunity (EEO).

* * * * *

(c) *Regional Offices.*

(1) NCUA's programs are conducted through five Regional Offices:

Region No.	Area within region	Office address
I	Connecticut, Maine, Massachusetts, Michigan, New Hampshire, Michigan, New Hampshire, New York, Rhode Island, Vermont.	9 Washington Square, Washington Avenue Extension, Albany, NY 12205–5512.
II	Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia.	1775 Duke Street, Suite 4206, Alexandria, VA 22314–3437.
III	Alabama, Florida, Georgia, Indiana, Kentucky, Mississippi, North Carolina, Ohio, Puerto Rico, South Carolina, Tennessee, Virgin Islands.	7000 Central Parkway, Suite 1600, Atlanta, GA 30328–4598.
IV	Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin.	4807 Spicewood Springs Road, Suite 5200, Austin, TX 78759–8490.
V	Alaska, Arizona, American Samoa, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.	1230 W. Washington Street, Suite 301, Tempe, AZ 85281.

* * * * *

[FR Doc. 04–4314 Filed 2–26–04; 8:45 am]

BILLING CODE 7533–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–SW–56–AD; Amendment 39–13495; AD 2004–01–51]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 2004–01–51, which was sent previously to all known U.S. owners and operators of the specified Eurocopter France (Eurocopter) model helicopters by individual letters. This AD requires, before further flight, for helicopters with less than 10 hours time-in-service (TIS) since installing a main or combiner gearbox received from Eurocopter Marignane, France, replacing these affected gearboxes with appropriate airworthy gearboxes received from another source. This action is prompted by a report of a free wheel unit slipping during the single engine phase of an acceptance flight that resulted in an engine overspeed and an engine shutdown. The actions specified by this AD are intended to prevent engine overspeed, an engine shut-down, and subsequent loss of control of the helicopter.

DATES: Effective March 15, 2004, to all persons except those persons to whom it was made immediately effective by Emergency AD 2004–01–51, issued on January 8, 2004, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before April 27, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2003–SW–56–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov.*

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

SUPPLEMENTARY INFORMATION: On January 8, 2004, the FAA issued Emergency AD 2004–01–51 for the specified model helicopters with less than 10 hours TIS since installing a main or combiner gearbox received from the Eurocopter Marignane, France, works. The emergency AD requires, before further flight, replacing any of these affected gearboxes with appropriate airworthy gearboxes received from another source. This is an interim action pending the results of an ongoing investigation. That action was prompted by a report of a main gearbox free-wheel unit slipping, resulting in an engine overspeed and shut-down, which occurred during the single-engine phase of an acceptance flight. This condition, if not corrected, could result in an engine overspeed, an engine shut-down, and subsequent loss of control of the helicopter.

The FAA has reviewed Eurocopter Alert Telex No. 63.00.21 R1, dated

December 19, 2003, which describes procedures for contacting the manufacturer and cleaning the bevel reduction gear pending the results of an ongoing investigation.

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on these helicopter models. The DGAC advises of a main gearbox free-wheel slippage with resulting engine shut-down due to overspeed, which occurred during the single-engine phase of an acceptance flight at the Eurocopter works. The DGAC classified the Alert Telex as mandatory and issued AD No. UF–2003–454, dated December 11, 2003, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral 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 these type designs that are certificated for operation in the United States.

Since the unsafe condition described is likely to exist or develop on other Eurocopter helicopters of the same type design, the FAA issued Emergency AD 2004–01–51 to prevent an engine overspeed, an engine shut-down, and subsequent loss of control of the helicopter. This AD requires, before further flight, for helicopters with less than 10 hours TIS since installing a main or a combiner gearbox received from Eurocopter, Marignane, France, works, replacing the gearbox with an appropriate airworthy gearbox received from another source. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter. Therefore, replacing any affected gearbox with an appropriate airworthy gearbox is required before further flight, and this AD must be issued immediately.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on January 8, 2004, to all known U.S. owners and operators of Eurocopter Model AS355E, F, F1, F2, and N helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to 14 CFR 39.13 to make it effective to all persons.

The FAA estimates that this AD will affect 104 helicopters of U.S. registry and will take approximately ½ work hour to determine applicability and 12 work hours to replace a gearbox at an average labor rate of $65 per work hour. Required parts will cost approximately $97,000 per helicopter. Based on these figures, we estimate the total cost impact of the AD on U.S. operators to be $981,180, assuming 10 gearboxes are replaced.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2003–SW–56–AD.'' The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT regulatory policies and procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT regulatory policies and procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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, 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:

2004–01–51 Eurocopter France: Amendment 39–13495. Docket No. 2003–SW–56–AD.

Applicability: Model AS355E, F, F1, F2, and N helicopters, with a main gearbox or a combiner gearbox installed, which was received from Eurocopter Marignane, France, works, certificated in any category.

Compliance: Before further flight, unless accomplished previously.

To prevent slipping of the main gearbox free-wheel unit, an engine overspeed, an engine shut down, and subsequent loss of control of the helicopter, accomplish the following:

(a) For helicopters with less than 10 hours time-in-service (TIS), replace the main gearbox or combiner gearbox with the appropriate airworthy gearbox received from another source.

Note 1: Preliminary investigation has shown that the affected main gearboxes and

combiner gearboxes with 10 or more hours TIS are not susceptible to slipping of the free-wheel unit.

Note 2: Eurocopter Alert Telex No. 63.00.21 R1, dated December 19, 2003, pertains to the subject of this AD.

(b) 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.

(c) Special flight permits will not be issued.

(d) This amendment becomes effective on March 15, 2004, to all persons except those persons to whom it was made immediately effective by Emergency AD 2004–01–51, issued January 8, 2004, which contained the requirements of this amendment.

Note 3: The subject of this AD is addressed in Direction Generale de L'Aviation Civile (France) AD No. UF–2003–454, dated December 11, 2003.

Issued in Fort Worth, Texas, on February 20, 2004.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 04–4356 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–122–AD; Amendment 39–13497; AD 2004–05–03]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) Airplanes; Model MD–88 Airplanes; and Model MD–90–30 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; Model MD–88 airplanes, and Model MD–90–30 airplanes. This action requires repetitive inspections to detect cracking of the shock strut cylinders of the left and right main landing gears (MLG), and replacement of any cracked shock strut cylinder. This action is necessary to prevent failure of the shock strut cylinders of the MLGs due to cracking, which could result in collapse of the MLGs and consequent reduced controllability during landing. This action is intended to address the identified unsafe condition.

DATES: Effective March 15, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 15, 2004.

Comments for inclusion in the Rules Docket must be received on or before April 27, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–122–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-iarcomment@faa.gov*. Comments sent via fax or the Internet must contain "Docket No. 2003–NM–122–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 this AD may be obtained from Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mike S. Lee, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5325; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: Five operators of McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and Model MD–88 airplanes reported instances of a shock strut cylinder of a main landing gear (MLG) fracturing, resulting in the MLG collapse during landing roll out. The airplanes had a shock strut cylinder of the MLG that fractured after accumulating between a total of 6,386 and 28,100 landings. The fractures began at cracks on the outer surface of the cylinders. The cracks were created by high stresses from vibration that can occur during airplane braking. Failure of the shock strut cylinders of the MLGs due to cracking could lead to collapse of the MLGs and consequent reduced controllability of the airplane during landing.

Similar Condition Exists on Other Models

The shock strut cylinders on certain McDonnell Douglas Model MD–90–30 airplanes are identical to those on the affected Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes. Therefore, those Model MD–90–30 airplanes may be subject to the unsafe condition due to exchanging a shock strut cylinder of a MLG from an affected airplane.

Related Rulemaking

AD 99–06–13, amendment 39–11077 (64 FR 13330, March 18, 1999), applicable to certain McDonnell Douglas Model DC–9–80 series airplanes; and Model MD–88 airplanes, requires repetitive inspections to detect fatigue cracking of the shock strut cylinder of the MLG and replacement of any cracked shock strut cylinder with a serviceable part. That AD references McDonnell Douglas Alert Service Bulletin MD80–32A286, Revision 03, dated May 28, 1998, as the applicable source of service information.

AD 96–01–09, amendment 39–9485 (61 FR 2407, January 26, 1996), applicable to certain McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes, requires installation of hydraulic brake line restrictors on the MLG, and modification of the hydraulic damper assembly of the MLG. That AD references McDonnell Douglas Service Bulletins MD80–32–276, dated March 31, 1995, and Revision 1, dated October 17, 1995; and MD80–32–278, dated March 31, 1995, and Revision 1, dated September 6, 1995; as the applicable sources of service information.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin MD80–32A344, Revision 2, dated January 28, 2004, for McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes;

and Boeing Alert Service Bulletin MD90–32A059, dated January 28, 2004, for McDonnell Douglas Model MD–90–30 airplanes. These alert service bulletins specify verification of airplane records to determine service history of the shock strut cylinders of the MLGs. These alert service bulletins describe procedures for repetitive inspections (including performing fluorescent dye penetrant and fluorescent dry particle non-destructive testing) to detect cracking of the shock strut cylinders of the left and right MLGs, and replacement of any cracked shock strut cylinder with a new or serviceable part. Additionally, these alert service bulletins describe certain related investigative actions (such as chemically removing cadmium coating, and repeating the fluorescent dye penetrant and fluorescent magnetic particle non-destructive test inspections, if necessary).

Accomplishment of the actions specified in the alert service bulletins is intended to adequately address the identified unsafe condition.

Explanation of the Requirements of the 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, this AD is being issued to prevent failure of the shock strut cylinders of the MLGs due to cracking, which could result in collapse of the MLG and consequent reduced controllability during landing. This AD requires repetitive inspections to detect cracking of the shock strut cylinders of the left and right MLGs, and replacement of any cracked shock strut cylinder with a new or serviceable part. This AD also requires that, if a replacement shock strut cylinder is not new, the service history of the shock strut cylinder determines the applicability by Group definition in the applicable service bulletin described previously. This AD requires accomplishment of the actions specified in the alert service bulletins described previously, except as discussed below.

Differences Between the Service Bulletins and the Airworthiness Directive

Although Boeing Alert Service Bulletin MD80–32A344, Revision 2, dated January 28, 2004, specifies that McDonnell Douglas Alert Service Bulletin MD80–32A286, Revision 03, dated May 28, 1998, be accomplished prior to Boeing Alert Service Bulletin MD80–32A344, Revision 2, this AD does not require that action. As described in the "Related Rulemaking'' section, accomplishment of Boeing Alert Service Bulletin MD80–32A286, Revision 03, is already required by AD 99–06–13.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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 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 rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2003–NM–122–AD.'' The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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 the following new airworthiness directive:

2004–05–03 McDonnell Douglas: Amendment 39–13497. Docket 2003–NM–122–AD.

Applicability: Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes; as listed in Boeing Alert Service Bulletin MD80–32A344, Revision 2, dated January 28, 2004; and Model MD–90–30 airplanes, as listed in Boeing Alert Service

Bulletin MD90–32A059, dated January 28, 2004; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the shock strut cylinders of the main landing gears (MLG) due to cracking, which could result in collapse of the MLG and consequent reduced controllability of the airplane during landing; accomplish the following:

Service Bulletin Reference

(a) The term "service bulletin,'' as used in this AD, means the Accomplishment Instructions of the following service bulletins, as applicable:

(1) For Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes: Boeing Alert Service Bulletin MD80–32A344, Revision 2, dated January 28, 2004.

(2) For Model MD–90–30 airplanes: Boeing Alert Service Bulletin MD90–32A059, dated January 28, 2004.

Records Verification

(b) For Group 1 airplanes as defined in the applicable service bulletin: Within 450 landings or 90 days after the effective date of this AD, whichever occurs first, perform a verification of airplane records to determine in which Group the airplane is specified (as defined in the applicable service bulletin). Per the applicable service bulletin, this verification is based on the service history of the shock strut cylinder of the MLG.

(1) If it can be positively verified from airplane records that the airplane is identified as a Group 2 airplane, per the applicable service bulletin, no inspections are required on that airplane.

(2) If it cannot be positively verified from airplane records that the airplane is identified as a Group 2 airplane, per the applicable service bulletin, the airplane is a Group 3 airplane, and the requirements of paragraph (c) of this AD must be accomplished at the time specified in paragraph (c) of this AD.

Inspections

(c) For Group 3 airplanes, as defined in the applicable service bulletin: Within 450 landings or 90 days after the effective date of this AD, whichever occurs first, do fluorescent dye penetrant and fluorescent magnetic particle non-destructive testing (NDT) inspections to detect cracking of the shock strut cylinders on the MLGs per the applicable service bulletin. Repeat the inspections of each shock strut cylinder thereafter at intervals not to exceed 450 landings on the shock strut cylinder.

Corrective Action

(d) For Group 3 airplanes as defined in the applicable service bulletin: Do the requirements of paragraph (d)(1), (d)(2), or (d)(3) of this AD at the times specified, per the applicable service bulletin.

(1) If a crack indication is not found by the inspections done per paragraph (c) of this AD, perform repetitive inspections as specified in paragraph (c) of this AD.

(2) If a crack indication is found, prior to further flight, do related investigative actions per the applicable service bulletin. If cracking is not confirmed, perform repetitive inspections as specified in paragraph (c) of this AD.

(3) If any cracking is confirmed per the investigative actions done in paragraph (d)(2) of this AD, prior to further flight, do paragraph (d)(3)(i) or (d)(3)(ii) of this AD.

(i) Replace the cracked shock strut cylinder with a serviceable shock strut cylinder, and do paragraph (b) of this AD.

(ii) Replace the affected left or right shock strut cylinder with a new shock strut cylinder, which constitutes terminating action for the repetitive inspection requirement in paragraph (c) of this AD for that shock strut cylinder.

Credit for Previous Service Bulletin Revision

(e) For Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes: Accomplishment of the requirements of this AD prior to the effective date of this AD per Boeing Alert Service Bulletin MD80–32A344, dated March 31, 2003; or Boeing Alert Service Bulletin MD80–32A344, Revision 1, dated December 17, 2003; is considered acceptable for compliance with the initial inspection required in paragraph (c) of this AD, and/or replacement actions required by paragraph (d) of this AD, as applicable. The repetitive inspection interval remains 450 landings for the repetitive inspections.

Parts Installation

(f) As of the effective date of this AD, no person shall install on any airplane a shock strut cylinder of the MLG unless that part has been inspected and found to be crack-free, in accordance with the applicable service bulletin.

Alternative Methods of Compliance

(g) In accordance with 14 CFR 39.19, the Manager, Los Angeles Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

Note 1: Information concerning the existence of approved AMOCs for this AD, if any, may be obtained from the Los Angeles ACO.

Incorporation by Reference

(h) Unless otherwise specified in this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin MD80–32A344, Revision 2, dated January 28, 2004; or Boeing Alert Service Bulletin MD90–32A059, dated January 28, 2004; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(i) This amendment becomes effective on March 15, 2004.

Issued in Renton, Washington, on February 23, 2004.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–4475 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 157

[Docket No. RM81–19–000]

Natural Gas Pipelines; Project Cost and Annual Limits

February 5, 2004.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.308(x)(1), the Director of the Office of Energy Projects (OEP) computes and publishes the project cost and annual limits for natural gas pipelines blanket construction certificates for each calendar year.

EFFECTIVE DATE: January 1, 2004.

FOR FURTHER INFORMATION CONTACT: Michael J. McGehee, Chief, Certificates Branch 1, Division of Pipeline Certificates, (202) 502–8962.

Section 157.208(d) of the Commission's Regulations provides for project cost limits applicable to construction, acquisition, operation and miscellaneous rearrangement of facilities (Table I) authorized under the blanket certificate procedure (Order No. 234, 19 FERC ¶ 61,216). Section 157.215(a) specifies the calendar year dollar limit which may be expended on underground storage testing and development (Table II) authorized under the blanket certificate. Section 157.208(d) requires that the "limits specified in Tables I and II shall be adjusted each calendar year to reflect the 'GDP implicit price deflator' published by the Department of Commerce for the previous calendar year.''

Pursuant to § 375.308(x)(1) of the Commission's Regulations, the authority for the publication of such cost limits, as adjusted for inflation, is delegated to

the Director of the Office of Energy Projects. The cost limits for calendar year 2004, as published in Table I of § 157.208(d) and Table II of § 157.215(a), are hereby issued.

List of Subjects in 18 CFR Part 157

Administrative practice and procedure, Natural Gas, Reporting and recordkeeping requirements.

J. Mark Robinson,

Director, Office of Energy Projects.

■ Accordingly, 18 CFR part 157 is amended as follows:

PART 157—[AMENDED]

■ 1. The authority citation for part 157 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352.

■ 2. Table I in § 157.208(d) is revised to read as follows:

§ 157.208 Construction, acquisition, operation, replacement, and miscellaneous rearrangement of facilities.

* * * * *

(d) * * *

TABLE I

Year	Limit	
	Auto. proj. cost limit (Col.1)	Prior notice proj. cost limit (Col.2)
1982	$4,200,000	$12,000,000
1983	4,500,000	12,800,000
1984	4,700,000	13,300,000
1985	4,900,000	13,800,000
1986	5,100,000	14,300,000
1987	5,200,000	14,700,000
1988	5,400,000	15,100,000
1989	5,600,000	15,600,000
1990	5,800,000	16,000,000
1991	6,000,000	16,700,000
1992	6,200,000	17,300,000
1993	6,400,000	17,700,000
1994	6,600,000	18,100,000
1995	6,700,000	18,400,000
1996	6,900,000	18,800,000
1997	7,000,000	19,200,000
1998	7,100,000	19,600,000
1999	7,200,000	19,800,000
2000	7,300,000	20,200,000
2001	7,400,000	20,600,000
2002	7,500,000	21,000,000
2003	7,600,000	21,200,000
2004	7,800,000	21,600,000

* * * * *

■ 3. Table II in § 157.215(a) is revised to read as follows:

157.215 Underground storage testing and development.

(a) * * *

(5) * * *

TABLE II

Year	Limit
1982	2,700,000
1983	2,900,000
1984	3,000,000
1985	3,100,000
1986	3,200,000
1987	3,300,000
1988	3,400,000
1989	3,500,000
1990	3,600,000
1991	3,800,000
1992	3,900,000
1993	4,000,000
1994	4,100,000
1995	4,200,000
1996	4,300,000
1997	4,400,000
1998	4,500,000
1999	4,550,000
2000	4,650,000
2001	4,750,000
2002	4,850,000
2003	4,900,000
2004	5,000,000

* * * * *

[FR Doc. 04–4324 Filed 2–26–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 101 and 104

[USCG–2004–17086]

Continuous Synopsis Record (CSR)

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability; Application for Continuous Synopsis Record (CG–6039); and request for public comments.

SUMMARY: The Coast Guard announces the availability of the "Application for Continuous Synopsis Record'' (Application for CSR) form CG–6039. Certain vessels are required to carry onboard a Continuous Synopsis Record (CSR) by the International Convention for the Safety of Life at Sea, 1974 (SOLAS) Chapter XI–1. This document details the process of obtaining and amending the CSR. The Coast Guard also solicits public comments on the collection of information associated with the CSR.

DATES: *Comments.* Comments and related material must reach the Docket Management Facility on or before April 27, 2004. Comments sent to the Office of Management and Budget (OMB) on collections of information must reach OMB on or before April 27, 2004.

Availability. The Application for CSR form CG–6039 will be available at the locations listed in the **ADDRESSES** section below beginning February 25, 2004. The Coast Guard will begin issuing the "Continuous Synopsis Record'' (CSR) form CG–6038 on March 1, 2004. All applicable U.S. flag vessels shall have a Coast Guard issued CSR onboard and available for inspection no later than July 1, 2004.

ADDRESSES: *Comments.* To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) Electronically through the web site for the Docket Management System at *http://dms.dot.gov.*

(2) By mail to the Docket Management Facility, (USCG–2004–17086), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(3) By fax to the Docket Management Facility at (202) 493–2251.

(4) By delivery 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. The telephone number is (202) 366–9329.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public will become part of this docket and will be available for inspection or copying at 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. You may also find this docket on the Internet at *http://dms.dot.gov.*

You must also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

Availability. The Application for CSR form CG–6039, and the "Amendments to the CSR and Index of Amendments to the CSR'' (Amendments and Index to CSR) form CG–6038A, may be obtained by any of the following methods:

(1) By downloading it from the Coast Guard Port Security Directorate Web site at *http://www.uscg.mil/hq/g-m/mp/rules.shtml.*

(2) By requesting it, via mail, from the Continuous Synopsis Record Desk (CSR Desk) at P.O. Box 1750, Falling Waters, WV 25419–1750.

(3) By calling the CSR Desk toll free number: 1–866–603–5476.

(4) By requesting it, via e-mail, to *csrdesk@nvdc.uscg.mil.*

Completed forms. A completed Application for CSR form CG–6039 or a completed Amendment and Index to CSR form CG–6038A may be submitted via e-mail to *csrdesk@nvdc.uscg.mil* or mailed to the CSR Desk, P.O. Box 1750, Falling Waters, WV 25419–1750.

FOR FURTHER INFORMATION CONTACT: If you have any questions regarding this notice or the CSR contact Lieutenant Commander Kirsten R. Martin, telephone (202) 267–0503, e-mail *kmartin@comdt.uscg.mil* or Chief Warrant Officer Jim Upthegrove, telephone (202) 267–0102, e-mail *jupthegrove@comdt.uscg.mil,* U.S. Coast Guard Office of Compliance (G–MOC–1). If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone (202) 366–0271.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to submit comments and related material on the collection of information updates included in this notice. If you do so, please include your name and address, identify the docket number for this notice (USCG–2004–17086) and give the reasons for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Viewing comments and documents. To view comments go to *http://dms.dot.gov* at any time and conduct a simple search using the docket number. You may also visit the Docket Management Facility in 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.

Privacy Act. Anyone can 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 the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://dms.dot.gov.*

Background

Definitions. For the purposes of this notice and this program:

Administration means the government of the State whose flag the ship is authorized to fly.

Cargo vessel means a vessel propelled by mechanical means, that is not a passenger vessel, and of 500 gross tons and over. This excludes ships of war, troopships, wooden ships of primitive build, pleasure yachts not engaged in trade, and fishing vessels.

Contracting Government means a Nation-State that has become a party to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), including Chapter XI as amended.

Gross Tons means gross tonnage as measured by the Tonnage Convention of 1969.

International voyage means a voyage between a country to which SOLAS applies and a port outside such country. This excludes vessels solely navigating the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

Passenger vessel means a vessel which carries more than 12 passengers.

About the CSR

SOLAS Chapter XI–1 (adopted by the U.S. as part of the International Ship and Port Facility Security (ISPS) Code) and 33 CFR §§ 101.115(b) and 104.297(a) require that all U.S. flag cargo vessels of 500 gross tons and over on international voyages and all U.S. flag passenger vessels carrying 12 or more passengers on international voyages must be issued and carry onboard a CSR during operations on and after July 1, 2004. Specifically, 33 CFR § 101.115(b) incorporates by reference SOLAS Chapter XI–1, as amended, and 33 CFR § 104.297(a) requires vessels on international voyages to comply with SOLAS Chapter XI–1, if applicable. Regulation 5 of SOLAS Chapter XI–1 prescribes the requirements of the CSR.

The CSR provides an onboard record of the history of the vessel with respect to its flag, owner, operator, charterer, classification society, safety management and security activities.

Key elements of Regulation 5 include the following:

—The CSR must be onboard the vessel and available for inspection at all times.
—Vessel masters, owners or operators are required to submit updated information to the vessel's flag state to amend the CSR when changes occur.
—Flag states are required to forward the administration's records of a vessel's CSR to the new flag state when a vessel changes flag.

In U.S. waters, vessels not in compliance with SOLAS Chapter XI–1, Regulation 5, are subject to operational control and compliance measures, as well as the civil penalties described in 33 CFR §§ 101.400, 101.410, and 101.415. U.S. vessels operating in foreign waters can be detained by a port state for not meeting the SOLAS requirement to carry a valid CSR onboard on or after July 1, 2004, in accordance with the port state control measures allowed by SOLAS.

The Coast Guard will administer the CSR program for the U.S. and will open a new CSR Desk at its National Vessel Documentation Center in Falling Waters, West Virginia, on February 25, 2004. Hours of operation will be Monday through Friday, 7:30 a.m. to 5 p.m. Eastern Time, except for Federal holidays. The toll free phone number for the CSR Desk is 1–866–603–5476. The forms needed to apply for a CSR will be available on February 25, 2004, and may be obtained from the Coast Guard from any of the means identified under **ADDRESSES.** The Coast Guard will be able to issue CSRs on March 1, 2004.

Copies of the Amendments and Index to CSR form CG–6038A, the Application for CSR form CG–6039, can be found as appendices at the end of this document. They may also be found in the docket for this notice (USCG–2004–17086) and at the Coast Guard's Port Security Directorate web site found under **ADDRESSES.**

Detailed guidance on the CSR program will be published in a future policy notice by the Coast Guard and will receive the widest possible distribution to affected parties, including publication in the **Federal Register**.

Who Must Apply for a CSR

All U.S. flag cargo vessels of 500 gross tons and over on international voyages and all U.S. flag passenger vessels carrying 12 or more passengers on international voyages.

How To Apply for a CSR

1. Obtain an Application for CSR form CG–6039. You may obtain an Application for CSR form CG–6039 from the Coast Guard by one of the means specified under **ADDRESSES.**

2. Submit completed application. You may submit a completed application to the CSR Desk by one of the means specified under **ADDRESSES.**

3. Once application data is reviewed and validated, the Coast Guard will mail a valid CSR form CG–6038 accompanied by a blank Amendments and Index to CSR form CG–6038A, to the applicant for placement on his or her vessel. Valid CSR documents will not be sent by email.

How To Amend a CSR

The vessel owner or operator is responsible for maintaining the CSR form CG–6038 onboard their vessel. SOLAS Chapter XI–1, Regulation 5 requires that the vessel owner or operator, without delay, amend the CSR whenever a change occurs to any of the vessel's data elements outlined in paragraphs 3.4 thru 3.12. The Coast Guard considers the vessel master to be the authorized representative of the owner or operator for the purposes of updating and maintaining the CSR. To amend the CSR:

1. Complete the Amendments and Index to CSR form CG–6038A. The Coast Guard will include a blank Amendments and Index to CSR form CG–6038A with a valid CSR. Also, you may obtain the Amendments and Index to CSR form CG–6038A from the Coast Guard by one of the means specified under **ADDRESSES.**

2. Attach original completed Amendments and Index to CSR form CG–6038A to the current CSR being carried onboard the vessel.

3. Send a copy of the Amendments and Index to CSR form CG–6038A, without delay, to the Coast Guard CSR Desk at one of its addresses listed under **ADDRESSES.**

4. Once amendment data is received and validated, the Coast Guard will issue a revised updated CSR form CG–6038 accompanied by a blank Amendments and Index to CSR form CG–6038A. Valid CSR documents will not be sent by email. Do not destroy old CSRs; they must be maintained onboard the vessel.

Maintenance of the CSR

The CSR provides an onboard record of the history of the ship comprised of the chronological file of all copies of the CSR form CG–6038 issued and all completed Amendments and Index to CSR form CG–6038A. Owners and operators are required by SOLAS Chapter XI–1, Regulation 5 to retain this complete historic record onboard the vessel permanently, and to ensure that it is available for inspection at all times.

Collection of Information

This notice contains a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). As defined in 5 CFR 1320.3(c), "collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

The notice modifies two existing OMB-approved collections—1625–0002 [formerly 2115–0007] and 1625–0017 [formerly 2115–0056]. Summaries of the revised collections follow.

OMB Control Number: 1625–0002 [formerly 2115–0007].

Title: Application for Vessel Inspection and Waiver.

Summary of the Collection of Information: The collection of information requires the owner, operator, agent, or master of a vessel to apply in writing to the Coast Guard before the commencement of the inspection for certification, when a waiver is desired from the requirements of navigation and vessel inspection, or to request a Continuous Synopsis Record.

Need for Information: As required in SOLAS Chapter XI–1 and 33 CFR §§ 101.115(b) and 104.297(a), U.S. flag vessels subject to SOLAS must carry onboard a Continuous Synopsis Record (CSR). The Application for CSR form CG–6039 is needed for processing and creating a CSR for each vessel.

Proposed Use of Information: The information contained in the Application for CSR form CG–6039 will be used to review and validate the status of the vessel being described in the form.

Description of the Respondents: Vessel owners or operators whose vessels are subject to SOLAS Chapter XI–1; U.S. flag cargo vessels of 500 gross tons and over, and U.S. flag passenger vessels carrying 12 or more passengers on international voyages.

Number of Respondents: We estimate that 603 vessels currently have SOLAS certificates and all need to apply in 2004 for CSRs.

Frequency of Response: Whenever a vessel becomes subject to SOLAS, once to obtain the vessel's first CSR.

Burden of Response: 30 minutes (.5 hours) per application.

Estimate of Total Annual Burden: The burden attributed to completing and submitting form CG–6039 in 2004 is 302 hours. The estimated total annual burden for OMB 1625–0002 is adjusted to be 1,280 hours.

OMB Control Number: 1625–0017 [formerly 2115–0056].

Title: Various International Agreement Safety Certificates and Documents.

Summary of the Collection of Information: Required by the adoption of the International Convention for the Safety of Life at Sea, 1974. The 13 forms are evidence of compliance with this convention for U.S. vessels on international voyages. Without the proper certificates or documents, a U.S. vessel could be detained in foreign ports.

Need for Information: As required in SOLAS Chapter XI–1 and 33 CFR §§ 101.115(b) and 104.297(a), U.S. flag vessels subject to SOLAS must carry onboard a CSR form CG–6038. SOLAS Chapter XI–1, Regulation 5 requires that the vessel owner or operator, without delay, amend the CSR whenever a change occurs to any of the vessel's data elements outlined in paragraphs 3.4 thru 3.12 and submit an Amendments and Index to CSR form CG–6038A to the Coast Guard.

Proposed Use of Information: The CSR form CG–6038 provides an onboard record of the history of the vessel needed. The information contained in the Amendments and Index to CSR form CG–6038A will be used to update the validity of the vessel being described in the form.

Description of the Respondents: Vessel owners or operators whose vessels are subject to SOLAS Chapter XI–1; U.S. flag cargo vessels of 500 gross tons and over, and U.S. flag passenger vessels carrying 12 or more passengers on international voyages.

Number of Respondents: We estimate that 603 vessels currently have SOLAS certificates and all need to carry onboard a CSR form CG–6038. Assuming that 10 percent of these amend their CSRs, we estimate that 60 vessels will submit the Amendments and Index to CSR form CG–6038A in 2004.

Frequency of Response: Carrying onboard the vessel a CSR form CG–6038 is an annual burden. Submitting the Amendments and Index to CSR form CG–6038A occurs when there are any changes to the vessel's data elements listed in SOLAS Chapter XI–1, Regulation 5, paragraphs 3.4 thru 3.12.

Burden of Response: 5 minutes (.083 hours) per CSR form CG–6038 and 30 minutes (.5 hours) per Amendments and Index to CSR form CG–6038A.

Estimate of Total Annual Burden: The burden attributed to maintaining form CG–6038 in 2004 is 50 hours. The

burden of completing and submitting form CG–6038A in 2004 is 30 hours. The estimated total annual burden for OMB 1625–0017 is adjusted to be 96 hours.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we submitted a copy of this notice to the Office of Management and Budget (OMB) for its review of the collections of information. Due to the circumstances surrounding this notice, we asked for "emergency processing'' of our request. Before the changes these collections of information become effective, we will publish notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collections.

We ask for public comment on the collections of information to help us determine how useful the information is; whether it can help us perform our functions better; whether it is readily available elsewhere; how accurate our estimate of the burden of collection is; how valid our methods for determining burden are; how we can improve the quality, usefulness, and clarity of the information; and how we can minimize the burden of collection.

If you submit comments on the collection of information, submit them both to OMB and to the Docket Management Facility where indicated under **ADDRESSES**, by the date under **DATES.**

You need not respond to a collection of information unless it displays a currently valid control number from OMB.

Dated: February 18, 2004.

Joseph J. Angelo,

Director of Standards, Marine Safety, Security & Environmental Protection.

BILLING CODE 4910–15–P

Appendix A—Application for Continuous Synopsis Record

DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-6039 (REV. 01/04) Page 1 of 2	Application for CONTINUOUS SYNOPSIS RECORD	OMB APPROVED 1625-0002

I. APPLICATION

1. VESSEL NAME:	2. IMO NUMBER:
3. OFFICIAL NUMBER:	4. DATE OF ORIGINAL DOCUMENTATION:
5. FLAG STATE: UNITED STATES	6. HAILING PORT:
7. NAME AND ADDRESS OF CURRENT MANAGING OWNER:	8. NAME AND ADDRESS OF CURRENT REGISTERED BAREBOAT CHARTERER(S):
9. NAME AND ADDRESS(ES) OF COMPANY AS DEFINED IN SOLAS REGULATION IX/1	10. CLASSIFICATION SOCIETY(IES): 11. ADMINISTRATION/RECOGNIZED ORGANIZATION THAT ISSUED DOCUMENT OF COMPLIANCE:
12. ADMINISTRATION/RECOGNIZED ORGANIZATION THAT ISSUED ISM CERTIFICATE:	13. ADMINISTRATION/RECOGNIZED ORGANIZATION THAT ISSUED ISS CERTIFICATE:

II. CONSENT AND CERTIFICATION

I CERTIFY THAT I AM LEGALLY AUTHORIZED TO EXECUTE THIS APPLICATION IN THE CAPACITY SHOWN AND THAT THE INFORMATION PROVIDED HEREIN IS COMPLETE AND CORRECT:

SIGNATURE OF AUTHORIZED OFFICER/PERSON	CAPACITY OF AUTHORIZED OFFICER/PERSON
PRINTED NAME OF AUTHORIZED OFFICER/PERSON DATE:	AUTHORIZING COMPANY PHONE: E-MAIL:

CG-6039 (REV. 01/04), PAGE 2 OF 2

I. APPLICATION continued:

14. REMARKS:

INSTRUCTIONS

I. APPLICATION - Provide vessel information required for issuing an original Continuous Synopsis Record (CSR). CSR requirements are found in SOLAS 74, Regulation XI-1/5 adopted 12 December 2002. If not applicable, put N/A.

1. Indicate current documented name of the vessel as shown on the Certificate of Documentation.
2. Indicate the IMO number of the vessel.
3. Indicate the official number awarded to the vessel as shown on the Certificate of Documentation.
4. State the original date of documentation of the vessel.
5. Self-explanatory.
6. Indicate the vessel's hailing port.
7. As shown on the Certificate of Documentation.
8. Indicate the name and address(es) of registered bareboat charter(s).
9. Indicate the name and address of the company, which has the responsibility of operating the vessel and has agreed to take on the duties and responsibilities imposed by the International Safety Management Code. Include the address(es) from where it carries out the safety-management activities.
10. Indicate the classification society(ies) with which the vessel is classed.
11. Indicate the Administration or recognized organization that issued the Document of Compliance.
12. Indicate the Administration or recognized organization that issued the Safety Management Certificate.
13. Indicate the Administration or recognized security organization that issued the International Ship Security Certificate.
14. Use this section if additional space is required to complete the other sections. Identify additional information by section number.

II. CONSENT AND CERTIFICATION - Self-explanatory.

THIS IS IN RESPONSE TO AMENDMENTS TO SOLAS REQUIREMENTS TO ENHANCE MARITIME SECURITY. THE CONTINUOUS SYNOPSIS RECORD (CSR) SHALL BE ISSUED BY THE U.S. COAST GUARD UNDER THE AUTHORITY OF THE UNITED STATES. THE CSR CERTIFICATE MUST BE KEPT ON BOARD THE VESSEL AND SHALL BE AVAILABLE FOR INSPECTION AT ALL TIMES.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.

The Coast Guard estimates that the average burden for this report is 30 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-0001, or Office of Management and Budget, Paperwork Reduction Project (1625-0002), Washington, DC 20503.

Appendix B—Amendments to the CSR and Index of Amendments to the CSR

OMB APPROVAL NO. 1625-0017

Amendments to the Continuous Synopsis Record (CSR) Document Number for the ship with IMO Number:

	Information	
1	This document applies from (date):	
2	Flag State:	
3	Date of registration with the State indicated in 2:	
4	Name of ship and official number:	
5	Port of registration (Hailing Port):	
6	Name of current registered owner(s): Registered address(es):	
7	If applicable, name of current registered bareboat charterer(s): Registered address(es):	
8	Name of Company (International Safety Management): Registered address(es): Address(es) of its safety management activities:	
9	Name of all classification societies with which the ship is classed:	
10	Administration/Government/Recognized Organization which issued Document of Compliance: Body which carried out audit (if different):	
11	Administration/Government/Recognized Organization which issued Safety Management Certificate: Body which carried out audit (if different):	
12	Administration/Government/Recognized Security Organization which issued International Ship Security Certificate: Body which carried out verification (if different):	
13	Date on which ship ceased to be registered with the State indicated in 2:	

U.S. DEPT. OF HOMELAND SECURITY, USCG, CG-6038A (Rev. 01-04) Page 1 of 3

The amendments are shown in the table. Indicate N/C for all items not being changed. Dates should be in the format yyyy/mm/dd. Record the Amendment in the Index, page 3 of 3. Attach the original Amendment and Index to the current CSR. Without delay, forward a copy of the Amendment to the U.S. Coast Guard, CSR Desk.
THIS IS TO CERTIFY that this record is correct in all respects.
Issued by the Company or master: _____
Date of issue: _____
Signature of authorized person: _____
Name of authorized person: _____
An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.
The Coast Guard estimates that the average burden for this report is 30 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-0001 or Office of Management and Budget, Paperwork Reduction Project (1625-0017), Washington DC 20503.
U.S. DEPT. OF HOMELAND SECURITY, USCG, CG-6038A (Rev. 01-04) Page 2 of 3

Index of Amendments to the CSR Document Number ____ for the ship with IMO Number: _____

After this CSR document was issued, the following amendments to the entries on the document have been made by the Company or master, have been attached to the Ship's CSR file and have been notified to the Administration:

Date of application of Amendments:	Amendment to CSR Information (2-13)	Date amendment form attached to the ship's CSR file:

NOTE: If more amendments are issued than allowed for in the above table, add copies of this table as Appendices to this page. Such Appendices should be numbered from 1 and upwards. When relevant, indicate as follows: Appendix no. _____ has been added to this page.

U.S. DEPT. OF HOMELAND SECURITY, USCG, CG-6038A (Rev. 2-04) Page 3 of 3

[FR Doc. 04–4210 Filed 2–26–04; 8:45 am]
BILLING CODE 4910–15–C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 94

[AMS–FRL–7627–4]

RIN 2060–AJ98

Control of Emissions From New Marine Diesel Compression-Ignition Engines at or Above 30 Liters Per Cylinder

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This correction renumbers a paragraph of 40 CFR 94.12 that was inadvertently misnumbered in the final rule published on February 28, 2003 (68 FR 9746).

DATES: This final rule is effective on March 29, 2004.

ADDRESSES: Materials relevant to this rulemaking are in Public Dockets A–2000–01 and A–2001–11 at the following address: EPA Docket Center (EPA/DC), Public Reading Room, Room B102, EPA West Building, 1301 Constitution Avenue, 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, except on government holidays. You can reach the Air Docket by telephone at (202) 566–1742 and by facsimile at (202) 566–1741. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR part 2.

FOR FURTHER INFORMATION CONTACT: Alan Stout, Assessment and Standards Division, e-mail *stout.alan@epa.gov,* voice-mail (734) 214–4636.

SUPPLEMENTARY INFORMATION: Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this rule final without prior proposal and opportunity for comment because we are amending 40 CFR part 94 by simply renumbering paragraph 40 CFR 94.12(f) that was subject to notice and comment and issued as part of the final rule establishing emission standards for Category 3 marine diesel engines (68 FR 9746, February 28, 2003). This paragraph was inadvertantly labeled as 40 CFR 94.12(f) when a paragraph 94.12(f) already existed. A subsequent rulemaking renumbered the previously existing paragraph 94.12(f) as 94.12(h). This correction restores the numbering for the paragraph from the Category 3 marine diesel engine rule as 40 CFR 94.12(f). Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

The statutory authority for this action comes from sections 114, 213, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7547, and 7601(a)). This action is a rulemaking subject to the provisions of Clean Air Act section 307(d). See 42 U.S.C. 7606(d)(1).

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action'' and is therefore neither subject to review by the Office of Management and Budget nor subject to Executive Order 13211, "Actions Concerning Regulations that Significantly Affect Energy, Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). Because the agency has made a "good cause'' finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as described above, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule does not have tribal implications, as specified in Executive Order 13175 (63 FR 67249, November 9, 2000). This rule will not have federalism implications, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This action does not involve technical standards; 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 action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the September 19, 2003 **Federal Register** notice (68 FR 54956).

The Congressional Review Act (5 U.S.C. 801 *et seq.*) 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 action is not a "major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 94

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Imports, Penalties, Reporting and recordkeeping requirements, Vessels, Warranties.

Dated: February 20, 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 set forth below.

PART 94—CONTROL OF EMISSIONS FROM MARINE COMPRESSION-IGNITION ENGINES

■ 1. The authority citation for part 94 continues to read as follows:

Authority: 42 U.S.C. 7522, 7523, 7524, 7525, 7541, 7542, 7543, 7545, 7547, 7549, 7550 and 7601(a).

Subpart A—[Amended]

■ 2. Section 94.12 is amended by adding paragraph (f) to read as follows:

§ 94.12 Interim provisions.

* * * * *

(f) Manufacturers may submit test data collected using the Annex VI test procedures to show compliance with Tier 1 standards for model years before 2007. Note: Starting in 2007, EPA may approve a manufacturer's request to continue using alternate procedures under § 94.102(c), as long as the manufacturer satisfies EPA that the differences in testing will not affect NO_X emission rates.

* * * * *

[FR Doc. 04–4385 Filed 2–26–04; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. VI–5–265 W, FRL–7627–3]

An Exemption From Requirements of the Clean Air Act for the Territory of United States Virgin Islands; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to receipt of an adverse comment, EPA is withdrawing the direct final rule which granted an exemption of the Clean Air Act (CAA) section 165(a) requirement to obtain a Prevention of Significant Deterioration (PSD) Permit to Construct. The direct final rule was published on December 31, 2003. As stated in the direct final rule, if adverse comments were received by January 30, 2004, a timely withdrawal would be published in the **Federal Register**. EPA subsequently received an adverse comment. EPA will address the comments in a subsequent final action based upon the proposed action also published on December 31, 2003 (68 FR 75786). EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 68 FR 75782, December 31, 2003, is withdrawn on February 27, 2004.

FOR FURTHER INFORMATION CONTACT: Umesh Dholakia, Environmental Engineer, Air Programs Branch, Division of Environmental Protection and Planning, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–4023 or at *Dholakia.Umesh@epa.gov.*

List of Subjects in 40 CFR Part 69

Environmental protection, Air pollution control.

Authority: 42 U.S.C. 7625–1.

Dated: February 20, 2004.

Jane M. Kenny,

Regional Administrator, Region 2.

PART 69—[AMENDED]

■ Accordingly, the addition at 40 CFR 69.41(h), published on December 31, 2003 (68 FR 75782) is withdrawn as of February 27, 2004.

[FR Doc. 04–4386 Filed 2–26–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 02–277; DA 04–320]

Additional Comment Sought on UHF Television Discount

AGENCY: Federal Communications Commission.

ACTION: Final rule; request for comments.

SUMMARY: In light of recent legislation affecting the national television ownership limit, this document establishes a limited comment period to afford petitioners and commenters an opportunity to update the record regarding the Commission's previous decision to retain the 50 percent UHF discount. Pending petitions for reconsideration urge the Commission to eliminate the UHF discount. The limited comment period is intended to afford petitioners and commenters an opportunity to update the record as to the effect, if any, of recent legislation on the Commission's authority and decision in this area.

DATES: Submit comments on or before March 19, 2004, and reply comments on or before March 29, 2004.

ADDRESSES: 445 12th Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Debra Sabourin or Patrick Webre, Industry Analysis Division, Media Bureau, 202–418–2330.

SUPPLEMENTARY INFORMATION:

Synopsis of the Order on Reconsideration

1. On June 2, 2003, the Commission adopted the 2002 Biennial Regulatory Review Report and Order in this proceeding. (*In the Matter of 2002 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Cross-Ownership of Broadcast Stations and Newspapers, Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets, Definition of Radio Markets, and Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area* (Report and Order), 68 FR 46286, August 5, 2003, appeal pending *sub nom. Prometheus Radio Project, et al.* v. *FCC*, Nos. 03–3388, *et al.* (3d Cir.). The rule changes adopted in the Report and Order were stayed by the U.S. Court of Appeals for the Third Circuit and did not go into effect.) Among other things, the Report and Order raised the Commission's national television multiple ownership limit (47 CFR 73.3555(e)) from 35 percent to 45 percent. The Report and Order also retained the Commission's 50 percent UHF discount.

2. On January 22, 2004, President Bush signed into law the Consolidated Appropriations Act, 2004, H.R. 2673. (Consolidated Appropriations Act, 2004, Public Law 108–199, section 629, 118 Stat. 3 (2004) (Appropriations Act). Section 629(1) of the Appropriations Act amends Section 202(c) of the Telecommunications Act of 1996 (Telecom Act), and directs the Commission to modify the national television ownership limit to 39 percent. Pending petitions for reconsideration ask the Commission to reconsider its decision to retain the UHF discount, urging its immediate elimination.[1] We are opening a limited comment period in order to afford petitioners and commenters an opportunity to update the record as to the effect, if any, of the Appropriations Act on our authority and decision in this area. We invite comment as to whether the enactment of the 39 percent national cap affects our authority to modify or eliminate the UHF discount. For example, does passage of the 39 percent cap signify congressional approval, adoption, or ratification of the 50 percent UHF discount?

3. Comments must be filed on or before March 19, 2004; and reply comments must be filed by March 29, 2004. Comments and reply comments may be filed using the Commission's Electronic Filing System (ECFS) or by filing paper copies (an original and four copies). See *Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998). All comments should reference MB Docket No. 02–277. The Commission incorporates by reference the Initial Regulatory Flexibility Analysis published in the Notice of Proposed Rulemaking in this proceeding. (*2002 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules adopted Pursuant to Section 202*

[1] *See* petitions for reconsideration filed by the Amherst Alliance and Virginia Center for the Public Press; Capitol Broadcasting Company, Inc.; and Office of Communication of the United Church of Christ, Inc., Black Citizens for a Fair Media, Philadelphia Lesbian and Gay Task Force, and Women's Institute for Freedom of the Press (UCC, *et al.*) The full text of the petitions for reconsideration, the oppositions, and the replies is available electronically at *http//www.fcc.gov/cgb/ecfs* under MB Docket No. 02–277, or from the Commission's duplicating contractor, Qualex International, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (202) 863–2893.

of the Telecommunications Act of 1996, Cross-Ownership of Broadcast Stations and Newspapers, Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets, Definition of Radio Markets, 67 FR 65751, October 28, 2002, 17 FCC Rcd 18503, Appendix A.)

4. Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html.* Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message, "get form.'' A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

5. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY-A257, Washington, DC 20554. These documents also will be available electronically from the Commission's Electronic Comment Filing System. Documents are available electronically in ASCII text, Word 97, and Adobe Acrobat. Copies of filings in this proceeding may be obtained from 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 at *qualexint@aol.com.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0531 (voice), 202–418–7365 (TTY).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

W. Kenneth Ferree,

Chief, Media Bureau.

[FR Doc. 04–4391 Filed 2–26–04; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 00–7145; Notice 2]

RIN 2127–AH61

Federal Motor Vehicle Safety Standards; Head Impact Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This document amends the upper interior impact requirements of the Federal motor vehicle safety standard on occupant protection in interior impact to increase the minimum separation distance between tested areas on vertical surfaces of a motor vehicle. Compliance with the upper interior impact requirements is determined, in part, by measuring the forces experienced by a test device known as the Free Motion Headform (FMH) when it is propelled into certain target circles in the vehicle interior. To ensure that tests conducted within the same vehicle do not affect each other, the standard specifies that tested targets be at least a certain distance apart; currently 150 mm (6 inches). This final rule expands this minimum separation distance for certain target locations through the use of an FMH-shaped "exclusion zone'' to alleviate concerns that the striking of one target would affect compliance at other nearby targets in the same vehicle. This final rule also adds targets for pillar-like structures that do not meet the definition of "pillar,'' *i.e.,* certain door frames and freestanding vertical seat belt mounting structures.

DATES: *Effective Date:* August 25, 2004.

Petition Date: Any petitions for reconsideration must be received by NHTSA no later than April 12, 2004.

ADDRESSES: Any petitions for reconsideration should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may call Dr. William Fan, Office of Crashworthiness Standards, at (202) 366–4922.

For legal issues, you may call Otto Matheke, Office of the Chief Counsel, at (202) 366–5263.

SUPPLEMENTARY INFORMATION:

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I. Safety Problem

In an August 18, 1995 final rule (60 FR 43031) adding requirements for upper interior impact protection to Standard No. 201, "Occupant Protection in Interior Impact,'' NHTSA estimated that even with air bags installed in all passenger cars, trucks, buses, and multipurpose passenger vehicles (collectively, passenger cars and LTVs) with a gross vehicle weight rating (GVWR) of 4,536 kilograms (10,000 pounds) or less, head impacts with the pillars, roof side rails, windshield header, and rear header would result in 1,591 annual passenger car occupant fatalities and 575 annual LTV occupant fatalities. We also stated that such head impacts also result in nearly 13,600

moderate to critical (but non-fatal) passenger car occupant injuries (MAIS 2 or greater), and more than 5,200 LTV occupant injuries. (The AIS or Abbreviated Injury Scale is used to rank injuries by level of severity. An AIS 1 injury is a minor one, while an AIS 6 injury is one that is currently untreatable and fatal. The Maximum Abbreviated Injury Scale or MAIS is the maximum injury per occupant.) In the August 18, 1995 final rule, we estimated that the new requirements would prevent 675 to 975 AIS 2–5 head injuries and 873 to 1,192 fatalities per year.

II. Background

A. August 1995 Final Rule on Upper Interior Impact Protection

The August 1995 final rule amended Standard No. 201 to require passenger cars and LTVs with a gross vehicle weight rating (GVWR) of 4,536 kilograms (10,000 lbs.) or less to provide protection when an occupant's head strikes upper interior components, including pillars, side rails, headers, and the roof, during a crash. This final rule, which required compliance through a number of phase-in schedules beginning on September 1, 1998, significantly expanded the scope of Standard No. 201. Previously, the standard applied only to the portion of the vehicle interior in front of the front seat and to the backs of the front seats.

B. April 1997 Final Rule

NHTSA received nine timely petitions for reconsideration of the August 1995 final rule. These petitions raised a number of issues, including: (1) Application of the new requirements to dynamic (*i.e.*, crash-deployed) head protection systems, (2) variability of test results attributed to width of the drop test calibration corridor for the FMH, (3) leadtime and phase-in, (4) exclusion of certain vehicles, and (5) test procedures. We considered dynamic head protection systems to be beyond the scope of the original rulemaking and addressed the petitions filed on this issue in a final rule published in the **Federal Register** on August 4, 1998 (63 FR 41451).

The remaining issues were addressed through a final rule published on April 8, 1997 (62 FR 16718). The April 1997 final rule amended Standard No. 201 to add another phase-in option to the existing phase-in requirements, allowed manufacturers to carry forward credits for vehicles certified to the new requirements prior to the beginning of the phase-in period, excluded buses with a GVWR of more than 3,860 kilograms (8,500 pounds), specified that all attachments to the upper interior components are to remain in place during compliance testing, and clarified the test procedure.

An issue considered in both the petitions for reconsideration and the April 8, 1997 final rule was the appropriate minimum separation distance between tested target areas within the same vehicle. S8.14(c) of the Standard provides that, in the event that target areas are located in near proximity to each other, no test impact may occur within 150 mm (6 inches) of any other impact. This provision forbids testing of target areas that are so close together that the FMH would impact two or more targets in a single impact, and that damage resulting from the one test impact may impair countermeasures located at the nearby target area. In the petitions submitted in response to the August 1995 rule, manufacturers argued that the 150 mm (6 inch) distance provided in the Standard was inadequate, particularly in those instances in which the installed countermeasure did not use padding, but instead relied on another means. However, because the petitioners did not submit any data substantiating their claim that the 150 mm (6 inch) distance was inadequate, NHTSA rejected their request to increase this distance when it issued the April 1997 final rule.

C. Petitions for Reconsideration

American Automobile Manufacturers Association (AAMA) and ASC, Incorporated (ASC) filed petitions for reconsideration of the April 8, 1997 final rule. ASC's petition expressed concerns about the impact of the final rule on the integrated convertible roof and frame designs and requested a further amendment to the definition of "convertible roof frame system." AAMA's petition requested that NHTSA reconsider and modify the final rule in reference to approach angles, moveable side glazing, multiple impacts, the procedure for locating CG–F (a reference point corresponding to the location of a front seat occupant's head), and the definition of "forehead impact zone."

In a notice published on April 22, 1998, (63 FR 19839) we denied these petitions for reconsideration. In regard to approach angles, NHTSA rejected AAMA's request for the exclusion of targets that cannot be tested using the existing approach angles contained in S8.13.4. We concluded that targets that cannot be tested using the existing approach angles can be relocated under the protocols found in S10(b) or S10(c). Thus, excluding the targets would not be necessary. We denied AAMA's request that hinges and latches for sunroofs and moveable side glazing be excluded from the FMH test requirements, as we concluded that it was feasible to pad these components. The April 1998 notice also explained that AAMA's concern regarding the location of CG–F had been resolved by an amendment to Standard No. 201 and that we believed that the organization's concerns about the proper definition of the forehead impact zone resulted from a misunderstanding of the terms of that definition. Accordingly, we declined to modify the definition.

The April 1998 notice also set forth our reasoning for rejecting AAMA's request that we reconsider our decision not to expand the minimum separation distance between two target areas. Without providing supporting test data, AAMA argued that the existing 150 mm (6 inch) distance was not sufficient because test damage to one target could affect the performance of a nearby target, depending on the type of countermeasure, the target location, the size of the target component, the approach angles used and the effects of chin loading on one target when another is struck. We rejected AAMA's arguments, explaining that we were satisfied that existing evidence showed that the 150 mm (6 inch) separation distance was adequate. As the maximum width of the FMH is 150 mm (6 inches) and the forehead impact zone on the FMH was smaller, we concluded that the existing difference was sufficient to prevent FMH impact overlap between targets. We also noted that Standard No. 201 allowed testing of targets on both the right and left side of the vehicle interior and that manufacturers could use this as an opportunity to ensure that target areas were much farther apart from each other than 150 mm (6 inches) when actual testing is performed.

AAMA also requested that we consider limiting impacts to one impact per component. Again, AAMA did not submit any data indicating that limiting tests to one impact per component was necessary. We therefore rejected this request because there was not any test data indicating that such a limitation was realistic and necessary.

As noted below, AAMA sent a letter to NHTSA on March 31, 1998 which discussed several of the issues addressed in the agency's April 22, 1998 notice denying the AAMA and ASC petitions for reconsideration. As this letter arrived shortly before the agency issued the April 22, 1998 notice, the issues raised by AAMA in this letter were not considered or discussed in that notice. They are addressed below.

D. March 31, 1998 Letter

On March 31, 1998, AAMA sent a letter to the agency expressing concern about the laboratory test procedure for Standard No. 201. In order to provide guidance and assistance to agency contractors performing compliance tests, the agency produces laboratory test procedures outlining recommended practices for performing compliance tests for the various safety standards. These test procedures are not surrogates for the safety standards—they are merely used by NHTSA to facilitate testing by its contractors.

AAMA expressed its belief that multiple impacts and chin contacts during Standard No. 201 testing using the laboratory test procedure could create uncertainty about the ability of particular countermeasures to meet the Standard. The letter included test data from testing on prototype countermeasures that, in AAMA's view, supported its contention that multiple impacts and chin contacts compromised the ability of countermeasures to perform adequately when adjacent target circles were subject to successive impacts. AAMA requested that the agency's test procedure include a restriction on testing adjacent target circles and also contain a provision stating that any test failure should be carefully scrutinized to determine if and when chin contact occurred. AAMA suggested that the test procedure provide that, if early chin contact occurred, the test be run again with the headform rotated to a new position in which early chin contact would not occur.

E. August 1998 Meeting

On August 19, 1998, AAMA staff persons and representatives of AAMA member companies met with NHTSA officials to discuss ongoing concerns regarding test issues in Standard No. 201. These issues included multiple impacts on the same component, headform chin and cheek contact during HIC calculations, and window position during testing. In this meeting, AAMA members displayed samples of prototype A- and B-pillar trim pieces being developed to meet Standard No. 201. They also presented data generated from tests in which individual trim components were subjected to multiple impacts. The trim samples showed that, instead of using padding as a countermeasure, AAMA members were developing energy absorbing plastic trim composed of conventional plastic trim with ribs on the reverse side.

Test data submitted by Ford showed the results of a series of impacts on simulated pillar structures in which one test impact was followed by a second test impact 150 mm (6 inches) below the first. The trim used in these tests was constructed of plastic with a smooth facing and ribs cast into the backside. Data presented by Ford showed that trim that had been subjected to impacts at the upper location suffered a degradation in performance at the lower impact site ranging from 7.3 percent to 32.1 percent. On average, when a trim component equipped with countermeasures was tested at the lower location after an upper location of the same trim had been tested, the HIC scores were 19.2 percent higher than those resulting from impacts at the same point into identical trim components that had never been impacted. The Ford data also showed that the rib structures on the backside of the plastic trim were deformed up to 150 mm (6 inches) below the impact area.

Representatives of AAMA, the Association of International Automobile Manufacturers, Chrysler, GM, Ford and Mitsubishi indicated that secondary impacts by the chin and lower portion of the FMH after primary impacts by the FMH forehead impaired the ability of target circles on or near the secondary impact area to meet the requirements of the Standard when subjected to testing.

F. New Vehicle Configurations

As light trucks continue to grow in popularity and consumers expect greater versatility from their vehicles, manufacturers are responding by introducing designs that differ from the traditional sedan. A number of manufacturers are now producing pickup trucks with 3- and 4-door designs that, unlike the established "crew cab'' design, do not have pillars between doors. In these vehicles, the rearmost door is hinged at the rear rather than the front. The front and the rear doors latch together without an intervening pillar. Similar designs have also been employed in passenger cars. In these vehicles, the frames of the two doors, when closed and latched, form a structure that presents a surface that may be viewed as the structural equivalent of a pillar.

We are also aware of other designs used in soft-top light utility vehicles that involve the use of a freestanding vertical structure to provide an attachment point for the upper anchorage of a lap and shoulder belt. This structure, which must be relatively stiff in order to ensure the stability of the belt anchorage, is necessarily located near the head of the occupant of the seating position for which the belt is provided. However, because this structure does not support the roof of the vehicle and is not a stiffener or a roll bar, it does not, by definition, have any target areas that would be subject to the requirements of Standard No. 201.

This final rule addresses the safety consequences of these new designs. Because these door frames and seat belt mounting structures did not fit within the existing definitions of "pillar,'' "roll bar'' or "stiffener'' found in Standard No. 201, they did not previously have to meet the head impact protection criteria.

G. Notice of Proposed Rulemaking

After consideration of the issues raised by the petitions for reconsideration, the March 31, 1998 AAMA letter, and the information presented in the August 1998 meeting, NHTSA proposed amendments to Standard No. 201 in a notice of proposed rulemaking (NPRM) published in the **Federal Register** on April 5, 2000 (65 FR 17842). The agency proposed to enlarge the minimum separation distance between pillar target areas to prevent testing to target areas that suffered damage from an impact overlap from a previous test impact, and to include pillar-like structures within the standard. To address impact overlap, the agency proposed adding a 200 mm (8 inch) minimum separation distance for certain vertically oriented target locations. To address the performance of newer vehicle designs with structures that are functionally equivalent to pillars, roll bars and braces, our proposal sought to add new sections to S3 and S10 that defined pillar-like structures and established procedures for locating target areas on those structures.

The head impact protection provisions of Standard No. 201 set minimum performance requirements for vehicle interiors by establishing target areas within the vehicle that must be properly padded or otherwise have energy absorbing properties to minimize head injury in the event of a crash. Compliance with these performance requirements is tested by launching the FMH within a specified angle range at any speed up to and including either 18 km/h or 24 km/h (12 mph or 15 mph) at a specific target area. Target locations are identified through use of the procedures in S10 of the Standard. Some of these targets are located such that when the forehead impact area of the FMH contacts the intended target, the chin or lower portions of the FMH may approach, or perhaps even contact, another target area on the same component.

As Standard No. 201 specifies performance requirements for a number of target areas within a vehicle, S8.14(a) provides that, subject to certain limitations, a single vehicle component may be impacted multiple times. S8.14(b), which was included in the standard to allow sufficient time for resilient countermeasures to recover after impacts, provides that impacts within 300 mm (12 inches) of each other may not occur less than 30 minutes apart. To prevent damage caused by one impact from impairing the performance of a nearby target, S8.14(c) specifies that no impact may occur within 150 mm (6 inches) of any other impact. Given that S8.14(d) says that the distance between impacts is the distance between the centers of the target for each impact, S8.14(c) means that if the centers of two target circles are within 150 mm (6 inches) of each other, only one of the two targets may be impacted.

The 150 mm (6 inch) distance was based on the maximum width of the FMH and not its height. To address the potential impact overlap damage caused by the height of the FMH instead of its width, the NPRM proposed increasing the 150 mm (6 inch) minimum separation distance to 200 mm (8 inches) for certain targets to preclude impact overlap damage caused by impacts to targets below the intended target.

The NPRM also proposed adding new target locations to door frames and seat belt mounting structures. The proposal sought to add two new sections to S10 of Standard No. 201 that would specify target locations on frames of pairs of adjacent side doors that are not separated by an intervening pillar and proposed to add definitions of "door frame'' and "other door frame'' to S3.

Finally, the NPRM proposed to amend S3 to include a definition of "Seat Belt Mounting Structure'' and to amend S10 to add a new target location procedure for locating three targets on these structures.

H. Comments in Response to the NPRM

The agency received two comments in response to the April 5, 2000 NPRM. Comments were submitted by a trade association, the Alliance of Automobile Manufacturers (AAM), and by Bornemann Products (Bornemann), a seat manufacturer. Both commenters were generally supportive of the agency's proposal, although AAM voiced a number of concerns regarding the means of attaining the proposal's objectives and Bornemann offered more global objections concerning the costs that compliance with Standard No. 201 imposes on final stage manufacturers.

AAM addressed five issues: (1) The minimum separation distance for targets, (2) the definition of, and target locations on, seat belt mounting structures, (3) vertical approach angles, (4) targets on other door frames and door frames, and (5) leadtime.

AAM argued that the agency's proposal to increase the separation distance between targets on vertical surfaces from 150 mm (6 inches) to 200 mm (8 inches) was inadequate. According to AAM, the distance from the bottom of the chin to the top of the forehead impact zone of the FMH, measured along the mid-sagittal plane of the FMH head skin, is 250 mm (10 inches). AAM contended that this distance represents the minimum separation distance between two impacts when the top boundary of the forehead impact zone and the lowest point of the FMH contact the interior during a test.

AAM also noted that NHTSA's proposal that sought to extend the minimum separation distance between tested targets was limited to targets on pillars and vertical components of roll bars, braces, and stiffeners. AAM characterized this approach as a component-based method and offered a number of comments. In AAM's view, component-based criteria would not include all components where FMH chin contact could compromise performance at a nearby target. The organization stated that the upper roof target is as much at risk for impact overlap as pillar targets. Moreover, AAM contended that certain targets on or near pillars would not be located on a portion of the vehicle that meets the NHTSA's definition of "pillar.'' AAM stated that targets AP1, BP1 and RP1 are often not located on pillars, even though they are labeled as pillar targets.

To address these concerns, AAM recommended that the method for preventing impact overlap proposed by the agency be replaced with an alternative method. The alternative offered by AAM specifies that no impact may occur within the "Keep Out Zone'' of any other target. The AAM "Keep Out Zone'' is derived through use of a procedure in which a sphere with a radius of 250 mm (10 inches) is centered on a target. Two vertical planes parallel to a vertical plane perpendicular to the target are then placed not more than 150 mm (6 inches) from either side of the target center. The aforementioned vertical planes, in conjunction with the outer edge of that portion of the sphere projected onto the vehicle interior that lies between the vertical planes, establishes the outer boundaries of AAM's "Keep Out Zone.''

The organization also offered comments in regard to the agency's proposed definition of "seat belt mounting structures'' and the target location procedures used in placing targets on them. AAM commented that the definition of "seat belt mounting structure'' in the regulatory text of the NPRM could easily be construed to include areas of the vehicle that are not within the agency's view of what constitutes a seat belt mounting structure as explained in the preamble. AAM provided pictures of a number of 2-door convertibles where the upper anchorage for the shoulder belt provided for front seat occupants is located in the quarter panel behind the door opening. Application of the agency's proposed definition to these vehicles would, in AAM's view, lead to the conclusion that the entire interior rear quarter was a seat belt mounting structure. Since NHTSA's proposal calls for targets to be located on seat belt mounting structures, including belt anchorages, these rear quarter areas would be subjected to FMH impact tests even though they are too low in the vehicle (in AAM's view) to present a significant risk of head injury. AAM recommended that the pillar-like structures the agency intended to regulate be defined by describing them as components projecting above the vehicle beltline (*i.e.*, lower edge of the side daylight opening). The organization also recommended that any definition of a seat belt mounting structure specify that any seat belt anchorage located on the structure must not be lower than one-quarter of the height of an adjacent daylight opening measuring from the vehicle beltline and that any targets on the seat belt mounting structure are not lower than the same height.

AAM's comments also referred to an apparent inconsistency between the description of the maximum vertical angle for door frame targets in the NPRM preamble and the proposed regulatory text. According to AAM, the preamble indicated that NHTSA intends to specify a FMH downward rotation of 10 degrees for the door frames, other door frames and seat belt mounting structures. However, the proposed amendments to the regulatory text stated that the amount of downward rotation used to determine the vertical approach angle should be five degrees. AAM's view is that this text incorrectly leads to the conclusion that door frames and seat belt mounting structures use a maximum vertical angle similar to that of the A-pillar, which is 5 degrees.

AAM also indicated concern about the methodology employed in the proposal for locating door frame targets.

First, AAM is concerned that the proposed method for determining the location of a proposed target—OD2 (Other Door 2)—is not clear when the side doors are a pair of symmetric doors. In AAM's view, use of the proposed method will invariably place the OD2 target circle into the gap between the front and rear door trim panels. As target OD2 in such a location could not be contacted by the FMH and would have to be relocated using the procedure described in S10(b) and (c), AAM requested that NHTSA confirm the methods for locating targets on door frames.

The organization also indicated its concern that the method proposed for determining the location of the door frame reference point (DFR) was inappropriate. The agency's proposal set forth that NHTSA would use the rearmost edge of the forward door opening as a reference point to locate the point "DFR.'' AAM pointed out that the rearward edge of the forward door opening could be located at any height, including a point well below the vehicle beltline. Since the purpose of the head impact protection provisions of the standard is to reduce deaths or injury due to head impacts with the upper interior, AAM believes that using a reference point below the vehicle beltline is contrary to that purpose. The organization suggested two options to correct this situation. First, the AAM recommended that the definition of "Door Frame'' be modified to include portions of the door above the horizontal plane passing the lowest point of the door's daylight opening(s). Second, the AAM recommended that S10.14(a) be amended to read:

S10.14(a) Target DF1—Locate the point on the vehicle interior at the intersection of the horizontal plane passing through the highest point of the forward door opening and a transverse vertical plane (Plane 32) tangent to the rearmost edge of the forward door, as viewed laterally with the adjacent door open. When identifying the rearmost edge of the forward door tangent to Plane 32, the point tangent to Plane 32 should be located by only utilizing the rearmost edge of the front door above a horizontal plane (Plane DFT) passing through the lowest point of the front door's daylight opening(s). Locate the point. * * *

Finally, AAM expressed serious concerns about the effective date of the proposed amendments. In AAM's view, the new requirements proposed for door frames, other door frames and seat belt mounting structures would require a minimum leadtime of three years.

Mr. Paul N. Wagner, President of Bornemann Products, Inc., responded to the April 5, 2000 NPRM on head impact protection. Bornemann Products is a small volume manufacturer of seating systems and other equipment for multi-stage vehicle manufacturers. Mr. Wagner's comments did not directly address the issues raised by the agency's proposal. Instead, Mr. Wagner argued for extending the phase-in requirements for all manufacturers for an additional two years, claimed a need for alternative testing methods for small volume manufacturers, and asked NHTSA to reassess international harmonization of FMVSS No. 201 and the compliance costs of small volume manufacturers.

III. Agency Analysis of Comments

A. Alliance of Automobile Manufacturers

NHTSA has carefully reviewed the comments filed in response to the NPRM. The discussion below sets forth the agency's response to these comments beginning with those filed by AAM. As noted above, AAM was generally supportive of NHTSA's proposal. However, the organization provided specific comments and suggestions directed toward the agency's proposal for establishing a minimum separation distance between target circles, the definition of, and target locations on, seat belt mounting structures, vertical approach angles to targets, leadtime and the location of targets on door frames.

In regard to the minimum separation distance required between targets to prevent impact overlap, AAM recommended that NHTSA abandon its proposal to establish a 200 mm minimum separation distance between allowable impacts on vertical components. Instead, AAM suggested that NHTSA adopt a "Keep Out Zone'' method designed by its member companies. After a careful review, NHTSA concludes that the "Keep Out Zone'' suggested by AAM is unnecessarily large and would exclude targets that would not be compromised by impact overlap when the target centered in the "Keep Out Zone'' is tested. We note first that the AAM "Keep Out Zone'' is based on the belief that a 250 mm (10 inch) distance is necessary to prevent overlap between targets. This 250 mm (10 inch) distance is based on measurement of the distance along the mid-sagittal plane of the FMH from the upper boundary of the forehead impact zone to the lower tip of the chin. In suggesting this distance, AAM assumes that after the initial contact, the FMH will maintain contact with the interior of the vehicle and "roll'' along the surface of the FMH skin until the lowest part of the chin makes contact. It is extremely unlikely that the FMH could behave in this fashion during an impact test, as explained below. Moreover, AAM did not provide any data to substantiate that such motion can or would occur in a compliance test.

Within the FMH approach angle limits specified in Standard No. 201 (See Table 1 of FMVSS No. 201), the upper boundary of the forehead impact zone of the FMH is not intended to be an impact point for compliance tests. An impact on this upper boundary, if it were to occur, would likely produce an extremely poor, glancing impact without significant head rotation. In order for the AAM distance to be valid, an extraordinary amount of FMH rotation would have to occur. The height (vertical distance) between the upper boundary of the forehead impact zone and the forward most point of the FMH chin is less than 215 mm (8.5 inches). If the soft skin of the FMH is removed, the height between the two corresponding points on the metal skull is approximately 200 mm (8 inches). For practical purposes, the agency's compliance tests are performed using the worst possible test condition. The middle and lower portions, and not the top, of the forehead impact zone are the contact points that will strike a target in a worst possible test condition. Since those portions of the FMH provide a more direct impact on the target and result in a higher HIC, the proposed 200 mm (8 inch) separation distance is sufficient to prevent impact overlap between two targets.

In addition to the excessively large distance between targets suggested by AAM, the organization's suggested "Keep Out Zone'' method raises several problematic issues. We note that the AAM procedure for defining the "Keep Out Zone'' specifies that the zone shall be bound on either side of the target by two vertical planes—one to the left of the target and the other to the right. Each of these planes would be located not more than 150 mm (6 inches)—as measured on a horizontal line along the surface of the vehicle interior—to either side of the target circle. Under the AAM procedure, the vertical plane is located at the furthest point possible along the vehicle interior from the target circle. Therefore, if the target circle is located on a pillar, the vertical planes defining the width of the AAM "Keep Out Zone'' would be located either 150 mm (6 inches) from the target center or where the vehicle interior meets a daylight opening, depending on which point is closer to the center of the target. Applying this procedure to a slender component such as an A-pillar would, because of the requirement that the

vertical planes be located at a point on a line on the vehicle surface, produce a very narrow "Keep Out Zone.'' Using the AAM method, the "Keep Out Zone'' determined for a pillar target such as AP2 could be very narrow—as little as 75 mm (3 inches) to 100 mm (4 inches) wide. On a pillar that is likely to be mounted at an angle backward and have targets distributed at different heights along its length, the AAM exclusion zone would not cover other targets on the pillar. For example, target AP3 is located on the A-pillar halfway between the intersection of the dashboard and the A-pillar reference point known as APR. Since APR is likely to be located on the vehicle roof above where the upper portion of the A-pillar joins the roof and AP2 is between APR and AP3, the AAM exclusion zone for AP2 would not cover APR and/or AP3 unless the A-pillar was either very wide or nearly vertical. However, the resulting "Keep Out Zone'' would nonetheless still be approximately 500 mm (20 inches) high. This high and narrow "Keep Out Zone'' would do little to mitigate impact overlap.

In addition to voicing concerns about the distance needed to prevent impact overlap, AAM also questioned our proposal to limit the application of the 200 mm (8 inch) exclusion zone to pillars and vertical components of roll bars, braces and stiffeners. AAM first noted that a number of "pillar'' targets, such as AP1, are not likely to actually be located on a pillar. In AAM's view, these targets, as well as the upper roof target, are very likely to be located in proximity to other targets that could be damaged by impact overlap. However, AAM observed that our proposal would not apply to these targets. In addition, AAM indicated that our proposal would apply the proposed 200 mm (8 inch) separation distance to vertical components of roll bars, braces and stiffeners without providing adequate guidance as to what a "vertical'' component is.

We agree with AAM's observation that certain pillar targets, such as AP1, BP1, and RP1 are likely not to be located on pillars. These targets are, however, as far as the nomenclature of Standard No. 201 is concerned, "pillar'' targets. Each of these targets are located on reference points for locating other targets on a particular pillar. For example, the target known as BP1 is located on the B-pillar reference point, BPR. BPR is used as a reference point for locating other B-pillar targets such as BP3 and BP4. We recognize that BPR and BP1 will, on most vehicles, be above the highest daylight opening on either side of the B-pillar and therefore above rather than "on'' the B-pillar. Because BP1 is located on the B-pillar reference point and is one of a series of B-pillar targets located through the use of that reference point, it is named as a B-pillar target even though it is unlikely to actually be located on the B-pillar.

We do not agree with AAM's contention that the proposal is too vague in regard to targets on vertical components of stiffeners, braces and roll bars. Nonetheless, the final rule modifies our original proposal by eliminating stiffener, brace and roll bar targets from the list of targets for which the "exclusion zone'' applies. We have done so because we believe that there is no practical likelihood that an impact with a tested target on one of these components will result in collateral damage to a nearby target. A brace has only one target. A stiffener is basically a horizontal component with one target, ST1, and a potential second target, ST2, if a seat belt anchorage is on the stiffener. Both ST1 and ST2 are on the same horizontal component and, therefore, the existing 150 mm (6 inch) minimum separation distance is adequate. Roll bars usually consist of two vertical components and a horizontal component. Two targets are specified for roll bars—RB1 and RB2. RB1 is located in a vertical longitudinal plane passing through the seating reference point, SgRP, of any outboard designated seating position. When striking RB1, the FMH lower face/chin should not rotate into any vertical components as it is extremely unlikely that these components would be located adjacent to the SgRP. Similarly, since RB2 is a seat belt anchorage target, it exists only if there is a seat belt anchorage located on a roll bar. If RB2 is located on a horizontal component, then the 150 mm (6 inch) minimum separation distance criterion is adequate. If RB2 is located on the vertical component, it would be the only target on that vertical component. Given the configurations of roll bars, stiffeners and braces and that no more than two targets, which would not be oriented vertically with respect to each other, would be located on them, we believe that there is no need to apply the "exclusion zone'' defined in the final rule to these targets.

AAM also submitted comments indicating that the proposed definition of a seat belt mounting structure was too broad and that the procedure for locating targets on such a structure was flawed. The organization indicated that the proposed definition of seat belt mounting structures would include seat belt anchorages on convertibles and similar vehicles that are not mounted on separate structures, but are instead integrated into quarter panels. AAM suggested that this problem of over-inclusion could be resolved by setting a minimum height for any targets located on a seat belt mounting structure. We agree that our proposal was primarily intended to create a definition for "stand-alone'' structures rising from the floor of a vehicle and that the proposed definition for seat belt mounting structures is broader than necessary to accomplish that purpose. However, we do not agree with AAM's suggestion that any belt anchorage target on a seat belt mounting structure must be located at a point above one-quarter of the vertical space of an adjacent daylight opening. Seat belt mounting structures are employed primarily in open body vehicles where no other suitable structure, including any pillar, is available for mounting a seat belt upper anchorage. NHTSA believes that defining the daylight opening for these vehicles may be uncertain or difficult. For example, an open body vehicle with a soft roof assembly and detachable side doors (like a military jeep) does not have a well-defined daylight opening. In addition, an open body vehicle does not necessarily have a roof and/or side door assembly. Accordingly, it seems more appropriate to describe the structure height in reference to the head CG of the Hybrid-III 50th percentile male dummy or an alternative fixed point inside the vehicle. The final rule defines the seat belt mounting structure as a vehicle component incorporating an upper seat belt anchorage that extends above a horizontal plane 200 mm (8 inches) below the head CG of a seated Hybrid III 50th percentile male dummy in the closest adjacent designated seating position. Since the dummy head CG is 660 mm (26 inches) above the seating reference point (SgRP), the definition states that the seat belt mounting structure is a component of the vehicle body, including trim that extends 460 mm (18 inches) above the SgRP.

Although we do not agree with AAM's suggestion that target heights on seat belt mounting structures should be dependent on the location and height of the nearest daylight opening, AAM's examination of these heights is worthy of consideration. AAM indicated that target locations for seat belt mounting structures should not be lower than other target locations and suggested that BP4, a B-pillar target, serve as a benchmark. The NPRM proposed three potential targets for the seat belt mounting structure, SB1 (seat belt anchorage), SB2 and SB3. SB1 is located on the belt anchorage. Its height will be

determined by the anchorage location requirements of Standard No. 210. It is unlikely that the top of the mounting structure would reach the height of the head CG of the seated 50th percentile male Hybrid-III dummy. For mounting structures that do not reach that height, target SB2, which, as proposed, is at the same height of the head CG, would be located in open space above the top of the structure and, therefore, not exist. The third target, SB3, would, if located as proposed, be on the surface of the seat belt mounting structure 225 mm (9 inches) below a horizontal plane passing through the structure and the head CG of a Hybrid III 50th percentile male dummy seated at the adjacent rear outboard seating position. This target height is about 25 mm (1 inch) lower than that of other targets established by the Standard. NHTSA believes that it would be appropriate to elevate the target SB3 by at least 25 mm (1 inch) and to make the proposed definition of seat belt mounting structures more restrictive by incorporating a reference to a fixed height.

AAM's comments also noted that the NPRM contained an inconsistency. According to AAM, NHTSA indicated in the NPRM preamble that the approach angles used for door frame targets would be similar to those prescribed for B-pillars. However, AAM observed that the proposed regulatory text allows a downward rotation of 5 degrees when determining the proper offset to the vertical approach angle when the preamble and existing provisions for B-pillars indicate that the amount of downward rotation should be 10 degrees. AAM's observation is correct. The regulatory text is revised in this final rule for consistency.

AAM raised two issues related to the agency's proposed target locations for door frames. First, the organization indicated that if the proposed target OD2 were located on a pair of symmetric door frames, the target would fall into the gap where the two doors meet when closed. As such a target location would not be contactable by the FMH, AAM requested that NHTSA "confirm'' that such a target would have to be relocated using the procedures specified in S10(b) and (c). AAM also indicated that a reference point used in the target location procedure for door frames, DFR, might be located below the beltline of the vehicle. The AAM observed that locating this reference point is inconsistent with reducing injuries caused by impact with the upper interior of the vehicle.

The agency agrees that if a designated target point is not contactable by the forehead impact zone of the FMH, then the target point must be relocated using the procedure specified in S10(b) and (c). Therefore, if the OD2 target circle were located in the "gap'' between two doors and could not be struck by the FMH, it would have to be relocated. NHTSA does not agree with AAM's position that a reference point used to determine target locations must be located above the vehicle beltline. We note that other reference points used in Standard No. 201 are below the vehicle beltline. For instance, the seating reference point, SgRP, is used as a reference point for locating several target points and is below the vehicle beltline.

Finally, AAM requested that NHTSA set the effective date for the proposed door frame and seat belt mounting structure requirements not less than three years from the publication date of the final rule, instead of 180 days from publication of the final rule. AAM observed that the August 1995 final rule establishing the upper interior head protection requirements allowed a minimum lead of three years before the first year of a phase-in. The organization argued that a similar leadtime would be needed for the new target areas in our proposal. The agency does not agree. We note that manufacturers have gained significant knowledge and expertise in developing and employing the countermeasures required to meet the upper interior head impact protection requirements since the promulgation of the final rule in 1995. The components affected by the agency's proposal, door frames and seat belt mounting structures, are similar to pillars and other components that must now comply. Countermeasures currently in use can be readily adapted and applied to door frames and seat belt mounting structures. Thus, a leadtime of 18 months is adequate.

B. Bornemann Products

The comments submitted by Bornemann are general in nature and directed toward the overall impact of the upper interior head protection requirements on small manufacturers of multi-stage vehicles and other companies that supply components for those vehicles. Bornemann suggested that the phase-in period for all manufacturers should be extended for an additional two years beyond the current final phase-in date of September 1, 2002 due to the limited availability of testing facilities and the agency proposal to add new requirements. In addition to requesting an extension of the existing phase-in, Bornemann commented that the cost of testing each vehicle was high, and that NHTSA had placed an undue burden on multi-stage and small volume manufacturers. Bornemann suggested that NHTSA should either provide a "reasonable'' means of alternative testing for compliance, or exclude multi-stage and small volume manufacturers from the headform impact test requirements of FMVSS No. 201. In support of this request, Bornemann indicated that the current cost of compliance testing was approximately $48,000 per vehicle model and that designing some vehicles with outside engineering firms could cost up to $600,000 per vehicle. Finally, Bornemann asserted that NHTSA should reconsider the need to harmonize the Standard No. 201's requirements with other countries.

We note first that the comments submitted by Bornemann requested changes that are beyond the scope of the agency's proposal and with the exception of additional costs imposed by that proposal, which Bornemann's comments do not specifically address, have only an indirect bearing on this final rule. However, the comments submitted by Bornemann are virtually identical to the allegations contained in petitions for rulemaking filed by the Recreation Vehicle Industry Association (RVIA) on October 4, 2001 and the National Truck Equipment Association (NTEA) on November 27, 2001. Both petitions requested that NHTSA extend the existing phase-in for manufacturers of multi-stage vehicles (*i.e.*, the fourth one described above) from September 1, 2002 to March 1, 2004. By letters dated March 28 and April 5, 2002, NHTSA indicated it was granting the petitions. On August 28, 2003, the agency published an interim final rule in the **Federal Register** (68 FR 51706) postponing the date by which manufacturers of vehicles built in two or more stages must comply with the upper interior head protection requirements of Standard No. 201. Accordingly, we have determined that Bornemann's concerns have been more properly addressed in our response to the RVIA and NTEA petitions.

With respect to Bornemann's suggestion that FMVSS No. 201 be harmonized with the requirements of other countries, the agency has worked through the United Nations, Economic Commission for Europe, and World Forum for Harmonization of Vehicle Regulations to harmonize head protection requirements. FMVSS No. 201 is currently being examined as a basis for development of a global regulation.

IV. Final Rule

After careful consideration of the comments submitted by AAM and Bornemann, NHTSA is adopting the proposal contained in the NPRM with several modifications. These modifications include changing the method used to determine the appropriate distance for excluding impacts on adjacent targets to prevent impact overlap, modifying the proposed definition of seat belt mounting structures, modifying the definition of "B-pillar,'' and establishing the correct offset for the vertical approach angle used for door frame targets.

In regard to preventing impact overlap, the agency has examined its original proposal, the method suggested by AAM, and a modified version of the AAM method developed by NHTSA. All of these methods have certain limitations. In an effort to seek an effective resolution, NHTSA examined whether a 200 mm (8 inch) separation distance would be adequate to eliminate impact overlap. The results of this examination indicated that the 200 mm (8 inch) distance originally proposed is adequate to prevent impact overlap. Comparison of a modified version of the AAM method and the agency's original proposal led NHTSA to determine that a modified version of the AAM proposal would provide the most practicable method. The final rule specifies that no impact on any target may occur within the "exclusion zone'' of any pillar target (including those not actually located on pillars but designated as pillar targets), door frame target, upper roof target or seat belt mounting structure target. The "exclusion zone'' is to be determined by first locating a 200 mm (8 inch) sphere and a 150 mm (6 inch) sphere centered on the designated target. After the spheres are located, two vertical planes are located 150 mm (6 inches) on either side of the intended target. The horizontal angles of the two aforementioned planes are parallel to, and determined by, the horizontal approach angle used in testing the intended target within the "exclusion zone.'' The two spheres are then projected onto the vehicle interior and the exclusion zone is that area of the vehicle interior located between the vertical planes below the boundary of the smaller sphere and above the boundary of the larger sphere. The result is an oval shape representative of the outline of the FMH.

As indicated above, a 200 mm (8 inch) distance is, in our view, sufficient to prevent impact overlap caused by the impact of the lower portion of the FMH with targets other than the intended target. Similarly, the left, right, and upper boundaries of the "exclusion zone,'' which are not less than 150 mm (6 inches) from the center of the intended target circle, will prevent impact overlap on targets above and to the sides of the intended target. Targets whose centers are located within the "exclusion zone'' will not be tested. Targets whose centers are on or outside the boundary of the "exclusion zone'' will remain subject to testing.

The final rule also expressly specifies that the "exclusion zone'' would apply to all designated pillar targets, upper roof targets, door frame targets and seat belt mounting structure targets. This alleviates concerns that the component-based approach used in our proposal would prevent application of the exclusion zone to impacts on targets that are not located on specific components such as pillars.

The final rule also clarifies the definition of "seat belt mounting structure'' in order to address concerns that the agency's proposed definition would include seat belt anchorages located on rear quarter panels. The revised definition establishes that a seat belt mounting structure is a component of the vehicle that is not a pillar or part of the roof, serves as a mounting point for an upper seat belt anchorage and is located above a horizontal plane 460 mm (18 inches) above the seating reference point of the closest adjacent designated outboard seating position. In addition, the final rule modifies the prior definition of "B-pillar'' in order to clarify the status of pillars immediately behind "door frame'' targets. As the agency considers door frames to be pillar surrogates, NHTSA believes that any door frame aft of the A-pillar and forward of any other pillars is the equivalent of the B-pillar. However, as defined prior to the issuance of this final rule, "B-pillar'' would have included any pillar immediately behind a door frame. The final rule modifies the definition of "B-pillar'' to make it clear that where a door frame occupies the position of the B-pillar, pillars behind that door frame are not B-pillars.

The final rule also corrects typographical errors. The agency's proposal incorrectly referred to SB2 rather than SB3 in the final sentence of S10.16(c) and, in proposing revisions to S8.13.4.2(b)(2), incorrectly stated that the FMH is rotated downward by five degrees, instead of ten degrees, to determine the maximum vertical approach angle.

V. Effective Date

The agency does not agree with AAM's view that a three year leadtime is necessary for the new targets on door frames and seat belt mounting structures. The agency's proposal indicated that the new requirements would become effective 180 days from the date of publication of the final rule. NHTSA recognizes that new tooling and molds will likely be necessary to manufacture countermeasures for the door frames and other surfaces encompassed by this rule even though technologies already developed for other target areas inside vehicles can be readily adapted to the new target areas. Therefore, we believe that the principal challenge in implementing these countermeasures will be found in production rather than design and development. The final rule adds a provision to S6.3 providing that the door frame and seat belt mounting structure requirements will become effective for the first model year that occurs 18 months or more after the publication of the final rule. We believe that this effective date serves the public interest by providing manufacturers sufficient time to design and produce countermeasures for these target areas without imposing undue economic burdens. (As with other safety standards, we construe model years to begin on September 1 of the preceding calendar year.) The amendments addressing the revisions to S8.14 governing multiple impacts will become effective 180 days after publication of this final rule.

VI. Rulemaking Analyses and Notices

A. Regulatory Policies and Procedures

Executive Order 12866, "Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is "significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a "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.

We have considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed by the Office of Management and Budget under E.O. 12866. It is also not considered to be significant under the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

This document amends 49 CFR Part 571.201 by modifying existing test procedures to increase the minimum separation distance between tested targets. It also adds targets on certain door frames and seat belt mounting structures not previously covered by the Standard. The agency notes that these structures, *i.e.*, door frames and freestanding seat belt mounting structures, are not, to NHTSA's knowledge, present in vehicles with more conventional configurations. In particular, seat belt mounting structures appear to be used only in soft top vehicles where no roof structure, pillars (except the A pillar), roll bars or stiffeners exist.

The economic analysis prepared by NHTSA in conjunction with our August 1995 final rule was based on the assumption that all vehicles would have conventional pillar layouts. As a result of that assumption, vehicles that had pillar-like structures instead of pillars were mistakenly included in that analysis and were treated, for the purpose of estimating costs, as though they had conventional pillar layouts. The number of pillars that these vehicles were assumed to have is the same as the total number of pillars and pillar-like structures that they actually have.

The agency has concluded that the costs of installing countermeasures on these pillar-like structures will not differ appreciably from installing the same countermeasures on pillars. Thus, despite the erroneous assumptions, the previous economic analysis correctly estimated the compliance costs for vehicles with pillar-like structures, and included those costs in the overall estimate of the costs of the upper interior head protection requirements. Since the economic costs of extending those requirements to vehicles with surrogate pillars have already been accounted for, we believe that the economic impacts of this final rule do not warrant further regulatory evaluation.

B. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking action in accordance with the principles and criteria set forth in Executive Order 13132. This final rule does 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, as specified in Executive Order 13132.

C. Executive Order 13045

Executive Order 13045 (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 NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we 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 us.

This rule is not subject to the Executive Order because it is not economically significant as defined in E.O. 12866 and does not involve decisions based on environmental, safety or health risks having a disproportionate impact on children.

D. Executive Order 12778

Pursuant to Executive Order 12778, "Civil Justice Reform,'' we have considered whether this final rule will have any retroactive effect. We conclude that it will not have such effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

E. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

The Administrator has considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and certifies that this final rule will not have a significant economic impact on a substantial number of small entities. We estimate that there are at most five small manufacturers of passenger cars in the U.S., producing a combined total of at most 500 cars each year. We do not believe small businesses manufacture even 0.1 percent of total U.S. passenger car and light truck production each year.

The primary cost effect of the requirements will be on manufacturers of passenger cars and LTVs. Final stage manufacturers, those who use incomplete vehicles produced by larger manufacturers to produce specialty products, are generally small businesses. However, NHTSA believes that this final rule is not burdensome for final stage manufacturers. The amendments in this rulemaking impose additional mandatory requirements only on those vehicles with specific door configurations or specialized seat belt mounting structures. We note that vehicles with these configurations presently represent only a small percentage of annual production and are typically not used as base vehicles by final stage manufacturers. Accordingly, the agency has not prepared a regulatory flexibility analysis.

F. National Environmental Policy Act

We have analyzed this final rule amendment for the purposes of the National Environmental Policy Act and determined that it will not have any significant impact on the quality of the human environment.

G. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, a person is not required to respond to a collection of information by a Federal agency unless the

collection displays a valid OMB control number. This final rule does not adopt any new information collection requirements.

H. National Technology Transfer And Advancement Act

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) directs us to use voluntary consensus standards in its regulatory activities unless doing 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 us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards. We note that there are no available voluntary consensus standards that are equivalent to Standard No. 201.

I. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year (adjusted for inflation with base year of 1995). Before promulgating a NHTSA rule for which a written statement is needed, section 205 of the UMRA generally requires us 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 us to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if we publish with the final rule an explanation why that alternative was not adopted.

This final rule will not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector. Thus, this final rule is not subject to the requirements of sections 202 and 205 of the UMRA.

J. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) 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 may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

■ In consideration of the foregoing, 49 CFR part 571 is amended as follows:

PART 571—[AMENDED]

■ 1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 21411, 21415, 21417, and 21466; delegation of authority at 49 CFR 1.50.

■ 2. Section 571.201 is amended by revising the definition of B-pillar in S3 and adding, in alphabetical order, definitions of B-pillar, Door frame, Other door frame, and Seat belt mounting structure to S3; by adding S6.3(e) and SB.13.4.1(e) through (h); revising S8.13.4.2(b), S8.14, and S10(a) through (b); and by adding S10.14, S10.15 and S10.16 to read as follows:

§571.201 Standard No. 201; Occupant protection in interior impact.

* * * * *

S3. * * *

* * * * *

B-pillar means the forwardmost pillar on each side of the vehicle that is, in whole or in part, rearward of a transverse vertical plane passing through the seating reference point of the driver's seat, unless:

(1) There is only one pillar rearward of that plane and it is also a rearmost pillar; or

(2) There is a door frame rearward of the A-pillar and forward of any other pillar or rearmost pillar.

* * * * *

Door frame means the rearmost perimeter structure, including trim but excluding glass, of the forward door and the forwardmost perimeter structure, including trim but excluding glass, of the rear door of a pair of adjacent side doors that:

(1) Have opposing hinges;

(2) Latch together without engaging or contacting an intervening pillar;

(3) Are forward of any pillar other than the A-pillar on the same side of the vehicle; and

(4) Are rearward of the A-pillar.

* * * * *

Other door frame means the rearmost perimeter structure, including trim but excluding glass, of the forward door and the forwardmost perimeter structure, including trim but excluding glass, of the rear door of a pair of adjacent side doors that:

(1) Have opposing hinges;

(2) Latch together without engaging or contacting an intervening pillar; and

(3) Are rearward of the B-pillar.

* * * * *

Seat belt mounting structure means a component of the vehicle body or frame, including trim, extending above a horizontal plane 460 mm above the seating reference point, SgRP, of the closest outboard designated seating position, with an upper seat belt anchorage conforming to the requirements of S4.2.1. and S4.3.2 of Standard No. 210 (49 CFR 571.210) attached to it, and is not a pillar, roll bar, brace or stiffener, side rail, seat, or part of the roof.

* * * * *

S6.3 A vehicle need not meet the requirements of S6.1 through S6.2 for:

* * * * *

(e) Any target located on the seat belt mounting structures, door frames and other door frames before September 1, 2005.

* * * * *

S8.13.4 *Approach angles.* The headform launching angle is as specified in Table 1. For components for which Table 1 specifies a range of angles, the headform launching angle is within the limits determined using the procedures specified in S8.13.4.1 and S8.13.4.2, and within the range specified in Table 1, using the orthogonal reference system specified in S9.

TABLE 1.—APPROACH ANGLE LIMITS (IN DEGREES)

Target component	Horizontal Angle	Vertical angle
Front Header	180	0–50

TABLE 1.—APPROACH ANGLE LIMITS (IN DEGREES)—Continued

Target component	Horizontal Angle	Vertical angle
Rear Header	0 or 360	0–50
Left Side Rail	270	0–50
Right Side Rail	90	0–50
Left Sliding Door Track	270	0–50
Right Sliding Door Track	90	0–50
Left A-Pillar	195–255	−5–50
Right A-Pillar	105–165	−5–50
Left B-Pillar	195–345	−10–50
Right B-Pillar	15–165	−10–50
Left Door Frame	195–345	−10–50
Right Door Frame	15—165	−10–50
Other Left Pillars	270	−10–50
Other Right Pillars	90	−10–50
Other Left Door Frame	270	−10–50
Other Right Door Frame	90	−10–50
Left Rearmost Pillar	270–345	−10–50
Right Rearmost Pillar	15–90	−10–50
Upper Roof	Any	0–50
Overhead Rollbar	0 or 180	0–50
Brace or Stiffener	90 or 270	0–50
Left Seat Belt Mounting Structure	195–345	−10–50
Right Seat Belt Mounting Structure	15–165	−10–50
Seat Belt Anchorages	Any	0–50

* * * * *

S8.13.4.1 *Horizontal approach angles for headform impacts.*

* * *

(e) *Left door frame horizontal approach angles.*

(1) Locate a line formed by the shortest horizontal distance between CG–F2 for the left seat and the left door frame. The maximum horizontal approach angle for the left door frame equals the angle formed by that line and the X-axis of the vehicle measured counterclockwise, or 270 degrees, whichever is greater.

(2) Locate a line formed by the shortest horizontal distance between CG–R for the left seat and the left door frame. The minimum horizontal approach angle for the left door frame equals the angle formed by that line and the X-axis of the vehicle measured counterclockwise.

(f) *Right door frame horizontal approach angles.*

(1) Locate a line formed by the shortest horizontal distance between CG–F2 for the right seat and the right door frame. The minimum horizontal approach angle for the right door frame equals the angle formed by that line and the X-axis of the vehicle measured counterclockwise, or 90 degrees, whichever is less.

(2) Locate a line formed by the shortest horizontal distance between CG–R for the right seat and the right door frame. The maximum horizontal approach angle for the right door frame equals the angle formed by that line and the X-axis of the vehicle measured counterclockwise

(g) *Left seat belt mounting structure horizontal approach angles.*

(1) Locate a line formed by the shortest horizontal distance between CG–F2 for the left seat and the left seat belt mounting structure. If the seat belt mounting structure is below a horizontal plane passing through CG–F2 for the left seat, locate the point 200 mm directly below CG–F2 and locate a line formed by the shortest horizontal distance between that point and the left seat belt mounting structure. The maximum horizontal approach angle for the left seat belt mounting structure equals the angle formed by that line and the X-axis of the vehicle measured counterclockwise, or 270 degrees, whichever is greater.

(2) Locate a line formed by the shortest horizontal distance between CG–R for the left seat and the left seat belt mounting structure. If the seat belt mounting structure is below a horizontal plane passing through CG–R for the left seat, locate the point 200 mm directly below CG–R and locate a line formed by the shortest horizontal distance between that point and the left seat belt mounting structure. The minimum horizontal approach angle for the left seat belt mounting structure equals the angle formed by that line and the X-axis of the vehicle measured counterclockwise. If the CG–R does not exist, or is forward of the seat belt mounting structure, the maximum horizontal approach angle is 270 degrees.

(h) *Right seat belt mounting structure horizontal approach angles.*

(1) Locate a line formed by the shortest horizontal distance between CG–F2 for the right seat and the right seat belt mounting structure. If the seat belt mounting structure is below a horizontal plane passing through CG–F2 for the right seat, locate the point 200 mm directly below that CG–F2 and locate a line formed by the shortest horizontal distance between that point and the right seat belt mounting structure. The minimum horizontal approach angle for the right seat belt mounting structure equals the angle formed by that line and the X-axis of the vehicle measured counterclockwise, or 90 degrees, whichever is less.

(2) Locate a line formed by the shortest horizontal distance between CG–R for the right seat and the right seat belt mounting structure. If the seat belt mounting structure is below a horizontal plane passing through CG–R, locate the point 200 mm directly below CG–R and locate a line formed by the shortest horizontal distance between that point and the right seat belt mounting structure. The maximum horizontal approach angle for the right seat belt mounting structure equals the angle formed by that line and the X-axis of the vehicle measured counterclockwise. If the CG–R does not exist, or is forward of the seat belt mounting structure, the maximum horizontal approach angle is 90 degrees.

S8.13.4.2 *Vertical approach angles.*

* * *

* * *

(2) For all pillars, except A-pillars, and all door frames and seat belt mounting structures, keeping the forehead impact zone in contact with the target, rotate the FMH downward by 10 degrees for each target to determine the maximum vertical angle.

S8.14 *Multiple impacts.*

(a) A vehicle being tested may be impacted multiple times, subject to the limitations in S8.14(b), (c), (d) and (e).

(b) As measured as provided in S8.14(d), impacts within 300 mm of each other may not occur less than 30 minutes apart.

(c) As measured as provided in S8.14(d), no impact may occur within 150 mm of any other impact.

(d) For S8.14(b) and S8.14(c), the distance between impacts is the distance between the center of the target circle specified in S8.11 for each impact, measured along the vehicle interior.

(e) No impact may occur within the "exclusion zone'' of any pillar target specified in S10.1 through S10.4, door frame target specified in S10.14 and S10.15, upper roof target specified in S10.9, or seat belt mounting structure target specified in S10.16. The "exclusion zone'' is determined according to the procedure in S8.14(f) through S8.14(k).

(f) Locate the point, Point X, at the center of the target circle specified in S8.11 for the tested target.

(g) Determine two spheres centered on Point X. Radii of these spheres are 150 mm and 200 mm, respectively.

(h) Locate a horizontal plane passing through Point X. Determine the intersection points, if they exist, of the small sphere surface, the horizontal plane, and the vehicle interior surface. Relative to Point X, the point on the left is Point L and the point on the right is Point R.

(i) Locate a vertical plane, Plane Z, passing through Point X and coincident (within ± 5°) with the horizontal approach angle used or intended for use in testing the target centered on Point X.

(j) If either Point L or Point R does not exist, extend Line LX and/or Line RX, as appropriate, perpendicular to Plane Z beyond Point X by 150 mm. The end of the line is designated as Point L or Point R, as appropriate.

(k) Locate a vertical plane, Plane ZL, passing through Point L and parallel to Plane Z. Locate another vertical plane, Plane ZR, passing through Point R and parallel to Plane Z. The "exclusion zone'' is the vehicle interior surface area between Plane ZL and Plane ZR below the upper boundary of the smaller sphere and above the lower boundary of the larger sphere. Points on the intersection of the vehicle interior surface and the large sphere below the target, the small sphere above the target, Plane ZL and Plane ZR are not included in the "exclusion zone.''

* * * * *

S10 * * *

(a) The target locations specified in S10.1 through S10.16 are located on both sides of the vehicle and, except as specified in S10(b), are determined using the procedures specified in those paragraphs.

(b) Except as specified in S10(c), if there is no combination of horizontal and vertical angles specified in S8.13.4 at which the forehead impact zone of the free motion headform can contact one of the targets located using the procedures in S10.1 through S10.16, the center of that target is moved to any location within a sphere with a radius of 25 mm, centered on the center of the original target, which the forehead impact zone can contact at one or more combination of angles.

* * * * *

S10.14 *Door frame targets.*

(a) *Target DF 1.* Locate the point (Point 21) on the vehicle interior at the intersection of the horizontal plane passing through the highest point of the forward door opening and a transverse vertical plane (Plane 32) tangent to the rearmost edge of the forward door, as viewed laterally with the adjacent door open. Locate the point (Point 22) at the intersection of the interior roof surface, Plane 32, and the plane, described in S8.15(h), defining the nearest edge of the upper roof. The door frame reference point (Point DFR) is the point located at the middle of the line from Point 21 to Point 22 in Plane 32, measured along the vehicle interior surface. Target DF1 is located at Point DFR.

(b) *Target DF2.* If a seat belt anchorage is located on the door frame, Target DF2 is located at any point on the anchorage.

(c) *Target DF3.* Locate a horizontal plane (Plane 33) which intersects Point DFR. Locate a horizontal plane (Plane 34) that passes through the lowest point of the adjacent daylight opening forward of the door frame. Locate a horizontal plane (Plane 35) half-way between Plane 33 and Plane 34. Target DF3 is the point located in Plane 35 and on the interior surface of the door frame, which is closest to CG–F2 for the nearest seating position.

(d) *Target DF4.* Locate a horizontal plane (Plane 36) half-way between Plane 34 and Plane 35. Target DF4 is the point located in Plane 36 and on the interior surface of the door frame that is closest to CG–R for the nearest seating position.

S10.15 *Other door frame targets.*

(a) *Target OD1.*

(1) Except as provided in S10.15(a)(2), target OD1 is located in accordance with this paragraph. Locate the point (Point 23) on the vehicle interior, at the intersection of the horizontal plane through the highest point of the highest adjacent door opening or daylight opening (if there is no adjacent door opening) and the center line of the width of the other door frame, as viewed laterally with the doors in the closed position. Locate a transverse vertical plane (Plane 37) passing through Point 23. Locate the point (Point 24) at the intersection of the interior roof surface, Plane 37 and the plane, described in S8.15(h), defining the nearest edge of the upper roof. The other door frame reference point (Point ODR) is the point located at the middle of the line between Point 23 and Point 24 in Plane 37, measured along the vehicle interior surface. Target OD1 is located at Point ODR.

(2) If a seat belt anchorage is located on the door frame, Target OD1 is any point on the anchorage.

(b) *Target OD2.* Locate the horizontal plane (Plane 38) intersecting Point ODR. Locate a horizontal plane (Plane 39) passing through the lowest point of the daylight opening forward of the door frame. Locate a horizontal plane (Plane 40) half-way between Plane 38 and Plane 39. Target OD2 is the point located on the interior surface of the door frame at the intersection of Plane 40 and the center line of the width of the door frames, as viewed laterally, with the doors in the closed position.

S10.16 *Seat belt mounting structure targets.*

(a) *Target SB1.* Target SB1 is located at any point on the seat belt anchorage mounted on the seat belt mounting structure.

(b) *Target SB2.* Locate a horizontal plane (Plane 41), containing either CG–F2 or CG–R, as appropriate, for any outboard designated seating position whose seating reference point, SgRP, is forward of and closest to, the vertical center line of the width of the seat belt mounting structure as viewed laterally. Target SB2 is located on the seat belt mounting structure and in Plane 41 at the location closest to either CG–F2 or CG–R, as appropriate.

(c) *Target SB3.* Locate a horizontal plane (Plane 42), containing CG–R for any outboard designated seating position rearward of the forwardmost designated seating position or positions whose seating reference point, SgRP, is rearward of and closest to, the vertical center line of the width of the seat belt mounting structure, as viewed laterally. Locate a horizontal plane (Plane 43) 200

mm below Plane 42. Target SB3 is located on the seat belt mounting structure and in Plane 43 at the location closest to CG–R, as appropriate.

Issued on February 23, 2004.

Jeffrey W. Runge,

Administrator.

[FR Doc. 04–4277 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA 2003–14165; Notice 2]

Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Response to petitions for reconsideration.

SUMMARY: On January 6, 2003, the agency published a final rule amending Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant crash protection.'' That final rule responded, in part, to petitions for reconsideration of the December 18, 2001, final rule. The Association of International Automobile Manufacturers (AIAM), the Alliance of Automobile Manufacturers (Alliance), and the American Honda Motor Co., Inc. (Honda) submitted petitions for reconsideration of the January 6, 2003, final rule.

The petitioners request that the time duration for low risk deployment (LRD) testing for the 5th percentile female and rear facing infant dummies be reduced to 100 milliseconds (ms). Petitioners also requested the option of testing at either the previous or current target points for one of the 5th percentile female LRD tests. Finally, the petitioners requested that the removable label located on the dashboard or steering wheel hub have a bullet added to make it consistent with the new visor label.

NHTSA published a technical amendment on August 20, 2003 (68 FR 50077), addressing the label issue. This document denies the remaining petitions for reconsideration of the January 6, 2003, final rule.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Louis Molino, Office of Crashworthiness Standards, NVS–112, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366–2264. Fax: (202) 493–2290. For legal issues, Christopher Calamita or Rebecca MacPherson, Office of Chief Counsel, at (202) 366–2992. Fax: (202) 366–3820.

SUPPLEMENTARY INFORMATION:

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I. Background

On December 18, 2001, NHTSA issued a final rule, Response to Petitions for Reconsideration of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant Crash Protection'' (66 FR 65376). The December 18, 2001, final rule was in response to petitions for reconsideration of the May 12, 2000, final rule (65 FR 30680), which, among other things, added advanced air bag requirements to FMVSS No. 208. By February 6, 2002, NHTSA received 10 petitions for reconsideration of the December 18, 2001, rule. On January 6, 2003, the agency published a Final Rule (68 FR 504), which responded, in part, to these petitions for reconsideration of the December 18, 2001, final rule. The January 6, 2003, final rule specifically addressed several issues. These were the length of time data are collected during low risk deployment (LRD) tests for the three-year-old (3YO) and six-year-old (6YO) dummy positions, a change in dummy positioning procedure for one of the driver position LRD tests, and issues related to the air bag warning labels and the telltale that indicates when the passenger air bag has been automatically suppressed.

II. The Petitions

The Association of International Automobile Manufacturers (AIAM), the Alliance of Automobile Manufacturers (Alliance), and Honda submitted petitions for reconsideration of the January 6, 2003, final rule. The petitions addressed the following issues.

A. Time Duration for Low Risk Deployment (LRD) Testing

In the January 6, 2003, final rule (68 FR 504) the agency modified the LRD test procedure using the 3YO and 6YO dummies such that the data acquisition would be limited to 100 ms after initiation of the first stage of air bag deployment. Previously, the data acquisition period was 125 ms after initiation of the final stage of air bag deployment. We stated our rational for modifying the data acquisition period for the 3YO and 6YO tests as follows:

> We agree with manufacturers that high injury measurements due to secondary impacts can be an artifact of the low risk deployment test. The 100 ms time frame adopted today will minimize the likelihood that a vehicle occupant will be thrown into the seat back or other vehicle component prior to 100 ms, as vehicle manufacturers will need to ensure that their air bags are sufficiently benign to avoid such contacts during that time frame.

The Alliance and Honda subsequently requested that the agency reconsider its decision not to reduce the time duration for the 5th percentile female driver LRD test to 100 ms. Both the Alliance and Honda provided test data from a single LRD test using a 5th percentile female dummy. The Alliance further requested that the same duration be set for the rear-facing infant LRD test.

In its petition, the Alliance characterized the data previously provided for the 3YO and 6YO LRD tests as follows:

> [T]he 3 and 6-year-old tests demonstrated that secondary impacts from static deployments were significantly more severe than those encountered in real world crashes due to the momentum of the occupant in such crashes. Since the fifth female has a greater mass than the 6-year-old, the influence of dummy momentum in reducing secondary impact severity in real world crashes is expected to be even greater.

For the rear-facing infant test, the Alliance argued that the agency's previous justification, that the infant in a rear-facing child restraint system will not have significant momentum, is not correct. It contended:

> Based on the laws of physics, the Alliance agrees with NHTSA that the seat belt will reduce the momentum of the child and child restraint in the brief time interval between the crash initiation and the time when the air bag significantly interacts with the child restraint. However, since seat belts can only provide tensile forces (not compression), once the rear facing child seat interacts with the air bag and begins to move/pivot toward the vehicle seat back the belts become slack and no longer react [to] the remaining momentum of the child seat/dummy. Since this occurs very early in the crash, there is still a significant "momentum effect'' that reduces the seat back interaction in real world crashes compared to that measured in static deployment tests.

1. Discussion and Analysis

In the agency's original analysis that led to the reduction in the data acquisition period for the 3YO and 6YO dummy tests, we also considered reducing the duration for the LRD tests using the rear-facing infant and 5th percentile female driver dummies (68

FR 508). We decided against doing so for the following reasons:

> Vehicle manufacturers have not demonstrated that secondary impacts are a compliance problem on the driver side of the vehicle or with a rear-facing child restraint on the passenger side. Additionally, unlike the 3-year-old and 6-year-old dynamic tests relied on by the Alliance to support its position that secondary impacts are a test anomaly, there will not be a significant amount of forward momentum relative to the vehicle in a dynamic test with an infant dummy in a rear-facing child restraint. The infant dummy is restrained in a rear-facing child restraint that is coupled to the vehicle chassis via the vehicle seat belt system. Thus, the static test condition is more representative of the real world crash event. Accordingly, we are retaining the specification that data be collected for compliance purposes in S19.3 (12-month-old) and S25.3 (driver-side) for 125 ms after initiation of the final stage of deployment for crashes up to 64 km/h (40 mph) and 26 km/h (16 mph), respectively.

With respect to an infant in a rear-facing child restraint, the agency disagrees with the petitioner's arguments that "significant'' momentum remains once the rear-facing child seat begins to interact with the air bag. We still believe, as previously argued, that the belted infant seat limits the momentum effects. In addition, the proximity of the infant seat to the instrument panel does not allow generation of significant velocity relative to the vehicle. Therefore, the static LRD test with the infant is a sufficiently representative approximation of the real world crash event so there is no need for the test to be truncated at 100 ms. Therefore this aspect of the petition is denied.

The petition pertaining to the 5th percentile female LRD test is denied for the following reasons. In the real world, small stature drivers are generally in close proximity to the air bag prior to pre-impact braking due to their need to reach the gas pedal or see over the instrument panel. Thus, in a crash they have little travel space to generate significant velocity relative to the vehicle. Therefore, the static LRD test with the 5th percentile female dummy is a sufficiently representative approximation of the real world crash event for small stature occupants, so again, there is no need for the test to be truncated at 100 ms.

Also, once a driver is out-of-position and is up against the undeployed air bag, that driver rides down the impact with the vehicle until the air bag deploys, and thus generates no velocity relative to the occupant compartment. Unlike a child that does not have his/her feet planted on the floorboard or has its knees braced against the knee bolsters and thus may move forward under the instrument panel, the driver is likely to remain in contact with the steering wheel until the air bag deploys. Therefore, once again, the static LRD test with the 5th percentile female dummy is a sufficiently representative approximation of the real world crash event for small stature occupants, and the test should not be truncated at 100 ms.

Finally, more than 40 advanced air bag compliant vehicle models were available before the end of 2003, with more than 20 available on October 1, 2003. In order to sell these vehicles, the manufacturers had to certify compliance with the driver LRD performance requirements. This indicates that compliance to the 5th percentile female dummy LRD performance requirements does not appear to be a problem, and relief is not necessary.

B. Target Position for 5th Percentile Female Dummy LRD Test

In the January 6, 2003, final rule (68 FR 508), the agency modified S26.2.6, as requested by the manufacturers, to position the dummy chin at the top of the module. This was a reversion back to the May 12, 2000, final rule from the December 18, 2001, final rule, which had placed the target at the air bag opening. We provided the following explanation:

> Petitioners are correct that the change was not discussed. It was intended to create consistency between this test and other tests in which a portion of the dummy was to be positioned in alignment with the place in the vehicle where the air bag initially deploys. It was not intended to have a substantive effect. We do not know at this time whether lowering the dummy head a couple of inches will have a significant effect on recorded injury measurements. However, we recognize it could. Since no substantive change was intended, we have reverted back to the positioning language that was in the May 2000 final rule.

The Alliance and AIAM petitioned the agency to allow either test position until September 1, 2004. The Alliance stated:

> [D]ue to the fact that many manufacturers either already or will shortly have vehicles for sale that are certified to the previous version of this position, the 30-day effective date does not provide sufficient lead-time for manufacturers to retest and certify these vehicles to the new requirement. As such, the compliance of these vehicles with the advanced air bag requirements may be in jeopardy.

1. Discussion and Analysis

The agency is denying the petition to allow manufacturers to certify compliance at either of the two chin-on-module positions until September 1, 2004. Compliance and certification test results show very little difference between the results using the two test positions, which indicates that there is no need for the requested change.

III. Conclusions

For the LRD test using the rear-facing infant dummy, NHTSA continues to believe that the belted infant seat limits the momentum effects and that the proximity of the infant seat to the instrument panel does not allow generation of significant velocity relative to the vehicle. Therefore, the agency is denying the petition to truncate the LRD test for the rear facing infant dummy at 100 ms after initiation of air bag deployment.

With respect to the LRD test using the 5th percentile female dummy, small stature drivers have little travel space to generate significant velocity relative to the vehicle, and once a driver is out-of-position and is up against the undeployed air bag, the driver rides down the impact with the vehicle until the air bag deploys, thus generating no velocity relative to occupant compartment. Additionally, more than 40 advanced air bag compliant vehicle models were available before the end of 2003, with more than 20 available on October 1, 2003. This indicates that assuring compliance with the 5th percentile female dummy LRD test requirements is not a problem, and relief is unnecessary. Therefore, we are denying the petition to truncate the 5th percentile female dummy LRD test at 100 ms.

Finally, the agency is denying the petition to allow manufacturers to test at either chin-on-module test position until September 1, 2004. Compliance and certification test results show very little difference between either test position and, therefore, relief is unnecessary.

Authority: 49 U.S.C. 30162; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on: February 24, 2004.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 04–4400 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 040217059–4059–01; I.D. 021004A]

RIN 0648–AR95

Pacific Halibut Fisheries; Catch Sharing Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; annual management measures for Pacific halibut fisheries.

SUMMARY: The Assistant Administrator for Fisheries, NOAA (AA), on behalf of the International Pacific Halibut Commission (IPHC), publishes annual management measures governing the Pacific Halibut fishery which are approved by the Secretary of State. This action is intended to provide public notice of the effectiveness of these IPHC annual management measures and to inform persons subject to them of their restrictions and requirements.

DATES: Effective February 29, 2004.

ADDRESSES: Additional requests for information regarding this action may be obtained by contacting either the International Pacific Halibut Commission, P.O. Box 95009, Seattle, WA 98145–2009, or Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668.

FOR FURTHER INFORMATION CONTACT: Bubba Cook, 907–586–7425 or e-mail at *bubba.cook@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The IPHC has promulgated regulations governing the Pacific halibut fishery in 2004 under the Convention Between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC., on March 29, 1979). The IPHC regulations have been approved by the Secretary of State of the United States under section 4 of the Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773–773k). Pursuant to regulations at 50 CFR 300.62, the approved IPHC regulations setting forth the 2004 IPHC annual management measures are published in the **Federal Register** to provide notice of their effectiveness, and to inform persons subject to the regulations of the restrictions and requirements. These management measures are effective until superceded by the 2005 management measures, which NMFS will publish in the **Federal Register**.

The IPHC held its annual meeting in Juneau, Alaska, on January 19–23, 2004, and adopted regulations for 2004. The substantive changes to the previous IPHC regulations (68 FR 10989, March 7, 2003) include:

1. New commercial fishery opening date of February 29, 2004, in IPHC areas other than Area 2A;
2. Opening dates for the Area 2A commercial directed halibut fishery;
3. Season dates for the Area 2A tribal fishery;
4. Revising the provisions for retention of tagged halibut;
5. Removing the requirement to mark setline or skate marker buoys with the vessel name;
6. Revising the regulation referring to the Prohibited Species Donation Program administered by NMFS to state that a person may "retain, possess, and dispose'' of halibut from this program; and
7. Removing an obsolete regulation that made implementation of the Customary and Traditional Fishery Regulations in Alaska contingent on NMFS' publication of regulations governing this fishery.

The IPHC recommended to the governments of Canada and the United States catch limits for 2004 totaling 76,505,000 lbs (34,702,100 kg). The IPHC staff reported on the assessment of the Pacific halibut stock in 2003. Some significant changes occurred in the assessment, including the first separate assessment of the male and female components of the stock. Lower growth rates of halibut in recent years and different growth rates for the sexes prompted the staff to perform the separate assessments to ensure that mortality of the females was not excessive. Staff also undertook the first analytical assessments of Areas 3B, 4A, and 4B. Changes in the rate at which fish, especially males, recruit to the fishery will require additional analyses over the coming year to determine if the existing 32-inch (81.3 cm) size limit is still appropriate. Over the coming year, the Commission staff will continue to investigate a new harvest policy that may result in greater stability in the yield from the fishery and insulate the process of setting catch limits from technological changes in the assessment. A joint industry-Commission working group will address and report on this issue during 2004. The halibut stock is healthy in the central and southern portions of the range (Areas 3A through 2A) but is believed to have declined in Areas 3B through Area 4, and lower catch limits are required in those areas.

Catch Sharing Plan (CSP) for Area 2A

The PFMC develops the Area 2A CSP under authority of the Halibut Act, although the IPHC ultimately approves the CSP and any modifications to it. Section 5 of the Halibut Act (16 U.S.C. 773c) provides the Secretary of Commerce (Secretary) with general responsibility to carry out the Convention and to adopt such regulations as may be necessary to implement the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the Assistant Administrator for Fisheries, NOAA. Section 5 of the Halibut Act (16 U.S.C. 773c(c)) also authorizes the Regional Fishery Management Council having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in United States Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. Pursuant to this authority, NMFS requested that the PFMC allocate halibut catches should such allocation be necessary. The PFMC's Area 2A CSP allocates the halibut catch limit for Area 2A among treaty Indian, non-treaty commercial, and non-treaty sport fisheries in and off Washington, Oregon, and California.

This action approves, but does not implement, the CSP for regulatory Area 2A. On February 23, 2004, (69 FR 8162), NMFS published a proposed rule to implement the CSP changes for 2004 and to implement the 2004 Area 2A sport fishing season regulations. The 2004 Area 2A CSP and the Area 2A sport fishing season regulations will be implemented by a final rule separate from this action. Sections 24(4)(b), 24(10), and 25 through 27 are not revised by this action, but will be revised by publication of the separate final rule implementing the Area 2A CSP. These sections primarily address the Area 2A sport fisheries. None of the 2004 changes to the CSP affect either the tribal fisheries or the non-tribal commercial fisheries. Therefore, IPHC management measures for those fisheries are implemented through this final rule.

Annual Halibut Management Measures

The annual management measures that follow for the 2004 Pacific halibut fishery are those adopted by the IPHC and approved by the Secretary of State.

2004 Pacific Halibut Fishery Regulations

Regulations respecting the Convention Between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea

1. Short Title

These regulations may be cited as the Pacific Halibut Fishery Regulations.

2. Application

(1) These Regulations apply to persons and vessels fishing for halibut in, or possessing halibut taken from, the maritime area as defined in Section 3.

(2) Sections 3 to 6 apply generally to all halibut fishing.

(3) Sections 7 to 20 apply to commercial fishing for halibut.

(4) Section 21 applies to tagged halibut caught by any vessel.

(5) Section 22 applies to the United States treaty Indian fishery in subarea 2A–1.

(6) Section 23 applies to customary and traditional fishing in Alaska.

(7) Section 24 applies to sport fishing for halibut.

(8) These Regulations do not apply to fishing operations authorized or conducted by the Commission for research purposes.

3. Interpretation

(1) In these Regulations,

(a) *Authorized officer* means any State, Federal, or Provincial officer authorized to enforce these regulations including, but not limited to, the National Marine Fisheries Service (NMFS), Canada's Department of Fisheries and Oceans (DFO), Alaska Division of Fish and Wildlife Protection (ADFWP), United States Coast Guard (USCG), Washington Department of Fish and Wildlife (WDFW), and the Oregon State Police (OSP);

(b) *Authorized clearance personnel* means an authorized officer of the United States, a representative of the Commission, or a designated fish processor;

(c) *Charter vessel* means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator;

(d) *Commercial fishing* means fishing, other than treaty Indian ceremonial and subsistence fishing as referred to in section 22, and customary and traditional fishing as referred to in section 23 and defined by and regulated pursuant to NMFS regulations published at 50 CFR Part 300, the resulting catch of which is sold or bartered; or is intended to be sold or bartered;

(e) *Commission* means the International Pacific Halibut Commission;

(f) *Daily bag limit* means the maximum number of halibut a person may take in any calendar day from Convention waters;

(g) *Fishing* means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area;

(h) *Fishing period limit* means the maximum amount of halibut that may be retained and landed by a vessel during one fishing period;

(i) *Land* or *offload* with respect to halibut, means the removal of halibut from the catching vessel;

(j) *License* means a halibut fishing license issued by the Commission pursuant to section 4;

(k) *Maritime area,* in respect of the fisheries jurisdiction of a Contracting Party, includes without distinction areas within and seaward of the territorial sea and internal waters of that Party;

(l) *Operator,* with respect to any vessel, means the owner and/or the master or other individual on board and in charge of that vessel;

(m) *Overall length* of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments);

(n) *Person* includes an individual, corporation, firm, or association;

(o) *Regulatory area* means an area referred to in section 6;

(p) *Setline gear* means one or more stationary, buoyed, and anchored lines with hooks attached;

(q) *Sport fishing* means all fishing other than commercial fishing, treaty Indian ceremonial and subsistence fishing as referred to in section 22, and customary and traditional fishing as referred to in section 23 and defined in and regulated pursuant to NMFS regulations published in 50 CFR Part 300;

(r) *Tender* means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish processor;

(s) *VMS transmitter* means a NMFS-approved vessel monitoring system transmitter that automatically determines a vessel's position and transmits it to a NMFS-approved communications service provider.[1]

(2) In these Regulations, all bearings are true and all positions are determined by the most recent charts issued by the United States National Ocean Service or the Canadian Hydrographic Service.

(3) In these Regulations, all weights shall be computed on the basis that the heads of the fish are off and their entrails removed.

4. Licensing Vessels for Area 2A

(1) No person shall fish for halibut from a vessel, nor possess halibut on board a vessel, used either for commercial fishing or as a charter vessel in Area 2A, unless the Commission has issued a license valid for fishing in Area 2A in respect of that vessel.

(2) A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.

(3) A vessel with a valid Area 2A commercial license cannot be used to sport fish for Pacific halibut in Area 2A.

(4) A license issued for a vessel operating in the commercial fishery in Area 2A shall be valid for one of the following, but not both.

(a) The directed commercial fishery during the fishing periods specified in paragraph (2) of section 8 and the incidental commercial fishery during the sablefish fishery specified in paragraph (3) of section 8; or

(b) The incidental catch fishery during the salmon troll fishery specified in paragraph (4) of section 8.

(5) A license issued in respect of a vessel referred to in paragraph (1) of this section must be carried on board that vessel at all times and the vessel operator shall permit its inspection by any authorized officer.

(6) The Commission shall issue a license in respect of a vessel, without fee, from its office in Seattle, Washington, upon receipt of a completed, written, and signed "Application for Vessel License for the Halibut Fishery'' form.

(7) A vessel operating in the directed commercial fishery or the incidental commercial fishery during the sablefish fishery in Area 2A must have its "Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 p.m. on April 30, or on the first weekday in May if April 30 is a Saturday or Sunday.

(8) A vessel operating in the incidental commercial fishery during

[1] Call NOAA Enforcement Division, Alaska Region, at 907–586–7225 between the hours of 0800 and 1600 local time for a list of NMFS-approved VMS transmitters and communications service providers.

the salmon troll season in Area 2A must have its "Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 p.m. on March 31, or the first weekday in April if March 31 is a Saturday or Sunday.

(9) Application forms may be obtained from any authorized officer or from the Commission.

(10) Information on "Application for Vessel License for the Halibut Fishery'' form must be accurate.

(11) The "Application for Vessel License for the Halibut Fishery'' form shall be completed and signed by the vessel owner.

(12) Licenses issued under this section shall be valid only during the year in which they are issued.

(13) A new license is required for a vessel that is sold, transferred, renamed, or redocumented.

(14) The license required under this section is in addition to any license, however designated, that is required under the laws of the United States or any of its States.

(15) The United States may suspend, revoke, or modify any license issued under this section under policies and procedures in 15 CFR Part 904.

5. In-Season Actions

(1) The Commission is authorized to establish or modify regulations during the season after determining that such action:

(a) Will not result in exceeding the catch limit established preseason for each regulatory area;

(b) Is consistent with the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, and applicable domestic law of either Canada or the United States; and

(c) Is consistent, to the maximum extent practicable, with any domestic catch sharing plans or other domestic allocation programs developed by the United States or Canadian governments.

(2) In-season actions may include, but are not limited to, establishment or modification of the following:

(a) Closed areas;

(b) Fishing periods;

(c) Fishing period limits;

(d) Gear restrictions;

(e) Recreational bag limits;

(f) Size limits; or

(g) Vessel clearances.

(3) In-season changes will be effective at the time and date specified by the Commission.

(4) The Commission will announce in-season actions under this section by providing notice to major halibut processors; Federal, State, United States treaty Indian, Provincial fishery officials, and the media.

6. Regulatory Areas

The following areas shall be regulatory areas (see Figure 1) for the purposes of the Convention:

(1) Area 2A includes all waters off the states of California, Oregon, and Washington;

(2) Area 2B includes all waters off British Columbia;

(3) Area 2C includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11′54″ N. lat., 136°38′24″ W. long.) and south and east of a line running 205° true from said light;

(4) Area 3A includes all waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41′15″ N. lat., 155°35′0″ W. long.) to Cape Ikolik (57°17′17″ N. lat., 154°47′18″ W. long.), then along the Kodiak Island coastline to Cape Trinity (56°44′50″ N. lat., 154°08′44″ W. long.), then 140° true;

(5) Area 3B includes all waters between Area 3A and a line extending 150° true from Cape Lutke (54°29′00″ N. lat., 164°20′00″ W. long.) and south of 54°49′00″ N. lat. in Isanotski Strait;

(6) Area 4A includes all waters in the Gulf of Alaska west of Area 3B and in the Bering Sea west of the closed area defined in section 10 that are east of 172°00′00″ W. long. and south of 56°20′00″ N. lat.;

(7) Area 4B includes all waters in the Bering Sea and the Gulf of Alaska west of Area 4A and south of 56°20′00″ N. lat.;

(8) Area 4C includes all waters in the Bering Sea north of Area 4A and north of the closed area defined in section 10 which are east of 171°00′00″ W. long., south of 58°00′00″ N. lat., and west of 168°00′00″ W. long.;

(9) Area 4D includes all waters in the Bering Sea north of Areas 4A and 4B, north and west of Area 4C, and west of 168°00′00″ W. long.;

(10) Area 4E includes all waters in the Bering Sea north and east of the closed area defined in section 10, east of 168°00′00″ W. long., and south of 65°34′00″ N. lat.

7. Fishing in Regulatory Area 4E and 4D

(1) Section 7 applies only to any person fishing, or vessel that is used to fish for, Area 4E Community Development Quota (CDQ) or Area 4D CDQ halibut provided that the total annual halibut catch of that person or vessel is landed at a port within Area 4E or 4D.

(2) A person may retain halibut taken with setline gear in Area 4E CDQ and 4D CDQ fishery that are smaller than the size limit specified in section 13, provided that no person may sell or barter such halibut.

(3) The manager of a CDQ organization that authorizes persons to harvest halibut in the Area 4E or 4D CDQ fisheries must report to the Commission the total number and weight of undersized halibut taken and retained by such persons pursuant to section 7, paragraph (2). This report, which shall include data and methodology used to collect the data, must be received by the Commission prior to December 1 of the year in which such halibut were harvested.

8. Fishing Periods

(1) The fishing periods for each regulatory area apply where the catch limits specified in section 11 have not been taken.

(2) Each fishing period in the Area 2A directed fishery [2] shall begin at 0800 hours and terminate at 1800 hours local time on June 23, July 14, July 28, August 11, August 25, September 15, and September 29 unless the Commission specifies otherwise.

(3) Notwithstanding paragraph (7) of section 11, an incidental catch fishery [3] is authorized during the sablefish seasons in Area 2A in accordance with regulations promulgated by NMFS.

(4) Notwithstanding paragraph (2), and paragraph (7) of section 11, an incidental catch fishery is authorized during salmon troll seasons in Area 2A in accordance with regulations promulgated by NMFS.

(5) The fishing period in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall begin at 1200 hours local time on February 29 and terminate at 1200 hours local time on November 15, unless the Commission specifies otherwise.

(6) All commercial fishing for halibut in Areas 2A, 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall cease at 1200 hours local time on November 15.

9. Closed Periods

(1) No person shall engage in fishing for halibut in any regulatory area other than during the fishing periods set out in section 8 in respect of that area.

(2) No person shall land or otherwise retain halibut caught outside a fishing period applicable to the regulatory area where the halibut was taken.

[2] The directed fishery is restricted to waters that are south of Point Chehalis, Washington (46°53′18″ N. lat.) under regulations promulgated by NMFS and published in the **Federal Register**.

[3] The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington (46°53′18 N. lat. under regulations promulgated by NMFS and published in the **Federal Register**.

(3) Subject to paragraphs (7), (8), (9), and (10) of section 19, these Regulations do not prohibit fishing for any species of fish other than halibut during the closed periods.

(4) Notwithstanding paragraph (3), no person shall have halibut in his/her possession while fishing for any other species of fish during the closed periods.

(5) No vessel shall retrieve any halibut fishing gear during a closed period if the vessel has any halibut on board.

(6) A vessel that has no halibut on board may retrieve any halibut fishing gear during the closed period after the operator notifies an authorized officer or representative of the Commission prior to that retrieval.

(7) After retrieval of halibut gear in accordance with paragraph (6), the vessel shall submit to a hold inspection at the discretion of the authorized officer or representative of the Commission.

(8) No person shall retain any halibut caught on gear retrieved referred to in paragraph (6).

(9) No person shall possess halibut aboard a vessel in a regulatory area during a closed period unless that vessel is in continuous transit to or within a port in which that halibut may be lawfully sold.

10. Closed Area

All waters in the Bering Sea north of 55°00′00″ N. lat. in Isanotski Strait that are enclosed by a line from Cape Sarichef Light (54°36′0″ N. lat., 164°55′42″ W. long.) to a point at 56°20′00″ N. lat., 168°30′00″ W. long.; thence to a point at 58°21′25″ N. latitude, 163°00′00″ W. long.; thence to Strogonof Point (56°53′18″ N. lat., 158°50′37″ W. long.); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light are closed to halibut fishing and no person shall fish for halibut therein or have halibut in his/her possession while in those waters except in the course of a continuous transit across those waters. All waters in Isanotski Strait between 55°00′00″ N. lat. and 54°49′00″ N. lat. are closed to halibut fishing.

11. Catch limits

(1) The total allowable catch of halibut to be taken during the halibut fishing periods specified in section 8 shall be limited to the weight expressed in pounds or metric tons shown in the following table:

Regulatory area	Catch Limit	
	Pounds	Metric tons
2A: directed commercial, and incidental commercial during salmon troll fishery	297,029	134.7
2A: incidental commercial during sablefish fishery	70,000	31.7
2B [4]	13,800,000	6258.5
2C	10,500,000	4,761.9
3A	25,060,000	11,365.1
3B	15,600,000	7,074.8
4A	3,470,000	1,573.7
4B	2,810,000	1,274.4
4C	1,720,000	780.0
4D	1,720,000	780.0
4E	345,000	156.5

(2) Notwithstanding paragraph (1), regulations pertaining to the division of the Area 2A catch limit between the directed commercial fishery and the incidental catch fishery as described in paragraph (4) of section 8 will be promulgated by NMFS and published in the **Federal Register**.

(3) The Commission shall determine and announce to the public the date on which the catch limit for Area 2A will be taken.

(4) Notwithstanding paragraph (1), Area 2B will close only when all IVQs assigned by DFO are taken, or November 15, whichever is earlier.

(5) Notwithstanding paragraph (1), Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will each close only when all IFQs and all CDQs issued by NMFS have been taken, or November 15, whichever is earlier:

(6) If the Commission determines that the catch limit specified for Area 2A in paragraph (1) would be exceeded in an unrestricted 10-hour fishing period as specified in paragraph (2) of section 8, the catch limit for that area shall be considered to have been taken unless fishing period limits are implemented.

(7) When under paragraphs (2), (3), and (6) the Commission has announced a date on which the catch limit for Area 2A will be taken, no person shall fish for halibut in that area after that date for the rest of the year, unless the Commission has announced the reopening of that area for halibut fishing.

(8) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4E directed commercial fishery is equal to the combined annual catch limits specified for the Area 4D and Area 4E Community Development Quotas. The annual Area 4D CDQ catch limit will decrease by the equivalent amount of halibut CDQ taken in Area 4E in excess of the annual Area 4E CDQ catch limit.

12. Fishing Period Limits

(1) It shall be unlawful for any vessel to retain more halibut than authorized by that vessel's license in any fishing period for which the Commission has announced a fishing period limit.

(2) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut to a commercial fish processor, completely offload all halibut on board said vessel to that processor and ensure that all halibut is weighed and reported on State fish tickets.

(3) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut other than to a commercial fish processor, completely offload all halibut on board said vessel and ensure that all halibut are weighed and reported on State fish tickets.

(4) The provisions of paragraph (3) are not intended to prevent retail over-the-side sales to individual purchasers so long as all the halibut on board is ultimately offloaded and reported.

(5) When fishing period limits are in effect, a vessel's maximum retainable catch will be determined by the Commission based on:

(a) The vessel's overall length in feet and associated length class;

[4] Area 2B includes combined commercial and sport catch limits which will be allocated by DFO.

(b) The average performance of all vessels within that class; and

(c) The remaining catch limit.

(6) Length classes are shown in the following table:

Overall length (in feet)	Vessel class
1–25	A
26–30	B
31–35	C
36–40	D
41–45	E
46–50	F
51–55	G
56+	H

(7) Fishing period limits in Area 2A apply only to the directed halibut fishery referred to in paragraph (2) of section 8.

13. Size Limits

(1) No person shall take or possess any halibut that

(a) With the head on, is less than 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 2; or

(b) With the head removed, is less than 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in Figure 2.

(2) No person shall possess on board a vessel a halibut filleted or a halibut that has been mutilated, or otherwise disfigured in any manner that prevents the determination of whether the halibut complies with the size limits specified in this section, except that this paragraph shall not prohibit the possession on board a vessel:

(a) Of halibut cheeks cut from halibut caught by persons authorized to process the halibut on board in accordance with NMFS regulations published at 50 CFR Part 679; and

(b) Of fillets from halibut that have been offloaded in accordance with section 17 may be possessed on board the harvesting vessel in the port of landing up to 1800 hours local time on the calendar day following the offload.[5]

(3) No person on board a vessel fishing for, or tendering, halibut caught in Area 2A shall possess any halibut that has had its head removed.

14. Careful Release of Halibut

(1) All halibut that are caught and are not retained shall be immediately released outboard of the roller and returned to the sea with a minimum of injury by:

(a) Hook straightening;

(b) Cutting the gangion near the hook; or

(c) Carefully removing the hook by twisting it from the halibut with a gaff.

15. Vessel Clearance in Area 4

(1) The operator of any vessel that fishes for halibut in Areas 4A, 4B, 4C, or 4D must obtain a vessel clearance before fishing in any of these areas, and before the landing of any halibut caught in any of these areas, unless specifically exempted in paragraphs (10), (13), (14), (15), (16), or (17).

(2) An operator obtaining a vessel clearance required by paragraph (1) must obtain the clearance in person from the authorized clearance personnel and sign the IPHC form documenting that a clearance was obtained, except that when the clearance is obtained via VHF radio referred to in paragraphs 5, 8, and 9, the authorized clearance personnel must sign the IPHC form documenting that the clearance was obtained.

(3) The vessel clearance required under paragraph (1) prior to fishing in Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor or Akutan, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(4) The vessel clearance required under paragraph (1) prior to fishing in Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(5) The vessel clearance required under paragraph (1) prior to fishing in Area 4C or 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(6) The vessel operator shall specify the specific regulatory area in which fishing will take place.

(7) Before unloading any halibut caught in Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(8) Before unloading any halibut caught in Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio or in person.

(9) Before unloading any halibut caught in Area 4C or 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(10) Any vessel operator who complies with the requirements in section 18 for possessing halibut on board a vessel that was caught in more than one regulatory area in Area 4 is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel obtains a vessel clearance prior to fishing in Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the Areas in which the vessel will fish; and

(b) Before unloading any halibut from Area 4, the vessel operator obtains a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.

(11) Vessel clearances shall be obtained between 0600 and 1800 hours, local time.

(12) No halibut shall be on board the vessel at the time of the clearances required prior to fishing in Area 4.

(13) Any vessel that is used to fish for halibut only in Area 4A and lands its total annual halibut catch at a port

[5] DFO has more restrictive regulations therefore section 13(2)b does not apply to fish caught in Area 2B or landed in British Columbia.

within Area 4A is exempt from the clearance requirements of paragraph (1).

(14) Any vessel that is used to fish for halibut only in Area 4B and lands its total annual halibut catch at a port within Area 4B is exempt from the clearance requirements of paragraph (1).

(15) Any vessel that is used to fish for halibut only in Area 4C and lands its total annual halibut catch at a port within Area 4C is exempt from the clearance requirements of paragraph (1).

(16) Any vessel that is used to fish for halibut only in Areas 4D or 4E and lands its total annual halibut catch at a port within Areas 4D, 4E, or the closed area defined in section 10, is exempt from the clearance requirements of paragraph (1).

(17) Any vessel that carries a transmitting VMS transmitter while fishing for halibut in Area 4A, 4B, 4C, or 4D and until all halibut caught in any of these areas is landed is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel complies with NMFS' vessel monitoring system regulations published at 50 CFR sections 679.28(f)(3), (4) and (5); and

(b) The operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800–304–4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for halibut in Area 4A, 4B, 4C, or 4D and receives a VMS confirmation number.

16. Logs

(1) The operator of any U.S. vessel fishing for halibut that has an overall length of 26 feet (7.9 meters) or greater shall maintain an accurate log of halibut fishing operations in the Groundfish/IFQ Daily Fishing Longline and Pot Gear Logbook provided by NMFS, or Alaska hook-and-line logbook provided by Petersburg Vessel Owners Association or Alaska Longline Fisherman's Association, or the Alaska Department of Fish and Game (ADF&G) longline-pot logbook, or the logbook provided by IPHC.

(2) The logbook referred to in paragraph (1) must include the following information:

(a) The name of the vessel and the state vessel number (ADF&G or Washington Department of Fish and Wildlife or Oregon Department of Fish and Wildlife or California Department of Fish and Game vessel number);

(b) The date(s) upon which the fishing gear is set or retrieved;

(c) The latitude and longitude or loran coordinates or a direction and distance from a point of land for each set or day;

(d) The number of skates deployed or retrieved, and number of skates lost; and

(e) The total weight or number of halibut retained for each set or day.

(3) The logbook referred to in paragraph (1) shall be

(a) Maintained on board the vessel;

(b) Updated not later than 24 hours after midnight local time for each day fished and prior to the offloading or sale of halibut taken during that fishing trip;

(c) Retained for a period of two years by the owner or operator of the vessel;

(d) Open to inspection by an authorized officer or any authorized representative of the Commission upon demand; and

(e) Kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed.

(4) The log referred to in paragraph (1) does not apply to the incidental halibut fishery during the salmon troll season in Area 2A defined in paragraph (4) of section 8.

(5) The operator of any Canadian vessel fishing for halibut shall maintain an accurate log recorded in the British Columbia Halibut Fishery logbook provide by DFO.

(6) The logbook referred to in paragraph (5) must include the following information:

(a) The name of the vessel and the Department of Fisheries and Ocean's vessel number;

(b) The date(s) upon which the fishing gear is set or retrieved;

(c) The latitude and longitude or loran coordinates or a direction and distance from a point of land for each set or day;

(d) The number of skates deployed or retrieved, and number of skates lost; and

(e) The total weight or number of halibut retained for each set or day.

(7) The logbook referred to in paragraph (5) shall be

(a) Maintained on board the vessel;

(b) Updated not later than 24 hours after midnight local time for each day fished and prior to the offloading or sale of halibut taken during that fishing trip;

(c) Retained for a period of two years by the owner or operator of the vessel;

(d) Open to inspection by an authorized officer or any authorized representative of the Commission upon demand;

(e) Kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed;

(f) Mailed to the Department of Fisheries and Oceans (white copy) within seven days of offloading; and

(g) Mailed to the International Pacific Halibut Commission (yellow copy) within seven days of the final offload if not collected by an International Pacific Halibut Commission employee.

(8) The poundage of any halibut that is not sold, but is utilized by the vessel operator, his/her crew members, or any other person for personal use, shall be recorded in the vessel's log within 24-hours of offloading.

(9) No person shall make a false entry in a log referred to in this section.

17. Receipt and Possession of Halibut

(1) No person shall receive halibut from a United States vessel that does not have on board the license required by section 4.

(2) No person shall offload halibut from a vessel unless the gills and entrails have been removed prior to offloading.[6]

(3) It shall be the responsibility of a vessel operator who lands halibut to continuously and completely offload at a single offload site all halibut on board the vessel.

(4) A registered buyer (as that term is defined in regulations promulgated by NMFS and codified at 50 CFR Part 679) who receives halibut harvested in IFQ and CDQ fisheries in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, directly from the vessel operator that harvested such halibut must weigh all the halibut received and record the following information on Federal catch reports: date of offload; name of vessel; vessel number; scale weight obtained at the time of offloading, including the weight (in pounds) of halibut purchased by the registered buyer, the weight (in pounds) of halibut offloaded in excess of the IFQ or CDQ, the weight of halibut (in pounds) retained for personal use or for future sale, and the weight (in pounds) of halibut discarded as unfit for human consumption.

(5) The first recipient, commercial fish processor, or buyer in the United States who purchases or receives halibut directly from the vessel operator that harvested such halibut must weigh and record all halibut received and record the following information on state fish tickets: the date of offload, vessel number, total weight obtained at the time of offload including the weight (in pounds) of halibut purchased, the weight (in pounds) of halibut offloaded in excess of the IFQ, CDQ, or fishing period limits, the weight of halibut (in pounds) retained for personal use or for future sale, and the weight (in pounds) of halibut discarded as unfit for human consumption.

(6) The master or operator of a Canadian vessel that was engaged in

[6] DFO did not adopt this regulation therefore section 17 paragraph 2 does not apply to fish caught in Area 2B.

halibut fishing must weigh and record all halibut on board said vessel at the time offloading commences and record on Provincial fish tickets or Federal catch reports the date, locality, name of vessel, the name(s) of the person(s) from whom the halibut was purchased; and the scale weight obtained at the time of offloading of all halibut on board the vessel including the pounds purchased; pounds in excess of IVQs; pounds retained for personal use; and pounds discarded as unfit for human consumption.

(7) No person shall make a false entry on a State or Provincial fish ticket or a Federal catch or landing report referred to in paragraphs (4), (5), and (6) of section 17.

(8) A copy of the fish tickets or catch reports referred to in paragraphs (4), (5), and (6) shall be:

(a) retained by the person making them for a period of three years from the date the fish tickets or catch reports are made; and

(b) Open to inspection by an authorized officer or any authorized representative of the Commission.

(9) No person shall possess any halibut taken or retained in contravention of these Regulations.

(10) When halibut are landed to other than a commercial fish processor the records required by paragraph (5) shall be maintained by the operator of the vessel from which that halibut was caught, in compliance with paragraph (8).

(11) It shall be unlawful to enter a Halibut Commission license number on a State fish ticket for any vessel other than the vessel actually used in catching the halibut reported thereon.

18. Fishing Multiple Regulatory Areas

(1) Except as provided in this section, no person shall possess at the same time on board a vessel halibut caught in more than one regulatory area.

(2) Halibut caught in more than one of the Regulatory Areas 2C, 3A, or 3B may be possessed on board a vessel at the same time providing the operator of the vessel:

(a) Has a NMFS-certified observer on board when required by NMFS regulations [7] published at 50 CFR Section 679.7(f)(4); and

(b) Can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(3) Halibut caught in more than one of the Regulatory Areas 4A, 4B, 4C, or 4D may be possessed on board a vessel at the same time providing the operator of the vessel:

(a) Has a NMFS-certified observer on board the vessel when halibut caught in different regulatory areas are on board; and

(b) Can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(4) Halibut caught in Regulatory Areas 4A, 4B, 4C, and 4D may be possessed on board a vessel when in compliance with paragraph (3) and if halibut from Area 4 are on board the vessel, the vessel can have halibut caught in Regulatory Areas 2C, 3A, and 3B on board if in compliance with paragraph (2).

19. Fishing Gear

(1) No person shall fish for halibut using any gear other than hook and line gear.

(2) No person shall possess halibut taken with any gear other than hook and line gear.

(3) No person shall possess halibut while on board a vessel carrying any trawl nets or fishing pots capable of catching halibut, except that in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E, halibut heads, skin, entrails, bones or fins for use as bait may be possessed on board a vessel carrying pots capable of catching halibut, provided that a receipt documenting purchase or transfer of these halibut parts is on board the vessel.

(4) All setline or skate marker buoys carried on board or used by any United States vessel used for halibut fishing shall be marked with one of the following:

(a) The vessel's state license number; or

(b) The vessel's registration number.

(5) The markings specified in paragraph (4) shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water and shall be maintained in legible condition.

(6) All setline or skate marker buoys carried on board or used by a Canadian vessel used for halibut fishing shall be:

(a) Floating and visible on the surface of the water; and

(b) Legibly marked with the identification plate number of the vessel engaged in commercial fishing from which that setline is being operated.

(7) No person on board a vessel from which setline gear was used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the opening of a halibut fishing period shall catch or possess halibut anywhere in those waters during that halibut fishing period.

(8) No vessel from which setline gear was used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the opening of a halibut fishing period may be used to catch or possess halibut anywhere in those waters during that halibut fishing period.

(9) No person on board a vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season shall catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) Submitted to a hold inspection by an authorized officer.

(10) No vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season may be used to catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) Submitted to a hold inspection by an authorized officer.

(11) Notwithstanding any other provision in these regulations, a person may retain, possess, and dispose of halibut taken with trawl gear only as authorized by the Prohibited Species Donation regulations of NMFS.

20. Supervision of Unloading and Weighing

The unloading and weighing of halibut may be subject to the supervision of authorized officers to assure the fulfillment of the provisions of these Regulations.

21. Retention of Tagged Halibut

(1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a halibut that bears a Commission external tag at the time of capture, if the halibut with the tag still attached is reported at the time of landing and made available for examination by a representative of the Commission or by an authorized officer.

[7] Without an observer, a vessel cannot have on board more halibut than the IFQ for the area that is being fished even if some of the catch occurred earlier in a different area.

(2) After examination and removal of the tag by a representative of the Commission or an authorized officer, the halibut

(a) May be retained for personal use; or

(b) May be sold only if the halibut is caught during commercial halibut fishing and it complies with the other commercial fishing provisions of these regulations.

(3) Externally tagged fish must count against commercial IVQs, CDQs, IFQs, or daily bag or possession limits unless otherwise exempted by state, provincial, or federal regulations.

22. Fishing by United States Treaty Indian Tribes

(1) Halibut fishing in subarea 2A–1 by members of United States treaty Indian tribes located in the State of Washington shall be regulated under regulations promulgated by NMFS and published in the **Federal Register**.

(2) Subarea 2A–1 includes all waters off the coast of Washington that are north of 46°53′18″ N. lat. and east of 125°44′00″ W. long., and all inland marine waters of Washington.

(3) Section 13 (size limits), section 14 (careful release of halibut), section 16 (logs), section 17 (receipt and possession of halibut) and section 19 (fishing gear), except paragraphs 7 and 8 of section 19, apply to commercial fishing for halibut in subarea 2A–1 by the treaty Indian tribes.

(4) Commercial fishing for halibut in subarea 2A–1 is permitted with hook and line gear from February 29 through November 15, or until 523,600 lbs (237.5 mt) is taken, whichever occurs first.

(5) Ceremonial and subsistence fishing for halibut in subarea 2A–1 is permitted with hook and line gear from January 1 through December 31, and is estimated to take 19,400 lbs (8.8 mt).

23. Customary and Traditional Fishing in Alaska

(1) Customary and traditional fishing for halibut in Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall be governed pursuant to regulations promulgated by the National Marine Fisheries Service and published in 50 CFR Part 300.

(2) Customary and traditional fishing is authorized from January 1 through December 31.

24. Sport Fishing for Halibut

(1) No person shall engage in sport fishing for halibut using gear other than a single line with no more than two hooks attached; or a spear.

(2) In all waters off Alaska:

(a) The sport fishing season is from February 1 to December 31;

(b) The daily bag limit is two halibut of any size per day per person.

(3) In all waters off British Columbia:

(a) The sport fishing season is from February 1 to December 31;

(b) The daily bag limit is two halibut of any size per day per person.

(4) In all waters off California, Oregon, and Washington:

(a) The total allowable catch of halibut shall be limited to

(I) 272,942 lbs (123.8 mt) in waters off Washington and

(ii) 297,029 lbs (134.7 mt) in waters off California and Oregon;

(b) * * *

(c) The Commission shall determine and announce closing dates to the public for any area in which the catch limits promulgated by NMFS are estimated to have been taken.

(d) When the Commission has determined that a subquota under paragraph (4)(b) of this section is estimated to have been taken, and has announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled in accordance with the Catch Sharing Plan for Area 2A, or announced by the Commission.

(5) Any minimum overall size limit promulgated under IPHC or NMFS regulations shall be measured in a straight line passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail.

(6) No person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(7) The possession limit for halibut in the waters off the coast of Alaska is two daily bag limits.

(8) The possession limit for halibut in the waters off the coast of British Columbia is three halibut.

(9) The possession limit for halibut in the waters off Washington, Oregon, and California is the same as the daily bag limit.

(10) * * *

(11) Any halibut brought aboard a vessel and not immediately returned to the sea with a minimum of injury will be included in the daily bag limit of the person catching the halibut.

(12) No person shall be in possession of halibut on a vessel while fishing in a closed area.

(13) No halibut caught by sport fishing shall be offered for sale, sold, traded, or bartered.

(14) No halibut caught in sport fishing shall be possessed on board a vessel when other fish or shellfish aboard the said vessel are destined for commercial use, sale, trade, or barter.

(15) The operator of a charter vessel shall be liable for any violations of these regulations committed by a passenger aboard said vessel.

25. Flexible Inseason Management Provisions in Area 2A

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26. Fishery Election in Area 2A

* * * * *

27. Area 2A Non-Treaty Commercial Fishery Closed Area

* * * * *

28. Previous Regulations Superseded

These regulations shall supersede all previous regulations of the Commission, and these regulations shall be effective each succeeding year until superseded.

Classification

IPHC Regulations

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring prior notice and an opportunity for public comment, and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Further, no other law requires that prior notice and an opportunity for public comment be given for this rule. Because prior notice and an opportunity for public comment are not required to be provided for these portions of this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable.

List of Subjects in 50 CFR part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Authority: 16 U.S.C. 773–773k.

Dated: February 23, 2004.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

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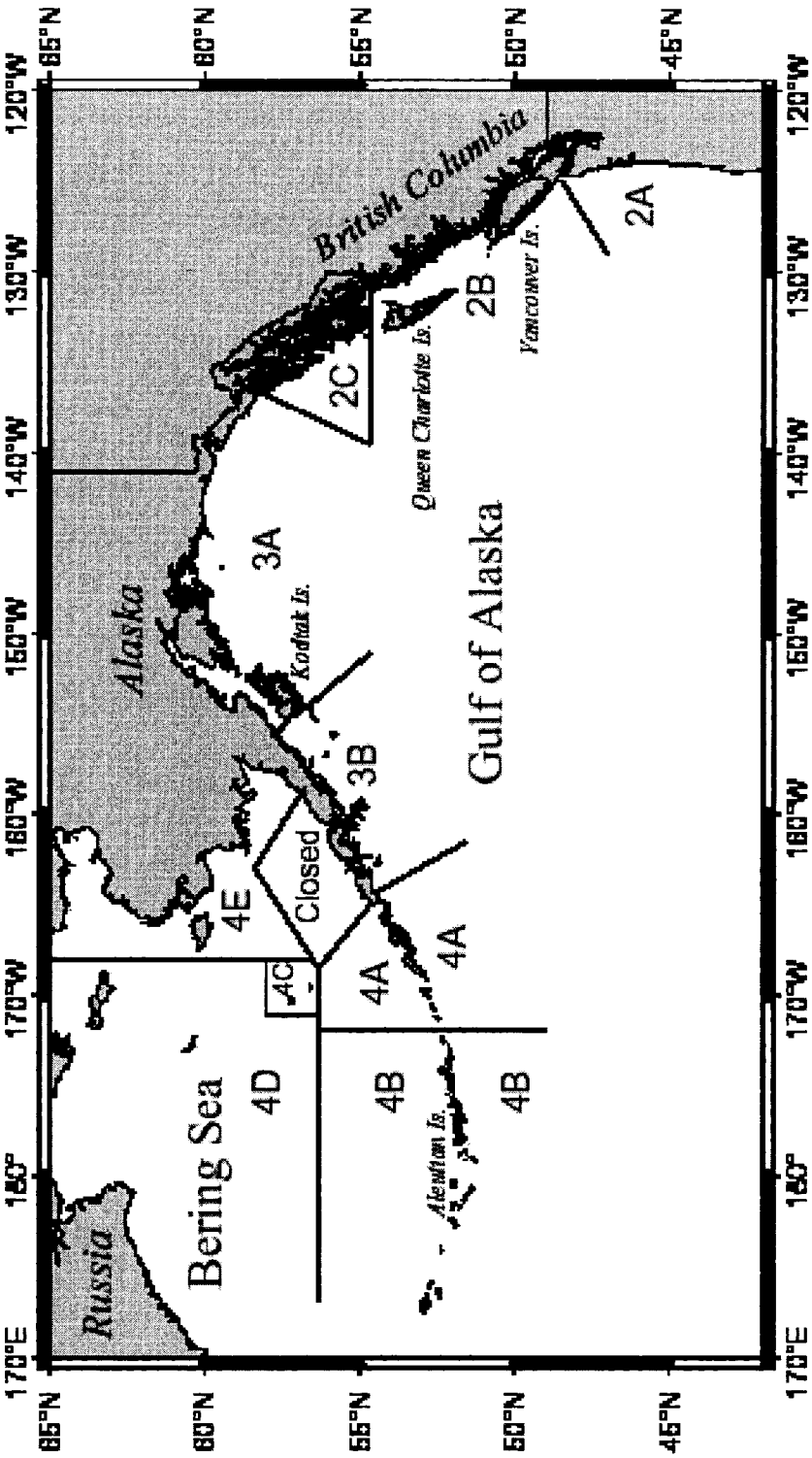

Figure 1. Regulatory areas for the Pacific halibut fishery.

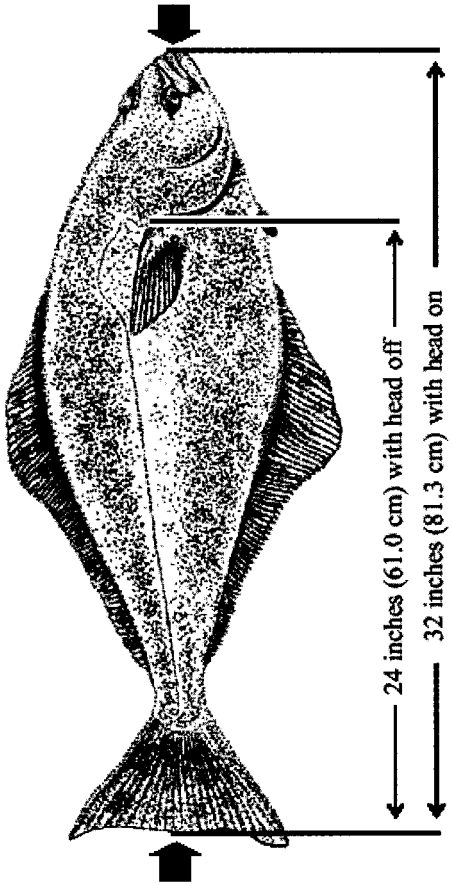

Figure 2. Minimum commercial size.

[FR Doc. 04–4371 Filed 2–26–04; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 031126295–3295–01; I.D. 022304D]

Fisheries of the Exclusive Economic Zone off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for species in the rock sole/flathead sole/"other flatfish'' fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the interim 2004 halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish'' fishery category in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 24, 2004, until superseded by the notice of Final 2004 Harvest Specifications of Groundfish for the BSAI, which will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and CFR part 679.

The interim 2004 halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish'' fishery category in the BSAI is 195 metric tons as established by the interim 2004 harvest specifications for groundfish of the BSAI (68 FR 68265, December 8, 2003).

In accordance with § 679.21(e)(7)(v), the Administrator, Alaska Region, NMFS, has determined that the amount of the interim 2004 halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish'' fishery category in the BSAI has been caught. Consequently, NMFS is closing directed fishing for species in the rock sole/flathead sole/"other flatfish'' fishery category by vessels using trawl gear in the BSAI.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent the Agency from responding to the most recent fisheries data in a timely fashion and would delay the closure under the 2004 interim specifications of directed fishing for species in the rock sole/flathead sole/"other flatfish'' fishery category by vessels using trawl gear in the BSAI.

The AA also finds good cause to waive the 30–day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 23, 2004.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04–4367 Filed 2–24–04; 3:36 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 031126297–3297–01; I.D. 022004B]

Fisheries of the Exclusive Economic Zone off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS issues an inseason adjustment opening directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA) for 12 hours effective 1200 hrs, Alaska local time (A.l.t.), February 24, 2004, until 2400 hrs, A.l.t., February 24, 2004. This adjustment is necessary to allow the fishing industry opportunity to harvest the 2004 interim total allowable catch (TAC) of pollock specified for Statistical Area 630 of the GOA.

DATES: Effective 1200 hrs, A.l.t., February 24, 2004, until 2400 hrs, A.l.t., February 24, 2004. Comments must be received at the following address no later than 4:30 p.m., A.l.t., March 10, 2004.

ADDRESSES: Comments may be mailed to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Durall. Comments also may be sent via facsimile (fax) to 907 586 7557 or e-mail. The mailbox address for providing e-mail comments is AKR.eComments@noaa.gov. Include in the subject line of the e-mail comment the following document identifier: "Pollock Re-opening in Statistical Area 630, ID 022004B.'' Courier or hand delivery of comments may be made to NMFS in the Federal Building, Room 453, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS issued a prohibition to directed fishing for pollock effective January 21, 2004, for Statistical Area 630, in accordance with § 679.20(d)(1)(iii), (see 69 FR 2850, January 21, 2004).

As of February 19, 2004, 1,200 metric tons (mt) of pollock remain in the 2004 interim TAC of the pollock specified for Statistical Area 630 of the GOA. Regulations at § 679.23(b) specify that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 1200 hrs, A.l.t. Current information shows the catching capacity of vessels catching pollock for processing by the inshore component in Statistical Area 630 of the GOA is about 2,500 mt per day. The Administrator, Alaska Region, NMFS, has determined that the 2004 interim TAC of pollock could be exceeded if a 24–hour fishery were allowed to occur. NMFS intends that the seasonal allowance not be exceeded and, therefore, will not allow a 24–hour directed fishery. NMFS, in accordance with § 679.25(a)(1)(i)and § 679.25(a)(2)(i)(A) and (C), is adjusting directed fishery for pollock in Statistical Area 630 of the GOA by opening the fishery at 1200 hrs, A.l.t., February 24, 2004, and closing the fishery at 2400 hrs, A.l.t., February 24, 2004, at which time directed fishing for pollock will be prohibited. This action has the effect of opening the fishery for 12 hours.

NMFS is taking this action to allow a controlled fishery to occur, thereby preventing the overharvest of the 2004 interim TAC of pollock designated in accordance with the interim 2004 harvest specifications for groundfish in the GOA (68 FR 67964, December 5, 2004) and § 679.20(a)(5)(iii). In accordance with § 679.25(a)(2)(iii), NMFS has determined that prohibiting directed fishing at 2400 hrs, A.l.t., February 24, 2004, after a 12 hour opening is the least restrictive management adjustment to achieve the 2004 interim TAC of pollock in Statistical Area 630 of the GOA. Pursuant to § 679.25(b)(2), NMFS has considered data regarding catch per unit of effort and rate of harvest in making this adjustment.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent the Agency from responding to the most recent fisheries data in a timely fashion and, thus, preventing the full utilization of the 2004 interim TAC of pollock in statistical area 630 of the GOA.

The AA also finds good cause to waive the 30–day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Without this inseason adjustment, NMFS could not allow the 2004 interim TAC of pollock in Statistical Area 630 of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until March 10, 2004.

This action is required by §§ 679.20 and 679.25 and is exempt from review under Executive Order 12866.

Authority: Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 23, 2004.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04–4368 Filed 2–24–04; 3:36 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 031124287–4060–02; I.D. 111703C]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2004 Harvest Specifications for Groundfish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final 2004 harvest specifications for groundfish; apportionment of reserves; closures.

SUMMARY: NMFS announces final 2004 harvest specifications and prohibited species catch (PSC) allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits for groundfish during the 2004 fishing year and to accomplish the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the BSAI.

DATES: The final 2004 harvest specifications and associated apportionment of reserves are effective at 1200 hrs, Alaska local time (A.l.t.), February 27, 2004, through 2400 hrs, A.l.t., December 31, 2004.

ADDRESSES: Copies of the Final Environmental Assessment (EA) and Final Regulatory Flexibility Analysis (FRFA) prepared for this action are available from Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Durall. The Final 2003 Stock Assessment and Fishery Evaluation (SAFE) report, dated November 2003, are available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510–2252 (907–271–2809) or from its Home page at *http://www.fakr.noaa.gov/npfmc.*

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228 or e-mail *mary.furuness@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Federal regulations at 50 CFR part 679 that implement the FMP govern the groundfish fisheries in the BSAI. The Council prepared the FMP and NMFS approved it under the Magnuson-Stevens Fishery Conservation and Management Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species and for the "other species'' category, the sum of which must be within the optimum yield range of 1.4 million to 2.0 million metric tons (mt) (*see* § 679.20(a)(1)(i)). Also specified are apportionments of TACs, and Community Development Quota (CDQ) reserve amounts, PSC allowances, and prohibited species quota (PSQ) reserve amounts. Regulations at § 679.20(c)(3) further require NMFS to consider public comment on the proposed annual TACs and apportionments thereof and the proposed PSC allowances, and to publish final specifications in the **Federal Register**. The final specifications set forth in Tables 1 through 17 of this action satisfy these requirements. For 2004, the sum of TACs is 2 million mt.

The proposed BSAI groundfish specifications and PSC allowances for the groundfish fishery of the BSAI were published in the **Federal Register** on December 3, 2003 (68 FR 67642). Comments were invited and accepted through January 2, 2004. NMFS received one letter of comment on the proposed specifications. This letter of comment is summarized and responded to in the Response to Comments section. NMFS consulted with the Council during the December 2003 Council meeting in Anchorage, AK. After considering public comments, as well as biological and economic data that were available at the Council's December meeting, NMFS is implementing the final 2004 groundfish harvest specifications as recommended by the Council.

Regulations at § 679.20(c)(2)(ii) establish the interim amounts of each proposed initial TAC (ITAC) and allocations thereof, of each CDQ reserve established by § 679.20(b)(1)(iii), and of the proposed PSC allowances and PSQ reserves established by § 679.21 that become available at 0001 hours, A.l.t., January 1, and remain available until superseded by the final specifications. NMFS published the interim 2004 groundfish harvest specifications in the **Federal Register** on December 8, 2003 (68 FR 68265). Regulations at § 679.20(c)(2)(ii) do not provide for an interim specification for either the hook-and-line or pot gear sablefish CDQ reserve or for sablefish managed under the Individual Fishing Quota (IFQ) management plan. The final 2004 groundfish harvest specifications, PSC allowances and PSQ reserves contained in this action supersede the interim 2004 groundfish harvest specifications.

Acceptable Biological Catch (ABC) and TAC Specifications

The final ABC levels are based on the best available scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. In general, the development of ABCs and overfishing levels (OFLs) involves sophisticated statistical analyses of fish populations and is

based on a successive series of 6 levels, or tiers, of reliable information available to fishery scientists. Tier one represents the highest level of information and tier six the lowest level of information available.

In December 2003, the Scientific and Statistical Committee (SSC), Advisory Panel (AP), and Council reviewed current biological information about the condition of groundfish stocks in the BSAI. This information was compiled by the Council's Plan Team and is presented in the final 2003 SAFE report for the BSAI groundfish fisheries, dated November 2003. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the BSAI ecosystem and the economic condition of groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species or species category.

In December 2003, the SSC, AP, and Council reviewed the Plan Team's recommendations. Except for Bogoslof pollock, northern rockfish, and the "other species'' category, the SSC, AP, and Council endorsed the Plan Team's ABC recommendations. For 2004, shortraker and rougheye rockfish will be managed as separate species with OFLs, ABCs and TACs at the BSAI-wide management area. For northern rockfish, the SSC recommended a BSAI-wide ABC instead of separate ABCs for the Bering Sea subarea and the Aleutian Islands subarea based on the limited genetic evidence to support separate stocks by subarea. For Bogoslof pollock, the SSC recommended using a procedure that reduces the ABC proportionately to the ratio of current stock biomass to target stock biomass. For "other species'', the SSC recommended using tier 6 management for the sharks and octopus species, which calculated lower ABCs, instead of the Plan Team recommended tier 5 management. The Plan Team also recommended separate OFLs and ABCs for the species in the "other species'' category, however, the current FMP specifies management at the group level. For the 6th year, the SSC recommended a procedure that moves gradually to a higher ABC for "other species'' over a 10-year period instead of a large increase in one year. For all species, the AP endorsed the ABCs recommended by the SSC, and the Council adopted them.

The final TAC recommendations were based on the ABCs as adjusted for other biological and socio-economic considerations, including maintaining the total TAC within the required optimum yield (OY) range of 1.4 million to 2.0 million mt. The Council adopted the AP's TAC recommendations, except for pollock in the Bering Sea subarea and Aleutian Islands subarea, Pacific cod and the "other species''category. The Council increased the Bering Sea subarea pollock TAC by 240 mt, the Pacific cod TAC by 500 mt, the "other species'' TAC by 500 mt and decreased the Aleutian Islands subarea pollock TAC by 1,240 mt. None of the Council's recommended TACs for 2004 exceed the final ABC for any species category. NMFS finds that the recommended OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2003 SAFE report that was approved by the Council.

Changes From the Proposed 2004 Harvest Specifications in the BSAI

In October 2003 the Council's recommendations for the proposed 2004 harvest specifications (68 FR 67642, December 3, 2003) were based largely upon information contained in the final 2002 SAFE report for the BSAI groundfish fisheries, dated November 2002. The Council recommended that OFLs and ABCs for stocks in tiers 3 and above be based on biomass projections as set forth in the 2002 SAFE report and estimates of groundfish harvests through the 2003 fishing year. For stocks in tiers 4 and below, for which projections could not be made, the Council recommended that OFL and ABC levels be unchanged from 2003 until the final 2003 SAFE report could be completed. The final 2003 SAFE report (dated November 2003), which was not available when the Council made its recommendations in October 2003, contains the best and most recent scientific information on the condition of the groundfish stocks and was considered in December by the Council in making its recommendations for the final 2004 harvest specifications. Based on the final 2003 SAFE report, the sum of the 2004 recommended final TACs for the BSAI (2,000,000 mt) is greater by 1,557 mt than the sum of the proposed TACs (1,998,443 mt). This represents a .08-percent increase overall. Those fisheries for which the final 2004 TACs are lower than the proposed 2004 TAC are rock sole (decreased to 41,000 mt from 44,000 mt), greenland turbot (decreased to 3,500 mt from 4,000 mt), flathead sole (decreased to 19,000 mt from 20,000 mt), Pacific ocean perch (decreased to 12,580 mt from 13,932 mt), northern rockfish (decreased to 5,000 mt from 6,000 mt), "other rockfish'' (decreased to 1,094 mt from 1,594 mt), squid (decreased to 1,275 mt from 1,970 mt), and "other species'' (decreased to 27,205 mt from 32,309 mt). Those species for which the final 2004 TACs are higher than the proposed 2004 TAC are pollock (increased to 1,493,050 from 1,492,810 mt), Pacific cod (increased to 215,500 mt from 207,500 mt), sablefish (increased to 6,000 mt from 5,500 mt), Atka mackerel (increased to 63,000 mt from 59,111 mt), yellowfin sole (increased to 86,075 mt from 83,750 mt). Also, the Zone 1 red king crab limit increased to 197,000 crab from 97,000 crab. As mentioned in the 2004 proposed specifications, NMFS is separating the shortraker and rougheye rockfish group and apportioning the amounts shown in Table 2 from the non-specified reserve to increase several target species.

The 2004 final TAC recommendations for the BSAI are within the OY range established for the BSAI and do not exceed ABCs for any single species/complexes. Compared to the proposed 2004 harvest specifications, the Council's final 2004 TAC recommendations increase fishing opportunities for species for which the Council had sufficient information to raise TAC levels, most notably, pollock, Pacific cod, sablefish, Atka mackerel, and yellowfin sole, while providing greater protection for several species, most notably rockfish, squid and "other species'', by lowering TAC levels. The changes recommended by the Council were based on the best scientific information available, consistent with National Standard 2 of the Magnuson-Stevens Act, and within a reasonable range of variation from the proposed TAC recommendations.

Table 1 lists the final 2004 OFL, ABC, TAC, ITAC and CDQ reserve amounts of groundfish in the BSAI. The apportionment of TAC amounts among fisheries and seasons is discussed below.

TABLE 1.—2004 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVE ALLOCATION OF GROUNDFISH IN THE BSAI [1]

[Amounts are in metric tons]

Species	Area	OFL	ABC	TAC	ITAC [2]	CDQ reserve [3]
Pollock [4]	Bering Sea (BS)	2,740,000	2,560,000	1,492,000	1,342,800	149,200
	Aleutian Islands (AI)	52,600	39,400	1,000	1,000	.....
	Bogoslof District	39,600	2,570	50	50	.....
Pacific cod	BSAI	350,000	223,000	215,500	183,175	16,163
Sablefish [5]	BS	4,020	3,000	2,900	2,393	399
	AI	4,620	3,450	3,100	2,519	523
Atka mackerel	Total	78,500	66,700	63,000	53,550	4,725
	Western AI	.....	24,360	20,660	17,561	1,550
	Central AI	.....	31,100	31,100	26,435	2,333
	Eastern AI/BS	.....	11,240	11,240	9,554	843
Yellowfin sole	BSAI	135,000	114,000	86,075	73,164	6,456
Rock sole	BSAI	166,000	139,000	41,000	34,850	3,075
Greenland turbot	Total	19,300	4,740	3,500	2,975	263
	BS	.....	3,162	2,700	2,295	203
	AI	.....	1,578	800	680	60
Arrowtooth flounder	BSAI	142,000	115,000	12,000	10,200	900
Flathead sole	BSAI	75,200	61,900	19,000	16,150	1,425
Other flatfish [6]	BSAI	18,100	13,500	3,000	2,550	225
Alaska plaice	BSAI	258,000	203,000	10,000	8,500	750
Pacific ocean perch	BSAI	15,800	13,300	12,580	10,693	944
	BS	.....	2,128	1,408	1,197	106
	AI Total	.....	11,172	11,172	9,496	838
	Western AI	.....	5,187	5,187	4,409	389
	Central AI	.....	2,926	2,926	2,487	219
	Eastern AI	.....	3,059	3,059	2,600	229
Northern rockfish	BSAI	8,140	6,880	5,000	4,250	375
Shortraker rockfish	BSAI	701	526	526	447	39
Rougheye rockfish	BSAI	259	195	195	166	15
Other rockfish [7]	BS	1,280	960	460	391	35
	AI	846	634	634	539	48
Squid	BSAI	2,620	1,970	1,275	1,084	96
Other species [8]	BSAI	81,150	46,810	27,205	23,124	2,040
Total		4,193,736	3,620,535	2,000,000	1,774,570	187,696

[1] These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these specifications, the Bering Sea subarea includes the Bogoslof District.

[2] Except for pollock and the portion of the sablefish TAC allocated to hook-and-line and pot gear, 15 percent of each TAC is put into a reserve. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves.

[3] Except for pollock, squid, and the hook-and-line or pot gear allocation of sablefish, one half of the amount of the TACs placed in reserve, or 7.5 percent of the TACs, is designated as a CDQ reserve for use by CDQ participants (*see* §§ 679.20(b)(1)(iii) and 679.31).

[4] Under § 679.20(a)(5)(i)(A)(*1*), the annual Bering Sea pollock TAC, after subtraction for the CDQ reserve—10 percent and the ICA—3.0 percent, is further allocated by sector as directed fishing allowances as follows: inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. The entire Aleutian Islands and Bogoslof District pollock ITAC is allocated as an incidental catch allowance.

[5] The ITAC for sablefish reflected in Table 1 is for trawl gear only. Regulations at § 679.20(b)(1) do not provide for the establishment of an ITAC for the hook-and-line and pot gear allocation for sablefish. Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear and 7.5 percent of the sablefish TAC allocated to trawl gear is reserved for use by CDQ participants (*see* § 679.20(b)(1)(iii)).

[6] "Other flatfish'' includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder and Alaska plaice.

[7] "Other rockfish'' includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern, shortraker, and rougheye rockfish.

[8] "Other species'' includes sculpins, sharks, skates and octopus. Forage fish, as defined at § 679.2, are not included in the "other species'' category.

Reserves and the Incidental Catch Allowance (ICA) for Pollock

Regulations at § 679.20(b)(1)(i) require that 15 percent of the TAC for each target species or species group, except for pollock and the hook-and-line and pot gear allocation of sablefish, be placed in a non-specified reserve. Regulations at § 679.20(b)(1)(iii) require that one-half of each TAC amount placed in the non-specified reserve (7.5 percent), with the exception of squid, be allocated to the groundfish CDQ reserve and that 20 percent of the hook-and-line and pot gear allocation of sablefish be allocated to the fixed gear sablefish CDQ reserve. Regulations at § 679.20(a)(5)(i)(A) also require that 10 percent of the Bering Sea subarea pollock TAC be allocated to the pollock CDQ reserve. The entire Aleutian Islands subarea and Bogoslof District pollock TAC is allocated as an ICA (see § 679.20(a)(5)(i)(A)(*1*)). With the exception of the hook-and-line and pot gear sablefish CDQ reserve, the regulations do not further apportion the CDQ reserves by gear. Regulations at § 679.21(e)(1)(i) also require that 7.5 percent of each PSC limit, with the exception of herring, be withheld as a PSQ reserve for the CDQ fisheries. Regulations governing the management of the CDQ and PSQ reserves are set forth at §§ 679.30 and 679.31.

Under regulations at § 679.20(a)(5)(i)(A)(*1*), NMFS allocates a pollock ICA of 3.0 percent of the Bering Sea subarea pollock TAC after

subtraction of the 10 percent CDQ reserve. This allowance is based on an examination of the incidental catch of pollock in target fisheries other than pollock from 1998 through 2003. During this 6-year period, the incidental catch of pollock ranged from a low of 3 percent in 2003, to a high of 5 percent in 1999, with a 6-year average of 3.6 percent.

The regulations do not designate the remainder of the non-specified reserve by species or species group, and any amount of the reserve may be apportioned to a target species or to the "other species'' category during the year, providing that such apportionments do not result in overfishing (see § 679.20(b)(1)(ii)). The Administrator of the Alaska Region for NMFS (Regional Administrator), has determined that the ITACs specified for the species listed in Table 2 need to be supplemented from the non-specified reserve because U.S. fishing vessels have demonstrated the capacity to catch the full TAC allocations. Therefore, in accordance with § 679.20(b)(3), NMFS is apportioning the amounts shown in Table 2 from the non-specified reserve to increase the ITAC to an amount that is equal to TAC minus the CDQ reserve.

TABLE 2.—APPORTIONMENT OF RESERVES TO ITAC CATEGORIES

[Amounts are in metric tons]

Species—area or subarea	Reserve amount	Final ITAC
Atka mackerel—Western Aleutian District	1,550	19,111
Atka mackerel—Central Aleutian District	2,333	28,768
Atka mackerel—Eastern Aleutian District and Bering Sea subarea	843	10,397
Other flatfish—BSAI	225	2,775
Alaska plaice—BSAI	750	9,250
Pacific ocean perch—Western Aleutian District	389	4,798
Pacific ocean perch—Central Aleutian District	219	2,706
Pacific ocean perch—Eastern Aleutian District	229	2,829
Pacific cod—BSAI	16,163	199,338
Shortraker rockfish-BSAI	39	486
Rougheye rockfish-BSAI	15	181
Northern rockfish-BSAI	375	4,625
Other rockfish—Bering Sea subarea	35	426
Total	23,165	285,690

Allocation of Pollock TAC Under the AFA

Regulations at § 679.20(a)(5)(i)(A) require that 10 percent of the BSAI pollock TAC be allocated as a directed fishing allowance to the CDQ program. The remainder of the BSAI pollock TAC, after the subtraction of an allowance (3.0 percent) for the incidental catch of pollock by vessels, including CDQ vessels, catching other groundfish species, is allocated as follows: 50 percent to catcher vessels harvesting pollock for processing by AFA inshore processors, 40 percent to catcher/processors and catcher vessels harvesting pollock for processing by catcher/processors, and 10 percent to catcher vessels harvesting pollock for processing by AFA motherships. These amounts are listed in Table 3.

The regulations also contain several specific requirements concerning pollock and pollock allocations under § 679.20(a)(5)(i)(A)(*4*). First, 8.5 percent of the pollock allocated to the catcher/processor sector will be available for harvest by AFA catcher vessels with catcher/processor sector endorsements, unless the Regional Administrator receives a cooperative contract that provides for the distribution of harvest between AFA catcher/processors and AFA catcher vessels in a manner agreed to by all members. Second, AFA catcher/processors not listed in the AFA are limited to harvesting not more than 0.5 percent of the pollock allocated to the catcher/processor sector. Table 3 lists the 2004 allocations of pollock TAC. Other provisions of the AFA, including inshore pollock cooperative allocations and listed catcher/processor and catcher vessel harvesting sideboard limits, are found in Tables 10 through 17.

Table 3 also lists seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest within the SCA, as defined at § 679.22(a)(7)(vii), is limited to 28 percent of the annual directed fishing allowance (DFA) until April 1. The remaining 12 percent of the annual DFA allocated to the A season may be taken outside of the SCA before April 1 or inside the SCA after April 1. If the 28 percent of the annual DFA is not taken inside the SCA before April 1, the remainder is available to be taken inside the SCA after April 1. The A season pollock SCA harvest limit will be apportioned to each industry sector in proportion to each sector's allocated percentage of the DFA as set forth in the AFA. These amounts, by sector, are listed in Table 3.

TABLE 3.—2004 ALLOCATIONS OF THE POLLOCK TAC AND DIRECTED FISHING ALLOWANCE (DFA) TO THE INSHORE, CATCHER/PROCESSOR, MOTHERSHIP, AND CDQ RESERVES [1]

[Amounts are in metric tons]

Area and sector	2004 allocations	A season [1]		B season [1]
		A season DFA (40% of annual DFA)	SCA harvest limit [2]	B season DFA (60% of annual DFA)
Bering Sea subarea	1,492,000			
CDQ reserve	149,200	59,680	41,776	89,520

TABLE 3.—2004 ALLOCATIONS OF THE POLLOCK TAC AND DIRECTED FISHING ALLOWANCE (DFA) TO THE INSHORE, CATCHER/PROCESSOR, MOTHERSHIP, AND CDQ RESERVES [1]—Continued

[Amounts are in metric tons]

Area and sector	2004 allocations	A season [1]		B season [1]
		A season DFA (40% of annual DFA)	SCA harvest limit [2]	B season DFA (60% of annual DFA)
ICA [1]	43,641			
AFA Inshore	649,580	259,832	181,882	389,748
AFA Catcher/Processors [3]	519,664	207,865	145,506	311,798
Catch by C/Ps	475,492	190,197		285,295
Catch by CVs [3]	44,171	17,669		26,503
Unlisted C/P Limit [4]	2,598	1,039		1,559
AFA Motherships	129,916	51,966	36,376	77,950
Excessive Harvesting Limit [5]	227,353			
Excessive Processing Limit [6]	389,748			
Total Bering Sea DFA	1,492,000	579,343	405,540	869,016
Aleutian Islands ICA [7]	1,000			
Bogoslof District ICA [7]	50			

[1] Under § 679.20(a)(5)(i)(A), after subtraction for the CDQ reserve—10 percent and the incidental catch amount (ICA)—3.0 percent, the pollock TAC is allocated as a DFA as follows: inshore sector—50 percent, catcher/processor sector—40 percent, and mothership sector—10 percent. The A season, January 20—June 10, is allocated 40 percent of the DFA and the B season, June 10—November 1, is allocated 60 percent of the DFA.

[2] No more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1. The remaining 12 percent of the annual DFA allocated to the A season may be taken outside of SCA before April 1 or inside the SCA after April 1. If 28 percent of the annual DFA is not taken inside the SCA before April 1, the remainder is available to be taken inside the SCA after April 1.

[3] Under § 679.20(a)(5)(i)(A)(*4*), not less than 8.5 percent of the DFA allocated to listed catcher/processor shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

[4] Under § 679.20(a)(5)(i)(A)(4)(iii), the unlisted AFA catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processor sector allocation of pollock.

[5] Under § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the pollock DFAs.

[6] Under § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the pollock DFAs.

[7] The Aleutian Islands subarea and the Bogoslof District are closed to directed fishing for pollock. The amounts specified are for ICA only, and are not apportioned by season or sector.

Allocation of the Atka Mackerel TAC

Under § 679.20(a)(8)(i), up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea Atka mackerel ITAC may be allocated to jig gear. The amount of this allocation is determined annually by the Council based on several criteria, including the anticipated harvest capacity of the jig gear fleet. The Council recommended, and NMFS approved, a 1-percent allocation of the Atka mackerel ITAC in the Eastern Aleutian District and the Bering Sea subarea to the jig gear fleet in 2004. Based on an ITAC and a reserve apportionment which together total 10,397 mt, the jig gear allocation is 104 mt.

Regulations at § 679.20(a)(8)(ii)(A) apportion the Atka mackerel ITAC into two equal seasonal allowances. After subtraction of the jig gear allocation, the first seasonal allowance is made available for directed fishing from January 1 (January 20 for trawl gear) to April 15 (A season), and the second seasonal allowance is made available from September 1 to November 1 (B season)(Table 4).

Under § 679.20(a)(8)(ii)(C)(*1*), the Regional Administrator will establish a harvest limit area (HLA) limit of no more than 60 percent of the seasonal TAC for the Western and Central Aleutian Districts. A lottery system is used for the HLA Atka mackerel directed fisheries to reduce the amount of daily catch in the HLA by about half and to disperse the fishery over two districts (*see* § 679.20(a)(8)(iii)).

TABLE 4.—2004 SEASONAL AND SPATIAL APPORTIONMENTS, GEAR SHARES, AND CDQ RESERVE OF THE BSAI ATKA MACKEREL TAC[1]

[Amounts are in metric tons]

Subarea and component	TAC	CDQ reserve	CDQ reserve HLA limit	ITAC	Seasonal allowances [2]			
					A season [3]		B season [3]	
					Total	HLA limit [4]	Total	HLA limit [4]
Western Aleutian District	20,660	1,550	930	19,111	9,555	5,733	9,555	5,733
Central Aleutian District	31,100	2,333	1,400	28,768	14,384	8,630	14,384	8,630
Eastern AI/BS subarea [5]	11,240	843		10,397				
Jig (1%) [6]				104				
Other gear (99%)				10,293	5,147		5,147	
Total	63,000	4,725	2,329	58,275	29,086		29,086	

[1] Regulations at §§ 679.20(a)(8)(ii) and 679.22(a)(8) establish temporal and spatial limitations for the Atka mackerel fishery.

[2] The seasonal apportionment of Atka mackerel is 50 percent in the A season and 50 percent in the B season.

[3] The A season is January 1 through April 15, however trawl gear is prohibited until January 20. The B season is September 1 through November 1.

[4] Harvest Limit Area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (see § 679.2). In 2004, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.
[5] Eastern Aleutian District and the Bering Sea subarea.
[6] Regulations at § 679.20(a)(8)(i) require that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea ITAC be allocated to jig gear. The amount of this allocation is 1 percent. The jig gear allocation is not apportioned by season.

Allocation of the Pacific Cod TAC

Under § 679.20(a)(7)(i)(A), 2 percent of the Pacific cod ITAC is allocated to vessels using jig gear, 51 percent to vessels using hook-and-line or pot gear, and 47 percent to vessels using trawl gear. Under regulations at § 679.20(a)(7)(i)(B), the portion of the Pacific cod TAC allocated to trawl gear is further allocated 50 percent to catcher vessels and 50 percent to catcher/processors. Under regulations at § 679.20(a)(7)(i)(C)(*1*), a portion of the Pacific cod allocated to hook-and-line or pot gear is set aside as an ICA of Pacific cod in directed fisheries for groundfish using these gear types. Based on anticipated incidental catch in these fisheries, the Regional Administrator specifies an ICA of 500 mt. The remainder of Pacific cod is further allocated to vessels using hook-and-line or pot gear as the following DFAs: 80 percent to hook-and-line catcher/processors, 0.3 percent to hook-and-line catcher vessels, 3.3 percent to pot catcher/processors, 15 percent to pot catcher vessels, and 1.4 percent to catcher vessels under 60 feet (18.3 m) length overall (LOA) using hook-and-line or pot gear.

Due to concerns about the potential impact of the Pacific cod fishery on Steller sea lions and their critical habitat, the apportionment of the ITAC disperses the Pacific cod fisheries into two seasonal allowances (*see* §§ 679.20(a)(7)(iii)(A) and 679.23(e)(5)). For pot and most hook-and-line gear, the first seasonal allowance of 60 percent of the ITAC is made available for directed fishing from January 1 to June 10, and the second seasonal allowance of 40 percent of the ITAC is made available from June 10 to December 31. No seasonal harvest constraints are imposed for the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. For trawl gear, the first season is January 20 to April 1 and is allocated 60 percent of the ITAC. The second season, April 1 to June 10, and the third season, June 10 to November 1, are each allocated 20 percent of the ITAC. The trawl catcher vessel allocation is further allocated as 70 percent in the first season, 10 percent in the second season and 20 percent in the third season. The trawl catcher/processor allocation is allocated 50 percent in the first season, 30 percent in the second season, and 20 percent in the third season. For jig gear, the first season and third seasons are each allocated 40 percent of the ITAC and the second season is allocated 20 percent of the ITAC. Table 5 lists the 2004 allocations and seasonal apportionments of the Pacific cod ITAC. In accordance with §§ 679.20(a)(7)(ii)(D) and 679.20(a)(7)(iii)(B), any unused portion of a seasonal Pacific cod allowance will become available at the beginning of the next seasonal allowance.

TABLE 5.—2004 GEAR SHARES AND SEASONAL APPORTIONMENTS OF THE BSAI PACIFIC COD TAC
[Amounts are in metric tons]

Gear sector	Percent	Share of gear sector total	Subtotal percentages for gear sectors	Share of gear sector total	Seasonal apportionment [1]	
					Date	Amount
Total hook-and-line and pot gear allocation of Pacific cod TAC	51	101,662				
Incidental catch allowance				500		
Processor and Vessel subtotal		101,162				
Hook-and-line Catcher/Processors			80	80,930	Jan 1–Jun 10	48,558
					Jun 10–Dec 31	32,372
Hook-and-line Catcher Vessels			0.3	303	Jan 1–Jun 10	182
					Jun 10–Dec 31	121
Pot Catcher/Processors			3.3	3,338	Jan 1–Jun 10	2,003
					Sept 1–Dec 31	1,335
Pot Catcher Vessels			15	15,174	Jan 1–Jun 10	9,105
					Sept 1–Dec 31	6,070
Catcher Vessels <60 feet LOA using hook-and-line or pot gear			1.4	1,416		
Trawl gear total	47	93,689				
Trawl Catcher Vessel			50	46,844	Jan 20–Apr 1	32,791
					Apr 1–Jun 10	4,684
					Jun 10–Nov 1	9,369
Trawl Catcher/Processor			50	46,844	Jan 20–Apr 1	23,422
					Apr 1–Jun 10	14,053
					Jun 10–Nov 1	9,369
Jig	2	3,987			Jan 1–Apr 30	1,595
					Apr 30–Aug 31	797
					Aug 31–Dec 31	1,595
Total	100	199,338				

[1] For most non-trawl gear the first season is allocated 60 percent of the ITAC and the second season is allocated 40 percent of the ITAC. For jig gear, the first season and third seasons are each allocated 40 percent of the ITAC and the second season is allocated 20 percent of the ITAC. No seasonal harvest constraints are imposed for the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. For trawl gear, the first season is allocated 60 percent of the ITAC and the second and third seasons are each allocated 20 percent of the ITAC. The trawl catcher vessels' allocation is further allocated as 70 percent in the first season, 10 percent in the second season and 20 percent in the third season. The trawl catcher/processors' allocation is allocated 50 percent in the first season, 30 percent in the second season and 20 percent in the third season. Any unused portion of a seasonal Pacific cod allowance will be reapportioned to the next seasonal allowance.

Sablefish Gear Allocation

Regulations at § 679.20(a)(4)(iii) and (iv) require that sablefish TACs for the Bering Sea and Aleutian Islands subareas be allocated between trawl and hook-and-line or pot gear. Gear allocations of the TACs for the Bering Sea subarea are 50 percent for trawl gear and 50 percent for hook-and-line or pot gear and for the Aleutian Islands subarea are 25 percent for trawl gear and

75 percent for hook-and-line or pot gear. Regulations at § 679.20(b)(1)(iii)(B) require that 20 percent of the hook-and-line and pot gear allocation of sablefish be apportioned to the CDQ reserve. Additionally, regulations at § 679.20(b)(1)(iii)(A) require that 7.5 percent of the trawl gear allocation of sablefish (one half of the reserve) be apportioned to the CDQ reserve. The 2004 gear allocations of the sablefish TAC and CDQ reserve amounts are specified in Table 6.

TABLE 6.—2004 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

[Amounts are in metric tons]

Subarea and gear	Percent of TAC	Share of TAC	ITAC [1]	CDQ reserve
Bering Sea				
Trawl [2]	50	1,450	1,232	109
Hook-and-line/pot gear [3]	50	1,450	([4])	290
Total	100	2,900	1,232	399
Aleutian Islands				
Trawl [2]	25	775	659	58
Hook-and-line/pot gear [3]	75	2,325	([4])	465
Total	100	3,100	659	523

[1] Except for the sablefish hook-and-line or pot gear allocation, 15 percent of TAC is apportioned to the reserve. The ITAC is the remainder of the TAC after the subtraction of these reserves.

[2] For the portion of the sablefish TAC allocated to vessels using trawl gear, one half of the reserve (7.5 percent of the specified TAC) is reserved for the CDQ program.

[3] For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants. Regulations in § 679.20(b)(1) do not provide for the establishment of an ITAC for sablefish allocated to hook-and-line or pot gear

[4] NA.

Allocation of PSC Limits for Halibut, Salmon, Crab, and Herring

PSC limits for halibut are set forth in regulations at § 679.21(e). For the BSAI trawl fisheries, the limit is 3,675 mt of halibut mortality and for non-trawl fisheries, the limit is 900 mt of halibut mortality. For chinook salmon, regulations at § 679.21(e)(1)(vii) specify a scheduled reduction of the chinook salmon PSC limit and the final limit of 29,000 fish will be reached in 2004. Regulations at § 679.21(e)(1)(i) allocate 7.5 percent or 2,175 chinook salmon as the PSQ for the CDQ program and the remaining 26,825 chinook salmon to the non-CDQ fisheries. PSC limits for crab and herring are specified annually based on abundance and spawning biomass.

The red king crab mature female abundance is estimated from the 2003 survey data to be 29.7 million king crab and the effective spawning biomass is estimated to be 60.7 million pounds (27,500 mt). Based on the criteria set out at § 679.21(e)(1)(ii), the 2004 PSC limit of red king crab in Zone 1 for trawl gear is 197,000 animals as a result of the mature female abundance being above 8.4 million king crab and the effective spawning biomass estimate being greater than 55 million pounds (24,948 mt).

Regulations at § 679.21(e)(3)(ii)(B) establish criteria under which NMFS must specify an annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS). The regulations limit the RKCSS to up to 35 percent of the trawl bycatch allowance specified for the rock sole/flathead sole/ "other flatfish'' fishery category and are based on the need to optimize the groundfish harvest relative to red king crab bycatch. The Council recommended, and NMFS approves, a red king crab bycatch limit equal to 35 percent of the trawl bycatch allowance specified for the rock sole/flathead sole/ "other flatfish'' fishery category within the RKCSS.

Based on 2003 survey data, the *Chionoecetes bairdi* crab abundance is estimated to be 448.8 million animals. Given the criteria set out at § 679.21(e)(1)(iii), the 2004 *C. bairdi* crab PSC limit for trawl gear is 980,000 animals in Zone 1 and 2,970,000 animals in Zone 2 as a result of the *C. bairdi* crab abundance estimate of over 400 million animals.

Under § 679.21(e)(1)(iv), the PSC limit for *C. opilio* crab is based on total abundance as indicated by the NMFS annual bottom trawl survey. The *C. opilio* crab PSC limit is set at 0.1133 percent of the Bering Sea abundance index. Based on the 2003 survey estimate of 2.63 billion animals, the calculated limit is 2,981,000 animals. Because this limit is less than 4.5 million, under § 679.21(e)(1)(iv)(B), the 2004 *C. opilio* crab PSC limit is 4,350,000 million animals.

Under § 679.21(e)(1)(vi), the PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass. NMFS' best estimate of 2004 herring biomass is 187,648 mt. This amount was derived using 2003 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game. Therefore, the proposed 2004 herring PSC limit is 1,876 mt.

Under § 679.21(e)(1)(i), 7.5 percent of each PSC limit specified for halibut and crab is allocated as a PSQ reserve for use by the groundfish CDQ program. Regulations at § 679.21(e)(3) require the apportionment of each trawl PSC limit into PSC bycatch allowances for seven specified fishery categories. Regulations at § 679.21(e)(4)(ii) authorize the apportionment of the non-trawl halibut PSC limit into PSC bycatch allowances among five fishery categories. The fishery bycatch allowances for the trawl and non-trawl fisheries are listed in Table 7.

Regulations at § 679.21(e)(4)(ii) authorize exemption of specified non-trawl fisheries from the halibut PSC limit. As in past years, NMFS, after consultation with the Council, is exempting pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from halibut bycatch restrictions because these fisheries use selective gear types that take few halibut compared to other gear types such as nonpelagic trawl. In 2003, total

groundfish catch for the pot gear fishery in the BSAI was approximately 20,420 mt with an associated halibut bycatch mortality of about 3 mt. The 2003 groundfish jig gear fishery harvested about 156 mt of groundfish. Most vessels in the jig gear fleet are less than 60 ft (18.3 m) LOA and thus are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. However, a negligible amount of halibut bycatch mortality is assumed because of the selective nature of this gear type and the likelihood that halibut caught with jig gear have a high survival rate when released.

As in past years, the Council recommended the sablefish IFQ fishery be exempt from halibut bycatch restrictions because of the sablefish and halibut IFQ program (subpart D of 50 CFR part 679). The sablefish IFQ program requires legal-sized halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder or his or her hired master is aboard and is holding unused halibut IFQ. NMFS is approving the Council's recommendation. This provision results in reduced halibut discard in the sablefish fishery. In 1995, about 36 mt of halibut discard mortality was estimated for the sablefish IFQ fishery. Estimates for 1996 through 2003 have not been calculated; however, NMFS has no information indicating that it would be significantly different.

Regulations at § 679.21(e)(5) authorize NMFS, after consultation with the Council, to establish seasonal apportionments of PSC amounts in order to maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors to be considered are: (1) Seasonal distribution of prohibited species, (2) seasonal distribution of target groundfish species, (3) PSC bycatch needs on a seasonal basis relevant to prohibited species biomass, (4) expected variations in bycatch rates throughout the year, (5) expected start of fishing effort, and (6) economic effects of seasonal PSC apportionments on industry sectors. In December 2003, the Council's AP recommended seasonal PSC apportionments in order to maximize harvest among gear types, fisheries, and seasons while minimizing bycatch of PSC based upon the above criteria.

The Council recommended, and NMFS approves, the PSC apportionments specified in Table 7.

TABLE 7.—2004 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES

Prohibited species and zone	Trawl Fisheries					
	Halibut mortality (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1 [1]	*C. opilio* (animals) COBLZ [2]	*C. bairdi* (animals)	
					Zone 1 [1]	Zone 2 [1]
Yellowfin sole	886	171	33,843	2,776,981	340,844	1,788,459
January 20—April 1	262					
April 1—May 21	195					
May 21—July 4	49					
July 4—December 31	380					
Rock sole/other flat/flathead sole [4]	779	25	121,413	969,130	365,320	596,154
January 20—April 1	448					
April 1—July 4	164					
July 4—December 31	167					
Turbot/arrowtooth/sablefish [5]		11		40,238		
Rockfish						
July 4—December 31	69	9		40,237		10,988
Pacific cod	1,434	25	26,563	124,736	183,112	324,176
Midwater trawl pollock		1,456				
Pollock/Atka mackerel/other [6]	232	179	406	72,428	17,224	27,473
Red King Crab Savings Subarea [3] (non-pelagic trawl)			42,495			
Total trawl PSC	3,400	1,876	182,225	4,023,750	906,500	2,747,250
Non-trawl Fisheries						
Pacific cod—Total	775					
January 1—June 10	320					
June 10—August 15	0					
August 15—December 31	455					
Other non-trawl—Total	58					
May 1—December 31	58					
Groundfish pot and jig	exempt					
Sablefish hook-and-line	exempt					
Total non-trawl PSC	833					
PSQ reserve [7]	342		14,775	326,250	73,500	222,750
PSC Grand total	4,575	1,876	197,000	4,350,000	980,000	2,970,000

[1] Refer to § 679.2 for definitions of areas.
[2] *C. opilio* Bycatch Limitation Zone. Boundaries are defined at 50 CFR part 679, Figure 13.
[3] In December 2003, the Council proposed limiting red king crab for trawl fisheries within the Red King Crab Savings Subarea (RKCSS) to 35 percent of the total allocation to the rock sole, flathead sole, and other flatfish fishery category (*see* § 679.21(e)(3)(ii)(B)).
[4] "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), greenland turbot, rock sole, yellowfin sole and arrowtooth flounder.
[5] Greenland turbot, arrowtooth flounder, and sablefish fishery category.
[6] Pollock other than pelagic trawl pollock, Atka mackerel, and "other species" fishery category.

[7] With the exception of herring, 7.5 percent of each PSC limit is allocated to the CDQ program as PSQ reserve. The PSQ reserve is not allocated by fishery, gear or season.

Halibut Discard Mortality Rates

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator will use observed halibut bycatch rates, assumed discard mortality rates (DMR), and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. The discard mortality rates are based on the best information available, including information contained in the annual SAFE report.

The Council recommended, and NMFS concurs, that the recommended halibut DMRs developed by the International Pacific Halibut Commission (IPHC) for the 2004 BSAI groundfish fisheries be used to monitor halibut bycatch allowances established for the 2004 groundfish fisheries (*see* Table 8). The IPHC recommended, and the Council and NMFS concurred, the 10-year mean DMRs for the 2004 through 2006 BSAI non-CDQ groundfish fisheries. Plots of annual DMRs against the 10-year mean indicated little change since 1990 for most fisheries. DMRs were more variable for the smaller fisheries which typically take minor amounts of halibut bycatch. The IPHC will analyze observer data annually and recommend changes to the DMRs where a fishery DMR shows large variation from the mean. The IPHC has been calculating the CDQ fisheries DMRs since 1998 and a 10-year mean is not available. The Council recommended, and NMFS concurs, the DMRs recommended by the IPHC for 2004 CDQ fisheries. The justification for these DMRs is discussed in Appendix A of the final SAFE report dated November 2003.

TABLE 8.—2004 ASSUMED HALIBUT DISCARD MORTALITY RATES FOR THE BSAI FISHERIES

Fishery	Preseason assumed mortality (percent)
Hook-and-line gear fisheries:	
Greenland turbot	15
Other Species	11
Pacific cod	11
Rockfish	16
Trawl gear fisheries:	
Atka mackerel	78
Flathead sole	67
Greenland turbot	72
Nonpelagic pollock	76
Pelagic pollock	85
Other flatfish	71
Other species	67

TABLE 8.—2004 ASSUMED HALIBUT DISCARD MORTALITY RATES FOR THE BSAI FISHERIES—Continued

Fishery	Preseason assumed mortality (percent)
Pacific cod	68
Rockfish	74
Rock sole	77
Sablefish	49
Yellowfin sole	78
Pot gear fisheries	
Other species	8
Pacific cod	8
CDQ trawl fisheries	
Atka mackerel	85
Flathead sole	90
Nonpelagic pollock	85
Pelagic pollock	89
Rockfish	90
Yellowfin sole	82
CDQ hook-and-line fisheries	
Greenland turbot	4
Pacific cod	11
CDQ pot fisheries	
Pacific cod	2
Sablefish	36

Directed Fishing Closures

In accordance with § 679.20(d)(1)(i), if the Regional Administrator determines that any allocation or apportionment of a target species or "other species" category has been or will be reached, the Regional Administrator may establish a directed fishing allowance for that species or species group. If the Regional Administrator establishes a directed fishing allowance, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified subarea or district (*see* § 697.20(d)(1)(iii)). Similarly, under regulations at § 679.21(e), if the Regional Administrator determines that a fishery category's bycatch allowance of halibut, red king crab, *C. bairdi* crab or *C. opilio* crab for a specified area has been reached, the Regional Administrator will prohibit directed fishing for each species in that category in the specified area.

The Regional Administrator has determined that the remaining allocation amounts in Table 9 will be necessary as incidental catch to support other anticipated groundfish fisheries for the 2004 fishing year:

TABLE 9.—DIRECTED FISHING CLOSURES

[Amounts are in metric tons]

Area	Species	Incidental catch amount
Bogoslof District:		
	Pollock	50
Aleutian Islands subarea:		
	Pollock	1,000
	"Other rockfish".	426
Bering Sea subarea:		
	Pacific ocean perch.	1,197
	"Other rockfish".	587
Bering Sea and Aleutian Islands:		
	Northern rockfish.	4,625
	Shortraker rockfish.	486
	Rougheye rockfish.	181
	"Other Species".	23,124

Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the directed fishing allowances for the above species or species groups as zero.

Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for these species in the specified areas and these closures are effective immediately through 2400 hrs, A.l.t., December 31, 2004.

In addition, the BSAI Zone 1 annual red king crab allowance specified for the trawl rockfish fishery (see § 679.21(e)(3)(iv)(D)) is 0 mt and the BSAI first seasonal halibut bycatch allowance specified for the trawl rockfish fishery is 0 mt. The BSAI annual halibut bycatch allowance specified for the trawl Greenland turbot/arrowtooth flounder/sablefish fishery categories is 0 mt (*see* § 679.21(e)(3)(iv)(C)). Therefore, in accordance with § 679.21(e)(7)(ii) and (v), NMFS is prohibiting directed fishing for rockfish by vessels using trawl gear in Zone 1 of the BSAI and directed fishing for Greenland turbot/arrowtooth flounder/sablefish by vessels using trawl gear in the BSAI effective immediately through 2400 hrs, A.l.t., December 31, 2004. NMFS is also

prohibiting directed fishing for rockfish outside Zone 1 in the BSAI through 1200 hrs, A.l.t., July 4, 2004.

Under authority of the interim 2004 harvest specifications (68 FR 68265, December 8, 2003), NMFS prohibited directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the BSAI effective 1200 hrs, A.l.t., January 22, 2004, through 1200 hrs, A.l.t., September 1, 2004 (69 FR 2850, January 21, 2004). NMFS opened the first directed fisheries in the HLA in area 542 and area 543 effective 1200 hrs, A.l.t., January 24, 2004. The first HLA fishery in area 542 remained open through 1200 hrs, A.l.t., February 2, 2004 (69 FR 5298, February 4, 2004) and in area 543 remained open through 1200 hrs, A.l.t., January 30, 2004. The second directed fisheries in the HLA in area 542 and area 543 opened effective 1200 hrs, A.l.t., February 4, 2004. The second HLA fishery in area 542 and area 543 remained open through 1200 hrs, A.l.t., February 13, 2004. NMFS prohibited directed fishing for CDQ reserve amounts of shortraker/rougheye rockfish and northern rockfish in the Bering Sea subarea and "other species'' in the BSAI effective 1200 hrs, A.l.t., January 1, 2004 (68 FR 75147, December 30, 2003). NMFS prohibited directed fishing for Pacific cod by catcher vessels 60 feet length overall and longer using pot gear in the BSAI, effective 12 noon, Alaska local time, February 15, 2004 (69 FR 7703, February 19, 2004). NMFS also prohibited directed fishing for rock sole/flathead sole/'other flatfish'' by vessels using trawl gear in the BSAI, effective 12 noon, Alaska local time, February 24, 2004.

These closures remain effective under authority of these final 2004 harvest specifications. These closures supersede the closures announced under the authority of the 2004 interim specifications (68 FR 68265, December 8, 2003). While these closures are in effect, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR 679. In the BSAI, "other rockfish'' includes *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, shortraker, rougheye, and northern rockfish.

Bering Sea Subarea Inshore Pollock Allocations

Regulations at § 679.4(l) set forth procedures for AFA inshore catcher vessel pollock cooperatives to apply for and receive cooperative fishing permits and inshore pollock allocations. Table 10 lists the pollock allocations to the seven inshore catcher vessel pollock cooperatives based on 2004 cooperative allocations that have been approved and permitted by NMFS for the 2004 fishing year. Allocations for cooperatives and vessels not participating in cooperatives are not made for the Aleutian Islands subarea because the Aleutian Islands subarea has been closed to directed fishing for pollock.

TABLE 10.—2004 BERING SEA SUBAREA INSHORE COOPERATIVE ALLOCATIONS

[Amounts are in metric tons]

Cooperative name and member vessels	Sum of member vessel's official catch histories [1]	Percentage of inshore sector allocation	Annual cooperative allocation
Akutan Catcher Vessel Association	245,527	28.085	182,433
Aldebaran, Arctic Explorer, Arcturus, Blue Fox, Cape Kiwanda, Columbia, Dominator, Exodus, Flying Cloud, Golden Dawn, Golden Pisces, Hazel Lorraine, Intrepid Explorer, Leslie Lee, Lisa Melinda, Majesty, Marcy J, Margaret Lyn, Nordic Explorer, Northern Patriot, Northwest Explorer, Pacific Ram, Pacific Viking, Pegasus, Peggy Jo, Perseverance, Predator, Raven, Royal American, Seeker, Sovereignty, Traveler, Viking Explorer.			
Arctic Enterprise Association	36,807	4.210	27,348
Bristol Explorer, Ocean Explorer, Pacific Explorer.			
Northern Victor Fleet Cooperative	73,656	8.425	54,729
Anita J, Collier Brothers, Commodore, Excalibur II, Goldrush, Half Moon Bay, Miss Berdie, Nordic Fury, Pacific Fury, Poseidon, Royal Atlantic, Sunset Bay, Storm Petrel.			
Peter Pan Fleet Cooperative	18,693	2.138	13,889
Amber Dawn, American Beauty, Elizabeth F, Morning Star, Ocean Leader, Oceanic, Providian, Topaz, Walter N.			
Unalaska Cooperative	106,737	12.209	79,309
Alaska Rose, Bering Rose, Destination, Great Pacific, Messiah, Morning Star, Ms Amy, Progress, Sea Wolf, Vanguard, Western Dawn.			
UniSea Fleet Cooperative	202,479	23.161	150,447
Alsea, American Eagle, Argosy, Auriga, Aurora, Defender, Gun-Mar, Mar-Gun, Nordic Star, Pacific Monarch, Seadawn, Starfish, Starlite.			
Westward Fleet Cooperative	189,942	21.727	141,132
A.J., Alaskan Command, Alyeska, Arctic Wind, Caitlin Ann, Chelsea K, Dona Martita, Fierce Allegiance, Hickory Wind, Ocean Hope 3, Pacific Challenger, Pacific Knight, Pacific Prince, Starward, Viking, Westward I.			
Open access AFA vessels	395	0.045	294
Total inshore allocation	874,238	100	649,580

[1] According to regulations at § 679.62(e)(1), the individual catch history for each vessel is equal to the vessel's best 2 of 3 years inshore pollock landings from 1995 through 1997 and includes landings to catcher/processors for vessels that made 500 or more mt of landings to catcher/processors from 1995 through 1997.

According to regulations at § 679.20(a)(5)(i)(A)(*3*), NMFS must subdivide the inshore sector allocation into allocations for cooperatives and for inshore open access. In addition, according to regulations at § 679.22(a)(7)(vii), NMFS must establish harvest limits inside the SCA and provide a set-aside so that catcher

vessels less than or equal to 99 ft (30.2 m) LOA have the opportunity to operate entirely within the SCA until April 1. Accordingly, Table 11 lists the apportionment of the Bering Sea subarea inshore pollock allocation into allocations for vessels fishing in a cooperative and for vessels fishing for the inshore open access allocation and establishes a cooperative-sector SCA set-aside for AFA catcher vessels less than or equal to 99 ft (30.2 m) LOA. The SCA set-aside for catcher vessels less than or equal to 99 ft (30.2 m) LOA that are not participating in a cooperative will be established inseason based on actual participation levels and is not included in Table 11.

TABLE 11.—2004 BERING SEA SUBAREA POLLOCK ALLOCATIONS TO THE COOPERATIVE AND OPEN ACCESS SECTORS OF THE INSHORE POLLOCK FISHERY

[Amounts are in metric tons]

	A season TAC	A season inside SCA[1]	B season TAC
Inshore cooperative sector:			
Vessels > 99 ft	n/a	156,242	n/a
Vessels ≤ 99 ft	n/a	25,558	n/a
Total	259,714	181,800	389,572
Open access sector	118	82[2]	176
Total inshore sector	259,832	181,882	389,748

[1] The Steller sea lion conservation area (SCA) is established at § 679.22(a)(7)(vii).

[2] The SCA limitations for vessels less than or equal to 99 ft LOA that are not participating in a cooperative will be established on an inseason basis in accordance with § 679.22(a)(7)(vii)(C)(*2*) which specifies that "the Regional Administrator will prohibit directed fishing for pollock by vessels greater than 99 ft (30.2 m) LOA, catching pollock for processing by the inshore component before reaching the inshore SCA harvest limit before April 1 to accommodate fishing by vessels less than or equal to 99 ft (30.2 m) inside the SCA until April 1.''

Listed AFA Catcher/Processor Sideboard Limits

Under regulations at § 679.64(a), the Regional Administrator restricts the ability of listed AFA catcher/processors to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the directed pollock fishery. The basis for these sideboard limits is described in detail in the final rule implementing major provisions of the AFA (67 FR 79692, December 30, 2002). The 2004 catcher/processor sideboard limits are set out in Table 12.

All groundfish other than pollock that are harvested by listed AFA catcher/processors, whether as targeted catch or incidental catch, will be deducted from the sideboard limits in Table 12. However, groundfish other than pollock that are delivered to listed catcher/processors by catcher vessels will not be deducted from the 2004 sideboard limits for the listed catcher/processors.

TABLE 12.—2004 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUNDFISH SIDEBOARD LIMITS

[Amounts are in metric tons]

Target species	Area	1995–1997			2004 ITAC available to trawl C/Ps	2004 C/P sideboard limit
		Retained catch	Total catch	Ratio of Retained catch/ Available TAC		
Pacific cod trawl	BSAI	12,424	48,177	0.258	46,844	12,080
Sablefish trawl	BS	8	497	0.016	1,232	20
	AI	0	145	0.000	659	0
Atka mackerel	Western AI					
	A season[1]	n/a	n/a	0.200	9,555	1,911
	HLA limit[2]					1,147
	B season	n/a	n/a	0.200	9,555	1,911
	HLA limit					1,147
	Central AI					
	A season[1]	n/a	n/a	0.115	28,768	3,308
	HLA limit					1,985
	B season	n/a	n/a	0.115	28,768	3,308
	HLA limit					1,985
Yellowfin sole	BSAI	100,192	435,788	0.230	73,164	16,821
Rock sole	BSAI	6,317	169,362	0.037	34,850	1,300
Greenland turbot	BS	121	17,305	0.007	2,295	16
	AI	23	4,987	0.005	680	3
Arrowtooth flounder	BSAI	76	33,987	0.002	10,200	23
Flathead sole	BSAI	1,925	52,755	0.036	16,150	589
Alaska plaice	BSAI	3,243	9,438	0.344	9,250	3,178
Other flatfish	BSAI	3,243	52,298	0.062	2,775	172
Pacific ocean perch	BS	12	4,879	0.002	1,197	3
	Western AI	54	13,598	0.004	4,798	19
	Central AI	3	5,698	0.001	2,706	1
	Eastern AI	125	6,179	0.020	2,829	57
Northern rockfish	BSAI	91	13,040	0.007	4,625	32
Shortraker rockfish	BSAI	50	2,811	0.018	486	9
Rougheye rockfish	BSAI	50	2,811	0.018	181	3

TABLE 12.—2004 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUNDFISH SIDEBOARD LIMITS—Continued

[Amounts are in metric tons]

Target species	Area	1995–1997			2004 ITAC available to trawl C/Ps	2004 C/P sideboard limit
		Retained catch	Total catch	Ratio of Retained catch/ Available TAC		
Other rockfish	BS	18	621	0.029	426	12
	AI	22	806	0.027	539	15
Squid	BSAI	73	3,328	0.022	1,084	24
Other species	BSAI	553	68,672	0.008	23,124	186

[1] The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season. Listed AFA catcher/processors are limited to harvesting no more than zero percent in the Eastern Aleutian District and Bering Sea subarea, 20 percent of the annual available TAC in the Western Aleutian District, and 11.5 percent of the annual available TAC in the Central Aleutian District.

[2] Harvest Limit Area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (*see* § 679.2). In 2004, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

Regulations at § 679.64(a)(5) establish a formula for PSC sideboard limits for listed AFA catcher/processors. These amounts are equivalent to the percentage of the PSC amounts taken in the groundfish fisheries for groundfish other than pollock by the AFA catcher/processors listed in subsection 208(e) and section 209 of the AFA from 1995 through 1997 (Table 13). These amounts were used to calculate the relative amount of PSC that was caught by pollock catcher/processors, that were then used to determine the PSC sideboard limits for listed AFA catcher/processors in the 2004 groundfish fisheries for groundfish other than pollock.

PSC that is caught by listed AFA catcher/processors participating in any groundfish fishery for groundfish other than pollock listed in Table 13 would accrue against the 2004 PSC sideboard limits for the listed AFA catcher/processors. Regulations at § 679.21(e)(3)(v) authorize NMFS to close directed fishing for groundfish other than pollock for listed AFA catcher/processors once a 2004 PSC sideboard limit listed in Table 13 is reached.

Crab or halibut PSC that is caught by listed AFA catcher/processors while fishing for pollock will accrue against the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/"other species'' fishery categories under regulations at § 679.21(e)(3)(iv).

TABLE 13.—2004 BSAI AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSOR PROHIBITED SPECIES SIDEBOARD LIMITS [1]

PSC species	1995–1997			2004 PSC available to trawl vessels	2004 C/P sideboard limit
	PSC catch	Total PSC	Ratio of PSC catch to total PSC		
Halibut mortality	955	11,325	0.084	3,400	286
Red king crab	3,098	473,750	0.007	182,225	1,276
C. opilio	2,323,731	15,139,178	0.153	4,023,750	615,634
C. bairdi					
Zone 1	385,978	2,750,000	0.140	906,500	126,910
Zone 2	406,860	8,100,000	0.050	2,747,250	137,363

[1] Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

AFA Catcher Vessel Sideboard Limits

Under regulations at § 679.64(a), the Regional Administrator restricts the ability of AFA catcher vessels to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the directed pollock fishery.

Regulations at § 679.64(b) establish formulas for setting AFA catcher vessel groundfish and PSC sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final rule implementing major provisions of the AFA (67 FR 79692, December 30, 2002). The 2003 AFA catcher vessel sideboard limits are shown in Tables 14 and 15.

All harvests of groundfish sideboard species made by non-exempt AFA catcher vessels, whether as targeted catch or incidental catch, will be deducted from the sideboard limits listed in Table 14.

TABLE 14.—2004 BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS

[Amounts are in metric tons]

Species	Fishery by area/season/processor/gear	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2004 initial TAC	2004 catcher vessel sideboard limits
Pacific cod	BSAI			

TABLE 14.—2004 BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS—Continued

[Amounts are in metric tons]

Species	Fishery by area/season/processor/gear	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2004 initial TAC	2004 catcher vessel sideboard limits
	jig gear	0.0000	3,987	0
	hook-and-line CV			
	Jan 1–Jun 10	0.0006	182	0
	Jun 10–Dec 31	0.0006	121	0
	Pot gear CV			
	Jan 1–Jun 10	0.0006	9,105	5
	Sept 1–Dec 31	0.0006	6,070	4
	CV < 60 feet LOA	0.0006	1,252	1
	using hook-and-line or pot gear			
	trawl gear CV			
	Jan 20–Apr 1	0.8609	32,791	28,230
	Apr 1–Jun 10	0.8609	4,684	3,608
	Jun 10–Nov 1	0.8609	9,369	7,217
Sablefish	BS trawl gear	0.0906	1,232	112
	AI trawl gear	0.0645	659	43
Atka mackerel	*Eastern AI/BS*			
	jig gear	0.0031	104	0
	other gear			
	Jan 1–Apr 15	0.0032	5,147	16
	Sept 1–Nov 1	0.0032	5,147	16
	Central AI			
	Jan–Apr 15	0.0001	28,768	3
	HLA limit	0.0001	8,630	1
	Sept 1–Nov 1	0.0001	28,768	3
	HLA limit	0.0001	8,630	1
	Western AI			
	Jan–Apr 15	0	9,555	0
	HLA limit	0.0000	5,733	0
	Sept 1–Nov 1	0	9,555	0
	HLA limit	0	5,733	0
Yellowfin sole	BSAI	0.0647	73,164	4,734
Rock sole	BSAI	0.0341	34,850	1,188
Greenland turbot	BS	0.0645	2,295	148
	AI	0.0205	680	14
Arrowtooth flounder	BSAI	0.0690	10,200	704
Alaska plaice	BSAI	0.0441	8,500	375
Other flatfish	BSAI	0.0441	2,550	112
Pacific ocean perch	BS	0.1000	1,197	120
	Eastern AI	0.0077	2,829	22
	Central AI	0.0025	2,706	7
	Western AI	0.0000	4,798	0
Northern rockfish	BS	0.0084	4,625	39
Shortraker rockfish	BSAI	0.0037	486	2
Rougheye rockfish	BSAI	0.0037	181	1
Other rockfish	BS	0.0048	426	2
	AI	0.0095	587	6
Squid	BSAI	0.3827	1,084	415
Other species	BSAI	0.0541	23,124	1,251
Flathead sole	BS trawl gear	0.0505	16,150	816

The AFA catcher vessel PSC limit for halibut and each crab species in the BSAI for which a trawl bycatch limit has been established will be a portion of the PSC limit equal to the ratio of aggregate retained groundfish catch by AFA catcher vessels in each PSC target category from 1995 through 1997 relative to the retained catch of all vessels in that fishery from 1995 through 1997. For the BSAI, the PSC sideboard limits for AFA catcher vessels are listed in Table 15.

Halibut and crab PSC that are caught by AFA catcher vessels participating in any groundfish fishery for groundfish other than pollock listed in Table 15 will accrue against the 2004 PSC sideboard limits for the AFA catcher vessels. Regulations at § 679.21(d)(8) and (e)(3)(v) provide authority to close directed fishing for groundfish for groundfish other than pollock for AFA catcher vessels once a 2004 PSC sideboard limit listed in Table 15 for the BSAI is reached. PSC that is caught by AFA catcher vessels while fishing for pollock in the BSAI will accrue against the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/ "other species'' fishery categories under regulations at § 679.21(e).

TABLE 15.—2004 AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI [1]

PSC species	Target fishery category [2]	Ratio of 1995–1997 AFA CV retained catch to total retained catch	2004 PSC limit	2004 AFA catcher vessel PSC sideboard limit
Halibut	Pacific cod trawl	0.6183	1,434	887
	Pacific cod hook-and-line or pot	0.0022	775	2
	Yellowfin sole	0.1144	886	101
	Rock sole/flat. sole/other flatfish [5]	0.2841	779	221
	Turbot/Arrowtooth/Sablefish	0.2327	0	0
	Rockfish	0.0245	69	2
	Pollock/Atka mackerel/Other species	0.0227	232	5
Red King Crab, Zone 1 [4]	Pacific cod	0.6183	26,563	16,424
	Yellowfin sole	0.1144	33,843	3,872
	Rock sole/flat. sole/other flatfish [5]	0.2841	121,413	34,493
	Pollock/Atka mackerel/Other species	0.0227	406	9
C. opilio, COBLZ [3].				
	Pacific cod	0.6183	124,736	77,124
	Yellowfin sole	0.1144	2,776,981	317,687
	Rock sole/flat. sole/other flatfish [5]	0.2841	969,130	275,330
	Pollock/Atka mackerel/Other species	0.0227	72,428	1,644
	Rockfish	0.0245	40,237	986
	Turbot/Arrowtooth/Sablefish	0.2327	40,238	9,363
C. bairdi, Zone 1.				
	Pacific cod	0.6183	183,112	113,218
	Yellowfin sole	0.1144	340,844	38,993
	Rock sole/flat. sole/other flatfish [5]	0.2841	365,320	103,787
	Pollock/Atka mackerel/Other species	0.0227	17,224	391
C. bairdi, Zone 2.				
	Pacific cod	0.6183	324,176	200,438
	Yellowfin sole	0.1144	1,788,459	204,600
	Rock sole/flat. sole/other flatfish [5]	0.2841	596,154	169,367
	Pollock/Atka mackerel/Other species	0.0227	27,473	624
	Rockfish	0.0245	10,988	269

[1] Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.
[2] Target fishery categories are defined in regulation at § 679.21(e)(3)(iv).
[3] *C. opilio* Bycatch Limitation Zone. Boundaries are defined at Figure 13 of 50 CFR part 679.
[4] In December 2003, the Council recommended that red king crab bycatch for trawl fisheries within the RKCSS be limited to 35 percent of the total allocation to the rock sole/flathead sole/"other flatfish" fishery category (*see* § 679.21(e)(3)(ii)(B)).
[5] "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder.

Sideboard Directed Fishing Closures

AFA Catcher/Processor and Catcher Vessel Sideboard Closures

The Regional Administrator has determined that many of the AFA catcher/processor and catcher vessel sideboard limits listed in Tables 12 and 14 are necessary as incidental catch to support other anticipated groundfish fisheries for the 2004 fishing year. In accordance with § 679.20(d)(1)(iv), the Regional Administrator establishes the sideboard limits listed in Tables 12 and 14 as directed fishing allowances. The Regional Administrator finds that many of these directed fishing allowances will be reached before the end of the year. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing by listed AFA catcher/processors for the species in the specified areas set out in Table 16 and directed fishing by non-exempt AFA catcher vessels for the species in the specified areas set out in Table 17.

TABLE 16.—AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSOR SIDEBOARD DIRECTED FISHING CLOSURES [1]

[Amounts are in metric tons]

Species	Area	Gear types	Incidental catch amount
Sablefish trawl	BS	Trawl	20
	AI	Trawl	0
Rock sole	BSAI	all	1,300
Greenland turbot	BS	all	16
	AI	all	3
Arrowtooth flounder	BSAI	all	23
Pacific ocean perch	BS	all	3
	Western AI	all	19
	Central AI	all	1
	Eastern AI	all	57

TABLE 16.—AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSOR SIDEBOARD DIRECTED FISHING CLOSURES [1]—Continued

[Amounts are in metric tons]

Species	Area	Gear types	Incidental catch amount
Northern rockfish	BSAI	all	32
Shortraker rockfish	BSAI	all	9
Rougheye rockfish	BSAI	all	3
Other rockfish	BS	all	12
	AI	all	15
Squid	BSAI	all	24
"Other species''	BSAI	all	186

TABLE 17.—AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD DIRECTED FISHING CLOSURES [1]

[Amounts are in metric tons]

Species	Area	Gear types	Incidental catch amount
Pacific cod	BSAI	hook-and-line	0
	BSAI	pot	9
	BSAI	jig	0
Sablefish	BS	trawl	112
	AI	trawl	43
Atka mackerel	Eastern AI/BS	jig	0
	Eastern AI/BS	other	16
	Central AI	all	3
	Western AI	all	3
Greenland Turbot	BS	all	148
	AI	all	14
Arrowtooth flounder	BSAI	all	704
Pacific ocean perch	BS	all	120
	Western AI	all	22
	Central AI	all	7
	Eastern AI	all	0
Northern rockfish	BSAI	all	39
Shortraker rockfish	BSAI	all	2
Rougheye rockfish	BSAI	all	1
Other rockfish	BS	all	2
	AI	all	6
Squid	BSAI	all	415
"Other species''	BSAI	all	1,251

Response to Comments

NMFS received one letter of comment in response to the EA and the SAFE reports for the 2004 harvest specifications. The letter contained 17 separate comments that are summarized and responded to below.

Comment 1. NMFS has only a revised draft Programmatic level Environmental Impact Statement (PSEIS) and will be implementing the 2004 harvest specifications without proper National Environmental Policy Act compliance. This is troubling considering the impacts of spatial, temporal, and bycatch trends of fisheries, especially in sensitive habitat areas subject to damage and in Northern fur seal and Steller sea lion habitat.

Response. NMFS prepared a Supplemental Environmental Impact Statement (SEIS) for Steller sea lions and is in the process of preparing a PSEIS for Alaska Groundfish Fisheries and a SEIS for Essential Fish Habitat Identification and Conservation in Alaska, with records of decisions no later than September 1, 2004 and August 13, 2005, respectively. The EA for the 2004 TAC specifications has an extensive appendix on ecosystem considerations for 2004 which are increasingly drawn upon by individual stock assessment authors in the preparation of the EA that supports the annual harvest specifications. This takes into account the best and most recent scientific information available upon which to base decisions.

Trawl closures have been implemented to protect benthic habitat or reduce PSC. Some of the trawl closures are in effect year-round while others are seasonal. In general, year-round trawl closures have been implemented to protect vulnerable benthic habitat. Seasonal closures are used to reduce PSC by closing areas where and when PSC rates had historically been high. Additional measures to protect the declining western stocks of the Steller sea lion began in 1991 with restrictions based on rookery and haulout location. In 2003 the current spatial and temporal protection measures were implemented (68 FR 204, January 2, 2003). The Council is also in the process of developing habitat areas of particular concern (HAPC) which are areas of special importance that may require additional protection from adverse effects. The Council accepted proposals for initial HAPC designations through January 10, 2004. Although designed to protect Steller sea lions and benthic habitat these protection measures will also protect fur seals from fishing effects.

Comment 2. NOAA Fisheries should "undertake a systematic review of rockfish management, and incorporate the recommendations of the nation's leading fisheries biologists in the American Fisheries Society (AFS) Policy Statement 31d: Management of Pacific Rockfish.'' In particular, this policy statement recommends:

a. Collection of catch information on a single-species basis;

b. Management targets on a single-species basis, including species taken as bycatch;

c. Accurate studies of discards at sea, and reduction of rockfish discards;

d. Adequate fishery-independent surveys;

e. Marine protected areas (MPAs) to protect habitat and promote recovery of the stocks;

f. Reductions on fishing mortality.

Response. NMFS recognizes the importance of these policy recommendations and is either consistent with or moving towards these management goals. Although the AFS policy statement (Parker *et al.* 2000) pertains to all "Pacific rockfish'' in U.S. waters, including Alaska, it is important to recognize the specific policy recommendations above were largely influenced by the particular management structure and declining stocks off the coast of Washington, Oregon, and California (Parker *et al.* 2000), which differs considerably from the status of stocks and management procedures for rockfish in the EEZ off Alaska. NMFS recognizes the importance of collecting catch information and establishing management targets on a single species basis. For example, all of the species within the former "other red rockfish'' category are now managed with single-species harvest quotas. Observer data are used to estimate discard amounts of these and other species and are included in the stock assessment methodology.

NMFS has conducted fishery independent surveys in the Aleutian Islands since 1990, and additional cooperative U.S.—Japanese surveys occurred in the 1980s. In general, rockfish stocks are difficult to survey with standard trawl gear and survey designs because of the patchiness of their distributions and, in some cases, the roughness of the habitat in which they live. These factors have combined to produce rockfish biomass estimates with high coefficients of variation and substantial year to year variability in biomass estimates. NMFS is exploring new survey methodology that uses hydroacoustic information to locate patches of rockfish, which can then be used to influence the location of trawl tows. Some field work evaluating this method was conducted in the summer of 2003 near the Pribilof Islands, with the goal of evaluating the potential for improving estimates of eastern Bering Sea Pacific ocean perch and northern rockfish. Additional work must be done to evaluate this approach before it is adopted.

The AFS recommendation for reductions in fishing mortality is largely directed towards U.S. west coast rockfish stocks, as the AFS policy statement indicates that the Council "has taken a conservative approach to rockfish management and no species are considered overfished in Alaska'' (Parker et al. 2000). Since the publication of the AFS policy statement on Pacific rockfish in 2000, management of BSAI rockfish has become more conservative due to the diminished use of multispecies assemblages.

Establishment of MPAs will require knowledge of the spatial distribution patterns for rockfish, particularly the pelagic larval stage. The creation of MPAs that are inconsistent with the mobility of rockfish would likely greatly reduce the effectiveness (Walters and Bonfil 1999), and little is known about the spawning locations or the extent of larval drift of Alaskan rockfish. Again, the reference to promoting recovery of stocks in the AFS recommendation for MPAs is directed towards west coast rockfish, as no species or species assemblage of rockfish in the EEZ off Alaska is currently overfished. As a management tool for reducing fishing mortality, it is unclear whether closed areas would simply redirect the same amount of fishing effort into smaller spatial areas, and thereby exacerbate the potential for localized depletions. The use of MPAs to protect habitat is recognized, and the Council has recently solicited proposals for closure areas that would protect Habitat Areas of Particular Concern (HAPC).

Comment 3. No real conservation measures have been put into place to address the shortcomings of conventional fisheries management with regard to rockfish species.

Response. Several changes have been implemented to improve fisheries management of rockfish species, particularly in the BSAI. First, harvest quotas no longer are being applied across the "other red rockfish'' species complex, thus eliminating the possibility of disproportionate harvests across species within the complex. In fact, all species that formerly comprised the "other red rockfish'' complex are now managed with single-species harvest quotas, consistent with the AFS policy recommendations. This conservation measure has required substantial changes in the way some rockfish, such as shortraker and rougheye rockfish, have been classified by fishery observers. Associated with this change are improvements in assessment methodology that use more information to establish harvest recommendations, as discussed in the response to comment 2.

Second, only Pacific ocean perch is open to directed fishing in the BSAI, other rockfish species are closed to directed fishing. Retained catch of these species by vessels is limited by maximum retainable allowances, which constrain the amount of incidental catch that can be retained by a vessel as a percentage of the target species. Prior to 1998, the incidental catch allowance was applied to all rockfish in aggregate and was 15 percent of the target species. Since 1998, shortraker/rougheye were assigned their own maximum retainable allowance, which was lowered to 7 percent for deep water target fisheries and 2 percent for shallow water target fisheries. This conservation measure was put into place to reduce the likelihood of exceeding the ABC for rockfish complexes.

Comment 4. Population declines of BSAI shortraker and rougheye rockfish have not been addressed or tempered in any way.

Response. In assessments for previous years, the rougheye and shortraker rockfish biomass was estimated as an average of the recent survey estimates, and the survey estimates from the 1980s were not used in the biomass calculation. As discussed in the current assessment, the survey estimates from the 1980s were conducted with considerably different gear and methodology than the survey estimates beginning in 1990. Because the stock assessment has now evolved to fit a biological model to a time series of data, the data from the 1980s were used to obtain some information on stock size during the 1980s. However, the differences in survey methodology must be considered when evaluating this trend, as discussed in the current assessment. In any event, the recent biomass estimates are the most relevant to the current stock status, and the survey estimates from 1990 show a generally flat trend.

Comment 5. It is not clear why subarea TACs no longer exist for shortraker and rougheye rockfish in the BSAI.

Response. TACs are generally used to prevent disproportionate harvesting on a localized subpopulation. For rougheye and shortraker rockfish, it is not clear

whether fish in the Bering Sea subarea represent a distinct subpopulation separate from the Aleutian Islands subarea. As mentioned in the SAFE chapter, weak population structure has been observed for rougheye rockfish. However, caution should be exercised when making inferences on population units from genetic data which is based upon relatively low sample sizes (Gharrett, 2003). For shortraker rockfish, population structure has been observed roughly on the same scale as our current management areas, with a large Aleutian Islands group (Matala et al. in press). Bering Sea samples were not available for the analysis. Given the eastward flowing currents north of the Aleutian chain, one would not expect boundaries of genetic population units to coincide with the boundary of the Bering Sea and Aleutian Islands subareas.

Additionally, it is not clear that establishment of area-specific TACs would change operations within the fishery. An area-specific TAC would prevent targeting upon a species by prohibiting retention once the TAC has been reached. However, rougheye and shortraker rockfish are not subject to directed fisheries in either the Bering Sea or Aleutian Islands subareas.

Comment 6. The declining trend in rougheye biomass in the BSAI is due to overexploitation.

Response. As mentioned in the response to comment 4, recent survey estimates show a generally flat trend in rougheye biomass. In past years, rougheye rockfish were managed either as part of the "rougheye/shortraker'' complex or the "other red rockfish'' complex. However, the OFL for either of these complexes was not exceeded. NMFS recognizes the risk of disproportionate harvest within a species complex and has implemented the management changes outlined above; namely, single species harvest recommendations and more restrictive maximum retainable allowances. These efforts have reduced estimated rougheye rockfish mortality rates since 2001.

Comment 7. The Bering Sea subarea catch data for northern rockfish are omitted from the assessment, thus the implications of fishing without a separate Bering Sea subarea ABC, TAC, and OFL are difficult for the public to discern. It is unclear why the Council and the SSC aggregated the TAC BSAI-wide instead of separately for the Bering Sea and Aleutian Islands subareas.

Response. The catch of northern rockfish within the Bering Sea subarea is assessed in Table 12.1 in the SAFE report. The same considerations applied to the shortraker/rougheye example in comment 5 are pertinent here as well. As discussed in the current assessment, the limited genetic information available for northern rockfish does not indicate population structure. The establishment of area-specific TACs would prevent retention once the TAC has been reached. However, northern rockfish are a bycatch species with very high discard rates in both the Bering Sea and Aleutian Islands subareas, so it would appear unlikely that the establishment of area specific TACs would alter fishing practices.

Comment 8. A comparison of Bering Sea subarea rockfish catch with potential Bering Sea subarea ABC and OFL levels reveals disproportionate harvests, and this comparison was omitted in the current assessment.

Response. The comparisons the comment refers to pertain to 2001 and earlier, when rockfish were managed with separate OFLs in the Bering Sea and Aleutian Islands subareas. Since that time, the view of the assessment authors, Plan Team, SSC, and Council has been that establishment of these separate OFLs and management units should be based upon biological information on population structure, and, as mentioned above, the available data do not suggest distinct populations between the Bering Sea and Aleutian Islands subareas. The commentator is correct in stating that disproportionate harvests may occur in some spatial areas within a single population. However, over 95 percent of both the catches and survey biomass occur within the Aleutian Islands subarea. The generally small population sizes in the Bering Sea subarea have resulted in increased uncertainty in population estimates in this area, and caution should be applied when comparing Bering Sea subarea catches with Bering Sea subarea survey biomass estimates for northern rockfish.

Comment 9. NMFS has failed to respond to the SSC's April 2003 discussion on whether a more conservative harvest rate (F50 percent) would be desirable for rockfish species in the GOA and BSAI, and the specific request that the agency evaluate the harvest strategy for rockfishes during the TAC setting process.

Response. An evaluation of the optimal rate for various rockfish species is dependent upon stock and recruitment data, and thus can only be applied to stocks for which age-structured models exist. In the BSAI, this includes Pacific ocean perch and northern rockfish. An analysis of this type was conducted for BSAI Pacific ocean perch and presented to the SSC and Council in December 2003, but the lack of contrast in estimated spawner stock size for BSAI northern rockfish precluded any informative analysis using this method. An analysis of optimal harvest rates for GOA stocks for which age structured data exists is pending.

Including the analysis on BSAI Pacific ocean perch presented to the SSC in December 2003, several studies suggest that an F_{40} percent harvest rate is not unduly aggressive for rockfish managed in the EEZ off Alaska (Dorn 2002, Ianelli and Heifetz 1995).

Comment 10. The SAFE authors reviewed an uncertainty correction factor for rockfish species that created higher ABCs. This is incongruous with the challenge posed to NMFS to assess whether current harvest strategy is sufficiently conservative.

Response. The applied uncertainty correction factor explicitly accounts for uncertainty in recruitment and stock size, and was part of a general process of evaluating potentially more conservative harvest rates for rockfish. The applied uncertainty correction factor was identical to that used in the Programmatic Supplemental Environmental Impact Statement. Although the control rule for applying the uncertainty correction factor did not result in a reduction of the FF_{abc} level, it did not cause an increase in the FF_{abc} level.

Comment 11. It is unclear why NMFS has not undertaken measures to address high discard rates of northern rockfish in the BSAI.

Response. From a biological perspective, the overriding concern is the effect of total removals from the fishery on the population, irrespective of the utilization of these removals. High levels of discards would certainly be problematic if they were not accounted for in the catch accounting methodology and led to underestimates of total harvest. However, the fishery observer coverage in the Aleutian Islands is generally thought to be sufficiently comprehensive to produce accurate records of total catch, including discards. Although it may be desirable to reduce northern rockfish bycatch in those fisheries where it occurs, this largely is an economic and utilization issue rather than a biological issue as long as total catch is below allowable harvest levels.

It should be pointed out that the level of information on BSAI northern rockfish is now substantially more detailed than is typical for a bycatch species with high discard rates, and is thus consistent with the AFS policy recommendation of single-species management targets, including those species taken as bycatch. In contrast to previous years, where only survey

biomass was considered, the northern rockfish assessment now includes information on growth, maturity, longevity, and age and size composition in establishing harvest recommendations. This level of detail was made possible only after reading all the archived northern rockfish otoliths collected in previous surveys. These efforts to improve the assessment data and methodology for northern rockfish were motivated not by their current economic value in the fishery, but rather the recognition of their sensitive life history and the important role they play in the Aleutian Islands ecosystem. As a result of this improvement to the assessment, we have observed the encouraging finding that several strong year classes of have occurred in recent years. For further information on rockfish, please see the following publications.

Dorn, M.W. 2002. Advice on west coast rockfish harvest rates from Bayesian meta-analysis of stock-recruitment relationships. N. Am. J. Fish. Aquat. Sci. 22:280–300.

Gharrett, A.J. 2003. Population structure of rougheye, shortraker, and northern rockfish based on analysis of mitochondrial DNA variation and microsatellites: completion. Juneau Center of Fisheries and Ocean Sciences, University of Alaska-Fairbanks. 136 pp.

Ianelli, J.N. and J. Heifetz. 1995. Decision analysis of alternative harvest policies for Gulf of Alaska Pacific ocean perch fishery. Fish. Res. 24:35–63.

Matala, A.P., A.K. Gray, J. Heifetz, and A.J. Gharrett. In press. Population structure of Alaskan shortraker rockfish, Sebastes borealis, inferred from microsatellite variation. Env. Biol. Fish.

Parker, S.J. and 13 coauthors. 2000. Management of Pacific rockfish. Fisheries 25 (3): 22–30.

Walters, C.J. and R. Bonfil. 1999. Multispecies spatial assessment models for the British Columbia groundfish trawl fishery. Can. J. Fish. Aquat. Sci. 56:601–628.

Comment 12. The BSAI SAFE report for "other rockfish'' recommended assigning a separate OFL and ABC to shortspine thornyheads and leaving the remaining 7 rockfish species within the "other rockfish'' complex but the Plan Team did not accept this recommendation in November because it was not raised in October. NMFS should break shortspine thornyheads out of the "other rockfish'' category.

Response. The assessment authors'' recommendation was based on the fact that shortspine thornyheads are the most abundant and valuable species in the complex and inhabit deeper regions of the shelf and slope than the other species. The authors recommend using Tier 5 criteria to assign separate ABCs and OFLs in the EBS and AI for shortspine thornyheads, and using Tier 6 (average catch from 1998–2002) criteria for the remaining species in the "other rockfish'' complex. The Plan Team believes that this general approach has promise, however, the Plan Team did not endorse this method in 2004 because the Team requested more time to review this proposal and contemplate the implications of separating out shortspine thornyheads. The Plan Team recommends that the authors propose essentially the same method in September 2004 for the 2005 specification process. For 2004, the Plan Team recommended that the method used for 2003 be used. The SSC has determined that a reliable estimate of the natural mortality rate exists for this complex, thereby qualifying "other rockfish'' for management under Tier 5.

Comment 13. BSAI squid and other species catch increased in 2002 and NMFS should manage the species in the "other species'' category as separate shark, skates, squid and octopus.

Response. The "other species'' fishery in the BSAI was open for directed fishing until 2003 when it was closed to directed fishing to prevent exceeding the TAC. This should reduce the incentive to target "other species''. The Plan Team did recommend to separate the "other species'' category into sharks, skates, sculpin and octopus. However, this change would require an FMP amendment before it could be implemented because "other species'' is defined in a manner that does not provide for species breakouts unlike other target and non target groundfish complexes. The Council must initiate the development of such an FMP amendment, although the schedule for Council consideration of the draft analysis is uncertain given limited staff resources and competing priorities.

Comment 14. The Atka mackerel fishery causes disproportionate impacts to coral and sponge reefs throughout the BSAI.

Response. The Atka mackerel fishery does not cause disproportionate impacts as demonstrated by fishery data. In 2003, the directed Atka mackerel fishery accounted for 54 percent of the total groundfish catch in the Aleutian Islands (Pacific cod accounted for 32 percent, Pacific ocean perch 12 percent, and the rest was taken in miscellaneous fisheries). The commentator highlights the average percentage of bycatch species taken in the Atka mackerel fishery over the last five years. These data are cited from the Ecosystem Effects on BSAI Atka Mackerel section in the stock assessment. For example: "* * * in the last 5 years (1998–2002), the Atka mackerel fishery has taken on average about 50 percent and 40 percent, respectively, of the total Aleutian Islands trawl sponge and coral catches.'' Proportionately, the directed Atka mackerel fishery is accounting for bycatch of sponges and coral in line with the percentage of total groundfish catch (in the Aleutians) taken by the Atka mackerel fishery.

The commentator fails to acknowledge the following sentence in the stock assessment: "It is unknown if the absolute levels of sponge and coral bycatch in the Atka mackerel fishery are of concern.'' The average percentages of bycatch species taken in the recent Atka mackerel fisheries appear high, but they must be considered in the context that there are only a few major bottom trawl fisheries in the Aleutians, with Atka mackerel being one of the largest. Thus, it is to be expected that these few fisheries would be responsible for the bulk of the bycatch. The question remains whether the absolute levels of bycatch are of concern.

The stock assessment acknowledges that the Atka mackerel fishery impacts coral and sponge reefs, and also has bycatch of skates and sculpins. However, the Atka mackerel fishery is highly localized and focuses on a few, relatively small areas that provide high catch per unit effort of Atka mackerel.

Comment 15. The Atka mackerel fishery competes with the endangered Steller sea lions.

Response. The Atka mackerel fishery is regulated by Steller Sea Lion Protection Measures that include seasonal and spatial allocations of the quota, as well as harvest limits within critical habitat areas defined as Harvest Limit Areas (HLA). In 2003, 48 percent of the 60 percent limit was taken in the Central and Western Aleutian Islands HLA. Two observers are required to be on all Atka mackerel boats fishing in the HLA. The directed Atka mackerel fishery is one of the most highly regulated and monitored fisheries to accommodate Steller sea lion concerns.

Comment 16. Pacific cod should be managed as the Bering Sea subarea and Aleutian Islands subarea separately instead of the BSAI-wide.

Response. Currently, Pacific cod is not allocated by subarea. The SSC agreed with the SAFE report author that Pacific cod should be split between BS and AI and requests the assessment authors to evaluate the methods used to

split the ABC and their potential management implications, so that specific recommendations can be made to the Council on this issue in the future. The 2004 ABC was set at 223,000 mt, and if Pacific cod was allocated by subarea, the EBS and AI portions would be 191,000 mt and 32,000 mt, respectively. An AI ABC of 32,000 mt would be higher than the 2002 AI catch of 30,801 mt and similar to the 2004 catch of 31,129 mt and would not be expected to result in significant constraints on the existing fishery in 2004 or to be a conservation issue. The BSAI Pacific cod TAC is the most finely allocated TAC in the Federal fisheries off Alaska with twenty allocations between four gear types, three processing sectors, two vessel sizes and two seasons. Splitting the TAC between the BS and AI subareas under the current allocations will force vessels not currently fishing in the AI to fish there or forgo the AI amount of the TAC allocated to them. In 2003, the Aleutian Islands jig and pot directed Pacific cod catch was less than 1 mt. Trawl Pacific cod catch accounted for 97 percent of the Pacific cod catch in the AI (54 percent CV, 39 percent CP) and would have exceeded the 47 percent of their Aleutian Islands allocation. Also, 93 percent of the trawl catch was taken during the January 1 to April 1, 2003 season, which is limited in 2004 to 60 percent. In 2003, if there were a BS and AI subarea split, the hook-and-line catcher processors and pot catcher vessels would have reached their Bering Sea allocations earlier by at least one week and two weeks, respectively. The Council, the industry, and the public need to develop and review more analyses on how to manage the Pacific cod Aleutian Islands TAC.

Comment 17. The TAC setting process is lengthy and does not provide for sufficient opportunities to make meaningful public comment.

Response. Currently, numerous opportunities exist for public input including the September and November Plan Team meetings and the October and December Council meetings, as well as opportunity to submit comments to NMFS on the proposed specifications.

Nonetheless, NMFS and the Council agree that these opportunities could be enhanced further. In October, the Council approved a new process for establishing harvest specifications in future years under BSAI and GOA FMP Amendments 48/48. Objectives for the revised process include providing enhanced opportunity for informed public comment. The Council's preferred alternative is to establish harvest specifications for 18 months (Year 1 and first half of Year 2) for BSAI and GOA groundfish. The new process would better assure that proposed harvest specifications and corresponding analysis, which are made available for public review and comment, provide the basis from which final harvest specifications are established.

Small Entity Compliance Guide

The following information is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary management measures are to announce final 2004 harvest specifications and prohibited species bycatch allowances for the groundfish fishery of the BSAI. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2004 fishing year and to accomplish the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. This action affects all fishermen who participate in the BSAI fishery. The specific amounts of OFL, ABC, TAC and PSC amounts are provided in tabular form to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and in information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

Classification

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

A FRFA was prepared for the final 2004 harvest specifications to address the statutory requirements of the Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Fairness Act of 1996.

The proposed rule for the BSAI harvest specifications was published in the **Federal Register** on December 2, 2003 (68 FR 67642). An Initial Regulatory Flexibility Analysis (IRFA) was prepared for the proposed rule, and was described in the classifications section of the proposed rule. The IRFA is available on the NMFS Alaska Region Web site at *http://www.fakr.noaa.gov/sustainablefisheries/specs04/GOA63earirirfa1003.pdf.* The public comment period for the BSAI specifications rule ended on January 2, 2004. No comments were received on the economic impact of this rule.

The final 2004 harvest specifications establish harvest limits for the groundfish species and species groups in the BSAI. This action is necessary to allow groundfish fishing in 2004. In all the waters off of Alaska, these harvest specifications may affect from 832 to 838 small catcher vessels, 30 to 33 small catcher/processors, and six small CDQ groups. In the BSAI, 105 small catcher vessels, and 19 small catcher-processors would experience small adverse impacts (estimated to be a fraction of a percent of entity gross revenues) from reductions in Greenland turbot harvests. Six small catcher/processors operating as head-and-gut trawlers would experience reductions in Pacific ocean perch, flathead sole, and rock sole, estimated to be 3 percent to 4 percent of entity gross revenues. Also, 188 small catcher vessels and 43 small catcher-processors would experience small adverse impacts (estimated to be a fraction of a percent of entity gross revenues) from reductions in other species harvests. Six CDQ groups would have small revenue reductions (estimated to be a small fraction of a percent) in fisheries for certain species (although these would be more than offset by revenue increases from other fisheries for CDQ groups).

The analysis examined four alternatives to the preferred. Alternative 1 would have set TACs in the BSAI to produce fishing mortality rates, F, that are equal to $\max F_{ABC}$, the maximum permissible value under the FMP (2,000,000 mt for OY). While this alternative would have a smaller adverse impact on small entities than the preferred, this alternative was rejected because the associated harvest limits are above biologically acceptable levels. Alternative 3, which sets TACs based on half the maximum levels, and Alterative 4, which sets TACs based on a five year average, were both rejected because they do not use the best and most recent scientific information on status of groundfish stocks, nor take into account socioeconomic benefits to the nation. Alternative 5, the no action alternative, was rejected because it would set TACs in the BSAI equal to zero. Alternatives 3, 4, and 5 would also cause negative impacts to small entities.

The action does not impose new recordkeeping or reporting requirements on small entities. The analysis did not reveal any Federal rules that duplicate, overlap or conflict with the proposed action.

Under the provisions of 5 U.S.C. 553(b)(B), an agency can waive the requirement for prior notice if for good cause it finds that such notice is impracticable, unnecessary, or contrary to public interest. Certain fisheries, such as those for Pacific cod, Atka mackerel, and Pacific ocean perch, are intensive

fast-paced fisheries. Others fisheries, such as those for flatfish and rockfish, are critical as directed fisheries and as incidental catch in other fisheries. U.S. fishing vessels have demonstrated the capacity to catch full TAC allocations in all these fisheries. Any delay in allocating full TAC in these fisheries would cause disruption to the industry and potential economic harm through unnecessary discards. For the foregoing reasons and pursuant to 50 CFR 679.20(b)(3) and 5 U.S.C. 553(b)(3B), NMFS makes an apportionment of a portion of the non-specified reserve to fisheries that it has determined appropriate (*see* Table 2) to allow for the orderly conduct and efficient operation of these fisheries and waives the requirement for prior notice for good cause because it is impracticable and contrary to the public interest.

Under the provisions of 5 U.S.C. 553(d)(1), an agency can waive a delay in the effective date of a substantive rule if it relieves a restriction. Unless this delay is waived, fisheries that are currently closed (*See* **SUPPLEMENTARY INFORMATION**) because the interim TACs were reached would remain closed until the final specifications became effective. Those closed fisheries are restrictions on the industry that can be relieved by making the final specifications effective on publication. Another relief from a restriction would be the elimination of discards of sablefish caught incidentally to Pacific halibut. If the final specifications are not effective by February 29, 2004, which is the start of the Pacific halibut season as specified by the IPHC, the longline sablefish fishery will not begin concurrently with the Pacific halibut season. This would cause disruption to the fishing industry, as both longline sablefish and Pacific halibut are managed under the same IFQ program, and as stated above, require sablefish that is caught with Pacific halibut to be discarded.

Under the provisions of 5 U.S.C. 553(d)(3), an agency can waive a delay in the effective date for good cause found and published with the rule. For all other fisheries not currently closed because the interim TACs were reached, the possibility exists for their closures prior to the expiration of a 30-day delayed effectiveness period because their interim TACs or PSC allowances could be reached. Determining which fisheries may close is impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one fishery has a cascading effect on other fisheries by freeing-up fishing vessels, allowing them to move from closed fisheries to open ones, increasing the fishing capacity in those open fisheries and causing them to close at an accelerated pace. The interim specifications currently in effect are not sufficient to allow directed fisheries to continue predictably, resulting in unnecessary closures and disruption within the fishing industry and the potential for regulatory discards. The final specifications establish increased TACs and PSC allowances to provide continued directed fishing for species that would otherwise be prohibited under the interim specifications. These final specifications were developed as quickly as possible, given plan team review in November 2003, Council consideration and recommendations in December 2003, and NOAA Fisheries review and development in January–February 2004.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*; 16 U.S.C. 1540(f); Pub. L. 105–277, Title II of Division C; Pub L. 106–31, Sec. 3027; and Pub L. 106–554, Sec. 209.

Dated: February 23, 2004.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 04–4369 Filed 2–26–04; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 031125292–4061–02; I.D. 111703E]

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2004 Harvest Specifications for Groundfish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final 2004 harvest specifications for groundfish and associated management measures; closures.

SUMMARY: NMFS announces final 2004 harvest specifications for groundfish, reserves and apportionments thereof, halibut prohibited species catch (PSC) limits, and associated management measures for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits and associated management measures for groundfish during the 2004 fishing year and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish Fishery of the GOA (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: The final 2004 harvest specifications and associated management measures are effective at 1200 hrs, Alaska local time (A.l.t.), February 27, 2004 through 2400 hrs, A.l.t, December 31, 2004.

ADDRESSES: Copies of the Final Environmental Assessment (EA) and Final Regulatory Flexibility Analysis (FRFA) prepared for this action and the Final 2003 Stock Assessment and Fishery Evaluation (SAFE) report, dated November 2003, are available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510 (907–271–2809) or from its homepage at *http://www.fakr.noaa.gov/npfmc.*

FOR FURTHER INFORMATION CONTACT: Tom Pearson, 907–481–1780 or e-mail at *tom.pearson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) of the GOA under the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801, *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600 and 679.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species and for the "other species'' category, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt) (see § 679.20(a)(1)(ii)). Regulations at § 679.20(c)(3)(i) further require NMFS to publish annually the final annual TACs, halibut PSC amounts, and seasonal allowances of pollock and inshore/offshore Pacific cod. The final specifications set forth in Tables 1 to 11 of this document satisfy these requirements. For 2004, the sum of the TAC amounts is 264,433 mt.

The proposed GOA groundfish specifications and Pacific halibut PSC allowances for the groundfish fishery of the GOA were published in the **Federal Register** on December 5, 2003 (68 FR 68002). Comments were invited and accepted through January 5, 2004. NMFS received one letter of comment

on the proposed specifications. This letter of comment is summarized and responded to in the "Response to Comments'' section of this action. NMFS consulted with the Council during the December 2003 Council meeting in Anchorage, AK. After considering public comments received, as well as biological and economic data that were available at the Council's December 2003 meeting, NMFS is implementing the final 2004 groundfish specifications as recommended by the Council.

Regulations at § 679.20(c)(2)(i) establish interim amounts of each proposed TAC and allocations thereof, and proposed PSC allowances established under § 679.21 that become available at 0001 hours, A.l.t., January 1, and remain available until superceded by the final specifications. NMFS published the interim 2004 groundfish harvest specifications in the **Federal Register** on December 5, 2003 (68 FR 67964). The final 2004 groundfish harvest specifications, apportionments, and halibut PSC allowances contained in this action supercede the interim 2004 groundfish harvest specifications.

Acceptable Biological Catch (ABC) and TAC Specifications

The final ABC levels are based on the best available scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised methods used to calculate stock biomass. The FMP specifies the formulas, or tiers, to be used in computing ABCs and overfishing levels (OFLs). The formulas applicable to a particular stock or stock complex are determined by the level of reliable information available to fisheries scientists. This information is categorized into a successive series of six tiers with tier one representing the highest level of information and tier six the lowest level of information.

The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed the current biological information about the condition of GOA groundfish stocks in December 2003. This information was compiled by the Council's GOA Plan Team and was presented in the final 2003 SAFE report for the GOA groundfish fisheries, dated November 2003.

The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the GOA ecosystem and the economic condition of groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species or species category.

The SSC, AP, and Council adopted the Plan Team's ABC recommendations for all groundfish species categories except for shortraker/rougheye rockfish. For shortraker/rougheye rockfish, the SSC recommended decreasing the ABC from the Plan Team's recommendation. The SSC based its recommended ABC on the recent average catch of shortraker rockfish in this species group. Shortraker rockfish has been harvested in disproportionately high amounts relative to the biomass estimates of shortraker/rougheye rockfish. The SSC believes that the ABC for shortraker/rougheye rockfish should be decreased in order to prevent the overharvest of shortraker rockfish, which is preferentially targeted to rougheye rockfish in the groundfish fisheries. The AP endorsed the ABC for shortraker/rougheye rockfish recommended by the SSC, and the Council adopted the ABC. For all species, the AP endorsed the ABCs recommended by the SSC, and the Council adopted them. The final ABCs, as adopted by the Council are listed in Table 1.

As in 2003, the SSC's, AP's and Council's recommendation for the method of apportioning the sablefish ABC among management areas includes commercial fishery data as well as survey data. NMFS stock assessment scientists believe that the use of unbiased commercial fishery data reflecting catch-per-unit effort provides a desirable input for stock distribution assessments. The use of commercial fishery data will be evaluated annually to ensure that unbiased information is included in stock distribution models. The Council's recommendation for sablefish area apportionments also takes into account the prohibition on the use of trawl gear in the Southeast Outside (SEO) District of the Eastern GOA and makes available 5 percent of the combined Eastern GOA ABCs to trawl gear for use as incidental catch in other directed groundfish fisheries in the West Yakutat District (see § 679.20(a)(4)(i)).

The AP and Council recommended that the ABC for Pacific cod in the GOA be apportioned among regulatory areas based on the three most recent NMFS summer trawl surveys. As in previous years, the Plan Team, SSC, and Council recommended that total removals of Pacific cod from the GOA not exceed ABC recommendations. Accordingly, the AP and Council recommended that the TACs be adjusted downward from the ABCs by amounts equal to the 2004 guideline harvest levels (GHL) established for Pacific cod by the State of Alaska (State) for fisheries that occur in State waters in the GOA. The effect of the State's GHL on the Pacific cod TAC is discussed in greater detail below.

In October 2003, the Council took final action on Amendment 63 to the FMP. The Council has submitted Amendment 63 to the Secretary of Commerce for approval. If approved, Amendment 63 would move skates from the "other species'' group to the "target species'' group in the FMP. By listing skates as a target species, the fishery for skates in the GOA can be managed to reduce the potential for overfishing skates. NMFS published a Notice of Availability for Amendment 63 (68 FR 67390, December 2, 2003) inviting public comment through February 2, 2004. In December 2003, the Council made specific recommendations for the management of skates in the 2004 fishing year in the GOA, pending approval of Amendment 63 by the Secretary. These recommendations included OFL, ABC, and TAC levels for skates by target and management area in the GOA. NMFS will publish in the **Federal Register** proposed and final rules, pending approval of Amendment 63, that would amend these harvest specifications and provide management measures for the skate fishery in 2004.

The final TAC recommendations were based on the ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the required OY range of 116,000 to 800,000 mt. The Council adopted the AP's TAC recommendations. None of the Council's recommended TACs for 2004 exceeds the final ABC for any species category. NMFS finds that the recommended ABCs and TACs are consistent with the biological condition of the groundfish stocks as described in the 2003 SAFE report and approved by the Council.

Table 1 lists the final 2004 OFL, ABC, TAC, and area apportionments of groundfish in the GOA. The sum of 2004 ABCs for all assessed groundfish is 498,948 mt, which is higher than the 2003 ABC total of 416,600 mt. The apportionment of TAC amounts among gear types, processing sectors, and seasons is discussed below.

Specification and Apportionment of TAC Amounts

The Council adopted the AP's proposals for the 2004 GOA TAC amounts. The Council recommended TACs that are equal to ABCs for pollock, deep-water flatfish, rex sole, sablefish, shortraker/rougheye rockfish, northern

rockfish, Pacific ocean perch, pelagic shelf rockfish, thornyhead rockfish, demersal shelf rockfish, and Atka mackerel. The Council recommended TACs that are less than the ABC for Pacific cod, flathead sole, shallow-water flatfish, arrowtooth flounder, and other rockfish.

The apportionment of annual pollock TAC reflects the seasonal biomass distribution and is discussed in greater detail below. The annual TAC in the Western and Central Regulatory Areas of the GOA is apportioned among Statistical Areas 610, 620, and 630 as well as equally among each of the following four seasons: the A season (January 20 through February 25), the B season (March 10 through May 31), the C season (August 25 through September 15), and the D season (October 1 through November 1) (see §§ 679.23(d)(2)(i) through (iv) and 679.20(a)(5)(iii)(B)).

The 2004 Pacific cod TAC is affected by the State's developing fishery for Pacific cod in State waters in the Central and Western Regulatory Areas in the GOA, as well as Prince William Sound (PWS). The SSC, AP, and Council recommended that the sum of all State and Federal water Pacific cod removals should not exceed the ABC. Accordingly, the Council recommended that Pacific cod TAC be reduced from ABC levels to account for State GHLs in each regulatory area of the GOA. Respective TACs, therefore, are reduced from ABCs as follows: (1) Eastern GOA 440 mt, (2) Central Regulatory Area 8,684 mt, and (3) Western Regulatory Area 5,653 mt. These amounts reflect the sum of the State's 2004 GHLs in these areas which are 10 percent, 24.25 percent, and 25 percent of the Eastern, Central, and Western Regulatory Area ABCs, respectively. Compared to 2003, the State's GHL for Pacific cod is decreased in 2004 to 10 percent from 25 percent of the Eastern Regulatory Area ABC, increased in 2004 to 24.25 percent from 21.75 percent of the Central Regulatory Area ABC and, unchanged at 25 percent of the Western Regulatory Area ABC.

NMFS is also establishing seasonal apportionments of the annual Pacific cod TAC in the Western and Central Regulatory Areas. Sixty percent of the annual TAC is apportioned to the A season for hook-and-line, pot and jig gear from January 1 through June 10, and for trawl gear from January 20 through June 10. Forty percent of the annual TAC is apportioned to the B season for hook-and-line, pot and jig gear from September 1 through December 31, and for trawl gear from September 1 through November 1 (see § 679.23(d)(3) and § 679.20(a)(11)). These seasonal apportionments of the annual Pacific cod TAC are discussed in greater detail below.

The FMP specifies that the amount for the "other species'' category is calculated as 5 percent of the combined TAC amounts for target species. The 2004 GOA-wide "other species'' TAC is 12,592 mt, which is 5 percent of the sum of the combined TAC amounts (251,841 mt) for the assessed target species. The sum of the TACs for all GOA groundfish is 264,433 mt, which is within the OY range specified by the FMP. The sum of the 2004 TACs is higher than the 2003 TAC sum of 236,400 mt.

NMFS finds that the Council's recommendations for OFL, ABC, and TAC amounts are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the required OY range of 116,000 to 800,000 mt. NMFS has reviewed the Council's recommended TAC specifications and apportionments and hereby approves these specifications under § 679.20(c)(3)(ii). The final 2004 ABCs, TACs, and OFLs are shown in Table 1.

Changes From the Proposed 2004 Harvest Specifications in the GOA

In October 2003 the Council's recommendations for the proposed 2004 harvest specifications (68 FR 68002, December 5, 2003) were based largely upon information contained in the final 2002 SAFE report for the GOA groundfish fisheries, dated November 2002. The Council recommended that OFLs and ABCs for stocks in tiers 3 and above, except for pollock, be based on biomass projections as set forth in the 2002 SAFE report and estimates of groundfish harvests through the 2003 fishing year. For stocks in tiers 4 and below, for which projections could not be made, the Council recommended that OFL and ABC levels be unchanged from 2003 until the final 2003 SAFE report could be completed. The final 2003 SAFE report (dated November 2003), which was not available when the Council made its recommendations in October 2003, contains the best and most recent scientific information on the condition of the groundfish stocks and was considered in December by the Council in making its recommendations for the final 2004 harvest specifications. Based on the final 2003 SAFE report, the sum of the 2004 recommended final TACs for the GOA (264,433 mt) is 36,636 mt more than the proposed sum of TACs (227,797 mt), representing a 16 percent increase overall. The largest increases occurred for pollock, from 54,350 mt to 71,260 mt (31 percent increase); sablefish, from 11,400 mt to 16,550 (45 percent increase); and Pacific cod, from 36,809 mt to 48,033 mt (30 percent increase). The largest decreases occurred for other slope rockfish, from 990 mt to 670 mt (32 percent decrease); pelagic shelf rockfish, from 5,490 mt to 4,470 mt (19 percent decrease); and shortraker/rougheye, from 1,620 mt to 1,318 mt (19 percent decrease). Other increases or decreases are within these ranges. The 2004 final TAC recommendations for the GOA are within the OY range established for the GOA and do not exceed ABCs for any single species/complexes. Compared to the proposed 2004 harvest specifications, the Council's final 2004 TAC recommendations increase fishing opportunities for species for which the Council had sufficient information to raise TAC levels, most notably, pollock, Pacific cod and sablefish, while providing greater protection for several species, most notably rockfish, by lowering TAC levels. The changes recommended by the Council were based on the best scientific information available, consistent with National Standard 2 of the Magnuson-Stevens Act, and within a reasonable range of variation from the proposed TAC recommendations.

TABLE 1.—FINAL 2004 ABCS, TACS, AND OVERFISHING LEVELS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT (W/C/WYK), WESTERN (W), CENTRAL (C), EASTERN (E) REGULATORY AREAS, AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA

[Values are in metric tons]

Species	Area [1]	ABC	TAC	Overfishing
Pollock [2]				
Shumagin	(610)	22,930	22,930	

TABLE 1.—FINAL 2004 ABCS, TACS, AND OVERFISHING LEVELS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT (W/C/WYK), WESTERN (W), CENTRAL (C), EASTERN (E) REGULATORY AREAS, AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are in metric tons]

Species	Area [1]	ABC	TAC	Overfishing
Chirikof	(620)	26,490	26,490	.....
Kodiak	(630)	14,040	14,040	.....
WYK	(640)	1,280	1,280	.....
Subtotal	W/C/WYK	64,740	64,740	91,060
SEO	(650)	6,520	6,520	8,690
Total		71,260	71,260	99,750
Pacific cod [3]	W	22,610	16,957	.....
	C	35,800	27,116	.....
	E	4,400	3,960	.....
Total		62,810	48,033	102,000
Flatfish [4] (deep-water)	W	310	310	.....
	C	2,970	2,970	.....
	WYK	1,880	1,880	.....
	SEO	910	910	.....
Total		6,070	6,070	8,010
Rex sole	W	1,680	1,680	.....
	C	7,340	7,340	.....
	WYK	1,340	1,340	.....
	SEO	2,290	2,290	.....
Total		12,650	12,650	16,480
Flathead sole	W	13,410	2,000	.....
	C	34,430	5,000	.....
	WYK	3,430	3,430	.....
	SEO	450	450	.....
Total		51,270	10,880	64,750
Flatfish [5] (shallow-water)	W	21,580	4,500	.....
	C	27,250	13,000	.....
	WYK	2,030	2,030	.....
	SEO	1,210	1,210	.....
Total		52,070	20,740	63,840
Arrowtooth flounder	W	23,590	8,000	.....
	C	151,840	25,000	.....
	WYK	10,590	2,500	.....
	SEO	8,910	2,500	.....
Total		194,930	38,000	228,130
Sablefish [6]	W	2,930	2,930	.....
	C	7,300	7,300	.....
	WYK	2,550	2,550	.....
	SEO	3,770	3,770	.....
Subtotal	E	6,320	6,320	.....
Total		16,550	16,550	22,160
Pacific ocean perch [7]	W	2,520	2,520	2,990
	C	8,390	8,390	9,960
	WYK	830	830	.....
	SEO	1,600	1,600	.....
Subtotal	E	.....	.....	2,890
Total		13,340	13,340	15,840
Shortraker/rougheye [8]	W	254	254	.....
	C	656	656	.....
	E	408	408	.....
Total		1,318	1,318	2,510
Other rockfish [9 10]	W	40	40	.....
	C	300	300	.....
	WYK	130	130	.....
	SEO	3,430	200	.....
Total		3,900	670	5,150

TABLE 1.—FINAL 2004 ABCS, TACS, AND OVERFISHING LEVELS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT (W/C/WYK), WESTERN (W), CENTRAL (C), EASTERN (E) REGULATORY AREAS, AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are in metric tons]

Species	Area [1]	ABC	TAC	Overfishing
Northern Rockfish [10 12 15]	W	770	770	.....
	C	4,100	4,100	.....
	E	N/A	N/A	.....
Total		4,870	4,870	5,790
Pelagic shelf rockfish [13]	W	370	370	.....
	C	3,010	3,010	.....
	WYK	210	210	.....
	SEO	880	880	.....
Total		4,470	4,470	5,570
Thornyhead rockfish	W	410	410	.....
	C	1,010	1,010	.....
	E	520	520	.....
Total		1,940	1,940	2,590
Demersal shelf rockfish [11]	SEO	450	450	690
Atka mackerel	GW	600	600	6,200
Other species [14]	GW	N/A	12,592	N/A
Total [16]		498,948	264,433	649,460

[1] Regulatory areas and districts are defined at § 679.2.

[2] Pollock is apportioned in the Western and Central Regulatory Areas among three statistical areas. During the A season, the apportionment is based upon an adjusted estimate of the relative distribution of pollock biomass at 23.62 percent, 56.9 percent, and 19.48 percent in Statistical Areas 610, 620, and 630, respectively. During the B season, the apportionment is based on the relative distribution of pollock biomass at 23.62 percent, 64.47 percent, and 8.91 percent in Statistical Areas 610, 620, and 630, respectively. During the C and D seasons, pollock is apportioned based on the relative distribution of pollock biomass at 48.64 percent, 21.3 percent, and 30.6 percent in Statistical Areas 610, 620, and 630, respectively. These seasonal apportionments are shown in Table 3. In the West Yakutat and Southeast Outside Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

[3] The annual Pacific cod TAC is apportioned 60 percent to the A season and 40 percent to the B season in the Western and Central Regulatory Areas of the GOA. Pacific cod is allocated 90 percent for processing by the inshore component and 10 percent for processing by the offshore component. Seasonal apportionments and component allocations of TAC are shown in Table 4.

[4] "Deep water flatfish" means Dover sole, Greenland turbot, and deepsea sole.

[5] "Shallow water flatfish" means flatfish not including "deep water flatfish", flathead sole, rex sole, or arrowtooth flounder.

[6] Sablefish is allocated to trawl and hook-and-line gears (Table 2).

[7] "Pacific ocean perch" means *Sebastes alutus*.

[8] "Shortraker/rougheye rockfish" means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

[9] "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category "other rockfish" in the Southeast Outside District means slope rockfish.

[10] "Slope rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), and *S. reedi* (yellowmouth). In the Eastern GOA only, "slope rockfish" also includes northern rockfish, *S. polyspinous*.

[11] "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

[12] "Northern rockfish" means *Sebastes polyspinis*.

[13] "Pelagic shelf rockfish" means *Sebastes ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

[14] "Other species" means sculpins, sharks, skates, squid, and octopus. The TAC for "other species" equals 5 percent of the TACs of assessed target species.

[15] N/A means not applicable.

[16] The total ABC and OFL is the sum of the ABCs and OFLs for assessed target species.

Apportionment of Reserves

Regulations at § 679.20(b)(2) implementing the FMP require 20 percent of each TAC for pollock, Pacific cod, flatfish, and the "other species" category be set aside in reserves for possible apportionment at a later date. In 2003, NMFS reapportioned all of the reserves in the final harvest specifications. NMFS proposed reapportionment of all reserves for 2004 in the proposed GOA groundfish specifications published in the **Federal Register** on December 5, 2003 (68 FR 68002). NMFS received no public comments on the proposed reapportionments. For the final 2004 GOA harvest specifications, NMFS has reapportioned all of the reserve for pollock, Pacific cod, flatfish, and "other species." Specifications of TAC shown in Table 1 reflect apportionment of reserve amounts for these species and species groups.

Allocations of the Sablefish TAC to Vessels Using Hook-and-Line and Trawl Gear

Under § 679.20(a)(4)(i) and (ii), sablefish TACs for each of the regulatory areas and districts are allocated to hook-and-line and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is allocated to hook-and-line gear and 20 percent of each TAC is allocated to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is allocated to hook-and-line gear and 5 percent is allocated to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be used to support incidental catch of sablefish in directed fisheries for other target species (see § 679.20(a)(1)). In recognition of the trawl ban in the SEO District of the Eastern Regulatory Area, the Council recommended, and NMFS

concurs, that 5 percent of the combined Eastern GOA sablefish be allocated to trawl gear in the WYK District and the remainder to vessels using hook-and-line gear. This recommendation results in an allocation of 316 mt to trawl gear and 2,234 mt to hook-and-line gear in the WYK District and 3,770 mt to hook-and-line gear in the SEO District. In the SEO District, 100 percent of the sablefish TAC is allocated to vessels using hook-and-line gear, resulting in the 3,770 mt allocation. Table 2 shows the allocations of the 2004 sablefish TACs between hook-and-line and trawl gear.

TABLE 2.—FINAL 2004 SABLEFISH TAC AMOUNTS IN THE GULF OF ALASKA AND ALLOCATIONS TO HOOK-AND-LINE AND TRAWL GEAR

[Values are in metric tons]

Area/District	TAC	Hook-and-line allocation	Trawl allocation
Western	2,930	2,344	586
Central	7,300	5,840	1,460
West Yakutat	2,550	2,234	316
Southeast Outside	3,770	3,770	0
Total	16,550	14,188	2,362

Apportionments of Pollock TAC Among Seasons and Regulatory Areas, and Allocations for Processing by Inshore and Offshore Components

In the GOA, pollock is apportioned by season and area, and is further allocated for processing by inshore and offshore components. Under regulations at § 679.20(a)(5)(iii)(B) the annual pollock TAC specified for the Western and Central Regulatory Areas of the GOA is divided into four equal seasonal allowances of 25 percent. As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 through February 25, March 10 through May 31, August 25 through September 15, and October 1 through November 1, respectively.

Pollock TACs in the Western and Central Regulatory Areas of the GOA in the A and B seasons are apportioned among Statistical Areas 610, 620, and 630 in proportion to the distribution of pollock biomass as determined by a composite of NMFS winter surveys, and in the C and D seasons in proportion to the distribution of pollock biomass as determined by the four most recent NMFS summer surveys. The Plan Team recommended an adjustment to the distribution of pollock in the Central Regulatory Area during the A season. The Plan Team recommended that during the A season the winter and summer distribution of pollock be averaged in the Central Regulatory Area to reflect the distribution of pollock and the performance of the fishery in the area during the A season. The SSC, AP, and Council concurred with the Plan Team's recommendation. Within any fishing year, underage or overage of a seasonal allowance may be added to or subtracted from subsequent seasonal allowances in a manner to be determined by the Administrator, Alaska Region, NMFS, (Regional Administrator), provided that the sum of the revised seasonal allowances does not exceed 30 percent of the annual TAC apportionment for the Central and Western Regulatory Areas (see § 679.20(a)(5)(iii)(B)). For 2004, 30 percent of the annual TAC for the Central and Western Regulatory Areas is 19,038 mt. The WYK and SEO District pollock TACs of 1,280 mt and 6,520 mt, respectively, are not allocated by season.

Regulations at § 679.20(a)(6)(i) require that 100 percent of the pollock TAC in all regulatory areas and all seasonal allowances thereof be allocated to vessels catching pollock for processing by the inshore component after subtraction of amounts that are projected by the Regional Administrator to be caught by, or delivered to, the offshore component incidental to directed fishing for other groundfish species. The amount of pollock available for harvest by vessels harvesting pollock for processing by the offshore component is that amount actually taken as bycatch during directed fishing for groundfish species other than pollock, up to the maximum retainable amounts allowed under regulations at § 679.20(e) and (f). At this time, these bycatch amounts are unknown and will be determined during the fishing year.

The seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal apportionments for the A, B, C, and D seasons are summarized in Table 3, except that amounts of pollock for processing by the inshore and offshore components are not shown.

TABLE 3.—DISTRIBUTION OF POLLOCK IN THE CENTRAL AND WESTERN REGULATORY AREAS OF THE GULF OF ALASKA, SEASONAL BIOMASS DISTRIBUTION, AREA APPORTIONMENTS, AND SEASONAL ALLOWANCES OF ANNUAL TAC IN 2004

[Values are in metric tons]

Season	Shumagin (Area 610) (biomass distribution)	Chirikof (Area 620) (biomass distribution)	Kodiak (Area 630) (biomass distribution)	Total (biomass distribution)
A	3,747 (23.63%)	9,027 (56.9%)	3,091 (19.48%)	15,865 (100%)
B	3,748 (23.62%)	10,704 (67.47%)	1,413 (8.91%)	15,865 (100%)
C	7,717 (48.64%)	3,380 (21.3%)	4,768 (30.06%)	15,865 (100%)
D	7,718 (48,64%)	3,379 (21.3%)	4,768 (30.06%)	15,865 (100%)
Annual Total	22,930	26,490	14,040	63,460

Allocations for Processing by Inshore and Offshore Components and Apportionments of Pacific Cod TAC Among Seasons

Regulations at § 679.20(a)(6)(ii) require that the TAC apportionment of Pacific cod in all regulatory areas be allocated to vessels catching Pacific cod for processing by the inshore and offshore components. Ninety percent of the Pacific cod TAC in each regulatory area is allocated to vessels catching Pacific cod for processing by the inshore component. The remaining 10 percent of the TAC is allocated to vessels catching Pacific cod for processing by the offshore component. These seasonal apportionments and allocations of the Pacific cod TAC for 2004 are shown in Table 4.

Pacific cod fishing is divided into two seasons in the Western and Central Regulatory Areas of the GOA. For hook-and-line, pot and jig gear the A season begins on January 1 and ends on June 10, and the B season begins on September 1 and ends on December 31. For trawl gear, the A season begins on January 20 and ends on June 10, and the B season begins on September 1 and ends on November 1 (see § 679.23(d)(3)). After subtraction of estimated incidental catch needs by the inshore and offshore components in other directed fisheries through the A season ending June 10, 60 percent of the annual TAC will be available as a directed fishing allowance during the A season for the inshore and offshore component. The remaining 40 percent of the annual TAC will be available for harvest during the B season and will be apportioned between the inshore and offshore processing components, as provided in § 679.20(a)(6)(ii). Any amount of the A season apportionment of Pacific cod TAC under or over harvested will be added to or subtracted from the B season apportionment of Pacific cod TAC (see § 679.20(a)(11)(ii)). Between the A and the B seasons, directed fishing for Pacific cod is closed and fishermen participating in other directed fisheries may retain Pacific cod up to the maximum retainable amounts allowed under regulations at § 679.20(e) and (f). Pacific cod harvested as incidental catch between the closure of the A season on June 10 and opening of the B season on September 1 will be deducted from the B season TAC apportionment (see § 679.20(a)(11)(iii)). For purposes of clarification, NMFS points out that the dates for the A season and the B season Pacific cod fishery differ from those of the A, B, C, and D seasons for the pollock fisheries.

TABLE 4.—FINAL 2004 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TAC AMOUNTS IN THE GULF OF ALASKA; APPORTIONMENTS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS

[Values are in metric tons]

Regulatory area	TAC	Component apportionment	
		Inshore (90%)	Offshore (10%)
Western	16,957	15,261	1,696
A Season (60%)	10,174	9,157	1,017
B Season (40%)	6,783	6,104	679
Central	27,116	24,404	2,712
A Season (60%)	16,270	14,643	1,627
B Season (40%)	10,846	9,761	1,085
Eastern	3,960	3,564	396
Total	48,033	43,229	4,804

"Other Species'' TAC

The FMP specifies that amounts for the "other species'' category are calculated as 5 percent of the combined TAC amounts for target species. The GOA-wide "other species'' TAC is calculated as 12,592 mt, which is 5 percent of the sum of combined TAC amounts for the target species (251,841 mt).

Halibut PSC Limits

In accordance with regulations at § 679.21(d), annual halibut PSC limits are established and apportioned to trawl and hook-and-line gear and may be established for pot gear. In December 2003, the Council recommended that NMFS maintain the 2003 halibut PSC limits of 2,000 mt for the trawl fisheries and 300 mt for the hook-and-line fisheries, with 10 mt of the hook-and-line limit allocated to the demersal shelf rockfish (DSR) fishery in the SEO District and the remainder to the remaining hook-and-line fisheries. The DSR fishery is defined at § 679.21(d)(4)(iii)(A) and historically has been apportioned this amount in recognition of its small-scale harvests. Although observer data are not available to verify actual halibut bycatch amounts, given most vessels are less than 60 ft. (18.3 m) length overall (LOA) and thus are exempt from observer coverage, halibut bycatch in the DSR fishery is assumed to be low because of the short soak times for the gear and the short duration of the DSR fishery. Also, the DSR fishery occurs in the winter when there is less of an overlap in the distribution of DSR and halibut.

Regulations at § 679.21(d)(4) authorize exemption of specified non-trawl fisheries from the halibut PSC limit. The Council recommended that pot gear, jig gear, and the hook-and-line sablefish fishery be exempted from the non-trawl PSC halibut limit for 2004. The Council recommended these exemptions because: (1) The pot gear fisheries experience low halibut bycatch mortality (4 mt in 2001, 2 mt in 2002, and 14 mt in 2003); (2) the individual fishing quota (IFQ) program requires legal-sized halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder is aboard and is holding unused halibut IFQ; and (3) halibut mortality for the jig gear fleet cannot be estimated because these vessels do not carry observers. Halibut mortality is assumed to be very low given the small amount of groundfish harvested by jig gear (336 mt in 2001, 277 mt in 2002, and 294 mt in 2003) and the survival rates of any halibut that are incidentally caught by jig gear and released are assumed to be high.

Under § 679.21(d)(5), NMFS seasonally apportions the halibut PSC limits based on recommendations from the Council. The FMP and regulations require that the Council and NMFS consider the following information in

seasonally apportioning halibut PSC limits: (1) Seasonal distribution of halibut, (2) seasonal distribution of target groundfish species relative to halibut distribution, (3) expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catch of target groundfish species, (4) expected bycatch rates on a seasonal basis, (5) expected changes in directed groundfish fishing seasons, (6) expected actual start of fishing effort, and (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry.

The final 2003 groundfish harvest specifications (68 FR 9924, March 3, 2003) summarize Council findings with respect to each of the FMP considerations set forth here. At this time, the Council's findings are unchanged from those set forth in 2003. The opening date for the third seasonal allowance of the trawl halibut PSC limit and the start date for directed fishing for rockfish by trawl gear is July 4, 2004. This date will facilitate inseason management of the rockfish fisheries and reduce the effect of the rockfish fisheries on the annual NMFS sablefish survey which occurs later in July.

NMFS concurs with the Council's recommendations described here and listed in Table 5. Regulations at § 679.21(d)(5)(iii) and (iv) specify that any underages or overages in a seasonal apportionment of a PSC limit will be added to or subtracted from the next respective seasonal apportionment within the 2004 fishing year. The following types of information as presented in, or summarized from, the 2003 SAFE report, or as otherwise available from NMFS, Alaska Department of Fish and Game, the International Pacific Halibut Commission (IPHC) or public testimony were considered when establishing the halibut PSC limits.

(A) Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is data collected by observers during 2003. The calculated halibut bycatch mortality by trawl, hook-and-line, and pot gear through December 6, 2003, is 2,012 mt, 296 mt, and 14 mt, respectively, for a total halibut mortality of 2,322 mt.

Halibut bycatch restrictions seasonally constrained trawl gear fisheries during the 2003 fishing year. Trawling during the second season closed for the shallow-water complex on June 19 (68 FR 37094, June 23, 2003), during the fourth season for the shallow-water complex on September 12 (68 FR 54395, September, 17, 2003), during the second season for the deep-water fishery complex on May 16 (68 FR 27479, May 20, 2003), and during the fifth season for all trawling for the remainder of the year on October 15 (68 FR 59889, October 20, 2003). The use of hook-and-line gear for groundfish, other than DSR and sablefish, closed during the second season on August 1 (68 FR 46502, August 6, 2003) and during the third season for the remainder of the year on September 28 (68 FR 56788, October 2, 2003).

The amount of groundfish that trawl and hook-and-line gear might have harvested if halibut PSC limitations had not restricted the season in 2003 is unknown.

(B) Expected Changes in Groundfish Stocks

In December 2003, the Council adopted higher 2004 ABCs for pollock, Pacific cod, sablefish, deep water flatfish, rex sole, sablefish, and DSR than those established for 2003. The Council adopted lower 2004 ABCs for shallow water flatfish, flathead sole, other rockfish, northern rockfish, Pacific ocean perch, shortraker/rougheye rockfish, pelagic shelf rockfish, and thornyhead rockfish than those established for 2003. For the remaining targets the Council recommended that ABC levels remain unchanged from 2003. More information on these changes is included in the final SAFE report (November 2003) and in the Council and SSC December 2003 meeting minutes.

(C) Expected Changes in Groundfish Catch

The total of the 2004 TACs for the GOA is 264,433 mt, an increase of 12 percent from the 2003 TAC total of 236,440 mt. Those fisheries for which the 2004 TACs are lower than in 2003 are shallow water flatfish (decreased to 20,740 mt from 21,620 mt), flathead sole (decreased to 10,880 mt from 11,150 mt), other rockfish (decreased to 670 mt from 990 mt), Pacific ocean perch (decreased to 13,340 mt from 13,660 mt), shortraker /rougheye rockfish (decreased to 1,318 mt from 1,620 mt), northern rockfish (decreased to 4,870 mt from 5,530 mt), pelagic shelf rockfish (decreased to 4,470 mt from 5,490 mt), and thornyhead rockfish (decreased to 1,940 mt from 2,000 mt). Those species for which the 2004 TACs are higher than in 2003 are pollock (increased to 71,260 mt from 54,350 mt), Pacific cod (increased to 48,033 mt from 40,540 mt), sablefish (increased to 16,550 mt from 14,890 mt), deep water flatfish (increased to 6,070 mt from 4,880 mt), rex sole (increased to 12,650 mt from 9,470 mt), DSR (increased to 450 mt from 390 mt), and "other species'' (increased to 12,592 from 11,260 mt).

(D) Current Estimates of Halibut Biomass and Stock Condition

The most recent halibut stock assessment was conducted by the IPHC in December 2003. The halibut resource is considered to be healthy, with total catch near record levels. The current exploitable halibut biomass in Alaska for 2004 is estimated to be 215,912 mt, round weight. This amount is not comparable to the estimate of 263,086 mt in 2003 because the 2004 exploitable biomass estimate is computed with a new set of length-specific selectivities that are lower than the age-specific selectivities used in the 1999 to 2002 assessments.

The exploitable biomass of the Pacific halibut stock apparently peaked at 326,520 mt in 1988. According to the IPHC, the long-term average reproductive biomass for the Pacific halibut resource was estimated at 118,000 mt. Long-term average yield was estimated at 26,980 mt, round weight, for the United States and Canada combined. The species is fully utilized. Recent (1994–2003) catches in the commercial halibut fisheries in Alaska have averaged 34,100 mt, round weight. This catch in Alaska is 26 percent higher than long-term potential yield for the entire halibut stock, which reflects the good condition of the Pacific halibut resource. In January 2004, the IPHC recommended commercial catch limit recommendations totaling 37,029 mt (round weight equivalents) for Alaska in 2004, an increase from 36,812 mt in 2003. Through December 31, 2003, commercial hook-and-line harvests of halibut in Alaska total 36,040 mt (round weight equivalents).

The December 2003 assessment of the halibut stock contains a number of major changes including: the adoption of length-specific in place of age-specific selectivities, separate accounting of females and males, allowance for the bias and variance of age readings, and for the first time, analytical rather than survey-based estimates of abundance in Areas 3B, 4A, and 4B. Estimates of average recruitment (1974–2004) in Areas 2C and 3A are higher than last years' estimates by 20 to 50 percent, but estimates of exploitable biomass in those areas are lower because they are computed with an updated set of length-specific commercial selectivities that accurately represent the lower size at age and the presence of a large number of small males. While the trajectory of

the halibut stock biomass is downward, the biomass is still above the long-term average level and is expected to remain above this level for the next several years.

This year's catch limits are based on the Commission's existing Constant Exploitation Yield (CEY) harvest policy. Over the coming year IPHC staff will continue to investigate a new harvest policy, the Conditional Constant Catch (CCC) policy, that may result in greater stability in the yield from the fishery and insulate the process of setting catch limits from technological changes in the assessment.

Additional information on the Pacific halibut stock assessment and the CCC harvest policy may be found in the IPHC's 2003 Pacific halibut stock assessment (December 2003), available from the IPHC and on its Web site at *http:///www.iphc.washington.edu/hal.com.*

(E) Other Factors

The proposed 2004 harvest specifications (68 FR 68002, December 5, 2003) discuss potential impacts of expected fishing for groundfish on halibut stocks, as well as methods available for, and costs of, reducing halibut bycatch in the groundfish fisheries.

TABLE 5.—FINAL 2004 HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS. THE HALIBUT PSC LIMIT FOR HOOK-AND-LINE GEAR IS ALLOCATED TO THE DEMERSAL SHELF ROCKFISH (DSR) FISHERY AND FISHERIES OTHER THAN DSR

[Values are in metric tons]

Trawl gear		Hook-and-line gear			
		Other than DSR		DSR	
Dates	Amount	Dates	Amount	Dates	Amount
Jan 20–Apr 1	550 (27.5%)	Jan 1–June 10	250 (86%)	Jan 1–Dec 31	10 (100%)
Apr 1–July 4	400 (20%)	June 10–Sept 1	5 (2%)	.	
July 4–Sept 1	600 (30%)				
Sept 1–Oct 1	150 (7.5%)	Sept 1–Dec 31	35 (12%)	.	
Oct 1–Dec 31	300 (15%)				
Total	2,000 (100%)		290 (100%)		10 (100%)

Regulations at § 679.21(d)(3)(ii) authorize apportionments of the trawl halibut PSC limit to be further apportioned to trawl fishery categories, based on each category's proportional share of the anticipated halibut bycatch mortality during the fishing year and the need to optimize the amount of total groundfish harvest under the halibut PSC limit. The fishery categories for the trawl halibut PSC limits are: (1) a deep-water species complex, comprised of sablefish, rockfish, deep-water flatfish, rex sole and arrowtooth flounder; and (2) a shallow-water species complex, comprised of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and "other species'' (see § 679.21(d)(3)(iii)). The proposed apportionment for these two fishery complexes is presented in Table 6.

TABLE 6.—FINAL 2004 APPORTIONMENT OF HALIBUT PSC LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES COMPLEX AND THE SHALLOW-WATER SPECIES COMPLEX.

[Values are in metric tons]

Season	Shallow-water	Deep-water	Total
Jan. 20–Apr. 1	450	100	550
Apr. 1–July 4	100	300	400
July 4–Sept. 1	200	400	600
Sept. 1–Oct. 1	*150*	([1])	*150*
Subtotal:.			
Jan. 20–Oct. 1	900	800	1,700
Oct. 1–Dec. 31	.....	.....	*300*
Total	.....	.....	2,000

[1] Any remainder.

Halibut Discard Mortality Rates

The Council recommended, and NMFS concurs, that the recommended halibut discard mortality rates (DMRs) developed by the staff of the IPHC for the 2004 GOA groundfish fisheries be used to monitor halibut bycatch mortality limits established for the 2004 GOA groundfish fisheries. The IPHC recommended use of long-term average DMRs for the 2004–2006 groundfish fisheries. The IPHC recommendation also includes a provision that DMRs could be revised should analysis indicate that a fishery's annual DMR deviates substantially (up or down) from the long-term average. Most of the IPHC's assumed DMRs were based on an average of mortality rates determined from NMFS observer data collected between 1993 and 2002. DMRs were lacking for some fisheries, so rates from the most recent years were used. For the "other species'' fishery, where insufficient mortality data are available, the mortality rate of halibut caught in the Pacific cod fishery for that gear type was recommended as a default rate. The DMRs for hook-and-line targeted fisheries range from 8 to 13 percent. The DMRs for trawl targeted fisheries range from 57 to 75 percent. The DMRs for all

pot targeted fisheries is 17 percent. The final 2004 DMRs are listed in Table 7. The justification for these DMRs is discussed in Appendix B of the final SAFE report dated November 2003.

TABLE 7.—FINAL 2004 HALIBUT DISCARD MORTALITY RATES (DMR) FOR VESSELS FISHING IN THE GULF OF ALASKA.

[Listed values are percent of halibut bycatch assumed to be dead]

Gear and target	Mortality Rate
Hook-and-line:	
Other species	13
Pacific cod	13
Rockfish	8
Trawl:	
Arrowtooth flounder	69
Atka mackerel	60
Deep-water flatfish	57
Flathead sole	62
Nonpelagic pollock	59
Other species	61
Pacific cod	61
Pelagic pollock	75
Rex sole	62
Rockfish	67
Sablefish	62
Shallow-water flatfish	68
Pot:	
Other species	17

TABLE 7.—FINAL 2004 HALIBUT DISCARD MORTALITY RATES (DMR) FOR VESSELS FISHING IN THE GULF OF ALASKA.—Continued

[Listed values are percent of halibut bycatch assumed to be dead]

Gear and target	Mortality Rate
Pacific cod	17

Non-Exempt American Fisheries Act (AFA) Catcher Vessel Groundfish Harvest and PSC Sideboard Limitations

Regulations at § 679.64 established groundfish harvesting and processing sideboard limitations on AFA catcher/processors and catcher vessels in the GOA. These sideboard limitations are necessary to protect the interests of fishermen and processors who have not directly benefitted from the AFA from fishermen and processors who have received exclusive harvesting and processing privileges under the AFA. Under the AFA regulations at fnl;§ 679.4 (l)(2)(i), listed AFA catcher/processors are prohibited from fishing for any species of fish in the GOA (see § 679.7(k)(1)(ii)) and from processing any pollock in the GOA and groundfish harvested in Statistical Area 630 of the GOA (see § 679.7(k)(1)(iv)). The Council recommended, and NMFS concurs, that certain AFA catcher vessels in the GOA be exempt from groundfish sideboard limitations. The AFA regulations exempt AFA catcher vessels in the GOA less than 125 ft (38.1 m) LOA whose annual Bering Sea and Aleutian Islands (BSAI) pollock landings totaled less than 5,100 mt and that made 30 or more GOA groundfish landings from 1995 through 1997 (see § 679.64(b)(2)(i)(A)).

For non-exempt AFA catcher vessels in the GOA, sideboard limitations are based upon their traditional harvest levels of TAC in groundfish fisheries covered by the GOA FMP. The AFA regulations base the groundfish sideboard limitations in the GOA on the retained catch of non-exempt AFA catcher vessels of each sideboard species from 1995 through 1997 divided by the TAC for that species over the same period (see § 679.64(b)(3)(iii)). These amounts are listed in Table 8. All catch of sideboard species made by non-exempt AFA catcher vessels, whether as targeted catch or incidental catch, will be deducted from the sideboard limitations in Table 8.

TABLE 8.—FINAL 2004 GOA NON-EXEMPT AFA CATCHER VESSEL (CV) GROUNDFISH SIDEBOARD LIMITATIONS

[Amounts are rounded to the nearest metric tons]

Species and apportionments and allocations by area/season/processor/gear	Ratio of 1995–1997 Non-exempt AFA CV catch to 1995–1997 TAC	2004 TAC	2004 Non-exempt AFA catcher vessel sideboard limitations
Pollock:			
A Season (W/C areas only), January 20–February 25:			
Shumagin (610)	0.6112	3,747	2,290
Chirikof (620)	0.1427	9,027	1,288
Kodiak (630)	0.2438	3,091	754
B Season (W/C areas only), March 10–June 1:			
Shumagin (610)	0.6112	3,748	2,291
Chirikof (620)	0.1427	10,704	1,527
Kodiak (630)	0.2438	1,413	354
C Season (W/C areas only), August 25–September 15:			
Shumagin (610)	0.6112	7,717	4,717
Chirikof (620)	0.1427	3,380	482
Kodiak (630)	0.2438	4,768	1,162
D Season (W/C areas only), October 1–November 1:			
Shumagin (610)	0.6112	7,718	4,717
Chirikof (620)	0.1427	3,379	482
Kodiak (630)	0.2438	4,768	1,162
Annual:			
WYK (640)	0.3499	1,280	448
SEO (650)	0.3499	6,520	2,281
Pacific cod:			
A Season [1], January 1–June 10:			
W inshore	0.1423	9,157	1,303
W offshore	0.1026	1,017	104
C inshore	0.0722	14,643	1,057
C offshore	0.0721	1,627	107
B Season [2], September 1–December 31:			
W inshore	0.1423	6,104	869
W offshore	0.1026	679	70
C inshore	0.0722	9,761	705

TABLE 8.—FINAL 2004 GOA NON-EXEMPT AFA CATCHER VESSEL (CV) GROUNDFISH SIDEBOARD LIMITATIONS—Continued

[Amounts are rounded to the nearest metric tons]

Species and apportionments and allocations by area/season/processor/gear	Ratio of 1995–1997 Non-exempt AFA CV catch to 1995–1997 TAC	2004 TAC	2004 Non-exempt AFA catcher vessel sideboard limitations
C offshore	0.0721	1,085	78
Annual:			
E inshore	0.0079	3,564	28
E offshore	0.0078	396	3
Flatfish deep water:			
W	0.0000	310	0
C	0.0670	2,970	199
E	0.0171	2,790	48
Rex sole:			
W	0.0010	1,680	2
C	0.0402	7,340	295
E	0.0153	3,630	56
Flathead sole:			
W	0.0036	2,000	7
C	0.0261	5,000	131
E	0.0048	3,880	19
Flatfish shallow water:			
W	0.0156	4,500	70
C	0.0598	13,000	777
E	0.0126	3,240	41
Arrowtooth flounder			
W	0.0021	8,000	17
C	0.0309	25,000	773
E	0.0020	5,000	10
Sablefish:			
W trawl gear	0.0000	586	0
C trawl gear	0.0720	1,460	105
WYK trawl gear	0.0488	316	15
Pacific ocean perch:			
W	0.0623	2,520	157
C	0.0866	8,390	727
E	0.0466	2,430	113
Shortraker/Rougheye:			
W	0.0000	254	0
C	0.0237	656	16
E	0.0124	408	5
Other rockfish:			
W	0.0034	40	0
C	0.2065	300	62
E	0.0000	330	0
Northern rockfish:			
W	0.0003	770	0
C	0.0336	4,100	150
Pelagic shelf rockfish:			
W	0.0001	370	0
C	0.0000	3,010	0
E	0.0067	1,090	7
Thornyhead rockfish:			
W	0.0308	410	13
C	0.0308	1,010	31
E	0.0308	520	16
Demersal shelf rockfish:			
SEO	0.0020	450	1
Atka mackerel:			
Gulfwide	0.0309	600	19
Other species:			
Gulfwide	0.0090	12,592	113

[1] The Pacific cod A season for trawl gear does not open until January 20.
[2] The Pacific cod B season for trawl gear closes November 1.

PSC sideboard limitations for non-exempt AFA catcher vessels in the GOA are based upon the ratio of aggregate retained groundfish catch by non-exempt AFA catcher vessels in each PSC target category from 1995 through 1997 relative to the retained catch of all vessels in that fishery from 1995

through 1997 (see § 679.64(b)(4)). These amounts are shown in Table 9.

TABLE 9.—FINAL 2004 NON-EXEMPT AFA CATCHER VESSEL PROHIBITED SPECIES CATCH (PSC) LIMITS FOR THE GOA

[Amounts are rounded to the nearest metric ton]

PSC species/Target fishery and season	Ratio of 1995–1997 non-exempt AFA CV retained catch to total retained catch	2004 PSC limit	2004 Non-exempt AFA catcher vessel PSC limit
Halibut (mortality in mt):.			
Trawl 1st Seasonal Allowance, January 20–April 1:			
Shallow-water targets	0.340	450	153
Deep-water targets	0.070	100	7
Trawl 2nd Seasonal Allowance, April 1–July 4:			
Shallow-water targets	0.340	100	34
Deep-water targets	0.070	300	21
Trawl 3rd Seasonal Allowance, July 4–Sept 1:			
Shallow-water targets	0.340	200	68
Deep-water targets	0.070	400	28
Trawl 4th Seasonal Allowance, Sept 1–Oct 1:			
Shallow-water targets	0.340	150	51
Deep-water targets	0.070	0	0
Trawl 5th Seasonal Allowance, Oct 1–Dec 31:			
All targets	0.205	300	62

Directed Fishing Closures

In accordance with § 679.20(d)(1)(i), if the Regional Administrator determines that any allocation or apportionment of a target species or "other species'' category apportioned to a fishery or, with respect to pollock and Pacific cod, to an inshore or offshore component allocation, will be reached, the Regional Administrator may establish a directed fishing allowance for that species or species group. If the Regional Administrator establishes a directed fishing allowance, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified GOA Regulatory Area or District (see § 679.20(d)(1)(iii)).

The Regional Administrator has determined that the following TAC amounts for the species and species groups listed in Table 10 are necessary as incidental catch to support other anticipated groundfish fisheries for the 2004 fishing year.

TABLE 10.—DIRECTED FISHING CLOSURES IN THE GOA

[Amounts needed for incidental catch in other directed fisheries are in metric tons]

Target	Regulatory area	Gear/component	Amount
Atka mackerel	Entire GOA	All	600
Thornyhead rockfish	Entire GOA	All	1,940
Shortraker/Rougheye rockfish	Entire GOA	All	1,318
Other rockfish	Entire GOA	All	670
Sablefish	Entire GOA	Trawl	2,362
Pollock	Entire GOA	All/offshore	unknown [1]

[1] Pollock is closed to directed fishing in the GOA by the offshore component under § 679.20(a)(6)(i).

Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the directed fishing allowances for the above species or species groups as zero.

Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for those species, regulatory areas, gear types, and components listed in Table 10. These closures will remain in effect through 2400 hrs, A.l.t., December 31, 2004.

Regulations at § 679.64(b)(5) provide for management of AFA catcher vessel groundfish sideboard limits and PSC limits using directed fishing closures and PSC closures according to procedures set out at § 679.20(d)(1)(iv) and § 679.21(d)(8). The Regional Administrator has determined that in addition to the closures listed above, many of the non-exempt AFA catcher vessel sideboard limits listed in Table 8 are necessary as incidental catch to support other anticipated groundfish fisheries for the 2004 fishing year. In accordance with § 679.20(d)(1)(iv), the Regional Administrator establishes the directed fishing allowances for the species and species groups in Table 11 as zero. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing by non-exempt AFA catcher vessels in the GOA for the species and specified areas set out in Table 11. These closures will remain in effect through 2400 hrs, A.l.t, December 31, 2004.

TABLE 11.—NON-EXEMPT AFA CATCHER VESSEL SIDEBOARD DIRECTED FISHING CLOSURES IN THE GOA

[Amounts needed for incidental catch in other directed fisheries are in metric tons]

Species	Regulatory area/district	Gear/component	Amount
Pacific cod	E GOA	All	28 (inshore) and 3 (offshore)
Deep-water flatfish	W GOA	All	0
Rex sole	W GOA	All	21
Flathead sole	W and E GOA	All	7 and 19
Arrowtooth flounder	W and E GOA	All	17 and 10
Northern rockfish	W GOA	All	0
Pelagic shelf rockfish	Entire GOA	All	7
Demersal shelf rockfish	SEO District	All	1
Other species	Entire GOA	All	113

Under authority of the interim 2004 specifications (68 FR 67964, December 5, 2003), pollock fishing opened on January 20, 2004, for amounts specified in that notice. NMFS has since closed Statistical Area 610 to directed fishing for pollock effective 1200 hrs, A.l.t., January 22, 2004 (69 FR 3852, January 27, 2004), and Statistical Area 630 to directed fishing for pollock effective 1200 hrs, A.l.t., January 21, 2004 (69 FR 2850, January 21, 2004), and opened Statistical Area 630 to directed fishing for pollock effective 1200 hrs, A.l.t., February 4, through 2400 hrs, A.l.t., February 4, 2004 (69 FR 5943, February 9, 2004), reopened effective 1200 hrs, A.l.t., February 15 through 2400 hrs, A.l.t., February 15, 2004 (69 FR 7704, February 19, 2004), and reopened effective 1200 hrs A.l.t. through 2400 hrs A.l.t., February 24, 2004. The closures for pollock in Statistical Areas 610 and 630 will remain in effect through 1200 hrs, A.l.t., March 10, 2004. NMFS has prohibited directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area, effective 1200 hrs, A.l.t., January 31, 2004 (69 FR 5299, February 4, 2004), by vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area effective 1200 hrs, A.l.t., February 2, 2004 (69 FR 5298, February 4, 2004), and by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area, effective 1200 hrs, A.l.t., February 24, 2004. The closures for Pacific cod in the Western and Central Regulatory Areas will remain in effect through 1200 hrs, A.l.t., September 1, 2004.

These closures supercede the closures announced under the authority of the interim 2004 harvest specifications (68 FR 67964, December 5, 2003). While these closures are in effect, the maximum retainable amounts at § 679.20 (e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR 679. NMFS may implement other closures during the 2004 fishing year as necessary for effective conservation and management.

Response to Comments

NMFS received one letter of comment in response to the EA and the SAFE reports for the 2004 harvest specifications. The letter contained six separate comments concerning the GOA that are summarized and responded to below.

Comment 1. NMFS has only a revised draft Programmatic Environmental Impact Statement (PSEIS) and will be implementing the 2004 harvest specifications without proper National Environmental Policy Act compliance. This is troubling considering the impacts of spatial, temporal, and bycatch trends of fisheries, especially in sensitive habitat areas subject to damage and in Northern fur seal and Steller sea lion habitat.

Response. NMFS prepared a Supplemental Environmental Impact Statement (SEIS) for Steller sea lions and is in the process of preparing a PSEIS for Alaska Groundfish Fisheries and an SEIS for Essential Fish Habitat Identification and Conservation in Alaska, with records of decisions on September 1, 2004 and August 13, 2004, respectively. The EA for the 2004 TAC specifications has an extensive appendix on ecosystem considerations for 2004 which are increasingly drawn upon by individual stock assessment authors in the preparation of the EA that supports the annual harvest specifications. This takes into account the best and most recent scientific information available.

Trawl closures have been implemented to protect benthic habitat or reduce PSC. Some of the trawl closures are in effect year-round while others are seasonal. In general, year-round trawl closures have been implemented to protect vulnerable benthic habitat. Seasonal closures are used to reduce PSC by closing areas where and when PSC rates had historically been high. Additional measures to protect the declining western stocks of the Steller sea lion began in 1991 with restrictions based on rookery and haulout location and in 2003 the current spatial and temporal protection measures were implemented (68 FR 204, January 2, 2003). The Council is also in the process of developing habitat areas of particular concern (HAPC) which are areas of special importance that may require additional protection from adverse effects. The Council accepted proposals for initial HAPC designations through January 10, 2004. Although designed to protect Steller sea lions and benthic habitat these protection measures will also protect fur seals from fishing effects.

Comment 2. NOAA Fisheries should "undertake a systematic review of rockfish management, and incorporate the recommendations of the nation's leading fisheries biologists in the American Fisheries Society (AFS) Policy Statement 31d: Management of Pacific Rockfish.'' In particular, this policy statement recommends:

a. Collection of catch information on a single-species basis

b. Management targets on a single-species basis, including species taken as bycatch

c. Accurate studies of discards at sea, and reduction of rockfish discards

d. Adequate fishery-independent surveys

e. Marine protected areas (MPAs) to protect habitat and promote recovery of the stocks

f. Reductions on fishing mortality

Response. NMFS recognizes the importance of these policy recommendations and is either already complying with or moving towards these management goals. Although the AFS policy statement (Parker et al. 2000) pertains to all "Pacific rockfish'' in U.S. waters, including Alaska, it is important to recognize the specific

policy recommendations above were largely influenced by the particular management structure and declining stocks off the coast of Washington, Oregon, and California (Parker *et al.* 2000), which differs considerably from the status of stocks and management procedures of rockfish and managed in the EEZ off Alaska. NMFS recognizes the importance of collecting catch information, establishing management targets on a single species basis, and performing accurate studies of discards at sea. For example, all of the species within the former "other red rockfish'' category are now managed with single-species harvest quotas. Data for these quotas are collected using observer data, shoreside processor landings data, and processor weekly production report data. Observer data is used to estimate discard amounts of these and other species and is included in the stock assessment methodology.

NMFS has conducted fishery independent surveys in the Aleutian Islands since 1990, and additional cooperative U.S.-Japanese surveys occurred in the 1980s. In general, rockfish stocks are difficult to survey with standard trawl gear and survey designs because of the patchiness of their distributions and, in some cases, the roughness of the habitat in which they live. These factors have combined to produce rockfish biomass estimates with high coefficients of variation and substantial year-to-year variability in biomass estimates. NMFS is exploring new survey methodology that uses hydroacoustic information to locate patches of rockfish, which can then be used to influence the location of trawl tows. Some field work evaluating this method was conducted in the summer of 2003 near the Pribilof Islands, with the goal of evaluating the potential for improving estimates of eastern Bering Sea Pacific ocean perch and northern rockfish. Additional work must be done to evaluate this approach before it is adopted.

The AFS recommendation for reductions in fishing mortality is largely directed towards U.S. west coast rockfish stocks, as the AFS policy statement indicates that the Council "has taken a conservative approach to rockfish management and no species are considered overfished in Alaska'' (Parker et. al. 2000). Since the publication of the AFS policy statement on Pacific rockfish in 2000, management of BSAI rockfish has become more conservative due to the diminished use of multispecies assemblages.

Establishment of MPAs will require knowledge of the spatial distribution patterns for rockfish, particularly the pelagic larval stage. The creation of MPAs that are inconsistent with the mobility of rockfish would likely greatly reduce the effectiveness (Walters and Bonfil 1999), and little is known about the spawning locations or the extent of larval drift of Alaskan rockfish. Again, the reference to promoting recovery of stocks in the AFS recommendation for MPAs is directed towards west coast rockfish, as no species or species assemblage of rockfish in the EEZ off Alaska is currently overfished. As a management tool for reducing fishing mortality, it is unclear whether closed areas would simply redirect the same amount of fishing effort into smaller spatial areas, thereby exacerbate the potential for localized depletions. The use of MPAs to protect habitat is recognized, and the Council has recently solicited proposals for closure areas that would protect HAPC.

Comment 3. No real conservation measures have been put into place to address the shortcomings of conventional fisheries management with regard to rockfish species.

Response. Several changes have been implemented to improve fisheries management of rockfish species, particularly in the BSAI. First, application of harvest quotas across the "other red rockfish'' species complex no longer is being conducted, thus eliminating the possibility of disproportionate harvests across species within the complex. In fact, all species that formerly comprised the "other red rockfish'' complex are now managed with single-species harvest quotas, consistent with the AFS policy recommendations. This conservation measure has required substantial changes in the way fishery observers classify some rockfish, such as shortraker and rougheye rockfish. Associated with this change are improvements in assessment methodology that use more information to establish harvest recommendations, as discussed in the response to comment 2.

Second, only Pacific ocean perch is open to directed fishing in the BSAI, other rockfish species are closed to directed fishing. Retained catch of these species by vessels is limited by maximum retainable allowances, which constrain the amount of incidental catch that can be retained by a vessel as a percentage of the target species. Prior to 1998, the incidental catch allowance was applied to all rockfish in aggregate and was 15 percent of the target species. Since 1998, shortraker/rougheye were assigned their own maximum retainable allowance, which was lowered to 7 percent for deep water target fisheries and 2 percent for shallow water target fisheries. This conservation measure was put into place to reduce the likelihood of exceeding the ABC for rockfish complexes.

Comment 4. NMFS has failed to respond to the SSC's April 2003 discussion on whether a more conservative harvest rate (F50 percent) would be desirable for rockfish species in the GOA and BSAI, and the specific request that the agency evaluate the harvest strategy for rockfish during the TAC setting process.

Response. An evaluation of the optimal rate for various rockfish species is dependent upon stock and recruitment data, and thus can only be applied to stocks for which age-structured models exist. In the BSAI, this includes Pacific ocean perch and northern rockfish. An analysis of this type was conducted for BSAI Pacific ocean perch and presented to the SSC and Council in December 2003, but the lack of contrast in estimated spawner stock size for BSAI northern rockfish precluded any informative analysis using this method. An analysis of optimal harvest rates for GOA stocks for which age-structured data exist is pending.

Including the analysis on BSAI Pacific ocean perch presented to the SSC in December 2003, several studies have now been concluded that suggest that an F_{40} percent harvest rate is not unduly aggressive for rockfish managed in the EEZ off Alaska (Dorn 2002, Ianelli and Heifetz 1995).

Comment 5. The SAFE authors reviewed an uncertainty correction factor for rockfish species that created higher ABCs. This is incongruous with the challenge posed to NMFS to assess whether current harvest strategy is sufficiently conservative.

Response. The uncertainty correction factor applied explicitly accounts for uncertainty in recruitment and stock size, and was part of a general process of evaluating potentially more conservative harvest rates for rockfish. The uncertainty correction factor applied was identical to that used in the PSEIS. Although the control rule for applying the uncertainty correction factor did not result in a reduction of the F_{abc} level, it did not cause an increase in the F_{abc} level. For further information on rockfish, please see the following publications.

Dorn, M.W. 2002. Advice on west coast rockfish harvest rates from Bayesian meta-analysis of stock-recruitment relationships. N. Am. J. Fish. Aquat. Sci. 22:280–300.

Gharrett, A.J. 2003. Population structure of rougheye, shortraker, and

northern rockfish based on analysis of mitochondrial DNA variation and microsatellites: completion. Juneau Center of Fisheries and Ocean Sciences, University of Alaska-Fairbanks. 136 pp.

Ianelli, J.N. and J. Heifetz. 1995. Decision analysis of alternative harvest policies for Gulf of Alaska Pacific ocean perch fishery. Fish. Res. 24:35–63.

Matala, A.P., A.K. Gray, J. Heifetz, and A.J. Gharrett. In press. Population structure of Alaskan shortraker rockfish, Sebastes borealis, inferred from microsatellite variation. Env. Biol. Fish.

Parker, S.J. et al. 2000. Management of Pacific rockfish. Fisheries 25 (3): 22–30.

Walters, C.J. and R. Bonfil. 1999. Multispecies spatial assessment models for the British Columbia groundfish trawl fishery. Can. J. Fish. Aquat. Sci. 56:601–628.

Comment 6. The TAC setting process is lengthy and does not provide for sufficient opportunities to make meaningful public comment.

Response. Currently, numerous opportunities exist for public input including the September and November Plan Team meetings and the October and December Council meetings, as well as opportunity to submit comments to NMFS on the proposed specifications. Nonetheless, NMFS and the Council agree that these opportunities could be enhanced further.

In October, the Council approved a new process for establishing harvest specifications in future years under BSAI and GOA FMP Amendments 48/48. Objectives for the revised process include providing enhanced opportunity for informed public comment. The Council's preferred alternative is to establish harvest specifications for 18 months (Year 1 and first half of Year 2) for BSAI and GOA groundfish. The new process would better assure that proposed harvest specifications and corresponding analysis, which are made available for public review and comment, provide the basis from which final harvest specifications are established.

Small Entity Compliance Guide

The following information is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This rule's primary management measures are to announce final 2004 harvest specifications and PSC allowances for the groundfish fishery of the GOA. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2004 fishing year and to accomplish the goals and objectives of the Fishery Management Plan for the Groundfish of the GOA. This action effects all fishermen who participate in the GOA fishery. The specific amounts of OFL, ABC, TAC and PSC amounts are provided in tabular form to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and in information bulletins released by the Alaska Region, NMFS. Affected fishermen should keep themselves informed of such closures.

Classification

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

A FRFA was prepared for the final 2004 harvest specifications to address the statutory requirements of the Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Fairness Act of 1996.

The proposed rule for the GOA specifications was published in the **Federal Register** on December 5, 2003 (68 FR 68002). An Initial Regulatory Flexibility Analysis (IRFA) was prepared for the proposed rule, and was described in the classification section of the proposed rule. The IRFA is available on the NMFS Alaska Region Web site at *http://www.fakr.noaa.gov/sustainablefisheries/specs04/GOA63earirirfa1003.pdf.* The public comment period for the GOA proposed specifications ended on January 5, 2004. No comments were received on the economic impacts of this final rule.

The final 2004 harvest specifications establish harvest limits for the groundfish species and species groups in the GOA. This action is necessary to allow groundfish fishing in 2004. In all the waters off of Alaska, these specifications may affect from 832 to 838 small catcher vessels, 30 to 33 small catcher/processors, and six small CDQ groups. In the GOA, 96 small non-pelagic trawling entities would experience reductions in rockfish, shallow water flatfish, and flathead sole revenues, estimated to be on the order of about 2 percent of overall gross revenues.

The analysis examined four alternatives to the preferred. Alternative 1 would have set TACs in the GOA to produce fishing mortality rates, F, that are equal to $maxF_{ABC}$, the maximum permissible value under the FMP (2,000,000 mt for OY). While this alternative would have a smaller adverse impact on small entities than the preferred, this alternative was rejected because the associated harvest limits are above biologically acceptable levels. Alternative 3, which sets TACs based on half the maximum levels, and Alternative 4, which sets TACs based on a five year average, were both rejected because they do not use the best and most recent scientific information on status of groundfish stocks or take into account socioeconomic benefits to the nation. Alternative 5, the no action alternative, was rejected because it would set TACs in the GOA equal to zero. Alternatives 3, 4, and 5 would also cause negative impacts to small entities.

The action does not impose new recordkeeping or reporting requirements on small entities. The analysis did not reveal any Federal rules that duplicate, overlap or conflict with the proposed action.

Under the provisions of 5 U.S.C. 553(d)(1), an agency can waive a delay in the effective date of a substantive rule if it relieves a restriction. Unless this delay is waived, fisheries that are currently closed (*See* **SUPPLEMENTARY INFORMATION**) because the interim TACs were reached would remain closed until the final specifications became effective. Those closed fisheries are restrictions on the industry that can be relieved by making the final specifications effective on publication. Another relief from a restriction would be the elimination of discards of sablefish caught incidentally to Pacific halibut. If the final specifications are not effective by February 29, 2004, which is the start of the Pacific halibut season as specified by the IPHC, the longline sablefish fishery will not begin concurrently with the Pacific halibut season. This would cause disruption to the fishing industry, as both longline sablefish and Pacific halibut are managed under the same IFQ program, and as stated above, require sablefish that is caught with Pacific halibut to be discarded.

Under the provisions of 5 U.S.C. 553(d)(3), an agency can waive a delay in the effective date for good cause found and published with the rule. For all other fisheries not currently closed because the interim TACs were reached, the possibility exists for their closures prior to the expiration of a 30-day delayed effectiveness period because their interim TACs or PSC allowances could be reached. Determining which fisheries may close is impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one fishery has a cascading effect on other fisheries by freeing-up fishing vessels, allowing them to move

from closed fisheries to open ones, increasing the fishing capacity in those open fisheries and causing them to close at an accelerated pace. The interim specifications currently in effect are not sufficient to allow directed fisheries to continue predictably, resulting in unnecessary closures and disruption within the fishing industry and the potential for regulatory discards. The final specifications establish increased TACs and PSC allowances to provide continued directed fishing for species that would otherwise be prohibited under the interim specifications. These final specifications were developed as quickly as possible, given plan team review in November 2003, Council consideration and recommendations in December 2003, and NOAA Fisheries review and development in January-February 2004.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*; Title II of Division C, Pub. L. 105–277; Sec. 3027, Pub L. 106–31,113 Stat. 57; 16 U.S.C. 1540(f).

Dated: February 23, 2004.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 04–4370 Filed 2–26–04; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 69, No. 39

Friday, February 27, 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 ENERGY

10 CFR Parts 850 and 851

[Docket No. EH–RM–03–WSH]

RIN 1901–AA99

Worker Safety and Health Program; Suspension of Rulemaking

AGENCY: Department of Energy (DOE).

ACTION: Proposed rule; notice of suspension.

SUMMARY: DOE today gives notice of the suspension of a rulemaking under the Atomic Energy Act of 1954 to promulgate worker health and safety regulations for DOE workplaces and procedures for the assessment of civil penalties for violations of standards under those regulations. Since DOE published its notice of proposed rulemaking on December 8, 2003 (68 FR 68276), DOE has become aware that the Defense Facilities Nuclear Safety Board (DFNSB), which has safety oversight responsibility with regard to DOE nuclear facilities, has concerns with regard to the proposed regulations. The purpose of today's notice of suspension is to allow time for DOE to consult with the DFNSB in order to resolve its concerns. DOE also will consider the concerns of other interested stakeholders as appropriate. Consistent with past practice, if DOE receives any significant communications from these other interested stakeholders yielding information not already in the comments that DOE has received, it will add those communications (or in the case of significant oral exchanges, memoranda summarizing those exchanges) to the public comment file in the DOE Freedom of Information Reading Room. The suspension will continue pending further notice by DOE.

FOR FURTHER INFORMATION CONTACT: Jacqueline D. Rogers, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0270, 301–903–5684, e-mail, *jackie.rogers@hq.doe.gov.*

Issued in Washington, DC on February 23, 2004.

Beverly Cook,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 04–4359 Filed 2–26–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–CE–40–AD]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company 120, 140, 140A, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 206, P206, U206, TP206, TU206, 207, T207, 210, T210, 336, 337, and T337 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of the comment period.

SUMMARY: The FAA proposes to revise an earlier proposed airworthiness directive (AD) to supersede AD 86–26–04 that applies to certain Cessna Aircraft Company (Cessna) 120, 140, 140A, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 205, 205A, 206, P206, P206E, TP206A, TU206, TU206E, U206, U206E, 207, T207, 210, T210, 336, 337, and T337 series airplanes. The earlier NPRM proposed to retain the actions of AD 86–26–04, add additional airplanes to the applicability section, and incorporated revised manufacturer service information. This proposed AD is the result of the FAA inadvertently omitting 10 affected airplane serial numbers for Model TU206D airplanes from the applicability section of the earlier NPRM. This proposed AD would retain the actions of earlier NPRM and add additional airplanes to the applicability section of this proposed AD. Since these actions impose an additional burden over that proposed in the earlier NPRM, we are reopening the comment period to allow the public the chance to comment on these additional actions.

DATES: We must receive any comments on this proposed AD by April 9, 2004.

ADDRESSES: Use one of the following to submit comments on this proposed AD:

- *By mail:* FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003–CE–40–AD, 901 Locust, Room 506, Kansas City, Missouri 64106.
- *By fax:* (816) 329–3771.
- *By e-mail: 9-ACE-7-Docket@faa.gov.* Comments sent electronically must contain "Docket No. 2003–CE–40–AD'' in the subject line. If you send comments electronically as attached electronic files, the files must be formatted in Microsoft Word 97 for Windows or ASCII.

You may get the service information identified in this proposed AD from Cessna Aircraft Company, Product Support P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; facsimile: (316) 942–9006.

You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003–CE–40–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Gary D. Park, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4123; facsimile: (316) 946–4107.

SUPPLEMENTARY INFORMATION:

Comments Invited

How Do I Comment on This Proposed AD?

We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES.** Include "AD Docket No. 2003–CE–40–AD'' in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it. We will date-stamp your postcard and mail it back to you.

Are There Any Specific Portions of This Proposed AD I Should Pay Attention to?

We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us through a nonwritten communication

and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend this proposed AD in light of those comments and contacts.

Discussion

What Is the Background of the Subject Matter?

Cessna designed add-on shoulder harness assembly accessory kits for the pilot/co-pilot seats for certain Cessna airplanes. These shoulder harness assemblies incorporate a retainer spring in the adjuster on the upper and lower shoulder harness. The retainer spring may have been inadvertently installed on the belt friction pin. This installation of the spring in the upper shoulder harness adjuster will not allow the belt webbing to lock in place.

This caused us to issue AD 86–26–04, Amendment 39–5503 (52 FR 520, January 7, 1987). AD 86–26–04 currently requires the following on certain Cessna 120, 140, 140A, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 205, 205A, 206, P206, P206E, TP206A, TU206, TU206E, U206, U206E, 207, T207, 210, T210, 336, 337, and T337 series airplanes:

- Inspecting the upper shoulder harness adjuster for the presence of a retainer spring;
- If retainer spring is found, removing the retainer spring; and
- Stamping out the—401 identification number.

What Happened Since AD 86–26–04 To Initiate the Earlier NPRM?

We received reports that additional airplanes have the same unsafe condition. Cessna revised the service information to include these additional airplanes.

Cessna also revised the service information to correct the reference to the part number (P/N) of the shoulder harness adjusters. The P/N referenced is referenced as 44030–401 in Cessna Single Engine Service Bulletin SEB86–8 and Cessna Multi-engine Service Bulletin MEB86–22, both dated November 21, 1986. The correct P/N is 443030–401.

What Is the Potential Impact if FAA Took No Action?

If not corrected, the shoulder harness could fail to maintain proper belt length adjustment and tension. Such failure could result in pilot/co-pilot injury.

Has FAA Taken Any Action to This Point?

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Cessna Models 120, 140, 140A, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 206, P206, U206, TP206, TU206, 207, T207, 210, T210, 336, 337, and T337 series airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 13, 2003 (68 FR 64290). The NPRM proposed to supersede AD 86–26–04 with a new AD that would require you to:

- Inspect the upper shoulder harness adjuster for the presence of a retainer spring;
- If retainer spring is found, remove the retainer spring; and
- Stamp out the—401 identification number.

Was the Public Invited To Comment?

The FAA encouraged interested persons to participate in developing this amendment. We did not receive any comments on the proposed rule or on our determination of the cost to the public.

What Events Have Caused FAA To Issue a Supplemental NPRM?

The FAA inadvertently omitted 10 affected airplane serial numbers for Model TU206D airplanes from the applicability section of the earlier NPRM.

FAA's Determination and Requirements of This Proposed AD

What Has FAA Decided?

After examining the circumstances and reviewing all available information related to the incidents described above, we have determined that:

- The unsafe condition referenced in this document exists or could develop on other Cessna Models 120, 140, 140A, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 206, P206, U206, TP206, TU206, 207, T207, 210, T210, 336, 337, and T337 series airplanes of the same type design that are on the U.S. registry;
- We should change the NPRM to add additional affected airplane serial numbers to the applicability section; and
- We should take AD action to correct this unsafe condition.

The Supplemental NPRM

How Will the Changes to the NPRM Impact the Public?

Proposing that the NPRM apply to additional Model TU206D airplanes goes beyond the scope of what was originally proposed in the NPRM. Therefore, we are reopening the comment period and allowing the public the chance to comment on these additional actions.

What Are the Provisions of the Supplemental NPRM?

This proposed AD would require you to:

- Inspect the upper shoulder harness adjuster for the presence of a retainer spring;
- If retainer spring is found, remove the retainer spring; and
- Stamp out the—401 identification number.

How Does the Revision to 14 CFR Part 39 Affect This Proposed AD?

On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How Many Airplanes Would This Proposed AD Impact?

We estimate that this proposed AD affects 75,329 airplanes in the U.S. registry.

What Would Be the Cost Impact of This Proposed AD on Owners/Operators of the Affected Airplanes?

We estimate the following costs to accomplish this proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 workhour × $65 per hour = $65	No parts required	$65	$65 × 75,329 = $4,896,385

We estimate the following costs to accomplish any necessary modification that would be required based on the results of this proposed inspection. We have no way of determining the number of airplanes that may need this modification:

Labor cost	Parts cost	Total cost per airplane
1 workhour × $65 per hour = $65	No parts required	$65

What Is the Difference Between the Cost Impact of the Earlier NPRM and the Cost Impact of This Proposed Supplemental NPRM?

The difference is the addition of 10 airplanes to the applicability section of this proposed AD. There is no difference in cost to perform the proposed inspection and the proposed modification.

Regulatory Findings

Would This Proposed AD Impact Various Entities?

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

Would This Proposed AD Involve a Significant Rule or Regulatory Action?

For the reasons discussed above, I certify that this proposed AD:

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. 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.

We prepared a summary of the costs to comply with this proposed AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket No. 2003–CE–40–AD'' in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 86–26–04, Amendment 39–5503 (52 FR 520, January 7, 1987), and by adding a new AD to read as follows:

Cessna Aircraft Company: Docket No. 2003–CE–40–AD.

When Is the Last Date I Can Submit Comments on This Proposed AD?

(a) We must receive comments on this proposed airworthiness directive (AD) by April 9, 2004.

What Other ADs Are Affected by This Action?

(b) This AD supersedes AD 86–26–04, Amendment 39–5503.

What Airplanes Are Affected by This AD?

(c) This AD affects the following airplane models and serial numbers that are certificated in any category and incorporate one of the Cessna accessory kits specified in paragraph (d) of this AD.

Model	Serial No.
(1) 120	8000 through 15075.
(2) 140	8000 through 15075.
(3) 140A	15200 through 15724.
(4) 150	617, 17001 through 17999, and 59001 through 59018.
(5) 150A	628 and 15059019 through 15059350.
(6) 150B	15059351 through 15059700.
(7) 150C	15059701 through 15060087.
(8) 150D	15060088 through 15060772.
(9) 150E	644 and 15060773 through 15061532.
(10) 150F	15061533 through 15064532.
(11) 150G	15064533 through 15064969 and 15064971 through 15067198.
(12) 150H	649 and 15067199 through 15069308.
(13) 150J	15069309 through 15071128.
(14) 150K	15071129 through 15072003.
(15) 170	18000 through 18729.
(16) 170A	18730 through 19400 and 19402 through 20266.
(17) 170B	20267 through 20999 and 25000 through 27169.
(18) 172	610, 612, 615, 28000 through 29999, 36000 through 36999, and 46001 through 46754.
(19) 172A	622, 625, and 46755 through 47746.
(20) 172B	630 and 17247747 through 17248734.
(21) 172C	17248735 through 17249544.
(22) 172D	17249545 through 17250572.
(23) 172E	639 and 17250573 through 17251822.
(24) 172F	17251823 through 17253392.
(25) 172G	17253393 through 17254892.
(26) 172H	638, 17254893 through 17256492, and 17256494 through 17256512.
(27) 172I	17256513 through 17257161.

Model	Serial No.
(28) 172K	17257162 through 17258486 and 17258487 through 17259223.
(29) P172D	P17257120 through P17257188.
(30) 175	626, 640, 28700A, and 55001 through 56238.
(31) 175A	619 and 56239 through 56777.
(32) 175B	17556778 through 17557002.
(33) 175C	17557003 through 17557119.
(34) 177	661, 17700001, and 17700003 through 17701164.
(35) 177A	17701165 through 17701370.
(36) 177B	17701371 through 17701471 and 17701473 through 17701530.
(37) 180	604, 614, 30000 through 32661.
(38) 180A	32662 through 32999 and 50001 through 50355.
(39) 180B	50356 through 50661.
(40) 180C	624 and 50662 through 50911.
(41) 180D	18050912 through 18051063.
(42) 180E	18051064 through 18051183.
(43) 180F	18051184 through 18051312.
(44) 180G	18051313 through 18051445.
(45) 180H	18051446 through 18052175.
(46) 182	613 and 33000 through 33842.
(47) 182A	33843 through 34753, 34755 through 34999, and 51001 through 51556.
(48) 182B	34754, 51557 through 51622, and 51624 through 52358.
(49) 182C	631 and 52359 through 53007.
(50) 182D	51623 and 18253008 through 18253598.
(51) 182E	18253599 through 18254423.
(52) 182F	18254424 through 18255058.
(53) 182G	18255059 through 18255844.
(54) 182H	634 and 18255846 through 18256684.
(55) 182J	18256685 through 18257625.
(56) 182K	18255845, 18257626 through 18257698, and 18257700 through 18258505.
(57) 182L	18258506 through 18259305.
(58) 182M	662, 18257699, and 18259306 through 18260055.
(59) 182N	18260056 through 18260445.
(60) 185	632 and 185–0001 through 185–0237.
(61) 185A	185–0238 through 185–0512.
(62) 185B	185–0513 through 185–0653.
(63) 185C	185–0654 through 185–0776.
(64) 185D	185–0777 through 185–0967.
(65) 185E	185–0968 through 185–1149.
(66) A185E	185–0968 through 185–1599 and 18501600 through 18501832.
(67) 190	7001 through 7999 and 16000 through 16183.
(68) 195	7001 through 7999 and 16000 through 16183.
(69) 206	206–0001 through 206–0275.
(70) P206	P206–0001 through P206–0160.
(71) P206A	P206–0161 through P206–0306.
(72) P206B	P206–0307 through P206–0419.
(73) P206C	P206–0420 through P206–0519.
(74) P206D	P206–0520 through P206–0603.
(75) P206E	P20600604 through P20600647.
(76) U206	U206–0276 through U206–0437.
(77) U206A	U206–0438 through U206–0656.
(78) U206B	U206–0657 through U206–0914.
(79) U206C	U206–0915 through U206–1234.
(80) U206D	U206–1235 through U206–1444 and U20601445 through U20601587.
(81) TP206A	P206–0161 through P206–0306.
(82) TP206B	P206–0307 through P206–0419.
(83) TP206C	P206–0420 through P206–0519.
(84) TP206D	P206–0520 through P206–0603.
(85) TP206E	P20600604 through P20600647.
(86) TU206A	U206–0487 through U206–0656.
(87) TU206B	U206–0657 through U206–0914.
(88) TU206C	U206–0915 through U206–1234.
(89) TU206D	U206–1235 through U206–1444 and U20601445 through U20601587.
(90) 207	20700001 through 20700190.
(91) T207	20700001 through 20700190.
(92) 210	618 and 57001 through 57575.
(93) 210–5 (205)	641, 648, and 205–0001 through 205–0480.
(94) 210–5 (205A)	205–0481 through 205–0577.
(95) 210A	616 and 21057576 through 21057840.
(96) 210B	21057841 through 21058085.
(97) 210C	21058086 through 21058139 and 21058141 through 21058220.
(98) 210D	21058221 through 21058510.
(99) 210E	21058511 through 21058715.

Model	Serial No.
(100) 210F	21058716 through 21058818.
(101) 210G	21058819 through 21058936.
(102) 210H	21058937 through 21059061.
(103) 210J	21059062 through 21059199.
(104) 210K	21059200 through 21059351.
(105) T210F	T210–0001 through T210–0197.
(106) T210G	T210–0198 through T210–0307.
(107) T210H	T210–0308 through T210–0392.
(108) T210J	T210–0393 through T210–0454.
(109) T210K	21059200 through 21059351.
(110) F150G	F150–0068 through F150–0219.
(111) F150H	F150–0220 through F150–0389.
(112) F150J	F150–0390 through F150–0529.
(113) F150K	F15000530 through F15000658.
(114) F172D	F172–0001 through F172–0018.
(115) F172E	F172–0019 through F172–0085.
(116) F172F	F172–0086 through F172–0179.
(117) F172G	F172–0180 through F172–0319.
(118) F172H	F172–0320 through F172–0654 and F17200655 through F17200754.
(119) FR172E	FR17200001 through FR17200060.
(120) FR172F	FR17200061 through FR17200145.
(121) FR172G	FR17200146 through FR17200225.
(122) 336	633, 636, and 336–0001 through 336–0195.
(123) 337	647 and 337–0002 through 337–0239.
(124) 337A	337–0240 through 337–0305, 337–0307 through 337–0469, and 337–0471 through 337–0525.
(125) 337B	656, 337–0001, 337–0470, 337–0526 through 337–0568, and 337–0570 through 337–0755.
(126) 337C	337–0756 through 337–0978.
(127) 337D	337–0979 through 337–1193.
(128) 337E	33701194 through 33701316.
(129) T337B	337–0001, 337–0470, 337–0526 through 337–0568, and 37–0570 through 337–0755.
(130) T337C	337–0756 through 337–0978.
(131) T337D	337–0979 through 337–1193.
(132) T337E	33701194 through 33701316.

What Cessna Accessory Kits Are Affected by This AD?

(d) The following is a list of the affected Cessna accessory kits:

Cessna Accessory Kit

AK140–10
AK150–7
AK150–121
AK170–10
AK177–10
AK182–75
AK195–10
AK210–77
AK210–93
AK210–171
AK210–172
AK210–173
AK210–174
AK336–32
AK336–36
AK336–103

What Is the Unsafe Condition Presented in This AD?

(e) The actions specified in this AD are intended to prevent slippage of the pilot/co-pilot shoulder harness, which could result in failure of the shoulder harness to maintain proper belt length adjustment and tension. Such failure could result in pilot/co-pilot injury.

What Must I Do To Address This Problem?

(f) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
(1) Inspect only the upper shoulder harness adjuster (part number (P/N) 443030–401) for the presence of a retainer spring.	Within the next 25 hours time-in-service (TIS) after the effective date of this AD.	Follow Cessna Single Engine Service Bulletin SEB86–8, Revision 1, and Cessna Multi-engine Service Bulletin MEB 86–22, Revision 1, both dated July 28, 2003.
(2) If a retainer spring is found during the inspection of the upper shoulder harness adjuster (P/N 443030–401) required in paragraph (f)(1) of this AD: (i) remove the spring by cutting each side; and (ii) stamp out the –401 identification number.	Prior to further flight after the effective date of this AD.	Follow Cessna Single-Engine Service Bulletin SEB86–8, Revision 1, and Cessna Multi-engine Service Bulletin MEB 86–22, Revision 1, both dated July 28, 2003.
(3) If a retainer spring is not found during the inspection of the upper shoulder harness adjuster (P/N 443030–401) required in paragraph (f)(1) of this AD, no additional action is required.	Prior to further flight after the effective date of this AD.	Follow Cessna Single Engine Service Bulletin SEB86–8, Revision 1, and Cessna Multi-engine Service Bulletin MEB 86–22, Revision 1, both dated July 28, 2003.

Actions	Compliance	Procedures
(4) Only incorporate Cessna Accessory Kits identified in paragraph (d) of this AD that have been inspected and modified in accordance with paragraphs (f)(1), (f)(2), (f)(2)(i), and (f)(2)(ii) of this AD.	As of the effective date of this AD	Follow Cessna Single Engine Service Bulletin SEB86–8, Revision 1, and Cessna Multi-engine Service Bulletin MEB 86–22, Revision 1, both dated July 28, 2003.

(g) If you did the actions of this AD using Cessna Single Engine Service Bulletin SEB86–8 and Cessna Multi-engine Service Bulletin MEB86–22, both dated November 21, 1986, no further action is required as long as you used shoulder harness adjuster, P/N 443030–401.

May I Request an Alternative Method of Compliance?

(h) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Manager, Wichita Aircraft Certification Office (ACO), FAA. For information on any already approved alternative methods of compliance, contact Gary D. Park, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4123; facsimile: (316) 946–4107.

(i) You may get copies of the documents referenced in this AD from Cessna Aircraft Company, Product Support P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; facsimile: (316) 942–9006. You may view these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 19, 2004.

Dorenda D. Baker,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–4375 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 483

[CMS–3121–P]

RIN 0938–AM55

Medicare and Medicaid Programs; Requirements for Long Term Care Facilities; Nursing Services; Posting of Nurse Staffing Information

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish a new data collection and recordkeeping requirement for skilled nursing facilities (SNFs) and nursing facilities (NFs). We are proposing that SNFs and NFs complete a CMS-specified form at the end of each shift, on a daily basis, to post the full-time equivalents (FTEs) of registered nurses, licensed practical nurses, licensed vocational nurses, and certified nurse aides who are directly responsible for resident care. We also propose that SNFs and NFs use this form to capture and display daily resident census information. These facilities would also be required to make this information available to the public upon request.

DATES: We will consider comments if we receive them at the appropriate address, as provided below, no later than 5 p.m. on April 27, 2004.

ADDRESSES: In commenting, please refer to file code CMS–3121–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Submit electronic comments to *http://www.cms.hhs.gov/regulations/ecomments* or to *www.regulations.gov.* Mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3121–P, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be timely received in the event of delivery delays.

If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) to one of the following addresses: Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Anita Panicker, (410) 786–5646, or Jeannie Miller, (410) 786–3164.

SUPPLEMENTARY INFORMATION:

Submitting Comments: We welcome comments from the public on all issues set forth in this rule to assist us in fully considering issues and developing policies. You can assist us by referencing the file code CMS–3121-P and the specific "issue identifier" that precedes the section on which you choose to comment.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and could be considered late.

All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. After the close of the comment period, CMS posts all electronic comments received before the close of the comment period on its public Web site.

Inspection of Public Comments: Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone (410) 786–9994.

I. Background

(If you choose to comment on issues in this section, please include the caption "BACKGROUND" at the beginning of your comments.)

Approximately 3 million elderly and disabled Americans receive care in our nation's nearly 16,500 Medicare- and Medicaid-certified nursing homes. The care of nursing home residents is a high priority for this Administration, the Department of Health and Human Services (HHS), and the Centers for Medicare & Medicaid Services (CMS). Medicare- and Medicaid-participating

nursing homes are regulated by sections 1819 and 1919 of the Social Security Act (the Act), added by Title IV, subtitle C of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87) (Pub. L. 100–203, December 22, 1987).

The Congress, CMS (then the Health Care Financing Administration (HCFA)), and the public have been debating the issue of minimum nurse staffing for nursing homes since the passage of OBRA '87. Nursing home resident advocates tend to believe that poor care is directly tied to inadequate staffing. Provider associations are more likely to view staffing problems as a series of complicated interactions involving the short supply of nursing home workers and facility differences in resident acuity and functional limitations.

Section 941 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA), effective January 1, 2003, requires SNFs and NFs to post daily, for each shift, the number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. This information must be displayed in a clearly visible place. Additionally, section 941 of BIPA requires the Secretary of Health and Human Services (the Secretary) to specify a "uniform manner'' for display of this information.

In November 2001, the Secretary announced an initiative to highlight efforts addressing quality of care improvement for nursing homes. The Nursing Home Quality Initiative represents a broad-based program that includes our continuing regulatory and enforcement systems, new and improved consumer information, community-based nursing home quality improvement programs, and partnerships, and collaborative efforts to promote quality awareness and improvement. Working with data measurement experts, the National Quality Forum and a diverse group of nursing home industry stakeholders, CMS adopted a set of nursing home quality measures. The initiative combines new information for consumers about the quality of care provided in individual nursing homes with important resources available to nursing homes to improve the quality of care in their facilities.

The main components of the initiative are nursing home quality measures derived from resident assessment data. This information is routinely collected by nursing homes at specified intervals during a resident's stay (the Minimum Data Set or MDS). These measures are additional pieces of available information to help consumers make informed decisions about nursing home care options. The measures are also intended to motivate nursing homes to improve care delivery and encourage discussions about quality between consumers and clinicians.

Although staffing is not an explicit part of this initiative, we believe that our proposed requirement that all SNFs and NFs post nurse staffing information and make the information available to the public is essential to keeping the public informed.

Additional CMS-sponsored quality improvement information may be found in the "Nursing Home Compare'' section of our Web site at *www.medicare.gov.* The primary purpose of Nursing Home Compare is to provide detailed information about the past performance of every Medicare- and Medicaid-certified nursing home in the country. Nursing Home Compare contains the following sections of detailed information:

- *About the Nursing Home:* including the number of beds and type of ownership.
- *Quality Measures:* providing data on quality measures, including the percent of residents with pressure (bed) sores, percent of residents with physical restraints, and more.
- Inspection Result Information: including health deficiencies found during the most recent State nursing home survey and from recent complaint investigations.
- *Nursing Home Staff Information:* including the average number of hours worked by registered nurses, licensed practical or vocational nurses, and certified nursing assistants per resident per day.

Each nursing home is required to report nursing staff totals to its State Survey Agency. CMS then receives this information from State Survey Agencies and converts the nursing staff hours reported into the number of staff hours per resident per day. We report the total nursing staff hours per resident per day, and also the total nursing staff hours per resident per day of registered nurses, licensed practical nurses, licensed vocational nurses, and certified nursing assistants.

Currently, nursing homes are required to have enough staff to give adequate care to all residents. There are no current plans to develop a Federal standard for optimal nursing staff levels. SNFs and NFs must have at least one registered nurse for at least 8 consecutive hours per day, 7 days per week, and either a registered nurse, licensed practical nurse/licensed vocational nurse, and other nursing personnel on duty 24 hours per day, unless a waiver has been granted in accordance with § 483.30(c) or § 483.30(d). Certain States may have more stringent nurse staffing specifications than the Federal requirements.

Section 4801(e)(17)(B) of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90) (Pub. L. 101–508, November 5, 1990) required the Secretary to report to the Congress no later than January 1, 1992 on the appropriateness of establishing minimum caregiver-to-resident and supervisor-to-nurse ratios for Medicare- and Medicaid-certified nursing homes. The purpose of the study was to examine the analytic justification for establishing minimum nurse staffing ratios for nursing homes. The study, "Appropriateness of Minimum Nurse Staffing Ratios in Nursing Homes,'' (Report to Congress, July 2000) was conducted in two phases. Phase I of the study (*www.cms.hhs.gov/Medicaid/reports/rp700hmp.asp*) examined whether an association exists between staffing levels in nursing homes and quality of care. Phase II of the study (*www.cms.hhs.gov/medicaid/reports/rp1201home.asp*) examined the cost and benefits associated with establishing staffing minimums and expanding the data used in the multivariate analysis from three States to a more representative national sample. It included an exploration of more refined case mix classification methods and case studies to validate Phase I findings, while examining related issues affecting certified nursing assistant recruitment and retention. In both Phase I and Phase II studies, the phrase "nurse staffing'' referenced all three categories of nurses and nurse aides: registered nurses, licensed practical nurses, and nurse aides/nursing assistants.

Based upon these studies, at this time, we do not believe sufficient evidence exists to warrant minimum nurse staffing ratio requirements. However, we do acknowledge the importance of improving nurse staffing and making accurate information available to the public. Consistent with our November 2001 initiative to disseminate and publish reliable information on nursing home quality for Medicare and Medicaid beneficiaries, our objective is to make staffing information available to the public to assist them in making informed decisions when choosing health care providers. With reliable information, nurse-staffing levels may simply increase due to the market demand created by an informed public.

The Phase I study found data submitted through the only national data source of nursing home staffing for

individual facilities, the Online Survey Certification and Reporting (OSCAR) system, can be less than accurate, and as such, is misleading when used as the sole data source for public reporting. The Phase I study also indicated that nurse staffing could vary considerably during the course of a year. We have concluded that accurately assessing the situation will require a longer reporting period. The proposed BIPA regulation will have the advantage of potentially providing consumers staffing information on a day-to-day basis. On the other hand, we are concerned that this self-reported information may be subject to the same limitations as the current OSCAR system. Hence, the results of the Phase I study as well as the BIPA provision have served as a catalyst for CMS to develop a reliable system of public reporting of nurse staffing.

We believe that additional study is required to develop and test effective audit mechanisms for public and provider reporting. Some assessment of the feasibility of collecting accurate data on the time contributions of volunteers, and facility aides may also be warranted.

Accurate information on facility staffing is necessary but not sufficient for informing the public. It is also essential that information that enables the public to make informed judgments about a facility's reported staffing levels be provided within the context of the facility's case mix.

Although the Phase II analysis did not identify the most efficient levels of staffing to maximize quality of care for various case mix groups, the results did indicate that adverse outcomes were significantly higher with similar staffing levels among facilities with more severe case mix. The investigators concluded that higher staffing levels are warranted for facilities with residents of more profound acuity and functional limitations. Hence, consumers need to have not only accurate staffing information about a nursing home they may be considering, but also need to know how the reported staffing levels compare to facilities of comparable case mix.

Consistent with the above objectives, we have a current contract with Abt Associates to present us with options for: (1) Collecting more accurate staffing data; (2) auditing the data collected; (3) transmitting the data; and (4) configuring the data so that they can be informative to the public when placed on our Web site.

It is important to note that the completion of this project will not result in a self-implementing system of public reporting. On the contrary, the final product will be a report with options for implementing such a system.

To date, we have done the following to implement section 941 of BIPA requirements:

- An October 10, 2002 State Agency Directors letter at *www.cms.hhs.gov/Medicaid/LTCSP/SC0303.pdf.*
- Presentation of information at a national nursing home conference.
- Publication of a notice on an electronic bulletin board used by nursing homes.
- A December 24, 2002 letter to nursing homes at *www.cms.hhs.gov/medicaid/bipa/bipanh.asp.*

II. Provisions of the Proposed Regulations

As discussed in section I of this preamble, we are proposing the following changes:

A. Nursing Services (§ 483.30)

(If you choose to comment on this issue, please include the caption "NURSING SERVICES'' at the beginning of your comment.)

We are proposing to revise § 483.30 by adding a new paragraph (e) to require nursing homes to post nurse staffing information in accordance with section 941 of BIPA, specified as sections 1819(b)(8) and 1919(b)(8) of the Act. Paragraph (e)(1) would read "The facility must, on a daily basis, at the end of each shift, calculate the number of FTE(s) for the following licensed and unlicensed nursing staff directly responsible for resident care: registered nurses, licensed practical nurses or licensed vocational nurses (as defined under State law), and certified nurse aides.'' We note that neither section 1819(b)(8) nor section 1919(b)(8) specifies what constitutes "licensed and unlicensed nursing staff,'' but for the purposes of this proposed rulemaking, we have interpreted licensed and unlicensed nursing staff to mean registered nurses, licensed practical nurses or licensed vocational nurses (as the term(s) are defined under State law), and certified nurse aides.

In this proposed rule, we would require that only nursing staff assigned and directly responsible for resident care be captured on the CMS Daily Nurse Staffing Form. This proposed regulation would not require data collection on other staff, volunteers, or feeding assistants. If, for example, the director of nursing also served as a charge nurse in accordance with § 483.30(b)(3), then he or she would be counted in the information for his or her shift as a charge nurse. Otherwise, he or she would not be included except in situations where the director of nursing performs direct patient care during instances of staff shortages or absence. Additionally, we are proposing that the facility collect and display resident census for that day.

While collection of resident census information is not specifically required under section 941 of BIPA, we believe that collection of this information is authorized under our general supervisory authority as defined in sections 1819(f)(1) and 1919(f)(1) of the Act. These sections require the Secretary to "assure that requirements which govern the provision of care [in both SNFs and NFs] * * * and the enforcement of such requirements, are adequate to protect the health, safety, welfare, and rights of residents and to promote the effective and efficient use of public moneys.'' Therefore, we believe the addition of census information makes the nurse staffing data more meaningful and useful to the public and is in line with our rulemaking authority. If only nurse staffing data were presented absent resident census information, there would be no way for the public to make inferences regarding the nurse staffing levels in relation to the resident population. We welcome comments on our proposing the addition of resident census information on the form.

We are proposing to add a new § 483.30(e)(1) that would specify the contents and format of the information in accordance with statutory authority provided by BIPA. Section 483.30(e)(1) through § 483.30(e)(3) would require that the nurse staffing and census public must—

- Contain current nurse staffing numbers (FTEs) for each shift;
- Contain the daily resident census;
- Be posted on the CMS Daily Nurse Staffing Form; and
- Be displayed in a prominent place readily accessible to residents and visitors.

A full time equivalent (FTE) equals one person working full time. For example, one person working full time (based upon an 8-hour shift) equals one FTE as does two people each working 4 hours. To determine FTEs, the facility would multiply the number of staff by the number of hours worked, and then divide by the number of hours in that shift. For example, Facility A runs on three 8-hour shifts daily. For the morning shift, Facility A has ten 8-hour employees and two 4-hour employees; $(10 \times 8)+(2 \times 4)= 88$ staff hours; therefore, 88/8=11 FTEs for that shift. Facility B runs two 12-hour shifts on the weekends with eight 12-hour employees and three 4-hour employees on the first

shift; $(8 \times 12)+(3 \times 4)=108$ staff hours; therefore, 108/12=9 FTEs for that shift. These instructions would also be included on the CMS Daily Nurse Staffing form as described in Appendix A.

Additionally, we would require the SNF or NF to make the collected information available to the public upon request. We are not proposing to require the facility to transmit the data to CMS or to the State Agency at this time. However, we would expect the facility to retain this information in keeping with standard business practices and be able to produce it if requested by us, the State Agency, or the public. To that end, we would also require that the facility retain the Daily Nurse Staffing Form for a minimum of 3 years, or as required by State law, whichever is greater. We welcome comments on this proposal and any suggestions for other timeframes.

B. Daily Nurse Staffing Form

(If you choose to comment on this issue, please include the caption "DAILY NURSE STAFFING FORM'' at the beginning of your comment.)

We are further proposing a CMS-specific form, the "Daily Nurse Staffing Form'' (found in Appendix A of this proposed rule), to be used by each facility to aid in presenting the nurse staffing information in a uniform manner. We would expect that this form would be completed at the end of each shift with a total FTE count of nursing staff who were actually present and providing direct care to residents. While we would allow the facility to photocopy a blank form or download it from our Web site at *www.cms.hhs.gov* and store them electronically or by paper, we would expect that the actual completion of the FTE count would not commence until after the staff for that shift had actually worked. Although we have not proposed a designated person to fill out the form, we would expect a facility to appoint someone responsible for presenting the information accurately. We welcome any comments on the format, design, and completion of the form.

III. Collection of Information Requirements

(If you choose to comment on this section, please include the caption "COLLECTION OF INFORMATION REQUIREMENTS'' at the beginning of your comments.)

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 Office of Management and Budget (OMB) for review and approval. In order 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 comment 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.

We are soliciting public comment on each of these issues for the following sections of this document that contain information collection requirements:

Section 483.30 Nursing Services

In summary, section 483.30(e)(2) requires that long-term care facilities use the CMS-specified form (Daily Nurse Staffing Form) to enter the information specified in paragraph (e)(1) of this section; and to post the completed Daily Nurse Staffing Form in a prominent place readily accessible to residents and visitors.

The burden associated with this requirement is the time and effort it would take for the facility to complete the form and post it. Currently, there are 16,473 participating nursing homes. We estimate a total of 5 minutes to fill in the information per day. We further estimate that it will require facilities 30.42 hours each on an annual basis to meet these collection requirements.

Section 483.30(e)(3) requires the facility to make the information required in § 483.30(e)(1)–(2) available to the public and to maintain documentation.

The burden associated with this requirement would be the time it would take for the facility to retrieve the documented information being requested. We believe this requirement to be usual and customary business practice; therefore, the burden for this collection requirement is exempt under 5 CFR 1320.3(b)(2)and 5 CFR 1320.3(b)(3).

If you comment on these information collection and recordkeeping requirements, please mail copies directly to the following:

Centers for Medicare & Medicaid Services, Office of Strategic Operations and Regulatory Affairs, Regulations Development and Issuances Group, Attn: Dawn Willinghan, CMS–3121–P, Room C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850; and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Brenda Aguilar, CMS Desk Officer, *baguilar@omb.eop.gov.* Fax (202) 395–6974.

IV. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents, we are not able to provide individual responses to comments submitted. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, if we proceed with a subsequent document, our responses to all timely public comments will appear in the preamble of that document.

I. Regulatory Impact Statement

(If you choose to comment on this section, please include the caption "REGULATORY IMPACT ANALYSIS'' at the beginning of your comments.)

We have examined the impact of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 16, 1980, Pub. L. 96–354), section 1102(b) of the Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), 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 one year). This rule does not reach the economic threshold and thus is not considered a major rule.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by virtue of their nonprofit status or by having revenues of $6 million to $29 million in any one year. Individuals and States are not included in the definition of small entities. The only burden associated with this rule is the information collection burden associated with collecting and posting nurse staffing

information. Since this burden is minimal, as we have described in Section III of this preamble, we are not preparing an analysis for the RFA because we have determined that this rule would not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined that this proposed rule would not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any one year by State, local, or tribal governments, in the aggregate, or by the private sector, of $110 million. The only burden associated with this rule is the information collection burden associated with collecting and posting nurse staffing information. Since this burden is minimal, as we have described in Section III of this preamble, this proposed rule would have no consequential effect on the governments mentioned or on the private sector.

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 regulation would not impose any costs on State or local governments, the requirements of Executive Order 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 483

Grant programs-health, Health facilities, Health professions, Health records, Medicaid, Medicare, Nursing homes, Nutrition, Reporting and recordkeeping requirements, Safety.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR part 483 as follows:

PART 483—REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES

1. The authority citation for part 483 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

2. Section 483.30 is amended by adding paragraph (e) to read as follows:

§ 483.30 Nursing services.

* * * * *

(e) Posting of nurse staffing information. (1) *Information requirements.* The facility must—

(i) On a daily basis, at the end of each shift, calculate the number of FTE(s) for the following licensed and unlicensed nursing staff directly responsible for resident care:

(A) Registered nurses.

(B) Licensed practical nurses or licensed vocational nurses (as defined under State law); and

(C) Certified nurse aides.

(ii) On a daily basis, determine or verify the resident census.

(2) *Form use and posting requirements.* The facility must on a daily basis—

(i) Use the CMS-specified form (Daily Nurse Staffing Form) to enter the information specified in paragraph (e)(1) of this section; and

(ii) Post the completed Daily Nurse Staffing Form in a prominent place readily accessible to residents and visitors.

(3) *Public access and data retention requirements.* The facility must—

(i) Upon request, make the Daily Nurse Staffing Form(s) available to the public;

(ii) Maintain the Daily Nurse Staffing Form(s) for a minimum of 3 years, or as required by State law, whichever is greater.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance.)

Dated: June 27, 2003.

Thomas A. Scully,

Administrator, Centers for Medicare & Medicaid Services.

Approved: October 21, 2003.

Tommy G. Thompson,

Secretary.

The following appendix will not appear in the Code of Federal Regulations.

BILLING CODE 4120–01–P

APPENDIX A

DAILY NURSE STAFFING FORM*

_____

(FACILITY NAME)

Today's Date: _____

Today's Resident Census _____

SHIFT	STAFF	NUMBER
	Registered Nurses:	_____
DAY SHIFT:	Licensed Practical Nurses/	
Time:_____ to _____	Licensed Vocational Nurses:	_____
	Certified Nurse Aides:	_____
	Registered Nurses:	_____
EVENING SHIFT:	Licensed Practical Nurses/	
Time:_____ to _____	Licensed Vocational Nurses:	_____
	Certified Nurse Aides:	_____
	Registered Nurses:	_____
NIGHT SHIFT:	Licensed Practical Nurses/	
Time:_____ to _____	Licensed Vocational Nurses:	_____
	Certified Nurse Aides:	_____

Section 941 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) requires skilled nursing facilities and nursing facilities to post daily for each shift the number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. This information should be displayed in a place where residents and the general public can easily view it.

* Instructions for completion on next page

Instructions to complete the "Daily Nurse Staffing Form:"

1) Add your facility's name above the title "Facility Name."
2) Add today's date above the title "Today's Date" (for example, Tuesday, June 24, 2003).
3) Add your facility's current resident census above the title "Today's Resident Census."
4) Include your shift hours below the name of each shift (see examples below)

Example for three shifts:

DAY: (7:00 a.m. - 3:00 p.m.)
EVENING: (3:00 p.m. - 11:00 p.m.)
NIGHT: (11:00 p.m. - 7:00 a.m.)

Example for two shifts:

DAY: (7:00 a.m. - 7:00 p.m.)
EVENING: n/a
NIGHT: (7:00 p.m. - 7:00 a.m.)

5) Place the number of FTEs in the space marked "Number" next to the appropriate type of Staff" indicator. To calculate FTEs:

MULTIPLY the number of staff by hours worked.

Ex. 3 RNs work 8 hours each, 2 RNs work 4 hours each
(3x8) + (2x4) = 32 staff hours

DIVIDE the number of staff hours by the number of hours for that shift.

Ex. 32 staff hours/8 hrs = 4 RN FTEs

NOTE: FTEs does **NOT** mean number of nursing staff, although in some cases these numbers may be the same. **DO NOT** include other staff, volunteers, or feeding assistants in number of FTEs reported.

[FR Doc. 04–3732 Filed 2–26–04; 8:45 am]
BILLING CODE 4120–01–C

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–1998–4369; Notice 1]

RIN 2127–AH75

Federal Motor Vehicle Safety Standards; Rear Impact Guards; Notice of Proposed Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: This document responds to a petition for rulemaking from Thieman Tailgates, Inc., concerning the Federal motor vehicle safety standard requiring trailers and semitrailers to be equipped with rear impact guards. The petitioner asked us to amend the standard so that it expressly excludes trailers with rear-mounted liftgates that reside in or move through any part of the area specified in the standard for the horizontal member of the rear impact guard. Alternatively, the petitioner asked us to exclude rear impact guards on those trailers from the energy absorption requirements of the equipment standard for rear impact guards.

We are denying both requests. In lieu of proposing either of the requested amendments, we are proposing to specifically exclude trailers with "tuckunder liftgates,'' which consist of a loading platform that operates from its stowed position by swinging out to the rear of the trailer where it may be hydraulically raised and lowered to load heavy deliveries. We are also proposing to amend the definition of "special purpose vehicle'' by adding a more precise description of the cubic area at the rear of the trailer in which work-performing equipment must reside in or move through while the trailer is in transit. Finally, we are proposing to amend the requirements concerning the location of the rearmost surface of the rear impact guard.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than April 27, 2004.

ADDRESSES: You may submit comments (identified by DOT Docket No. NHTSA–1998–4369) 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 am and 5 pm, Monday through Friday, except Federal Holidays.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://dms.dot.gov*, including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

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: For non-legal issues, you may call Dr. William J. J. Liu, Office of Vehicle Safety Standards, (Telephone: 202–366–2264) (Fax: 202–493–2739).

For legal issues, you may call Mr. George Feygin, Office of Chief Counsel, (Telephone: 202–366–2992) (Fax: 202–366–3820).

You may send mail to either of these officials at National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background

On January 24, 1996, we published a final rule (61 FR 2003) establishing two Federal Motor Vehicle Safety Standards (FMVSSs) to address the problem of rear underride crashes, in which a passenger car, light truck, or multipurpose vehicle with a Gross Vehicle Weight Rating (GVWR) of 4,536 kilograms (10,000 pounds) or less (referred to collectively as "passenger vehicles'') collides with the rear end of a trailer or semitrailer (referred to collectively as "trailers''), and the front end of the passenger vehicle slides under (*i.e.*, underrides) the rear end of the trailer. Underride occurs when a passenger vehicle crashes into the rear end of a large trailer, and the trailer chassis is higher than the hood of the passenger vehicle. In the worst cases, referred to as passenger compartment intrusion (PCI) crashes, the passenger vehicle underrides so far that the rear end of the trailer strikes and enters the vehicle's passenger compartment. PCI crashes generally result in injuries and fatalities to passenger vehicle occupants due to occupant contact with the rear end of the trailer.

At the publication of the final rule, we estimated that about 11,551 rear-end crashes with trucks and trailers occurred annually. These crashes resulted in approximately 423 passenger vehicle occupant fatalities and about 5,030 non-fatal injuries.

The two standards established by the final rule operate together to reduce the number of injuries and fatalities resulting from rear underride crashes. The first standard (FMVSS No. 223, Rear Impact Guards, or the "equipment standard'') specifies performance requirements that rear impact guards (guards) must meet before they can be installed on new trailers. The standard specifies strength requirements, and test procedures, that are used to demonstrate compliance with the standard. The standard also requires the equipment manufacturers to provide instructions on the proper installation of the guard, and to permanently label the guard certifying that it meets all the performance requirements of the equipment standard.

The second standard (FMVSS No. 224, Rear Impact Protection, or the "vehicle standard'') requires most new trailers with a GVWR of 4,536 kilograms (10,000 pounds) or more be equipped with a rear impact guard meeting the specifications of the equipment standard (FMVSS No. 223). The vehicle standard also specifies requirements for the location of the guard relative to the rear end of the trailer. A rear impact guard must extend outboard to within 100 millimeters (4 inches) of the side extremities of the vehicle, but may not extend beyond the side extremities. The vertical distance from the ground to the bottom edge of the horizontal member of the guard may not exceed 560 mm (22 inches) at any point across the full width of the horizontal member. The guard's rear surface must be located as close as practical to the rear extremity of the vehicle, but no more than 305 mm (12 inches) forward of the rear extremity. Finally, the vehicle standard requires that the guard be mounted on the trailer in accordance with the instructions from the guard manufacturer.

The vehicle standard does not apply to certain types of vehicles: Pole trailers, pulpwood trailers, low chassis vehicles, special purpose vehicles, wheels back vehicles, and temporary living quarters. A special purpose vehicle is defined as "a trailer or semitrailer having work-performing equipment that, while the vehicle is in transit, resides in or moves through the area that could be occupied by the horizontal member of the rear underride guard.''

In response to petitions for reconsideration, we published minor amendments to the two standards in the **Federal Register** on January 26, 1998 (63 FR 3654). The standards became effective on that date.

Petition

On June 24, 1998, we received a petition from Thieman Tailgates, Inc., requesting that we amend Standard No. 224 by adding the following to the definition of special purpose vehicle: "Vehicles with rear mounted liftgates that operate by swinging through the area or reside in any part of the area that is designated for the horizontal member of the rear impact guard are excluded.''

Thieman manufactures two basic liftgate designs, tuckunder and rail-type,

both of which can be modified to accommodate a wide variety of trailer models and bed heights. Tuckunder liftgates consist of a loading platform, which operates from its stowed position by swinging out to the rear of the trailer where it may be hydraulically raised and lowered to load heavy deliveries. Tuckunder liftgates are stowed under the body of the trailer while not in use, thus freeing the rear of the trailer for light deliveries and dock operations with elevated bays. Rail-type liftgates consist of a loading platform that typically moves vertically along two permanently mounted rails on the rear of the trailer. With rail-type liftgates, the platform swings up and stows along the rear of the trailer body while not in use.

The petitioner asked us to expressly exclude vehicles equipped with tuckunder and rail-type liftgates from the requirements of Standard No. 224. The petitioner argued that, although the definition of "special purpose vehicle'' is based on the area that should be occupied by the horizontal member of the rear impact guard, Standard No. 224 does not contain a specific definition of that area. As a result, the petitioner claimed, truck equipment dealers are confused as to whether trailers with tuckunder and rail-type liftgates are required to be equipped with rear impact guards, or fall under the "special purpose vehicles'' exclusion. According to the petitioner, a rear impact guard can be installed on some trailers with rail-type liftgates but the liftgate would extend beyond the rear impact guard, possibly rendering it useless in the event of a rear-end collision. The petitioner claimed that if we did not expressly exclude vehicles with tuckunder and rail-type liftgates from the requirements of Standard No. 224, it would lose a significant portion of its annual sales because installers would be unable to mount a liftgate on a trailer and still comply with the standard.

If NHTSA denied petitioner's request to expressly exclude trailers with tuckunder and rail-type liftgates from the rear impact guard requirement, petitioner requested that the agency exclude rear impact guards on trailers with liftgates from the energy absorption requirements of Standard No. 223. The petitioner argued that the energy absorption requirements would be "nearly impossible'' to meet because rear impact guards on trailers with liftgates must be mounted in a manner that allows the guard to swing out of the way when the liftgate is being operated. Thus, the guard must have numerous parts that are required to move freely, causing the guard to "give'' a few inches before deflection starts to occur.

Discussion and Analysis

On January 8, 1981, we issued a Notice of Proposed Rulemaking (NPRM) proposing to adopt requirements to address the problem of rear underride collisions (46 FR 2136). In the NPRM, we proposed to exclude "special purpose vehicles'' from the requirements. We proposed to define a "special purpose vehicle'' as "a truck or trailer having work-performing equipment that is located at the lower rear of the vehicle and whose function would be significantly impaired if an underride guard meeting the requirements of this standard were attached to the vehicle'' (46 FR 2139).

Significantly, the proposed definition did not specify that the work-performing equipment had to reside in or move through the area that could be occupied by the underride guard while the trailer was in transit, as Standard No. 224 currently does. This proposed definition reflected our concern that incorporation of a guard on some vehicles would impair or eliminate the usefulness of rear-mounted, work-performing equipment. We were concerned that requiring rear impact guards on trailers with rear-mounted, work-performing equipment would be both impracticable and an undue burden on manufacturers.

In the 1981 NPRM, we noted our specific concerns regarding the compatibility of guards and trailers equipped with rear-mounted liftgates. We anticipated that many trailers with rear-mounted liftgates would fall within the special purpose vehicle exclusion. However, we desired to further study this issue and encouraged interested parties to comment on it.

We received comments from a number of manufacturers and operators of trailers with rear-mounted liftgates, recommending that their trailers be expressly excluded from the proposed rule by including them in the definition of "special purpose vehicle.'' Several liftgate manufacturers recommended that trailers with rear-mounted liftgates be explicitly excluded from the rule because most liftgates are installed by small businesses after the trailer leaves the trailer manufacturer. They said that it would be very burdensome for small businesses if they had to design liftgates around the guard configuration requirements. Other liftgate manufacturers claimed that guards positioned as required in the final rule would prevent the installation of liftgates. However, one liftgate manufacturer stated that the rail-type liftgate is the most commonly used type of liftgate, and that its liftgate would be compatible with the proposed guard requirements.

The National Truck Equipment Association (NTEA) commented on the 1981 NPRM that trailers equipped with liftgates make up the largest group of special purpose vehicles. The NTEA estimated that 2,500 of the 150,000 trailers built each year are equipped with rear-mounted liftgates, comprising only 1.7 percent of the market. The NTEA assured us that no trailer manufacturer would install liftgates just to manipulate the special purpose vehicle exclusion and evade the guard requirement because liftgates, on average, cost $6,000 each (1981 estimate), much more than guards.

In the January 24, 1996 final rule establishing Standard Nos. 223 and 224, we concurred with the observations made by the liftgate manufacturers regarding the complexities associated with the installation of rear impact guards on trailers with rear-mounted liftgates. We also agreed that the rear impact guard may interfere with the operation of some rear-mounted liftgates. However, we did not think it was necessary to expressly exclude all trailers equipped with liftgates, since the comments indicated that guards were compatible with some rear-mounted liftgates (61 FR 2022).

Consequently, we attempted to define "special purpose vehicle'' to make it clear that trailers with rear-mounted liftgates that operate by swinging through the area that is designated for the rear impact guard would be excluded. In fact, we stated that "vehicles equipped with tuckunder and other types of incompatible liftgates are excluded,'' but vehicles with liftgates that would be compatible with rear impact guards are not.[1]

We believed that if rear-mounted, work-performing equipment, including a liftgate, were detached or stowed out of the area occupied by the rear impact guard while the trailer was in transit, a guard would not impair the equipment. As a result, in the final rule we revised the definition of "special purpose vehicle'' to require that the work-performing equipment reside in or, in order to perform its function, move through the area designated for the rear impact guard while the vehicle is in transit. We stated:

[1] As stated above, one commentor to the NPRM (Anthony Liftgates) stated that its rail-type liftgate would be compatible with a rear impact guard. We have not received any evidence of any specific rail-type liftgates that are not compatible with a guard. Great Dane Trailer Co. installs guards on its trailers equipped with rail-type liftgates by notching the guard so that the rails can slide through the notches when they move down (61 FR 2022).

All that is required to confirm the applicability of the exclusion is a demonstration that the work-performing equipment, while the vehicle is in transit, resides in the area defined by S5.1.1 through S5.1.3 as the guard's horizontal member or passes through that area to perform its function. Therefore, the definition of special purpose vehicle in the rule has been revised to reflect that the foundation of the special purpose vehicle exclusion is the presence of work-performing equipment that resides in or, to perform its function, moves through the area designated for the underride guard while the vehicle is in transit.

(61 FR 2023).

On April 21, 1998, the NTEA sent us a letter saying that the standard is confusing in that it does not specify the area that could be occupied by the horizontal member of the rear impact guard for purposes of determining whether a trailer meets the definition of a "special purpose vehicle,'' and thus is excluded from the standard. On September 9, 1998, we responded with an interpretation letter stating that the area that could be occupied by the horizontal member of the rear impact guard (the "guard zone'') is a three-dimensional space defined as follows:

1. *Width.* The horizontal member may extend laterally as far as the side extremities of the trailer as defined in S4 of Standard No. 224.

2. *Height.* The bottom edge of the horizontal member must be no more than 560 mm above the ground. This is not a minimum guard height; thus, the bottom of the horizontal member theoretically may be as low as the ground, although such a guard would be impractical. The horizontal member must have a vertical height of at least 100 mm. This is not a maximum vertical height; thus, the top of the horizontal member theoretically may extend upward to the bottom of the trailer bed. This combination results in a vertical area that extends from the ground upward to a horizontal plane tangent to the bottom of the trailer.

3. *Depth.* The rearward boundary of the guard zone is the transverse vertical plane tangent to the rear extremity of the trailer as defined in S4 of Standard No. 224. The forward boundary of the guard zone is the transverse vertical plane 305 mm forward of that plane.

We issued this interpretation after we received the Thieman petition. However, we do not believe the interpretation addresses the issues raised in the Thieman petition. Thus, we considered several alternative solutions.

Alternative Solutions

First, as was suggested by petitioners, we considered expressly excluding all trailers with rear-mounted liftgates from the requirements of Standard No. 224. However, we rejected this suggestion for the same reason we rejected it in the final rule: Some liftgate designs clearly are compatible with rear impact guards. If we excluded all trailers equipped with rear-mounted liftgates, some trailers that could and should be equipped with guards would not be required to have them. That result is not consistent with the purpose of Standard No. 224, *i.e.*, improving safety by requiring guards on as many trailers as possible without overburdening small manufacturers or impairing the usefulness of rear-mounted, work-performing equipment.

Second, we considered retaining the "while in transit'' qualifying language in the definition of "special purpose vehicle'' and the definition of "guard zone'' as stated in the September 9, 1998, interpretation letter to the NTEA. This alternative allows us to easily determine whether a trailer equipped with a liftgate is required to have a guard. Specifically, if the liftgate stows completely above the bottom of the trailer while the trailer is in transit (*i.e.*, most rail-type liftgate designs), the trailer is required to have a guard. If the liftgate stows below the bottom of the trailer while the trailer is in transit (*i.e.*, most tuckunder liftgate designs), it is not required to have a guard.

The second alternative bears the same disadvantages as the alternative proposed by Thieman, as it does not result in a logical application of Standard No. 224. Some trailers capable of accommodating a compliant rear impact guard would not be required to have a guard. Conversely, other trailers having significant design constrictions that make incorporation of a compliant guard impracticable because of the operation of rear-mounted, work-performing equipment would nevertheless be required to have a guard.

Third, we considered simply deleting the "while in transit'' qualifying language in the definition of a "special purpose vehicle.'' The advantage of this alternative is simplicity of enforcement. All trailers equipped with liftgates that reside in or move through the guard zone would not be required to have a guard. The disadvantage of this alternative, again, is an illogical application of Standard No. 224. Some trailers capable of accommodating a compliant rear impact guard would not be required to have a guard. As noted above, one liftgate manufacturer stated in comments on the 1981 NPRM that the rail-type liftgate is the most commonly used type of liftgate, and that its rail-type liftgate would be compatible with the proposed rear impact guard requirements.

Fourth, we considered expanding the definition of "special purpose vehicle'' by replacing the "while in transit'' qualifying language with a specific description of the cubic area in which the work-performing equipment would have to reside or move through for a trailer to qualify as a special purpose vehicle. The definition of this area would be similar to the definition provided in the September 9, 1998, interpretation letter to the NTEA.

One advantage of this alternative is that it is objective. If a trailer has work-performing equipment that resides in or moves through the defined area, it is a special purpose vehicle excluded from Standard No. 224. If a trailer has work-performing equipment that does not reside in or move through the defined area, it is not a special purpose vehicle and must comply with Standard No. 224, provided that no other exclusion applies. Another advantage of this alternative is that it is easily enforceable.

However, we are concerned that this alternative would exclude trailers with rail-type liftgates that are compatible with guards. If any part of the work-performing equipment, including a simple strut or support, resided in or moved through the defined area, the trailer would be excluded from the guard requirements. As previously stated, we have evidence that guards can be installed on trailers with rail-type liftgates without interfering with the operation of the liftgate.

Finally, we considered expressly excluding trailers with tuckunder liftgates from the standard and amending the definition of "special purpose vehicle'' to alleviate any confusion with respect to which vehicles qualify for the special purpose vehicle exclusion. The advantage of this alternative is that it follows our original intent as stated in the final rule establishing Standards No. 223 and 224. In the final rule, we stated that "vehicles equipped with tuckunder and other types of incompatible liftgates are excluded,'' but vehicles with liftgates that would be compatible with rear impact guards are not (61 FR 2022). This alternative allows us to specifically exclude only trailers with tuckunder liftgates, and not trailers with rail-type liftgates that can accommodate a rear impact guard.

To further clarify the "special purpose vehicle'' exclusion, the definition of the "special purpose vehicle'' would be revised to exclude trailers with other types of rear-mounted, work-performing equipment that would be incompatible with a guard. Specifically, the new definition of the "special purpose

vehicle'' would include a more precise description of the cubic area at the rear of the trailer in which the work-performing equipment must reside in, or move through, while the trailer is in transit.

We believe that this fifth alternative results in the most logical application of Standard No. 224. This alternative best addresses our safety concerns associated with rear underride collisions by assuring that trailers capable of accommodating rear impact guards are not excluded from the requirements of FMVSS No. 224. Further, specific exclusion of trailers with tuckunder liftgates will not impair the usefulness of such trailers or overburden small manufacturers.

As previously stated, we believe that trailers equipped with tuckunder liftgates should be excluded from the FMVSS No. 224 because a guard would interfere with the operation of the liftgate. We note that since tuckunder liftgates are stowed under the body of the trailer while the trailer is in transit, they may provide some protection from underride in the event of a crash. These arguments do not apply to trailers equipped with rail-type liftgates. A guard does not interfere with the operation of the rail-type liftgate. Rail-type liftgates offer no protection from underride in the event of a crash. Thus, we believe trailers equipped with a tuckunder liftgate should be excluded from the standard, while trailers equipped with a rail-type liftgate should not.

Proposed Rule

Accordingly, we are proposing to exclude trailers equipped with tuckunder liftgates from the standard. The application section of Standard No. 224 would be revised to read as follows:

S3. *Application.* This standard applies to trailers and semitrailers with a GVWR of 4,536 kg or more. The standard does not apply to pole trailers, pulpwood trailers, low chassis vehicles, special purpose vehicles, wheels back vehicles, vehicles equipped with tuckunder liftgates, or temporary living quarters as defined in 49 CFR 523.2 * * *

A definition of "tuckunder liftgate'' would be added to S4 as follows:

Tuckunder liftgate means an item of work-performing equipment consisting of a loading platform that operates from its stowed position by swinging out to the rear of the vehicle where it may be hydraulically raised and lowered and, while the vehicle is in transit, resides completely between the unaltered vehicle's rear-most axle and rear extremity, as defined in S4 of this section, and beneath a horizontal plane 1,500 mm from the ground.

NHTSA requests comments on the tuckunder liftgate definition and the height requirement.

The definition of "special purpose vehicle'' would be revised to read as follows:

Special purpose vehicle means a trailer or semitrailer having work-performing equipment that, while the vehicle is in transit, resides in or moves through any portion of the cubic area extending: (1) Vertically from the ground to a horizontal plane 660 mm above the ground; (2) laterally the full width of the trailer, determined by the trailer's side extremities as defined in S4 of this section; and (3) from the rear extremity of the trailer as defined in S4 of this section to a transverse vertical plane 305 mm forward of the rear extremity of the trailer.

The cubic area (as defined in this proposal) in which work-performing equipment would have to reside in or move through for a trailer to qualify as a special purpose vehicle differs from the area in which the horizontal member of a rear impact guard must reside, as defined by S5.1.1 through S5.1.3 of the current Standard No. 224, if a trailer is required to have a guard. Those paragraphs read, in relevant part:

S5.1.1 Guard width. The outermost surfaces of the horizontal member of the guard shall extend outboard to within 100 mm of the longitudinal vertical planes that are tangent to the side extremities of the vehicle, but shall not extend outboard of those planes. * * *

S5.1.2 Guard height. The vertical distance between the bottom edge of the horizontal member of the guard and the ground shall not exceed 560 mm at any point across the full width of the member. * * *

S5.1.3 Guard rear surface. At any height 560 mm or more above the ground, the rearmost surface of the horizontal member of the guard shall be located as close as practical to a transverse vertical plane tangent to the rear extremity of the vehicle, but no more than 305 mm forward of that plane. Notwithstanding this requirement, the horizontal member may extend rearward of the plane. * * *

In this proposal, the cubic area which work-performing equipment would have to reside in or move through for a trailer to qualify as a special purpose vehicle extends vertically from the ground to a horizontal plane 660 mm (26 inches) above the ground, laterally to the side extremities of the trailer, and from the rear extremity of the trailer to a transverse vertical plane 305 mm (12 inches) forward of the rear extremity of the trailer. The 660 mm (26 inches) vertical requirement incorporates the 560 mm (22 inches) guard height requirement in S5.1.2 and the 100 mm (4 inches) minimum guard vertical height requirement in S5.1 of Standard No. 223. Thus, the cubic area in this proposal is larger horizontally and vertically than the cubic area defined by S5.1.1 through S5.1.3.

Paragraphs S5.1.1 through S5.1.3 define the minimum and the maximum guard dimensions as required by Standard No. 224, while the proposed rule defines the cubic area which a trailer's work-performing equipment would have to reside in or move through, or to interfere with the area where the guard would reside, in order *for the trailer to be considered a special purpose vehicle.*

The proposed cubic area for the special purpose vehicle is also different from the "guard zone'' defined in our September 9, 1998, interpretation letter to the NTEA. The difference between the current and the proposed zones is in the height of the cubic area. Our proposal would define the vertical area as extending from the ground to a horizontal plane 660 mm (26 inches) above the ground, while our interpretation letter defined the vertical area as extending from the ground to a horizontal plane tangent to the bottom of the trailer. We believe the 660 mm height requirement is necessary for safety reasons. If the cubic area extended to the bottom of the trailer, a trailer with any portion of the work-performing equipment located just underneath the bottom of the trailer would not be required to have a guard. For example, a trailer with a rail-type liftgate would be excluded from the requirements of the standard if only a small portion of it were mounted at a minimal distance below the trailer bed. This could result in a trailer that has no necessary structural members to limit underride. This would be contrary to the purpose of the standard. Thus, we are proposing that the cubic area extend vertically from the ground to a horizontal plane 660 mm (26 inches) above the ground.

In summary, if we use the term "guard zone'' as a common comparison parameter; the proposed guard zone (the cubic area) to qualify as a special purpose vehicle is larger than the allowed guard zone in the current Standard No. 224 (which is the smallest allowable), and is smaller than the defined guard zone in NHTSA's September 9, 1998 interpretation letter to the NTEA (which is, theoretically, the largest).

We also note that rail-type liftgates may cause confusion as to the where the rear extremity of the trailer is located—at the rear of the trailer itself or the rear of the rail-type liftgate. This is significant because Standard No. 224 requires the guard to be located no more than 12 inches forward of the rear

extremity of the trailer. "Rear extremity'' is defined as:

The rearmost point on a vehicle that is above a horizontal plane located 560 mm above the ground and below a horizontal plane located 1,900 mm above the ground when the vehicle is configured as specified in S5.1 of this section and when the vehicle's cargo doors, tailgate, or other permanent structures are positioned as they normally are when the vehicle is in motion. Nonstructural protrusions such as taillights, rubber bumpers, hinges and latches are excluded from the determination of the rearmost point.

The common attributes among the examples of nonstructural protrusions listed in the definition are that they are relatively small and localized and would not have a major impact on a colliding passenger vehicle. Rail-type liftgates, in contrast, are neither small nor localized, and they would be expected to have a major impact on a colliding passenger vehicle. Thus, we consider rail-type liftgates to be part of the trailer structure. As such, the rear of the rail-type liftgate is the rear extremity of the trailer, and the guard on such trailers must be no more than 12 inches forward of the rear of the rail-type liftgate.

We note that some rail-type liftgates may be more than 12 inches deep. On trailers equipped with such liftgates, the guard would have to be installed either on the liftgate or on the trailer so that it extended rearward to within 12 inches of the rear of the liftgate. We request comments on whether we should revise the definition of "rear extremity'' to accommodate trailers equipped with rail-type liftgates that are more than 12 inches deep.

We have received anecdotal evidence of rail-type liftgates being installed on trailers already equipped with a compliant guard. According to these reports, the guard is removed so that the liftgate can be installed.

This is a violation of the agency's "make inoperative'' provision (49 U.S.C. " 30122). After the first sale of a vehicle, manufacturers, distributors, dealers, and repair businesses are prohibited from "knowingly making inoperative'' any device or element of design installed on or in a motor vehicle in compliance with an applicable standard. In general, the "make inoperative'' prohibition requires businesses that modify motor vehicles to ensure that they do not remove, disconnect, or degrade the performance of safety equipment installed in compliance with an applicable standard. Violations of this prohibition are punishable by civil penalties of up to $5,000 per violation.

We added this discussion to ensure that liftgate manufacturers who install rail-type liftgates on trailers already equipped with a compliant rear impact guard do not remove the guard under the mistaken assumption that the addition of the rail-type liftgate transforms the trailer into a "special purpose vehicle'' excluded from Standard No. 224. As currently written, Standard No. 224 does not exclude trailers equipped with rail-type liftgates. Moreover, nothing we are proposing in this document would exclude such trailers. They must be equipped with a compliant rear impact guard.

Finally, although not directly related to the subject matter of the Thieman petition, we believe that some ambiguous language exists in paragraph S5.1.3 of Standard No. 224, and we are proposing to clarify it. S5.1.3 reads, in relevant part:

S5.1.3 Guard rear surface. At any height 560 mm or more above the ground, the rearmost surface of the horizontal member of the guard shall be located as close as practical to a transverse vertical plane tangent to the rear extremity of the vehicle, but no more than 305 mm forward of that plane.

Although it has been interpreted to apply to all guards, the language of this requirement indicates that it applies only to the portion of the guard rear surface that is at a height greater than 560 mm (22 inches) from the ground and, therefore, would not be applicable if the guard rear surface were completely below that height. To correct this, we are proposing to remove the introductory clause from the first sentence. The first sentence of S5.1.3 would be revised to read as follows:

S5.1.3 Guard rear surface. The rearmost surface of the horizontal member of the guard shall be located as close as practical to a transverse vertical plane tangent to the rear extremity of the vehicle, but no more than 305 mm forward of that plane.

With respect to petitioner's request that we exclude guards on trailers equipped with rear-mounted liftgates from the energy absorption requirements of Standard No. 223, the agency believes that the proposed revisions to Standard No. 224 would, in most cases, solve the problem articulated by the petitioner. Under these revisions, trailers equipped with tuckunder liftgates and other types of rear-mounted, work-performing equipment that would be incompatible with a guard would be excluded from the guard requirement. Thus, the agency is denying the petitioner's request to exclude trailers equipped with rear-mounted liftgates from the energy absorption requirements of Standard No. 223.

Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, "Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is "significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a "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.

We have considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. We have tentatively concluded that this rulemaking action would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The Federal Motor Carrier Safety Administration requires rear impact guards on trailers and semitrailers with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or more manufactured on or after January 26, 1998 (49 CFR 393.86). However, that standard incorporates Standard Nos. 223 and 224 by reference, and also excludes "special purpose vehicles'' as defined in Standard No. 224. Thus, we believe that this rulemaking action would not create a serious inconsistency with the FMCSA rear impact guard standard. Moreover, FMCSA has advised NHTSA that it will consider amendments to 49 CFR 393.86 and any relevant definitions under 49 CFR 393.5, in order to ensure consistency between 49 CFR 393.86 and Standard No. 224.

We have also tentatively determined that this rulemaking action would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof. This rulemaking

action has no such effects. We have tentatively concluded that this rulemaking action would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Finally, we do not believe that this rulemaking action would 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. We are proposing to specifically exclude trailers with tuckunder liftgates and clarify the definition of "special purpose vehicle'' so that trailers with rear-mounted, work-performing equipment that would not be compatible with a guard would be excluded from Standard No. 224.

In comments to the Supplemental Notice of Proposed Rulemaking, published in the **Federal Register** January 3, 1992 (57 FR 252), the NTEA and liftgate manufacturers estimated that 2,500 of the 150,000 trailers built each year are equipped with rear-mounted liftgates, comprising less than 2 percent of the number of new trailers manufactured annually. We believe that the changes proposed in this document would affect only trailers equipped with rear-mounted liftgates. However, if commenters believe that this proposal would exclude trailers other than trailers equipped with rear-mounted liftgates, they should inform us in their comments to this notice.

We also believe that the proposed changes may exclude more trailers equipped with rear-mounted liftgates from Standard No. 224. In its petition, Thieman stated that truck equipment dealers are confused as to whether trailers with tuckunder and rail-type liftgates are required to be equipped with a guard or are excluded from the standard as special purpose vehicles. We assume this means that some such trailers are being equipped with guards. Under the proposed changes, all trailers with tuckunder liftgates would be excluded. Thus, this rulemaking action should not require additional expenditures by manufacturers of trailers with rear-mounted, work-performing equipment. However, if these manufacturers disagree with this tentative conclusion, they should address it in their comments to this notice.

We believe that adding a definition of the cubic area which work-performing equipment must move through or reside in for a trailer to meet the definition of "special purpose vehicle'' would merely clarify this exclusion. We believe that this proposal would not have a substantive effect on the determination of whether a trailer qualifies as a special purpose vehicle and would not impose any additional cost burden on manufacturers of trailers equipped with work-performing equipment. If commenters disagree with any of these tentative conclusions, they should address them in their comments to this notice.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Small Business Administration's regulations at 13 CFR part 121 define a small business, in part, as a business entity "which operates primarily within the United States.'' (13 CFR 121.105(a)). No regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

We have considered the effects of this rulemaking action under the Regulatory Flexibility Act. Many of the businesses that manufacture trailers equipped with work-performing equipment are considered small businesses. However, as explained above in the discussion under E.O. 12866, we believe that this proposal will eliminate problems these manufacturers have encountered in complying with Standard No. 224 and will not impose any additional costs on them. Therefore, I hereby certify that this proposal will not have a significant economic impact on a substantial number of small entities.

C. National Environmental Policy Act

We have analyzed this rulemaking action for the purposes of the National Environmental Policy Act. We have determined that implementation of this action would not have any significant impact on the quality of the human environment.

D. Executive Order 13132 (Federalism)

Executive Order 13132 requires us 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.'' Under Executive Order 13132, we may not issue a regulation with federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, we consult with State and local governments, or we consult with State and local officials early in the process of developing the proposed regulation. We also may not issue a regulation with federalism implications and that preempts State law unless we consult with State and local officials early in the process of developing the proposed regulation.

We have analyzed this rulemaking action in accordance with the principles and criteria set forth in Executive Order 13132. We have determined that the amendment does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

E. Civil Justice Reform

This proposed amendment would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending, or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

F. Paperwork Reduction Act

This proposed rule does not have any requirements that would be considered information collection requirements as

defined by the Office of Management and Budget in 5 CFR part 1320.

G. National Technology Transfer and Advancement Act

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) directs us to use voluntary consensus standards in our regulatory activities unless doing 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, such as the Society of Automotive Engineers (SAE). The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

There are no voluntary consensus standards available at this time. However, we will consider any such standards when they become available.

H. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. Because this proposed rule would not have a $100 million effect, no Unfunded Mandates assessment has been prepared.

I. Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

—Have we organized the material to suit the public's needs?
—Are the requirements in the rule clearly stated?
—Does the rule contain technical language or jargon that is not clear?
—Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
—Would more (but shorter) sections be better?
—Could we improve clarity by adding tables, lists, or diagrams?
—What else could we do to make this rulemaking easier to understand?

If you have any responses to these questions, please include them in your comments on this NPRM.

J. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) 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 may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES.**

You may also submit your comments to the docket electronically by logging onto the Dockets Management System Web site at *http://dms.dot.gov.* Click on "Help & Information'' or "Help/Info'' to obtain instructions for filing the document electronically.

Please note, if you are submitting comments electronically as a PDF (Adobe) file, we ask that the documents submitted be scanned using Optical Character Recognition (OCR) process, thus allowing the agency to search and copy certain portions of your submissions.

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT.** In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES.** When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512.)

Will the Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES.** To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider it in developing a final rule (assuming that one is issued), we will consider that comment as an informal suggestion for future rulemaking action.

How Can I Read the Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given above under **ADDRESSES.** The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

1. Go to the Docket Management System (DMS) Web page of the Department of Transportation (*http://dms.dot.gov/*).

2. On that page, click on "search.''

3. On the next page (*http://dms.dot.gov/search/*), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were "NHTSA–1998–1234,'' you would type "1234.'' After typing the docket number, click on "search.''

4. On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may download the comments. Although the comments are imaged documents, instead of word processing documents, the "PDF'' versions of the documents are word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber products, Tires.

In consideration of the foregoing, NHTSA proposes to amend part 571 as follows:

PART 571—[AMENDED]

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 21411, 21415, 21417, and 21466; delegation of authority at 49 CFR 1.50.

2. Section 571.224 would be amended by:

a. Revising paragraph S3;

b. Revising the definition for "Special purpose vehicle'' and adding a new definition for "tuckunder liftgate'' in paragraph S4; and

c. Revising the first sentence of paragraph S5.1.3.

The additions and revisions read as follows:

§ 571.224 Standard No. 224; Rear impact protection.

* * * * *

S3. *Application.* This standard applies to trailers and semitrailers with a GVWR of 4,536 kg or more. The standard does not apply to pole trailers, pulpwood trailers, low chassis vehicles, special purpose vehicles, wheels back vehicles, vehicles equipped with tuckunder liftgates, or temporary living quarters as defined in 49 CFR 523.2.

* * * * *

S4. *Special purpose vehicle* means a trailer or semitrailer having work-performing equipment that, while the vehicle is in transit, resides in or moves through any portion of the cubic area extending: (1) Vertically from the ground to a horizontal plane 660 mm above the ground; (2) laterally the full width of the trailer, determined by the trailer's side extremities as defined in S4 of this section; and (3) from the rear extremity of the trailer as defined in S4 of this section to a transverse vertical plane 305 mm forward of the rear extremity of the trailer.

Tuckunder liftgate means an item of work-performing equipment consisting of a loading platform that operates from its stowed position by swinging out to the rear of the vehicle where it may be hydraulically raised and lowered and, while the vehicle is in transit, resides completely between the unaltered vehicle's rear-most axle and rear extremity, as defined in S4 of this section, and beneath a horizontal plane 1,500 mm from the ground.

* * * * *

S5.1.3 *Guard rear surface.* The rearmost surface of the horizontal member of the guard shall be located as close as practical to a transverse vertical plane tangent to the rear extremity of the vehicle, but no more than 305 mm forward of that plane. * * *

* * * * *

Issued on: February 23, 2004.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 04–4276 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register

Vol. 69, No. 39

Friday, February 27, 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

Forest Service

Wasatch Plateau Sheep Grazing

AGENCY: Forest Service, Manti-La Sal National Forest, Sanpete, Carbon, Utah and Emery Counties, Utah.

ACTION: Revised Notice of Intent to proceed with an Environmental Impact Statement, Wasatch Plateau Sheep Grazing.

SUMMARY: On June 19, 2001 the Manti-La Sal National Forest published a Notice of Intent to prepare an Environmental Impact Statement in the **Federal Register** (Vol. 66, No. 118) for issuance of 42 Term Grazing Permits that would authorize grazing on 31 sheep allotments. Due to other priorities, the assessment has been delayed but the Forest is initiating action to proceed with the assessment at this time.

The project analysis area is located on top of the Wasatch Plateau approximately 9 miles east of Ephraim, Utah and approximately 16 miles west of Castle Dale, Utah, between the Price River drainage on the north and Mooseneah Peak on the south.

The need for this analysis is to meet direction specified by Section 504 of Pub. L. 104–19 (The Rescission Act of 1995) and bring grazing in compliance with Forest Plan direction, applicable laws, regulation and policy. The selected alternative, associated mitigations and management strategies will be implemented through the Term Grazing Permit and a specific allotment management plan.

The area being analyzed is National Forest System lands where grazing is authorized by permit. This involves approximately 171,000 acres of which 118,000 acres are suitable for sheep grazing. The permitted number of livestock is 33,382 head of sheep that generally graze from July 1 to September 30 for 30,587 animal unit months.

The proposed action is to continue livestock grazing with modification of the permitted number of sheep and inclusion of additional management requirements in Term Grazing Permits. (Final permitted number of sheep, by allotment, is displayed on Table A.)

TABLE A.—PART 1—WASATCH PLATEAU SHEEP GRAZING PROPOSED ACTION

Allotment	Permitted number of sheep	Permitted grazing season
Black Canyon	1,000	7/01–09/30
Clay Banks	1,155	7/01–09/30
Heliotrope	1,205	7/01–09/25
Indian Creek	1,000	7/01–09/30
Little Petes Hole	971	7/15–09/30
Joes Valley	1,276	6/13–09/30
Olsen Bench	1,130	6/21–09/30
Peavine	1,000	7/01–09/20
Potters Canyon	600	7/01–09/30
Reeder Ridge	1,100	6/26–09/30
Ridley Ridge	1,090	7/01–09/30
Wagon Road Ridge	993	7/11–09/30
Bob Wright	1,013	7/01–09/30
Booths Canyon	565	7/01–09/30
Crandall Canyon	658	7/06–09/25
Crandall Ridge	354	7/01–09/30
Eccles	750	7/16–09/25
Horse Creek	666	7/01–09/30
South Skyline	1,019	7/07–09/30
Spring Lake	1,080	7/08–09/30
Trough Springs Ridge	1,000	7/01–09/30
Candland	1,060	7/01–09/30
Monument Peak	361	7/01–09/30
Swens	559	7/01–09/30

TABLE A.—PART 2—WASATCH PLATEAU SHEEP GRAZING PROPOSED ACTION

Allotment	Permitted number of sheep	Permitted grazing season
Mountain Lion	1,000	6/14–09/30
Beaver Dams-Boulger	1,200	7/06–10/05
Birch Creek-Bear Canyon	1,100	6/06–09/30
Cottonwood-Gooseberry	900	7/06–09/30
Island Lake	954	7/05–09/25
Order Mountain	1,095	7/01–09/25
Willow Creek	1,000	7/01–09/25

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and EIS should be addressed to John Healy, Supervisory Range Management Specialist, Ferron/Price Ranger District, (435) 384–2372.

SUPPLEMENTARY INFORMATION: This EIS will tier to the final EIS for the Manti-La Sal National Forest Land and Resource Management Plan (Forest Plan). The Manti-La Sal Forest Plan provides the overall guidance (Goals, Objectives, Standards, and Management Area Direction) to achieve the desired future condition for the area being analyzed, and contains specific management area prescriptions for the entire Forest.

Initial scoping and issue development identified the following tentative issues: water quality, endangered and sensitive plant and animal species, cultural resources, social, economic, recreation, noxious weeds, riparian, and rangeland health.

The Forest Service has previously scoped this project on three separate occasions, April 1999, April 2000, and June 19, 2001 (Notice of Intent to prepare an Environmental Impact Statement in the **Federal Register** Vol. 66, No. 118). If you have already commented, your comments are part of the record and will be considered in determining issues, and alternatives.

Agency representatives and other interested people are invited to visit with Forest Service officials at any time during the EIS process. Two specific time periods are identified for the receipt of formal comments on the analysis. The two comment periods are, (1) during the scoping process, the next 30 days following publication of this Notice in the **Federal Register**, and (2) during the formal review period of the Draft EIS.

The Draft EIS is estimated to be filed with the Environmental Protection Agency (EPA) and available for public review on September 30, 2004. At that time, the EPA will publish an availability notice of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of Draft EIS's structure their

participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and intentions.

Vermont Yankee Nuclear Power Corp. v. *NRDC, 435* U.S. 519,553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F. 2d 1016, 1022 (9th Circuit, 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 we 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, comment on the Draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters 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 statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act, 40 CFR 1503.3 in addressing these points.)

The Final EIS is expected to be released December 10, 2004.

The Sanpete and Ferron/Price District Rangers, Manti-La Sal National Forest, are the responsible officials for the EIS. They will make a decision regarding this proposal, after considering the comments, responses, and environmental consequences discussed in the Final Environmental Impact Statement, and applicable laws, regulations, and policies. The reasons for the decision will be documented in a Record of Decision.

Dated: January 21, 2004.

Alice B. Carlton,

Forest Supervisor.

[FR Doc. 04–4344 Filed 2–26–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Mississippi Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Meeting notice for the Southwest Mississippi Resource Advisory Committee under Section 205 of the Secure Rural Schools and Community Self Determination Act of 2000 (PL 106–393).

SUMMARY: This notice is published in accordance with section 10(a)(2) of the Federal Advisory Committee Act. Meeting notice is hereby given for the Southwest Mississippi Resource Advisory Committee pursuant to Section 205 of the Secure Rural Schools and Community Self Determination Act of 2000, Pub. L. 106–393. Topics to be discussed include: general information, possible Title II projects, and next meeting dates and agendas.

DATES: The meeting will be held on March 11, 2004, from 6 p.m. and end at approximately 9 p.m.

ADDRESSES: The meeting will be held at the Franklin County Public Library, 381 First Street, Meadville, Mississippi.

FOR FURTHER INFORMATION CONTACT: Mary Bell Lunsford, Public Affairs Officer, USDA, Homochitto National Forest, 1200 Hwy. 184 East, Meadville, MS 39653 (601–384–2814) (601–660–6322).

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff, Committee members and elected officials. However, persons who wish to bring matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. A public input session will be provided and individuals who made written requests by March 5, 2004, will have the opportunity to address the committee at that session. Individuals wishing to speak or propose agenda items must send their names and proposals to Gary Taylor, Acting District Ranger, DFO, 1200 Hwy. 184 East, Meadville, MS 39653.

Dated: February 19, 2004.

Gary Taylor,

Designated Federal Officer.

[FR Doc. 04–4308 Filed 2–26–04; 8:45 am]

BILLING CODE 3410–52–M

DEPARTMENT OF AGRICULTURE

Forest Service

Yakutat Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Yakutat Resource Advisory Committee will meet in Yakutat, Alaska. The purpose of the meeting is to continue business of the Yakutat Resource Advisory Committee. The committee was formed to carry out the requirements of the Secure Rural Schools and Self-Determination Act of 2000. The agenda for this meeting is to review submitted project proposals and consider recommending projects for funding. Project proposals are due by March 12, 2004 to be considered at this meeting.

DATES: The meeting will be held March 19, 2004 from 6–9 p.m. and will continue on March 20, 2004 from 9–12 a.m., if necessary.

ADDRESSES: The meeting will be held at the Kwaan Conference Room, 712 Ocean Cape Drive, Yakutat, Alaska. Send written comments to Tricia O'Connor, c/o Forest Service, USDA, P.O. Box 327, Yakutat, AK 99689, (907) 784–3359 or electronically to *poconnor@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Tricia O'Connor, District Ranger and Designated Federal Official, Yakutat Ranger District, (907) 784–3359.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Council discussion is limited to Forest Service staff and Council members. However, persons who wish to bring resource projects or other Resource Advisory Committee matters to the attention of the Council may file written statements with the Council staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by March 12, 2004 will have the opportunity to address the Council at those sessions.

Dated: February 17, 2004.

Patricia M. O'Connor,

District Ranger, Yakutat Ranger District, Tongass National Forest.

[FR Doc. 04–4315 Filed 2–26–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Notice of Meeting

AGENCY: USDA Forest Service.

ACTION: Notice of Modoc County RAC meetings.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393), the Modoc National Forest's Modoc County Resource Advisory Committee will meet Monday March 1, 2004, from 6 to 8 p.m. in Alturas, California. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: Agenda topics for the meeting include approval of the February 2, 2004, minutes. The meeting will be held at Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas, California on Monday, March 1, 2004, from 6 to 8 p.m. Time will be set aside for public comments at the beginning of the meeting.

FOR FURTHER INFORMATION CONTACT: Contact Forest Supervisor Stan Sylva, at (530) 223–8700; or Public Affairs Officer Nancy Gardner at (530) 233–8713.

Elizabeth Cavasso,

Acting Forest Supervisor.

[FR Doc. 04–4345 Filed 2–26–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Shasta County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Shasta County Resource Advisory Committee (RAC) will meet at the USDA Service Center in Redding California, April 14, 2004, and April 28, 2004. The purpose of these meetings is to discuss proposed projects under Title II of the Secure Rural Schools and Community Self-Determination Act of 2000.

DATES: April 14, 2004, and April 28, 2004.

ADDRESSES: The meetings will be held at the USDA Service Center, 3644 Avtech Parkway, Redding, California 96002.

FOR FURTHER INFORMATION CONTACT: Michael R. Odle, Asst. Public Affairs Officer and RAC Coordinator.

SUPPLEMENTARY INFORMATION: The meetings are open to the public. Public input sessions will be provided and individuals will have the opportunity to address the Shasta County Resource Advisory Committee.

Dated: February 19, 2004.

J. Sharon Heywood,

Forest Supervisor.

[FR Doc. 04–4346 Filed 2–26–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Tehama County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tehama County Resource Advisory Committee (RAC) will meet in Red Bluff, California. Agenda items to be covered include: (1) Introductions, (2) approval of minutes, (3) public comment, (4) Chairman report, (5) reports from Committees, (6) presentation of projects, (7) general discussion, (8) next agenda.

DATES: The meeting will be held on March 11, 2004, from 9 a.m. and end at approximately 12 p.m.

ADDRESSES: The meeting will be held at the Lincoln Street School, Conference Room A, 1135 Lincoln Street, Red Bluff, CA. Individuals wishing to speak or propose agenda items must send their names and proposals to Jim Giachino, DFO, 825 N. Humboldt Ave., Willows, CA 95988.

FOR FURTHER INFORMATION CONTACT: Bobbin Gaddini, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, P.O. Box 164, Elk Creek, CA 95939. (530) 968–5329; e-mail *ggaddini@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by March 9, 2004, will have the opportunity to address the committee at those sessions.

Dated: February 23, 2004.

James F. Giachino,

Designated Federal Official.

[FR Doc. 04–4335 Filed 2–26–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Publication of the National Animal Agriculture Conservation Framework (NAACF)

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of publication.

SUMMARY: The Natural Resources Conservation Service is announcing the publication of the National Animal Agriculture Conservation Framework (NAACF). The NAACF presents a blueprint for assisting livestock and poultry producers with their voluntary, proactive efforts to foster environmentally sound and economically viable production.

Location of the Document: The document can be found on the NRCS Homepage at: *http://www.nrcs.usda.gov/programs/afo,* or can be obtained by hard copy from the contact address listed.

FOR FURTHER INFORMATION, CONTACT: Address all requests and comments to: Angel L. Figueroa, Natural Resources Specialist, Natural Resources Conservation Service, 5601 Sunnyside Avenue, Stop Code 5473, Beltsville, Maryland 20705; telephone: (301) 504–2225; fax: (301) 504–2264; e-mail: *angel.figueroa@usda.gov.*

SUPPLEMENTARY INFORMATION: Addressing the conservation needs of America's livestock and poultry producers is a public policy priority. The 2002 Farm Bill made clear that producers should receive assistance to improve their operations' environmental performance, address Federal, tribal, State, and local environmental regulatory requirements, and maintain economically viable operations.

In January 2003, the NRCS Chief called for NRCS State Conservationists to work with their State Technical Committees to develop State Frameworks, with the objective of meeting the conservation challenges facing animal agriculture over the next 10 to 15 years. These State frameworks provided the foundation for the development of the NAACF. The NAACF recognizes that meaningful action will take place on farms and ranches across the Nation, and that programmatic objectives and concrete goals appropriately be established at the local level in a manner consistent with the authorized and required purposes and objectives of the underlying programs. The NAACF also envisions that these locally established goals,

consistent with the underlying national guidance, will become NRCS objectives through established agency planning processes that build State and national priorities from local input.

The NAACF presents a blueprint for voluntary, proactive efforts to foster environmentally sound and economically viable livestock and poultry production. It envisions collaboration among Federal, tribal, State, and local governments, producers, the public, and the private sector to bring the initiative, resources, and commitment to support environmental stewardship in animal agriculture. Four objectives guide this blueprint:

- Helping producers to meet environmental regulatory requirements;
- Helping producers reduce the need for further regulation through flexible, results-based multi-natural resource solutions;
- Promoting innovation and market-based opportunities; and
- Sharing knowledge and increasing accountability.

NRCS is committed to working effectively with its current partners in the agricultural and environmental communities, and bringing new partners to the table, to develop and implement approaches to help the Nation's livestock and poultry producers achieve environmental and economic objectives. The NAACF is intended to be a representation of NRCS'' commitment to this critical conservation opportunity.

Signed in Washington, DC, on February 11, 2004.

Bruce I. Knight,

Chief, Natural Resources Conservation Service.

[FR Doc. 04–4323 Filed 2–26–04; 8:45 am]

BILLING CODE 3410–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletion

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletion from Procurement List.

SUMMARY: This action adds to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List a service previously furnished by such agencies.

EFFECTIVE DATE: March 28, 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:

Additions

On December 19, and December 29, 2003, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (68 FR 70760, and 74942) 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 services 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 services to the government.
2. 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 added to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

Product/NSN: Ranger Load Carrying System (RLCS).
8470–00–NSH–0018—Chest Harness Adapter (Individual Component).
8415–00–NSH–1129—Ranger Load Carrying System.
8415–00–NSH–1130—Individual RLCS Kit.
8415–00–NSH–1131—Rifle Squad RLCS Kit.
8415–00–NSH–1132—Weapons Squad RLCS Kit.
8415–00–NSH–1133—Sniper RLCS Kit.
8415–00–NSH–1134—Medic RLCS Kit.
8415–00–NSH–1135—Regimental Recon Detachment RLCS Kit.
8415–00–NSH–1136—Radio Pocket (Individual component).
8415–00–NSH–1137—War Belt Suspender (Individual component).
8415–00–NSH–1138—Horizontal Pouch Adapter (Individual component).
8415–00–NSH–1139—Squad Casualty Bag (Individual component).
8415–00–NSH–1140—RLCS Kit Bag (Individual component).
8415–00–NSH–1141—Sub Belt Holster Adapter (Individual component).
NPA: Chautauqua County Chapter, NYSARC, Jamestown, New York.
Contract Activity: U.S. Army Robert Morris Acquisition Center, Natick, Massachusetts.

Services

Service Type/Location: Administrative Service, National Park Service, 12795 W. Alameda Parkway, Lakewood, Colorado.
NPA: Bayaud Industries, Inc., Denver, Colorado.
Contract Activity: National Park Service, Lakewood, Colorado.
Service Type/Location: Custodial Services, VA Medical Center, 50 Irving Street, NW., Washington, DC.
NPA: Opportunities, Inc., Alexandria, Virginia.
Contract Activity: Department of Veterans Affairs, Washington, DC.

Deletion

On December 29, 2003, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (68 FR 74943) of proposed deletion to the Procurement List. After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer 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 may result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the 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 service deleted from the Procurement List.

End of Certification

Accordingly, the following service is deleted from the Procurement List:

Service

Service Type/Location: Document Processing, Defense Reutilization and Marketing Office, McClellan AFB, California.
NPA: PRIDE Industries, Roseville, California.
Contract Activity: Department of the Air Force, McClellan AFB, California.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 04–4366 Filed 2–26–04; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5 p.m. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

Docket Number: 04–001. *Applicant:* The New York Structural Biology Center, Inc., 89 Convent Avenue at 133rd Street, New York, NY 10027. *Instrument:* Electron Microscope, Model Tecnai G^2 F20 Twin Cryo. *Manufacturer:* FEI Company, the Netherlands.

Intended Use: The instrument is intended to be used in the following investigations:

1. Frozen-hydrated specimens and methods of cryotomography will be used to eliminate specimen preparation artifacts as a potential factor and to establish this methodology as an alternative to plastic sections.
2. The architecture of adherens junctions will be studied either in epidermis, in cultured keratinocytes, or in lens tissue.
3. Study the structure and function of the dense cytoplasmic plaque by isolating epidermis from transgenic mice with knockout of several key desmosomal components: plakoglobin, desmoplakin, desmocollin, and keratin 5.
4. Study the assembly of both adherens junctions and desmosomes in cultured keratinocytes using calcium to initiate junction assembly between confluent cell cultures.

Application accepted by Commissioner of Customs: January 16, 2004.

Docket Number: 04–002. *Applicant:* University of Colorado, Bolder, Department ECE, UCB 425, Colorado & Folsom, Boulder, CO 80309–0425. *Instrument:* Fiber Laser System, Model E15. *Manufacturer:* Koheras A/S, Denmark. Intended Use: The instrument is intended to be used to perform spatial-spectral holography experiments on inhomogeneously broadened Er^{3+}:YSO crystals for use in signal processing schemes. Application accepted by Commissioner of Customs: January 16, 2004.

Docket Number: 04–003. *Applicant:* Research Foundation of the City University of New York, 555 West 57th Street, New York, NY 10019. *Instrument:* Femtosecond Fiber Laser, Model Femtolite C–20–SP. Manufacturer: IMRA America, Inc., Japan. Intended Use: The instrument is intended to be used as a source to generate THz radiation on 100 fs scale to study biological materials, liquids, and gases. Torsional vibrational motions and relaxation times for biological materials, dielectric relaxation properties for liquid samples and coherent transients (photon echoes) properties attributed to simultaneous excitations for a manifold of rotational transitions of gas molecules will be investigated. THz time-domain spectroscopy and Thz time-resolved spectroscopy experiments will be conducted. Application accepted by Commissioner of Customs: January 20, 2004.

Docket Number: 04–004. *Applicant:* University of California, Santa Barbara, Engineering Materials Department, Engineering II, Room 1355, Santa Barbara, CA 93106–5050. *Instrument:* Electron Microscope, Model Tecnai G^2 F30 U–TWIN. *Manufacturer:* FEI Company, the Netherlands. *Intended Use:* The instrument is intended to be used for observations in engineering materials including:

1. Electronic Materials
   a. nitride semiconductors
   b. strain relaxation in misfitting semiconductor layers
2. Structural Materials
   a. thermal barrier coatings
   b. materials performance and reliability
   c. ceramic matrix composites
   d. functional thin films
3. Inorganic Materials
   a. nanoporous materials
   b. mixed metal oxides
   c. electronic inorganic and structural materials

Application accepted by Commissioner of Customs: February 4, 2004.

Docket Number: 04–005. *Applicant:* University of California, Santa Barbara, Engineering Materials Department, Engineering II, Room 1355, Santa Barbara, CA 93106–5050. *Instrument:* Electron Microscope, Model Tecnai G^2 Sphera. *Manufacturer:* FEI Company, the Netherlands. *Intended Use:* The instrument is intended to be used in observations of macromolecular and biomaterials including:

1. Block copolymers, blends and interfaces
2. Block copolypeptides
3. Bio-macromolecular complexes

Application accepted by Commissioner of Customs: February 4, 2004.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 04–4393 Filed 2–26–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Stanford University; Notice of Decision on Application for Duty-Free Entry of Electron Microscope

This is a decision pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

Docket Number: 03–055. *Applicant:* Stanford University, Stanford, CA 94305. *Instrument:* Electron Microscope, Model Tecnai G2 Polara. *Manufacturer:* FEI Company, the Netherlands. *Intended Use:* See notice at 69 FR 4114, January 28, 2004. *Order Date:* March 28, 2003.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as the instrument is intended to be used, was being manufactured in the United States at the time the instrument was ordered. *Reasons:* The foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for

research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of the instrument.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 04–4392 Filed 2–26–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021704C]

Gulf of Mexico Fishery Management Council; Public Meetings; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of correction to a public meeting notice.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held on March 8–12, 2004.

ADDRESSES: These meetings will be held at the Adam's Mark Hotel, 64 South Water Street, Mobile, Alabama; telephone: 251–438–4000.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION: The initial notice published on February 24, 2004 (69 FR 8385). Below are the corrected agenda items. All other previously published information remains the same.

Council

March 11, 2004

8:30 a.m.-Convene.

8:45 a.m.-9:30 a.m.-Receive a report on the NMFS Regional Bycatch Plan.

9:30 a.m.-12 noon-Receive public testimony on the Draft Reef Fish Amendment 22 (Red Snapper Rebuilding Plan); the final Environmental Impact Statement (EIS) for Essential Fish Habitat (EFH); and applications for exempted fishing permits (EFPs).

1:30 p.m.-4:30 p.m.-Receive the Reef Fish Management Committee report.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Dated: February 24, 2004.

Tracey Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E4–415 Filed 2–26 –04; 8:45 am]

BILLING CODE 3510–22–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the "Corporation'') has submitted a public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995, Pub. L. 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Mr. Nathan Dietz, at (202) 606–5000, extension 287, (*Ndietz@cns.gov*); (TTY/TDD) at (202) 606–5256 between the hours of 9 a.m. and 4 p.m. eastern standard time, Monday through Friday.

Comments may be submitted, identified by the title of the information collection activity, by any of the following two methods within 30 days from the date of publication in this **Federal Register:**

(1) By fax to: (202) 395–6974, Attention: Ms. Katherine Astrich, OMB Desk Officer for the Corporation for National and Community Service; and

(2) Electronically by e-mail to: *Katherine_T._Astrich@omb.eop.gov.*

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the Corporation's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and
- Propose 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, *e.g.*, permitting electronic submissions of responses.

The Corporation seeks to reinstate its previously used Accomplishments Survey to collect information about local project volunteer activities, inputs, and accomplishments. This study will be conducted under contract with Westat, Inc. (#CNCSHQC03003, Task Order #WES03T001). This information will be used by the Corporation to prepare its Annual Performance Reports, and to respond to ad hoc requests from Congress and other interested parties.

The revised Accomplishment Surveys for National Senior Service Corps Programs will be distributed to samples of volunteer stations for each program. Local grantees, or projects, place volunteers in local organizational settings where they are supervised by organizational staff. These volunteer station supervisors will complete the survey.

Comments

A 60-day public comment Notice was published in the **Federal Register** on November 4, 2003. This comment period ended on January 5, 2004 and resulted in two comments being received. Those comments are addressed below:

Two respondents submitted public comments in response to the announcement. The public comments and Corporation's responses are as follows:

Comment: Project directors (Senior Corps grantees) have been asked on previous data collections to follow up with nonrespondents. This is extra work.

Response: Project directors will not be asked to follow up with volunteer stations that are the survey respondents. The Corporation, working with its contractor, will be responsible for following up with volunteer stations that do not submit surveys.

Comment: Why is this data collection necessary? Any evaluation asked of the Directors should center on grantees' opinions of regulations, how the new requirements affect project performance, and other questions about the direction Senior Corps is taking.

Response: The products of the surveys will be updated National Accomplishment Reports for each of the three Senior Corps programs. The information contained in these reports cannot be compiled with any existing information collection systems.

With respect to regulations changes, Senior Corps project directors and other members of the public use the **Federal Register** public comment periods to provide feedback.

It is hoped that information from these surveys of volunteer stations will provide project directors with insight about the way they manage and place volunteers, and how Senior Corps grantees can strengthen relationships with volunteer stations.

Comment: This study will only collect data on outputs, which is less meaningful than data on outcomes. Outcomes measure the difference programs make in their community.

Response: Reports based on outputs are important enough to warrant reinstatement. Concrete accomplishment information, such as how many houses RSVP volunteers helped to construct; how many juvenile offenders Foster Grandparents helped to support in work release placements; or how many miles Senior Companions drove their frail senior clients serve as a solid foundation upon which to build longer term outcomes, which will be the second part of this survey process. Combining accomplishment information obtained through this survey process with other data collected in progress reports will allow the Corporation and its Senior Corps grantees to describe the programs from many perspectives at the national level.

Comment: The proposal is for the accomplishment surveys to be sent directly to stations. This is not appropriate given the lack of business relationship between the Corporation and Senior Corps stations, will result in a limited number of surveys being returned, and will result in incomplete data.

Response: The survey plan calls for Senior Corps project directors to receive information about volunteer stations in their networks selected to participate. As a next step, survey instruments will be sent to the Senior Corps grantees to deliver to the selected volunteer stations. In this way, the process is identical to what is described in the comment. The survey plan calls for Senior Corps project directors to receive information about volunteer stations in their networks selected to participate. As a next step, survey instruments will be sent to the Senior Corps grantees to deliver to the selected volunteer stations.

Comment: The last accomplishment survey was over 20 pages. Stations are already overwhelmed by paperwork from many, many sources. This will also decrease the number of surveys returned.

Response: The revised survey instrument is considerably shorter for RSVP than it was for the last version of the Accomplishment Surveys. In addition, the survey design allows for volunteer stations affiliated with RSVP and Foster Grandparent projects to only receive and complete the section(s) of the survey applicable to the Senior Corps volunteer serving there.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Agency: Corporation for National and Community Service.

Title: Accomplishments Surveys of National Senior Service Corps Programs.

OMB Number: Previously assigned 3045–0049.

Agency Number: None.

Affected Public: Foster Grandparent, Senior Companion, and Retired and Senior Volunteer programs, and staff of agencies and organizations serving as volunteer stations for volunteers from those programs.

Type of Respondents: Volunteer coordinators in volunteer stations.

Total Respondents: 2,500.

Frequency: March and April, 2004.

Estimated Total Burden Hours: 1,875 hours total for all respondents/sites. There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

Dated: February 22, 2004.

David A. Reingold,

Director, Office of Research and Policy Development.

[FR Doc. 04–4377 Filed 2–26–04; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Non-Exclusive, Exclusive License or Partially Exclusive Licensing of U.S. Patent Concerning Camouflage Pattern for Sheet Material

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR part 404.6, announcement is made of the availability for licensing of U.S. Patent No. US D486,650 S "Camouflage Pattern for Sheet Material'' issued February 17, 2004. This patent has been assigned to the United States government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Rosenkrans at U.S. Army Soldier Systems Center, Kansas Street, Natick, MA 01760, phone; (508) 233–4928 or e-mail: *Robert.Rosenkrans@natick.army.mil.*

SUPPLEMENTARY INFORMATION: Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 04–4381 Filed 2–26–04; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Provisional Patent Application Concerning 2-Guanidinylimidazolinedione Compounds and Methods of Making and Using Thereof

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Provisional Patent Application No. 60/523,670 entitled "2-Guanidinylimidazolinedione Compounds and Methods of Making and Using Thereof,'' filed November 21, 2003. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The present invention relates to 2-guanidinylimidazolinedione

compounds, methods of making and purifying 2-guanidinylimidazolinedione compounds, and methods of using the 2-guanidinylimidazolinedione compounds to prevent, treat, or inhibit malaria in a subject.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 04–4380 Filed 2–26–04; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement/ Environmental Impact Report for the Santa Ana River Interceptor Protection/ Relocation Project, Reach 9, Orange County, Riverside County and San Bernardino County, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The project area, Reach 9 of the Santa Ana River, includes the approximate 12 kilometer (7.4 mile) section of the River immediately downstream of Prado Dam ending at Weir Canyon Road in the City of Anaheim. The portion of the Santa Ana River Interceptor (SARI) sewage line that extends through this area is in potential jeopardy due to planned increases in flows from the Prado Dam. This segment will either need to be relocated out of the floodplain, or protected in place. Four general alternatives are being considered: (1) Relocate the pipeline to the North; (2) Relocate the pipeline to the South; (3) Protect the pipeline in place; or (4) No action. A combination of alternatives may also be considered.

ADDRESSES: Commander, U.S. Army Corps of Engineers, Los Angeles District, Ecosystem Planning Section, CESPL–PD–RN, P.O. Box 532711, Los Angeles, CA 90053–2325.

DATES: A public scoping meeting is scheduled for March 10, 2004 at 7 p.m. at the Yorba Linda Community Center, 4501 Casa Loma Ave., Yorba Linda, CA 92886.

FOR FURTHER INFORMATION CONTACT: John J. Killeen, Environmental Studies Manager, (213) 452–3861.

SUPPLEMENTARY INFORMATION:

1. *Authorization.* The study of potential flood control measures for the Santa Ana River Interceptor Relocation/ Protection Project is a part of the Santa Ana River Mainstream Project which was initially authorized by Pub. L. 738, 74th Congress, June 22, 1936. Authorization of the recommended plan for the Santa Ana River Mainstream Project was the Water Resources Development Act of 1986.

2. *Background.* The Santa Ana River flows for more than 60 miles through San Bernardino and Riverside Counties which are undergoing extreme urbanization and continues into already heavily urbanized Orange County. The Prado Dam which was designed to protect Orange County does not currently provide sufficient flood protection because of the continual development in the upstream watershed, reduction of the basin storage capacity due to sediment deposition, and other factors. Ongoing improvements and modifications by the U.S. Army Corps of Engineers (Corps) to Prado Dam will result in a potential three-fold increase in outflow. The SARI project was constructed as a joint effort of the Orange County Sanitation District and the Santa Ana Watershed Project Authority (SAWPA) in 1973. The Reach 9 segment of the SARI Line (the subject portion of the Santa Ana River), originally deeply buried, is now threatened with structural damage because of exposure of the pipe caused by erosion. The ongoing erosion will be greatly exacerbated by the Prado Dam improvement Project. If the pipe is damaged, the untreated wastewater would be introduced into the Santa Ana River and ultimately onto the beaches and into the coastal waters. Downstream Treatment Plants No. 1 and No. 2 could possibly be damaged by sand and debris that would likely be introduced into the broken pipe.

3. *Proposed Action.* Protect in place or relocate the SARI line outside of the floodplain prior to completion of the Corps' Santa Ana River (Prado Dam) flood control project to prevent damages that would likely occur as a result of scouring by the water releases from Prado Dam.

4. *Alternatives.*

a. Alternative 1, No Action/No Project: without the project, the SARI Line (the subject portion in Reach 9 of the Santa Ana River), originally deeply buried, will be threatened with structural damage because of exposure of the pipe caused by erosion.

b. Alternative 2, Protect in Place: Keep the existing SARI Line in use. Protect the existing line by the addition of grade stabilizers to control bed erosion and additional improvements to protect existing manholes. Project will include additional features as required to mitigate habitat and other environmental impacts. Maintenance would be via access roads in the flood plain which were constructed in 2001. The access roads will also need occasional maintenance.

c. Alternative 3, Relocation North of the River: Replace the existing SARI Line between Weir Canyon Road and the Orange/Riverside County Lines with a pipeline on the north side of the River outside of the floodplain. Maintenance of the new portion of the SARI Line will be by way of the bike path beside La Palma Avenue and Yorba Linda and new Anaheim streets. The segment of pipeline within Riverside County would be protected in place.

d. *Alternative 4, Relocation to Edge of South Floodplain-One Yorba Linda Crossing:* Replace the existing SARI Line between the control gate structure east of the SAVI Ranch Development and the Riverside County Line with a new pipeline on the south side of the River. Build a new system to connect Yorba Linda flows to the SARI Line via a pipeline in the bike path beside La Palma Avenue and a siphon under the River near SAVI Ranch to the new SARI Line near the existing control gate structure. Maintenance of the relocated portion of the SARI Line will be by way of the bike path beside Highway 91 and Anaheim Streets. The segment of pipeline within Riverside County would be protected in place.

5. *Scoping Process.*

a. Potential impacts associated with the proposed action will be evaluated. Resource categories that will be analyzed are: land use, physical environment, geology, biological resources, agricultural resources, air quality, ground water, recreational usage, aesthetics, cultural resources, transportation/communications, hazardous waste, socioeconomics and safety.

b. Participation of affected Federal, State and local resource agencies, native American groups and concerned interest groups/individuals is encouraged in the scoping process. Time and location of the Public Scoping meeting will also be announced by means of a letter, public announcements and news releases. Public participation will be especially important in defining the scope of analysis in the Environmental Impact Statement/Environment Impact Report (EIS/EIR), identifying significant environmental issues and impact analysis in the EIS/EIR and providing useful information such as published and unpublished data, personal knowledge of relevant issues and recommending mitigative measures associated with the proposed action. Those interested in providing information or data relevant to the

environmental or social impacts that should be included or considered in the environmental analysis can furnish this information by writing to the points of contact indicated above or by attending the public scoping meeting. A mailing list will also be established so pertinent data may be distributed to interested parties.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 04–4382 Filed 2–26–04; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The 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 24, 2004. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before April 27, 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 this 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 23, 2004.

Angela C Arrington,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Innovation and Improvement

Type of Review: New.

Title: DC School Choice Incentive Program.

Abstract: This Program provides low-income parents that reside in DC with expanded options for acquiring a high quality education for their children. To be eligible for scholarships, participating students are DC residents and their household income does not exceed 185% of the poverty line.

Additional Information: This request for an emergency clearance is to collect preliminary and time critical information from parents who may be interested in participating in the vitally important new initiative, the DC School Choice Incentive Program. This Program will give low-income parents in the District of Columbia more options for the education of their children and will provide the Nation with a unique opportunity to test and evaluate the impact of enhanced education choices. The statute calls for the Secretary of Education to carry out the Program in cooperation with the Mayor of the District of Columbia. The President and Secretary of Education have identified this initiative as a top education priority. Both kicked off the Program at an event at Archbishop Carroll High School on Friday, February 13 when they described the potential positive impact of increasing parental choices for improved educational opportunities for their children.

Because of program was just enacted month, the Department of Education is conducting an expedited application process to award a grant by the end of March to an organization that will actually administer the scholarship program; however, the collection of certain eligibility and preference information (*see* attachment 1) now is critical to supporting the future grantee's work. The DC Mayor's Office will provide for the collection of this information and will make it available to the grantee as soon as the award is made. The grantee must confirm the eligibility of students, establish and conduct a lottery, and select and award the scholarships by June. All these are complex and time-consuming activities that will be greatly facilitated if we can collect the proposed information prior to the grant award. Because of the urgency of distributing this form and collecting information from interested participants, we are requesting OMB approval by February 24, 2004.

Frequency: Annually.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 3,000.

Burden Hours: 450.

Request 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 2466. 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 in 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 Kathy Axt at her e-mail address: *Kathy.Axt@ed.gov.* 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. 04–4316 Filed 2–26–04; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 29, 2004.

ADDRESSES: Written comments 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 Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. 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, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. 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. OMB invites public comment.

Dated: February 23, 2004.

Angela C. Arrington,

Leader Regulatory Information Management Group, Office of the Chief Information Officer.

Institute of Education Sciences

Type of Review: Extension.

Title: What Works Clearinghouse Database Forms and Customer Survey.

Frequency: Semi-Annually.

Affected Public: Individuals or household; Businesses or other for-profit; Not-for-profit institutions; Federal Government; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 37,285.

Burden Hours: 607,564.

Abstract: The What Works Clearinghouse (WWC) public submission databases will allow members of the public to submit nominations for studies, interventions, and topics that they would like the WWC to review. The evaluation database will enable the WWC to provide the public with a directory of available outcome evaluations. Data from the customer survey will be used to create indicators of how successfully the WWC is meeting the needs of various groups of its users.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections'' link and by clicking on link number 2330. 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 should be directed to Kathy Axt at *Kathy.Axt@ed.gov.* 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. 04–4317 Filed 2–26–04; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 29, 2004.

ADDRESSES: Written comments 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 Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. 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, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. 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. OMB invites public comment.

Dated: February 23, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Institute of Education Sciences

Type of Review: Extension.

Title: What Works Clearinghouse Database Forms and Customer Survey.

Frequency: Semi-Annually.

Affected Public: Individuals or household; Businesses or other for-profit; Not-for-profit institutions; Federal Government; State, local, or tribal gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 5,500. *Burden Hours:* 978.

Abstract: That What Works Clearinghouse (WWC) public submission databases will allow members of the public to submit nominations for studies, interventions, and topics that they would like the WWC to review. The evaluation database will enable the WWC to provide the public with a directory of available outcome evaluations. Data from the customer survey will be used to create indicators of how successfully the WWC is meeting the needs of various groups of its users.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections'' link and by clicking on link number 2330. 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 should be directed to Kathy Axt at *Kathy.Axt@ed.gov.* 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. 04–4318 Filed 2–26–04; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

RIN 1820 ZA33

National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed priority.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes funding a priority under the Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers (RERC) program for up to three RERCs under the National Institute on Disability and Rehabilitation Research (NIDRR) for fiscal year (FY) 2004 and later years. We take this action to focus research attention on areas of national need. We intend this priority to improve the rehabilitation services and outcomes for individuals with disabilities.

DATES: We must receive your comments on or before March 29, 2004.

ADDRESSES: Address all comments about this proposed priority to Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 3412, Switzer Building, Washington, DC 20202–2645. If you prefer to send your comments through the Internet, use the following address: *donna.nangle@ed.gov.*

FOR FURTHER INFORMATION CONTACT: Donna Nangle. Telephone: (202) 205–5880.

If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205–4475 or via Internet: *donna.nangle@ed.gov.*

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION:

Invitation to Comment

We invite you to submit comments regarding this proposed priority. To ensure that your comments have maximum effect in developing the notice of final priority, we urge you to identify clearly the specific proposed topic that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this priority in Room 3412, Switzer Building, 330 C Street SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this proposed priority. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing or funding additional priorities, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this proposed priority, we invite applications through a notice published in the **Federal Register**. When inviting applications we designate each priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by either (1) awarding additional points, depending on how well or the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive priority over an application of comparable merit that does not meet the competitive priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Note: NIDRR supports the goals of President Bush's New Freedom Initiative (NFI). The NFI can be accessed on the Internet at the following site: *http://www.whitehouse.gov/news/freedominitiative/freedominitiative.html.*

The proposed priority is in concert with NIDRR's Long-Range Plan (Plan). The Plan is comprehensive and

integrates many issues relating to disability and rehabilitation research topics. While applicants will find many sections throughout the Plan that support potential research to be conducted under this proposed priority, a specific reference is included for each topic presented in this notice. The Plan can be accessed on the Internet at the following site: *http://www.ed.gov/rschstat/research/pubs/index.html.*

Through the implementation of the NFI and the Plan, NIDRR seeks to: (1) Improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of expertise, information, and training to facilitate the advancement of knowledge and understanding of the unique needs of traditionally underserved populations; (3) determine best strategies and programs to improve rehabilitation outcomes for underserved populations; (4) identify research gaps; (5) identify mechanisms of integrating research and practice; and (6) disseminate findings.

Rehabilitation Engineering Research Centers Program

Under the RERC program, we may make awards for up to 60 months through grants or cooperative agreements to public and private agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations, to conduct research, demonstration, and training activities regarding rehabilitation technology in order to enhance opportunities for meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives. Each RERC must be operated by or in collaboration with an institution of higher education or a nonprofit organization. Additional information on the RERC program can be found at: *http://www.ed.gov/rschstat/research/pubs/RERC.*

General Requirements of Rehabilitation Engineering Research Centers

RERCs shall carry out research or demonstration activities in support of the Rehabilitation Act of 1973, as amended, by:

- Developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to (1) solve rehabilitation problems and remove environmental barriers and (2) study and evaluate new or emerging technologies, products, or environments and their effectiveness and benefits;
- Demonstrating and disseminating (1) innovative models for the delivery of cost-effective rehabilitation technology services to rural and urban areas and (2) other scientific research to assist in meeting the employment and independent living needs of individuals with severe disabilities;
- Facilitating service delivery systems change through (1) the development, evaluation, and dissemination of consumer-responsive and individual and family-centered innovative models for the delivery to both rural and urban areas of innovative cost-effective rehabilitation technology services and (2) other scientific research to assist in meeting the employment and independence needs of individuals with severe disabilities; and
- Each RERC must provide training opportunities, in conjunction with institutions of higher education and nonprofit organizations, to assist individuals, including individuals with disabilities, to become rehabilitation technology researchers and practitioners.

The Department is particularly interested in ensuring that the expenditure of public funds is justified by the execution of intended activities and the advancement of knowledge and, thus, has built this accountability into the selection criteria. During the funding cycle of any RERC, NIDRR will conduct one or more reviews of the activities and achievements of the RERC. In accordance with the provisions of 34 CFR 75.253(a), continued funding depends at all times on satisfactory performance and accomplishment.

Priority

Background

Technology plays a vital role in the lives of millions of disabled and older Americans. Advances in assistive technology and adoption of principles of universal design have significantly improved the quality of life for these individuals. Individuals with significant disabilities regularly use products developed as the result of rehabilitation and biomedical research to achieve and maintain maximum physical function, to live independently, to study and learn, and to attain gainful employment. The range of engineering research has broadened to encompass not only assistive technology but also technology at the systems level (*i.e.*, the built environment, information and communication technologies, transportation, etc.) and technology that interfaces between the individual and systems technology and is basic to community integration.

The NIDRR RERC program has been a major force in the development of technology to enhance independent function for individuals with disabilities. The RERCs are recognized as national centers of excellence in their respective areas and collectively represent the largest federally supported program responsible for advancing rehabilitation engineering research. For example, the RERC program was an early pioneer in the development of augmentative communication and has been at the forefront of prosthetics and orthotics research for both children and adults. RERCs have played a major role in the development of voluntary standards that industry uses when developing wheelchairs, wheelchair restraint systems, information technologies, and the World Wide Web. The RERC on Low Vision and Blindness helped develop talking sign technologies that are currently being utilized in major cities in both the United States and Japan to help blind and visually impaired individuals navigate city streets and subways. RERCs have been a driving force in the development of universal design principles that can be applied to the built environment, information technology and telecommunications, transportation, and consumer products. RERC research activities also contributed to the clinical use of electromyography, gait analysis, and functional electrical stimulation.

Advancements in basic biomedical science and technology have resulted in new opportunities to enhance further the lives of people with disabilities. Recent advances in biomaterials research, composite technologies, information and telecommunication technologies, nanotechnologies, micro electro mechanical systems (MEMS), sensor technologies, and the neurosciences provide a wealth of opportunities for individuals with disabilities and should be incorporated into research focused on disability and rehabilitation.

NIDRR intends to fund up to three new RERCs in FY 2004. Applicants must select one of the following priority topic areas: (a) Universal Design and the Built Environment; (b) Telecommunications Access; (c) Telerehabilitation; and (d) Cognitive Technologies. Applicants are allowed to submit more than one proposal as long as each proposal addresses only one RERC topic area.

Proposed Priority

The Assistant Secretary for Special Education and Rehabilitative Services proposes to fund up to three RERCs that

will focus on innovative technological solutions, new knowledge, and concepts to promote the health, safety, independence, active engagement in daily activities, and quality of life of persons with disabilities. Under each of the priority topics the RERC must:

(1) Contribute substantially to the technical and scientific knowledge-base relevant to its respective subject area;

(2) Research, develop, and evaluate innovative technologies, products, environments, performance guidelines, and monitoring and assessment tools as applicable to its respective subject area;

(3) Identify, implement, and evaluate, in collaboration with the relevant industry, professional associations, and institutions of higher education, innovative approaches to expand research capacity in its respective field of study;

(4) Monitor trends and evolving product concepts that represent and signify future directions for technologies in its respective area of research; and

(5) Provide technical assistance to public and private organizations responsible for developing policies, guidelines, and standards that affect its respective area of research.

In addition, the following requirements apply to each RERC topic area:

- Each RERC must have the capability to design, build, and test prototype devices and assist in the transfer of successful solutions to relevant production and service delivery settings. Each RERC must evaluate the efficacy and safety of its new products, instrumentation, or assistive devices.
- Each RERC must develop and implement in the first three months of the grant a plan that describes how the center will include, as appropriate, individuals with disabilities or their representatives in all phases of center activities including research, development, training, dissemination, and evaluation;
- Each RERC must develop and implement in the first year of the grant, in consultation with the NIDRR-funded National Center for the Dissemination of Disability Research (NCDDR), a plan to disseminate the RERC's research results to persons with disabilities, their representatives, disability organizations, service providers, professional journals, manufacturers, and other interested parties.
- Each RERC must develop and implement in the first year of the grant, in consultation with the NIDRR-funded RERC on Technology Transfer, a plan for ensuring that all new and improved technologies developed by this RERC are successfully transferred to the marketplace.
- Each RERC must conduct a state-of-the-science conference on its respective area of research in the third year of the grant and publish a comprehensive report on the final outcomes of the conference in the fourth year of the grant.
- Each RERC must coordinate with research projects of mutual interest with relevant NIDRR-funded projects as identified through consultation with the NIDRR project officer.

Each RERC must focus on one of the following priority topic areas:

(a) *Universal Design and the Built Environment:* This RERC must research, develop and evaluate strategies and devices that will advance the field of universal design and assist designers, builders and manufacturers with incorporating universal design in their products and buildings. This RERC also must research, develop and evaluate methods and strategies that improve upon and expand current anthropometric data collection practices and databases, both static and dynamic (functional), pertaining to persons with disabilities. The reference for this topic can be found in the Plan, chapter 5, Technology for Access and Function: Systems Technology: Universal Design and Accessibility

(b) *Telecommunications Access:* This RERC must research and develop technological solutions to promote universal access to telecommunications systems and products including strategies for integrating current accessibility features into newer generations of telecommunications systems and products. This RERC also will be expected to provide technical assistance to public and private organizations, persons with disabilities, and employers on policies, guidelines, and standards that affect the accessibility of telecommunications technology products and systems as well as persons with disabilities and employers. The reference for this topic can be found in the Plan, chapter 5, Technology for Access and Function: Research to Improve Accessibility of Telecommunications and Information Technology.

(c) *Telerehabilitation:* This RERC must research and develop methods, systems, and technologies that support remote delivery of rehabilitation and home health care services for individuals who have limited local access to comprehensive medical and rehabilitation outpatient services. The reference for this topic can be found in the Plan, chapter 5, Technology for Access and Function: Research to Improve Accessibility of Telecommunications and Information Technology.

(d) *Cognitive Technologies:* This RERC must research, develop, and evaluate innovative technologies and approaches that will improve the ability of individuals with significant cognitive disabilities to function independently within their communities and workplace. The reference for this topic can be found in the Plan, chapter 5, Technology for Access and Function: Research on Technology to Enhance Cognitive Function.

Executive Order 12866

This notice of proposed priority has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of proposed priority are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of proposed priority, we have determined that the benefits of the proposed priority justify the costs.

Summary of potential costs and benefits: The potential costs associated with this proposed priority are minimal while the benefits are significant. Grantees may anticipate costs associated with completing the application process in terms of staff time, copying, and mailing or delivery. The use of e-Application technology reduces mailing and copying costs significantly.

The benefits of the RERC Program have been well established over the years. Similar projects have generated new knowledge and technologies.

The benefit of this proposed priority will be the establishment of new RERCs, which can be expected to develop technological solutions that will improve the lives of persons with disabilities and to contribute substantially to the technical and scientific knowledge-base in the proposed topic areas.

Applicable Program Regulations: 34 CFR part 350.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO access at: *http://www.gpoaccess.gov/nara/index.html.*

(Catalog of Federal Domestic Assistance Number: 84.133E, Rehabilitation Engineering Research Centers Program)

Program Authority: 29 U.S.C. 762(g) and 764(b)(3).

Dated: February 24, 2004.

Troy R. Justesen,

Acting Deputy Assistant, Secretary for Special Education and Rehabilitative Services.

[FR Doc. 04–4402 Filed 2–26–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE) is amending the Department of Energy Acquisition Regulation (DEAR) to provide a standardized authorization and associated contract clause for use by DOE contractors when performing work for non-DOE entities. These requirements include a paperwork burden in the form of a summary listing of project information for each active Work for Others project, identifying (i) Sponsoring agency; (ii) Total estimated costs; (iii) Project title and description; (iv) Project point of contact; and, (v) Estimated start and completion dates. The requirements and procedures previously delineated in DOE Directives have been extensively reviewed and revised to ensure every effort to decrease overly prescriptive guidance previously contained in the DOE Order. Revised contractor program requirements previously found in DOE Order 481.1B are being relocated to the DEAR. The objective of this effort is to ensure that authorization to perform non-DOE funded work is performed in a consistent and uniform manner, while ensuring that the DOE's program continues to be compliant with applicable laws regulations and statutes. No change in the Department's Work for Others policy is being made.

DATES: Comments regarding the information collection package must be received on or before April 27, 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, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to Richard Langston, Procurement Policy Analyst, Office of Procurement and Assistance Policy, Office of Procurement and Assistance Management, ME–61/Germantown Bldg, 1000 Independence Ave, SW., Washington, DC 20585–1290, or by fax 202–586–0545, or e-mail, *richard.langston@hq.doe.gov*

Comments should also be addressed to Susan L. Frey, Director, Records Management Division, IM–11/Germantown Bldg., Office of Business and Information Management, Office of the Chief Information Officer, U.S. Department of Energy, 1000 Independence Ave, SW., Washington, DC 20585–1290.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Richard Langston, Procurement Policy Analyst, Office of Procurement and Assistance Policy, Office of Procurement and Assistance Management, ME–61/Germantown Bldg, 1000 Independence Ave, SW., Washington, DC 20585–1290.

SUPPLEMENTARY INFORMATION: This package contains: (1) OMB Control No. NEW; (2) Package Title: Work for Others by DOE Management and Operating Contractors; (3) Type of Respondents: DOE Management and Operating Contractors; (4) Estimated Number of responses: 20; (5) Estimated Total Burden Hours: 100; (6) Purpose: This information is required by the Department to ensure that programmatic and administrative management requirements and resources are managed efficiently and effectively. The package contains 1 information and/or recordkeeping requirement, that is, the provision proposed to be placed at 48 CFR 970.5217–1, Work for Others.

Statutory Authority: Sec. 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

Issued in Washington, DC, on February 23, 2004.

Susan L. Frey,

Director, Records Management Division, Office of Business and Information Management, Office of the Chief Information Officer.

[FR Doc. 04–4357 Filed 2–26–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

State Energy Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770), requires that public notice of these meetings be announced in the **Federal Register**.

DATES: March 11, 2004, from 8:30 a.m. to 5 p.m., and March 12, 2004, from 8:30 a.m. to 4 p.m.

ADDRESSES: Grand Hyatt Washington, 1000 H Street, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: William J. Raup, Office of Weatherization and Intergovernmental Program, Energy Efficiency and Renewable Energy (EERE), U.S. Department of Energy, Washington, DC 20585, telephone 202/586–2214.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Briefings on, and discussions of:

- EERE programmatic update,
- Orientation for new members,
- Technology deployment.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William J. Raup at the address or telephone number listed above. Requests to make oral presentations must be received five days prior to the meeting; reasonable provision will be made to include the statements in the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved.

Minutes: The minutes of the meeting will be available for public review and

copying within 30 days at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on February 24, 2004.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 04–4362 Filed 2–26–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Draft Site-Wide Environmental Impact Statement for Continued Operation of Lawrence Livermore National Laboratory and Supplemental Stockpile Stewardship and Management Programmatic Environmental Impact Statement

AGENCY: Department of Energy (DOE), National Nuclear Security Administration (NNSA).

ACTION: Notice of availability and public hearings.

SUMMARY: NNSA announces the availability of the Draft Site-wide Environmental Impact Statement for Continued Operation of Lawrence Livermore National Laboratory and Supplemental Stockpile Stewardship and Management Programmatic Environmental Impact Statement (DOE/EIS–0348 and DOE/EIS–0236–S3) (LLNL SW/SPEIS). The Draft LLNL SW/SPEIS was prepared in accordance with the Council on Environmental Quality's National Environmental Policy Act (NEPA) Implementing Regulations (40 CFR parts 1500–1508) and the DOE NEPA Implementing Procedures (10 CFR part 1021). The Draft LLNL SW/SPEIS analyzes the potential environmental impacts associated with continuing current Lawrence Livermore National Laboratory (LLNL) operations and foreseeable new and/or modified operations and facilities. The Draft LLNL SW/SPEIS analyzes a Proposed Action and two alternatives; the No Action Alternative and a Reduced Operation Alternative. The No Action Alternative would continue operation of current LLNL programs in support of currently assigned missions. The Proposed Action includes operations discussed under the No Action Alternative plus new and/or expanded LLNL operations in support of reasonably foreseeable future mission requirements. The Reduced Operation Alternative includes an overall reduction of LLNL activities below the No Action Alternative level. This Notice of Availability also sets forth the dates, times, and locations for public hearings on the Draft LLNL SW/SPEIS.

DATES: NNSA invites Federal agencies, State and local governments, Native American tribes, and the public to comment on the Draft LLNL SW/SPEIS. The comment period extends from the publication of this Notice of Availability through May 27, 2004. Written comments must be submitted by May 27, 2004. Comments submitted after this date will be considered to the extent practicable. The NNSA will consider the comments in the preparation of the Final LLNL SW/SPEIS. Public hearings to present information and receive comments on the Draft LLNL SW/SPEIS will be held at three locations. This information will also be published in local California newspapers in advance of the hearings. Any necessary changes will be announced in the local media and on the web site noted in the **ADDRESSES** section of this notice. Oral and written comments will be accepted at the public hearings.

The locations, dates, and times for these public hearings are as follows:

Tuesday, April 27, 2004 at 1 p.m. and 6 p.m., Livermore Double Tree Club Hotel, 720 Las Flores Road, Livermore, CA, (925) 443–4950;

Wednesday, April 28, 2004 at 1 p.m. and 6:30 p.m., Tracy Holiday Inn Express, 3751 N. Tracy Boulevard, Tracy, CA, (209) 830–8500;

Friday, April 30, 2004 at 10 a.m., U.S. Department of Energy, 1000 Independence Ave, SW., Room 1E–245, Washington, DC (202) 586–3012.

The following Web site may be accessed for additional information: *http://www-envirinfo.llnl.gov/.* For information or instructions on how to record comments call 1–877–388–4930.

ADDRESSES: Send written comments on the Draft LLNL SW/SPEIS or requests for copies of the Draft LLNL SW/SPEIS to: Mr. Thomas Grim, Document Manager, National Nuclear Security Administration, Livermore Site Office, L–293, 7000 East Avenue, Livermore, CA 94550–9234. Phone (925) 422–0704 or toll free 1–877–388–4930. Comments can be mailed to Mr. Grim at the address above, faxed to (925) 422–1776, or e-mailed to *tom.grim@oak.doe.gov.* Please mark correspondence "Draft LLNL SW/SPEIS Comments''. The Draft LLNL SW/SPEIS will be available on the LLNL Environmental Community Relations Web site at *http://www-envirinfo.llnl.gov/.*

A copy of the Draft LLNL SW/SPEIS will be available at several locations: The Livermore Public Library, 1000 South Livermore Avenue, Livermore California. The Tracy Public Library, 20 East Eaton Avenue, Tracy, CA. The LLNL Public Reading Room, LLNL Visitors Center, Building 6525, located at the East Gate Entrance off Greenville Road, Livermore, California (925) 424–4026. The NNSA Energy Information Center, eighth floor, north tower, Oakland Federal Building, 1301 Clay Street, Oakland, CA 94612 (510) 637–1762. The DOE Freedom of Information Act Office and Reading Room, Room 1E–190, 1000 Independence Ave, SW., Washington, DC 20585 (202) 586–3142.

FOR FURTHER INFORMATION CONTACT: For general information on the NNSA NEPA process, please contact: Ms. Janet Neville, NEPA Compliance Officer, U.S. Department of Energy, NNSA Service Center, 1301 Clay Street, 700N, Oakland, CA 94612–5208, (510) 637–1813 or Mr. James J. Mangeno, NNSA NEPA Compliance Officer, U.S. Department of Energy/NNSA, 1000 Independence Avenue, SW., Washington, DC 20585; 1–202–586–8395. For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–4600, or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION: The primary purpose and need for continued operation of LLNL is to provide support for the NNSA stockpile stewardship missions. LLNL is also needed to support other DOE programs and Federal agencies such as the Department of Defense, Nuclear Regulatory Commission, Environmental Protection Agency, and the Department of Homeland Security. The Draft LLNL SW/SPEIS analyzes the environmental impacts of these operations.

LLNL was founded in September 1952 as a second nuclear weapons design laboratory to support design of our Nation's nuclear stockpile. LLNL consists of two sites: The Livermore Site located in Livermore, California in Alameda County, and Site 300 a high-explosives test site, located near Tracy, California, in San Joaquin and Alameda counties. The Livermore Site is the primary LLNL site and is located approximately 40 miles east of San Francisco in the Livermore Valley on the east side of the city of Livermore. Site 300 is located 12 miles southeast of

the city of Livermore between Livermore and Tracy, California.

The alternatives evaluated in the Draft LLNL SW/SPEIS represent a range of operation from the minimum level that maintains core capabilities (Reduced Operation Alternative) to the highest reasonable activity levels that could be supported by current facilities, plus the potential expansion and construction of new facilities for specifically identified future actions (Proposed Action). The No Action Alternative would continue operation of current LLNL programs in support of assigned missions and includes approved interim actions and facility construction, expansion or modification, and decontamination and decommissioning for which NEPA analysis and documentation already exists. All alternatives assume LLNL will continue to operate as an NNSA national laboratory. However, the Reduced Operation Alternative includes an overall reduction of LLNL activities to a level that would prevent LLNL from accomplishing the full scope of the currently assigned NNSA Stockpile Stewardship Program missions. The Proposed Action includes operations discussed under the No Action Alternative plus new and/or expanded LLNL operations in support of future mission requirements.

Use of Proposed Materials on the National Ignition Facility

Paragraph 6 of the Memorandum Opinion and Order issued by the U.S. District Court for the District of Columbia on August 19, 1998 in *NRDC* v. *Pena,* Civ. No. 97–936 (SS) (D.D.C.), provides that:

> No later than January 1, 2004, DOE shall (1) determine whether any or all experiments using plutonium, other fissile materials, fissionable materials other than depleted uranium (as discussed in the Supplement Analysis for the Use of Hazardous Materials in NIF experiments, A.R. doc. VII.A–12), lithium hydride, or a Neutron Multiplying Assembly (NEUMA), such as that described in the document entitled Nuclear Weapons Effects Test Facilitization of the National Ignition Facility (A.R. doc. VII.A–4) shall be conducted in the NIF, or (2) prepare a Supplemental SSM PEIS, in accordance with DOE NEPA regulation 10 CFR § 1021.314, analyzing the reasonably foreseeable environmental impact of such experiments.

In November 2002, the NNSA proposed experiments on the National Ignition Facility (NIF) using plutonium, other fissile materials, fissionable materials, and lithium hydride. The Draft LLNL SW/SPEIS analyzes the reasonably foreseeable environmental impacts of these experiments. There is no NNSA proposal to use a NEUMA. In the Record of Decision, NNSA will address decisions on the use of any or all of these proposed materials in NIF experiments within the context of continuing LLNL operations.

After the end of the public comment period which ends on May 27, 2004, the NNSA will consider and respond to the comments received, revise the Draft LLNL SW/SPEIS as appropriate, and issue the Final LLNL SW/SPIES. The NNSA will consider the analysis in the Final LLNL SW/SPEIS, along with other information, in making a decision on the operation of the LLNL.

Issued in Washington, DC, this 30th day of January 2004.

Linton F. Brooks,

Administrator, National Nuclear Security Administration.

[FR Doc. 04–4358 Filed 2–26–04; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7627–5]

National Drinking Water Advisory Council; Request for Water Security Working Group Nominations

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is announcing the formation of the Water Security Working Group (WSWG) of the National Drinking Water Advisory Council, and soliciting all interested persons to nominate qualified individuals to serve a one-year term. Any interested person or organization may nominate qualified individuals for membership on the working group.

Background: Homeland Security Presidential Directive 7 designates EPA as the sector-specific agency for the security of the nation's drinking water and wastewater sectors. In order to assist the water sector in becoming more secure against malevolent threats, the Agency is facilitating the development of voluntary best security practices and policies for drinking water and wastewater facilities. The National Drinking Water Advisory Council (NDWAC), established under the Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.*), provides practical and independent advice, consultation and recommendations to the Agency on the activities, functions and policies related to the implementation of the Safe Drinking Water Act. On February 10, 2004, NDWAC voted on and approved the formation of the Water Security Working Group. After this working group completes their charge, they will make recommendations to the full NDWAC. The full NDWAC will in turn, make appropriate recommendations to the EPA. For a general description of the working group charge, the criteria for selecting working group members, and the specific directions for submitting working group member nominations, please see the **SUPPLEMENTARY INFORMATION** section.

DATES: Submit nominations via U.S. mail on or before March 29, 2004.

ADDRESSES: Address all nominations to Marc Santora, Designated Federal Officer, National Drinking Water Advisory Council Water Security Working Group, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water, Water Security Division (Mail Code 4601–M), 1200 Pennsylvania Avenue, NW., Washington, DC, 20460.

FOR FURTHER INFORMATION CONTACT: E-mail your questions to Marc Santora, Designated Federal Officer, *santora.marc@epa.gov,* or call 202–564–1597.

SUPPLEMENTARY INFORMATION:

Working Group Charge: The charge for the Water Security Working Group (WSWG) is to provide recommendations to the full NDWAC that: (1) Identify, compile, and characterize best security practices and policies for drinking water and wastewater utilities and provide an approach for considering and adopting these practices and policies at a utility level; (2) consider mechanisms to provide recognition and incentives that facilitate a broad and receptive response among the water sector to implement these best security practices and policies, and make recommendations as appropriate; (3) consider mechanisms to measure the extent of implementation of these best security practices and policies, identify the impediments of their implementation, and make recommendations as appropriate.

Selection Criteria: The criteria for selecting WSWG members are as follows: the WSWG members are recognized experts in their fields; the WSWG members are as impartial and objective as possible; the WSWG members collectively represent an array of backgrounds and perspectives within the water sector and related disciplines (*e.g.* public health, emergency response); and the WSWG members are available to fully participate in the working group. The schedule remains flexible, however, it is estimated that WSWG's meetings will be convened by spring of 2004 and will be conducted

over a relatively short time frame, approximately one (1) year. Over the course of this period, WSWG members will be asked to attend a series of meetings, a maximum of five (5), participate in conference calls and video conferencing as necessary, participate in the discussion of key issues at all meetings, and review and finalize the products and outputs of the working group. The EPA is looking to create a diverse WSWG. Potential WSWG nominations could include individuals from the wastewater and drinking water industries, stakeholder organizations, state and local officials, public health officials, environmental organizations, emergency first responders, and security experts. The Agency is looking for a range of industry representation in terms of the size of the population served, as well as investor and publicly owned and operated facilities. This is not an exhaustive list; it is only intended to provide a framework to consider potential nominees.

Nomination of a Member: Any interested person or organization may nominate qualified individuals for membership to the working group. Name, occupation, position, address, and telephone number should identify all nominees. To be considered, all nominations must include a current resume providing the nominee's background, experience and qualifications, in addition to a statement (not to exceed two 2 paragraphs) about their particular expertise and interest in water security. Please note that the Agency will not formally acknowledge or respond to nominations.

Dated: February 24, 2004.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 04–4387 Filed 2–26–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6648–8]

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–COE–E39063–NC Rating EC2, Bogus Inlet Channel Erosion Response Project, Relocation of the Main Ebb Channel to Eliminate the Erosive Impact to the Town of Emerald Isle, Carteret and Onslow Counties, NC.

Summary: EPA expressed environmental concerns about the proposal to establish a given channel alignment and beach profile in a dynamic nearshore ecosystem.

ERP No. D–FHW–E40801–NC Rating EC2, US 74 Improvements Corridor, between U.S. 601, north of Monroe in Union County and I–485 (Charlotte Outer Loop), Funding and U.S. Army COE Section 404 Permit Issuance, Mecklenburg and Union Counties, NC.

Summary: EPA has environmental concerns with the proposed project regarding stream and water quality impacts, noise receptor impacts, upland forest communities and terrestrial wildlife, endangered species, agricultural land impacts and air quality. Additionally, EPA also has concerns about indirect and cumulative impacts from induced development effecting natural resources.

ERP No. D–FHW–F40419–MN Rating EC2, MN–371 North Improvement Project, Reconstruction from the Intersection of Crow Wing County Road 18 in Nisswa to the Intersection of Cass County Road 42 in Pine River, Funding, NPDES Permit and U.S. Army COE Section 404 Permit Issuance, Crow Wing and Cass Counties, MN.

Summary: EPA has environmental concerns with the proposed project regarding wetland mitigation, wetland impacts, noise monitoring, water quality, and cumulative and indirect impacts.

ERP No. D–FHW–L40220–OR Rating EC2, Pioneer Mountain to Eddyville Project on U.S. 20, Corvallis-Newport Highway Improvements, Funding, Right-of-Way Grant and U.S. Army COE Section 404 Permit Issuance, Lincoln County, OR.

Summary: EPA has environmental concerns with the proposed project regarding the range of alternatives evaluated in the EIS, potential impacts to headwater streams and terrestrial wildlife, and the design of the conceptual mitigation plan. EPA recommends that additional information related to these topics be included in the final EIS, along with information related to wildlife crossings, the disposition of the present highway, and cuts and fills.

ERP No. DB–COE–E34030–FL Rating LO, Central and Southern Florida Project, Indian River Lagoon—South Feasibility Study, to Address the Requirement of section 601 of the Water Resources Development Act 2000 and Three Additional Alternatives, Martin, St. Lucie and Okeechobee Counties, FL.

Summary: EPA continues to fully support the project goals and recommended that water quality elements be maximized in these restoration efforts.

Final EISs

ERP No. F–AFS–J65386–MT, Programmatic EIS—Winter Motorized Recreation Amendment 24, Proposal to Change the Flathead National Land and Resource Management Plan, Flathead National Forest, Flathead, Lake and Lincoln Counties, MT.

Summary: EPA continues to express environmental concerns that the preferred alternative potentially decreases protections to grizzly bear security compared with other alternatives meeting the purpose and need. EPA suggested mitigation for potential impacts to air quality and human health in areas of concentrated use.

ERP No. F–BLM–G70005–NM, Sierra and Otero Counties Resource Management Plan Amendment and Federal Fluid Minerals Leasing and Development, Implementation, Sierra and Otero Counties, NM.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–COE–E30042–FL, Broward County Shore Protection Project, Fill Placement in Segment II (Hillsboro Inlet to Port Everglades) and Segment III (Port Everglades to the south County Line), Broward County, FL.

Summary: While EPA has no objections to the beach nourishment proposal, EPA did suggest further turbidity control measures in areas adjacent to hardbottom resources and recommended that the Record of Decision outline the consequences when all practicable sources of sand have been expended.

ERP No. F–COE–K32012–CA, San Diego Harbor Deepening (Central Navigation Channel) Involving Three Components: Federal Central Navigation Channel Deepening, Disposal of the Dredged Material at the LA–5 Ocean Disposal Site and Relocation and Disposal and Abandonment of a 69 kV Electrical Site, San Diego County.

Summary: While EPA found that the final EIS adequately addressed many of the issues raised in EPA's comment

letter on the draft EIS, including the beneficial reuse of dredged material, EPA continued to express concerns that the final EIS did not demonstrate independence of the proposed action and the planned Terminal Deepening Project; provide specific Best Management Practices to protect water quality; or provide further information on air pollution due to the increased number of large vessels using the Port.

ERP No. F–FHW–F40407–IN, I–69 Evansville to Indianapolis Corridor Study, I–69 Completion in Southwestern Indiana and Corridor Selection, IN.

Summary: EPA continues to have environmental concerns with the proposed project regarding future project compliance with CWA section 404 and potential impacts in karst areas. EPA recommends that the Tier 1 ROD commit to all proposed mitigation measures and advises that Tier 2 EISs contain adequate indirect and cumulative impacts analyses.

ERP No. F–NPS–F65038–OH, Cuyahoga Valley National Park Rural Landscape Management Program, Rural Landscape Resources Preservation and Protection, Cuyahoga River, Cuyahoga and Summit Counties, OH.

Summary: The final EIS addressed EPA's previous comments, therefore EPA has no objection to the action as proposed.

ERP No. F–NPS–G65085–AR, Arkansas Post National Memorial General Management Plan, Implementation, Osotouy Unit, Arkansas and Mississippi Rivers, Arkansas County, AR.

Summary: No formal comment letter was sent to the preparing agency.

Dated: February 24, 2004.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 04–4389 Filed 2–26–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6648–7]

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 23, 2004 Through February 27, 2004

Pursuant to 40 CFR 1506.9.

EIS No. 040072, Final EIS, AFS, WY, Blackhall-McAnulty Analysis Area, Proposal to Reduce the Spread of Dwarf Mistletoe and Mountain Pine Beetle in Lodgepole Pine Stands, Brush Creek/ Hayden Ranger District, Medicine Bow-Routt National Forests and Thunder Basin National Grassland, Carbon County, WY, Wait Period Ends: March 29, 2004, Contact: Terry Delay (307) 326–2518. This document is available on the Internet at: *http://www.fs.fed.us/r2/mbr.*

EIS No. 040073, Draft EIS, AFS, UT, Trout Slope West Timber Project, Harvesting Timber, Ashley National Forest, Vernal Ranger District, Uintah County, UT, Comment Period Ends: April 12, 2004, Contact: Jeff Underhill (435) 781–5174. This document is available on the Internet at: *http://www.fs.fed.us/r4/ashley.*

EIS No. 040074, Final EIS, HUD, WA, Tacoma Housing Authority (THA) Hope VI Salishan Redevelopment Project, Revitalize the Community Neighborhood, Funding, NHPA Section 106, NPDES Permit, City of Tacoma, WA, Wait Period Ends: March 29, 2004, Contact: Karie Hayashi (253) 591–5387. This document is available on the Internet at: *http//govme.cityoftacoma.org/govme/panelBeta/ PermitInfo/LandUse/landUse.aspx.*

EIS No. 040075, Final EIS, AFS, CA, Silver Pearl Land Exchange Project, Proposal to Exchange 2,153 Acres of National Forest System (NFS) Land for up to 3,963 Acres of Sierra Pacific Industries (SPI) Land within the boundary of Eldorado National Forest, Eldorado and Placer Counties, CA, Wait Period Ends: March 29, 2004, Contact: Elaine K. Gee (530) 333–4312.

EIS No. 040076, Draft EIS, FHW, KY, IN, Interstate 69 National Corridor, Connecting Henderson, Kentucky to Evansville, Indiana, NPDES, and U.S. Army COE Section 10 and 404 Permits, Transportation Equity Act for the 21st, KY and IN, Comment Period Ends: April 19, 2004, Contact: Anthony DeSimone (317) 226–5307. This document is available on the Internet at: *http://www.i69in-ky.com.*

EIS No. 040077, Final EIS, AFS, AZ, Rodeo-Chediski Fire Salvage Project, Timber Harvest of Merchantable Dead Trees as Sawtimber and Products other than Lumber (POL), Implementation, Apache-Sitgreaves and Tonto National Forest, Apache, Coconino and Navajo Counties, AZ, Wait Period Ends: March 29, 2004, Contact: Jimmy E. Hibbetts (928) 333–6284.

EIS No. 040078, Draft EIS, AFS, ID, WA, Chips Ahoy Project, Proposes Vegetation, Wildlife Habitat, Recreation and Aquatic Improvement Treatments, Idaho Panhandle National Forests, Priest Lake Ranger District, Bonner County, ID and Pend Orielle County, WA, Comment Period Ends: April 12, 2004, Contact: David DelSordo (208) 443–6809. This document is available on the Internet at: *http://www.fs.fed.us/ipnf/eco/manage/nepa/index.htm1.*

EIS No. 040079, Final EIS, TVA, TN, KY, MS, VA, AL, GA, NC, Programmatic EIS—Tennessee Valley Authority Reservoir Operations Study, Implementation, TN, AL, KY, GA, MS, NC and VA, Wait Period Ends: April 12, 2004, Contact: Linda Shipp (865) 632–3440.

EIS No. 040080, Draft EIS, FHW, AR, Conway Western Arterial Loop, Construct from South and West sides of Conway, Faulkner County, AR, Comment Period Ends: April 12, 2004, Contact: Randal J. Looney (501) 324–6430.

EIS No. 040081, Draft EIS, NOA, WA, CA, OR, Programmatic EIS—Pacific Coast Groundfish Bycatch Management, To Establish the Policies and Program Direction to Minimize Bycatch in the West Coast Groundfish Fisheries, Magnuson-Stevens Act, WA, OR and CA, Comment Period Ends: April 27, 2004, Contact: D. Robert Lohn (206) 526–6150. This document is available on the Internet at: *http://www.nwr.noaa.gov/1sustfsh/groundfish/eis_efh/pseis/.*

EIS No. 040082, Draft EIS, AFS, ND, Equity Oil Company Federal 32–4 and 23–21 Oil and Gas Wells Surface Use Plan of Operation (SUP0), Implementation, Located in the Bell Lake Inventoried Roadless Area (IRA), Dakota Prairie Grasslands, Medora Ranger District, Golden Valley County, ND, Comment Period Ends: April 12, 2004, Contact: Jeff Adams (701) 225–5151.

EIS No. 040083, Final EIS, FHW, NC, Western Wake Freeway, Transportation Improvements from NC–55 at NC–1172 (Old Smithfield Road) to NC–55 near NC–1630 (Alston Avenue), Funding and COE 404 Permit, Wake County, NC, Wait Period Ends: March 29, 2004, Contact: John F. Sullivan (919) 856–4346.

EIS No. 040084, Draft EIS, AFS, MT, West Troy Project, Proposes Timber Harvesting, Natural Fuels Reduction Treatments, Pre-Commercial Thinning, and Watershed Rehabilitation (Decommission) Work, Kootenai National Forest, Three River

Ranger District, Lincoln County, MT, Comment Period Ends: April 12, 2004, Contact: Michael L. Balboni (406) 295–7410.

EIS No. 040085, Final EIS, FRC, CO, KS, CO, KS Cheyenne Plains Pipeline Project, Natural Gas Transmission Pipeline, Construction and Operation, NPDES Permit and U.S. Army COE Section 404 Permit Issuance, several counties, CO and several counties, KS, Wait Period Ends: March 29, 2004, Contact: Thomas Russo (866) 208–3372.

EIS No. 040086, Draft EIS, DOE, CA, Site-wide Continued Operation of Lawrence Livermore National Laboratory (LLNL) and Stockpile Stewardship and Management, Implementation, Alameda and San Joaquin Counties, CA, Comment Period Ends: May 27, 2004, Contact: Thomas Grim (925) 422–0704.

EIS No. 040087, Draft Supplement, DOE, TN, GA, TX, SC, MO, Programmatic EIS—Site-wide Continued Operation of Lawrence Livermore National Laboratory (LLNL) and Supplemental Stockpile Stewardship and Management Plan for use of Proposed Materials at the National Ignition Facility (NIF), Implementation, Alamenda and San Joaquin Counties, CA, Comment Period Ends: May 27, 2004, Contact: Thomas Grim (925) 422–0704.

Amended Notices

EIS No. 000213, Draft EIS, IBR, AZ, Central Arizona Project (CAP), Allocation of Water Supply and Long-Term Contract Execution, Maricopa, Pinal and Pima Counties, AZ, Comment Period Ends: April 26, 2004, Contact: Sandra Eto (602) 216–3857. Published FR–06–30–00—Review Period Reopened, From 08–25–2000 to 04–26–2004. Draft EIS is Recirculated. This document is available on the Internet at: *http://www.usbr.gov/lc/phoenix/.*

Dated: February 24, 2004.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 04–4388 Filed 2–26–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2004–0053; FRL–7346–7]

Propiconazole; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of a pesticide petition proposing the establishment of regulations to extend the tolerances for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket ID number OPP–2004–0053, must be received on or before March 29, 2004.

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: Mary L. Waller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9354; e-mail address: *waller.mary@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. 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–2004–0053. 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/*.

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. 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–2004–0053. 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–2004–0053. 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–2004–0053.

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–2004–0053. 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. Make sure to submit your comments by the deadline in this notice.
7. 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. What Action is the Agency Taking?

EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that the petitions contain data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petitions. Additional data may be needed before EPA rules on the petitions.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 20, 2004.

Kathy S. Monk,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petitions

The petitioner summary of the pesticide petitions is printed below as required by FFDCA section 408(d)(3). The summary of the petitions was prepared by the petitioner and represents the view of the petitioner. The petitions summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Syngenta Crop Protection, Inc.

PP 8F3654 and PP 8F3674

EPA has received pesticide petitions (PP 8F3654 and PP 8F3674) from Syngenta Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419–8300 proposing, pursuant to section 408(d) of FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR 180.434 by extending the time-limited tolerances for residues of propiconazole (1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole) in or on corn, field, forage at 12 parts per million (ppm); corn, field, grain at 0.1 ppm; corn, field, stover at 12 ppm; corn, sweet, kernel plus cob with husks removed at 0.1 ppm; pineapple at 0.1 ppm; pineapple, fodder at 0.1 ppm (8F3674); peanuts at 0.2 ppm; and peanuts, hay at 20 ppm (8F3654).

A. Residue Chemistry

1. *Plant metabolism.* The metabolism of propiconazole as well as the nature of the residues is adequately understood for purposes of the tolerances. Plant metabolism has been evaluated in five diverse crops, wheat, grapes, celery, peanuts and carrots which should serve to define the similar metabolism of propiconazole in a wide range of crops. The plant metabolism pathway for propiconazole is well understood. Parent metabolite CGA–64250 is the major compound found in crops. Comparison of the metabolism of propiconazole in different plant species shows that the differences between the respective metabolic pathways to be quantitative in nature.

2. *Analytical method.* The metabolism data in plants and animals suggest that analytical methods to detect either the phenyl or the triazole ring would be appropriate for the measurement of residues. However, because of the natural occurrence of compounds that interfere with the measurement of triazoles, methods designed to detect this moiety have been proven unreliable and unacceptable. Conversely, conversion of phenyl moiety to 2,4-dichlorobenzoic acid (DCBA) has proven to be satisfactory for all agricultural products analyzed to date. Analytical method AG–454A was developed for the determination of residues of propiconazole and its metabolites containing the DCBA moiety. This method has been accepted and published by EPA as the tolerance enforcement method for crops. The limit of quantitation (LOQ) for the method is 0.05 ppm.

3. *Magnitude of residues.* Field residue trials have been conducted at various rates, timing intervals, and applications methods to represent the use patterns which would most likely result in the highest residues. For all samples, the total residue method was used for determination of the combined residues of parent and its metabolites which contain the DCBA moiety.

B. Toxicological Profile

1. *Acute toxicity.* Propiconazole exhibits low toxicity. Data indicated the following: A rat acute oral lethal dose $(LD)_{50}$ of 1,517 milligrams/kilogram (mg/kg); a rabbit acute dermal LD_{50} >6,000 mg/kg; a rat inhalation lethal concentration $(LC)_{50}$ >5.8 mg/liter air; minimal skin and slight eye irritation; and nonsensitization.

2. *Genotoxicty.* Propiconazole exhibits no mutagenic potential based on the following data: *In vitro* gene mutation test (Ames assay, rat hepatocyte DNA repair test, (human fibroblast DNA repair test); *in vitro* chromosome test, (human lymphocyte cytogenetic test); *in vivo* mutagenicity test, (Chinese hamster bone marrow cell nucleus anomaly test, Chinese hamster bone marrow cell micronucleus test, mouse dominant lethal test); and other mutagenicity test (BALB/3T3 cell transformation assay).

3. *Reproductive and developmental toxicity.* In an oral teratology study in the rabbit, a maternal no observed adverse effect level (NOAEL) of 30 mg/kg was based on reduced food intake but without any fetotoxicity even at the top dose of 180 mg/kg. In an oral teratology study in the rabbit, a maternal NOAEL of 100 mg/kg was based on reductions in body weight gain and food consumption and a fetal NOAEL of 250 mg/kg was based on increased skeletal variations at 400 mg/kg. In an oral teratology study in the rat, a maternal and fetal NOAEL of 100 mg/kg was based on decreased survival, body weight gain, and food consumption in the dams and delayed ossification in the fetuses at 300 mg/kg. In a second teratology study in the rat, a maternal and fetal NOAEL of 30 mg/kg was based on reductions in body weight gain and food consumption in the dams and delayed development in the fetuses at 90 and 360/300 mg/kg. A supplemental teratology study in the rat involving eight times as many animals per group as usually required showed no teratogenic potential for the compound. A 2–generation reproduction study in the rat showed excessive toxicity at 5,000 ppm without any teratogenic effects. A 2–generation reproduction study in the rat showed no effects on reproductive or fetal parameters at any dose level. Postnatal growth and survival were affected at the top dose of 2,500 ppm, and parental toxicity was also evident. The NOAEL for development toxicity is 500 ppm.

4. *Subchronic toxicity.* In a 21–day dermal study in the rabbit, a NOAEL of 200 mg/kg was based on clinical signs of systemic toxicity. In a 28–day oral toxicity study in the rat, a NOAEL of 50 mg/kg was based on increased liver weight. In a subchronic feeding study in the mouse, a NOAEL of 20 ppm (3 mg/kg) was based on liver pathologic changes. In a 13–week feeding study in the male mouse, a NOAEL of 20 ppm (3 mg/kg) was based on liver pathologic changes. In a 90–day feeding study in rats, the NOAEL was 240 ppm (24 mg/kg) based on a reduction in body weight gain. In a 90–day feeding study in dogs,

the NOAEL was 250 ppm (6.25 mg/kg) based on reduced food intake and stomach histologic changes.

5. *Chronic feeding toxicity and carcinogenicity*. In a 12–month feeding study in the dog, a NOAEL of 50 ppm (1.25 mg/kg) was based on stomach histologic changes. In a 24–month oncogenicity feeding study in the mouse, the NOAEL was 100 ppm (15 mg/kg). The maximum tolerated dose (MTD) was exceeded at 2,500 ppm in males based on decreased survival and body weight. Increased incidence of liver tumor was seen in these males but no evidence of carcinogenicity was seen at the next lower dose of 500 ppm in either sex. In a 24–month chronic feeding/oncogenicity study in the rat, a NOAEL of 100 ppm (5 mg/kg) was based on body weight and blood chemistry. The MTD was 2,500 ppm based on reduction in body weight gain and no evidence of oncogenicity was seen. Based on the available chronic toxicity data, Syngenta believes the reference dose (RfD) for propiconazole is 0.0125 mg/kg/day. This RfD is based on a 1 year feeding study in dogs with a NOAEL of 1.25 mg/kg/day (50 ppm) and an uncertainly factor of 100. No additional modifying factor for the nature of effects was judged to be necessary as stomach mucous hyperemia was the most sensitive indicator of toxicity in that study.

Using the "Guidelines for Carcinogenic Risk Assessment'' published on September 24, 1986 (51 FR 33992), EPA has classified propiconazole in Group C for carcinogenicity (evidence of possible carcinogenicity for humans). The compound was tested in 24–month studies with both rats and mice. The only evidence of carcinogenicity was an increase in liver tumor incidence in male mice at a dose level that exceeded the MTD. Dosage levels in the rat study were appropriate for identifying a cancer risk. The Cancer Peer Review Committee recommended the RfD approach for quantitation of human risk. Therefore, the RfD is deemed protective of all chronic human health effects, including cancer.

6. *Animal metabolism*. Metabolism in animals is similar to plant metabolism. In animals both the rat and the goat rapidly metabolize and excrete propiconazole. Neither animal retains significant amounts of propiconazole or its metabolites in tissues. Significant quantities of parent or metabolites do not appear in goat's milk. Similar metabolites are produced by both species, and unconjugated (Phase I) metabolites are similar in plants and animals.

The metabolism profile supports the use of an analytical enforcement method that accounts for combined residues of propiconazole and its metabolites that contain the DCBA moiety.

7. *Metabolite toxicology*. There are no metabolites of concern based on a differential metabolism between plants and animals.

8. *Endocrine disruption*. Developmental toxicity studies in rats and rabbits and reproduction studies in rats gave no indication that propiconazole might have any effects on endocrine function related to development and reproduction. The subchronic and chronic studies also showed no evidence of a long-term effect related to the endocrine system. Further, due to the moderate rate of degradation of the product, there is no risk that propiconazole may accumulate in the environment. In animals, propiconazole is quickly excreted and has no tendency for accumulation in the body. Based on these results, it is very likely that propiconazole has no potential to interfere specifically with the endocrine system.

C. Aggregate Exposure

1. *Dietary exposure*. Tier III/IV acute and chronic dietary exposure evaluations were completed using the Dietary Exposure Evaluation Model (DEEM™), version 7.87 from Exponent. All consumption data for these assessments was taken from the U.S. Department of Agriculture's Continuing Survey of Food Intake by Individuals (CSFII) with the 1994-1996 consumption data base and the Supplemental CSFII Children's Survey (1998) consumption data base. These exposure assessments included all registered crop uses (almonds, apricots, bananas, barley, blueberries, celery, cherries, corn (field), corn (sweet), cranberries, dry beans and peas, filberts (hazelnuts), grasses grown for seed, nectarines, oats, peaches, peanuts, pecans, peppermint, pineapples, plums, prunes, raspberries, rice, rye, spearmint, sorghum, sugar cane, wheat and wild rice). Empirically derived processing studies for peanut oil (0.37X), sorghum aspirated grain fractions (5.21X), spearmint oil (0.66X), and sorghum flour (0.23X) were used in these assessments. All other processing factors used DEEM™ defaults. Secondary residues in animal commodities were estimated based on theoretical worst-case, yet nutritionally adequate animal diets and residue transfer factors calculated from feeding studies.

a. *Food*. For the purposes of assessing the potential dietary exposures under the current tolerances, Syngenta estimated aggregate exposures from all crops for which tolerances are established. These assessments utilized residue data from field trials where propiconazole was applied at the maximum intended use rate and samples were harvested at the minimum pre-harvest interval (PHI) to obtain maximum residues. In these Tier III/IV dietary exposure assessments, Syngenta Market Basket Survey residue data was used for the following commodities: Bananas, celery, sweet corn, cherries, peaches, peanut butter and wheat flour. Percent of crop treated (%CT) values were based on Doane's 2001 data base. Since percent crop treated is inherent in the market basket data, no percent crop treated correction was used for commodities analyzed in the Syngenta Market Basket Survey.

i. *Acute exposure*. An acute reference dose of 0.30 mg/kg bwt/day for the females 13–50 years subpopulation only was based on a NOAEL of 30 mg/kg bwt/day from a rat developmental toxicity study and an uncertainly factor of 100X. The 100–fold safety factor includes intraspecies and interspecies variations. No additional FQPA safety factor was applied. Acute exposure to the females 13–50 years subpopulation was expressed as a percent of the acute RfD. Acute dietary exposure to females 13–50 years old at the 99.9th percentile of exposures was negligible (0.3% of the acute RfD of 0.30 mg/kg body weight/day). Since EPA generally has no concern for exposures below 100% of the RfD, Syngenta believes that there is a reasonable certainty that no harm will result from dietary (food) exposure to residues arising from the current uses of propiconazole.

ii. *Chronic exposure*. The chronic reference dose (RfD) of propiconazole is 0.0125 mg/kg bwt/day and is based on a chronic dog feeding study with a NOAEL of 1.25 mg/kg bwt/day and an uncertainly factor of 100X. The 100–fold safety factor includes intraspecies and interspecies variations. No additional FQPA safety factor was applied. Exposures were expressed as a percent of the chronic RfD. Chronic exposure to the most exposed subpopulation (children 1 and 2 years old) was 0.5% of the chronic RfD of 0.0125 mg/kg bwt/day. Since EPA generally has no concern for exposures below 100% of the RfD, Syngenta believes that there is a reasonable certainty that no harm will result from dietary (food) exposure to residues arising from the current uses of propiconazole.

b. *Drinking water*. EPA uses the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to

estimate pesticide concentrations in surface water and Screening Concentration in Ground Water (SCI-GROW) to predict pesticide concentrations in ground water. None of these models include consideration of the impact processing of raw water (mixing, dilution, or treatment) for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a conservative approximation of the estimated environmental concentration (EEC) of specific pesticides in drinking water. The highest use rate for propiconazole is on turf; therefore, this use was evaluated to assess the potential environmental exposure to drinking water. For ground water (SCI-GROW) modeling, Syngenta has determined that EECs of propiconazole at the highest use rate (1.77 pound/active ingredient/acre x 4 applications, turf use) are 1.48 parts per billion (ppb) for both acute and chronic exposure. Using the same propiconazole use rate for surface water (PRZM/EXAMS) modeling, acute and chronic EECs were 4.69 ppb and 2.99 ppb, respectively. EECs of propiconazole are compared to the acute and chronic Drinking Water Levels of Comparison (DWLOC). Since the surface water EECs exceed the ground water EECs, the surface water values will be used for comparison purposes and will be considered protective for any ground water concentration concerns.

i. *Chronic risk*. DWLOCs were calculated based on a chronic Population Adjusted Dose (PAD) of 0.013 mg/kg/day. Chronic drinking water exposure represents 2.3% of the chronic PAD for a 10 kg child consuming 1 L water/day. The children 1 to 2 years subpopulation generated the lowest chronic DWLOC of 129 ppb. Since the chronic DWLOC of 129 ppb is considerably higher than the chronic EEC of 2.99 ppb, EPA should not have a concern for chronic risk to either surface water or ground water.

ii. *Acute risk*. The acute DWLOC was calculated based on an acute PAD of 0.30 mg/kg/day. Acute drinking water exposure represents 0.05% of the acute PAD for a 60 kg female consuming 2 L water/day. The females 13 years and older subpopulation is the only subgroup of concern and generated an acute DWLOC of 8,972 ppb. Since the acute DWLOC of 8,972 ppb is considerably higher than the acute EEC of 4.69 ppb, EPA should not have a concern for acute risk to either surface water or ground water.

2. *Non-dietary exposure*. Propiconazole is registered for residential use as a preservative treatment for wood and for lawn and ornamental uses. At this time, no reliable data exist which would allow quantitative incorporation of risk from these uses into a human health risk assessment. The exposure to propiconazole from contacting treated wood products is anticipated to be very low since the surface of wood is usually coated with paint or sealant when used in or around the house. The non-occupational exposure from lawn and ornamental applications is also considered to be minor. It is estimated that less than 0.01% of all households nationally use propiconazole in a residential setting.

3. *Aggregate exposure*. Based on the completeness and reliability of the toxicity data supporting these petitions, Syngenta believes that there is a reasonable certainty that no harm will result from aggregate exposure to residues arising from current propiconazole uses, including anticipated dietary exposure from food, water, and all other types of non-occupational exposures.

D. Cumulative Effects

Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information'' concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity.'' EPA does not have, at this time, available data to determine whether propiconazole has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. For the purposes of this tolerance action, EPA has not assumed that propiconazole has a common mechanism of toxicity with other substances.

E. Safety Determination

The dietary exposure assessment for propiconazole showed that there were acceptable safety margins with respect to both chronic and acute exposure through the dietary consumption of propiconazole-treated commodities. The most sensitive subpopulation was children (1–2 years old) with a chronic exposure of 0.5% of the chronic reference dose of 0.0125 mg/kg bwt/day. Females 13 years and older is the only population subgroup of concern for the acute dietary exposure assessment. Dietary exposure to females (13–50 years old) at the 99.9th percentile of exposure was negligible (0.3% of the acute RfD of 0.30 mg/kg bwt/day).

EPA has determined that reliable data support using the standard MOE and uncertainty factor (100 for combined interspecies and intraspecies variability) for propiconazole and that an additional safety of 10 is not necessary to be protective of infants and children.

For the drinking water portion of the aggregate assessment, the EECs of propiconazole in surface water were greater than those for ground water. Surface water EECs were 4.69 ppb and 2.99 ppb for acute and chronic exposure, respectively. The chronic DWLOC was calculated as 129 ppb for the most sensitive subgroup, children (1–2 years old). For the acute assessment, the females 13 years and older subpopulation is the only subgroup of concern and provided an acute DWLOC of 8,972 ppb. Since both chronic and acute EECs were well below the chronic and acute DWLOCs, there should be no concern for acute risk from either surface water or ground water.

Exposure from non-food sources, residential and lawn applications of propiconazole products, is considered to be negligible. Based upon the current chronic and acute aggregate exposure analysis, aggregate exposures are below 100% of the chronic and acute reference doses. The worst-case chronic food exposure for children 1–2 years old represents 0.5% of the chronic RfD of 0.0125 mg/kg bwt/day. The worst-case chronic drinking water exposure for children 1-2 years old (based upon surface water modeling) represents 2.3% of the chronic reference dose. Since the residential exposure for propiconazole is negligible, the worst-case aggregate chronic risk (food plus drinking water) is approximately 3%. The worst-case aggregate acute risk (food plus drinking water) to females (13–50 years old) at the 99.9th percentile of exposure is negligible (0.3% of the acute RfD of 0.30 mg/kg bwt/day).

Syngenta has considered the potential aggregate exposure from food, water and non-occupational exposure routes and concluded that aggregate exposure is not expected to exceed 100% of the chronic and acute RfDs and there is a reasonable certainty that no harm will result to any populations subgroups, including infants and children, from the aggregate exposure to propiconazole.

F. International Tolerances

International CODEX values are established for almond, animal products, bananas, barley, coffee, eggs, grapes, mango, meat, milk, oat, peanut-whole, peanut grains, pecans, rape, rye, stone fruit, sugar cane, sugar beets, sugar beet tops, and wheat. The U.S.

residue definition includes both propiconazole and metabolites determined as 2,4-dichlorobenzoic acid (DCBA), while the CODEX definition is for propiconazole, per se, i.e. parent only. This difference results in unique tolerance expressions with the U.S. definition resulting in the higher tolerance levels.

[FR Doc. E4–416 Filed 2–26–04; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL MARITIME COMMISSION

[Docket No. 04–04]

World-Wide Express Inc. v. Stevedoring Services of America, Terminals Inc.; Argosy Transport, Inc.; and Capt. S.L. Huo; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (“Commission’’) by World-Wide Express, Inc. (“WWE’’) against Stevedoring Services of America, Terminals Inc. (“SSAT’’); Argosy Transport, Inc. (“Argosy’’); and Capt. S.L. Huo. Complainant contends that Respondents violated section 10 of the Shipping Act of 1984, as amended, (“Shipping Act’’) in their role as marine terminal operators in connection with several shipments of containers moving from Shanghai to Los Angeles. Complainant contends that SSAT refused to deal with it and directed it to contact Agrosy and its principal Capt. S.L. Huo. Complainant asserts that it entered into a contract with Agrosy which contains rates that Complainant contends were not published in a tariff. Complainant further contends that Argosy contracted with SSAT to provide the terminal services and that the rates charged by SSAT to Argosy were substantially less than the rates published by SSAT in its tariff. Complainant contends that these alleged activities violate section 10 of the Shipping Act and that it is entitled to reparation in the sum of $380,000.00, plus interest at the rate of 2% per month.

This proceeding has been assigned to the Office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by February 21, 2005, and the final decision of the Commission shall be issued by June 21, 2005.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 04–4384 Filed 2–26–04; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 04056]

Sociocultural and Community Risk and Protective Factors for Child Maltreatment and Youth Violence; Notice of Availability of Funds—Amendment

A notice announcing the availability of fiscal year (FY) 2004 funds for a cooperative agreement program to inform violence prevention efforts by testing the extent to which potentially modifiable sociocultural and community risk and protective factors are associated with child maltreatment and early risk factors for youth violence was published in the **Federal Register** on December 4, 2003, vol. 68, no. 233, pages 67850–67855. The notice is amended as follows: On page 67853, column 1, lines 16–23, delete the section entitled “7. *Project Budget.*’’ The project budget information is already included on page four of the PHS 398 application form.

Dated: February 23, 2004.

Sandra R. Manning,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–4347 Filed 2–26–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 04053]

Practices To Improve Training Skills of Home Visitors; Notice of Availability of Funds—Amendment

A notice announcing the availability of fiscal year (FY) 2004 funds for a cooperative agreement program to conduct a systematic examination of the impact of home visitor training and factors related to the implementation of an existing efficacious or effective home visiting program on family outcomes of child maltreatment and risk behaviors for youth violence was published in the **Federal Register** on December 1, 2003, vol. 68, no. 230, pages 67171–67176.

The notice is amended as follows: On page 67173, column 2, lines 26–28 of the “Application’’ section and column 3, lines 1–2 of the continuation of the Application section, entitled “Abstract,’’ should be deleted. The abstract is already included on page 2 of the PHS 398 application form in the section called “Description.’’ On page 67174, column 1, lines 16–23 the section entitled “9. Project Budget’’ should be deleted. The project budget information is already included on page 4 of the PHS 398 application form.

Dated: February 23, 2004.

Sandra R. Manning,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–4348 Filed 2–26–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 04055]

Efficacy Trials of Parenting Programs for Fathers; Notice of Availability of Funds—Amendment

A notice announcing the availability of fiscal year (FY) 2004 funds for a cooperative agreement program to examine the efficacy of parenting programs for high-risk fathers, expectant fathers, or father surrogates of children age birth to two and/or age three to five for the prevention of child maltreatment and the promotion of positive parenting behaviors was published in the **Federal Register** on December 17, 2003, vol. 68, no. 242, pages 70273–70278.

The notice is amended as follows: On page 70274, column 3, lines 61–65, delete the section entitled "1. Abstract.'' The Abstract is already included on page two of the PHS 398 application form in the section called "Description.'' On page 70275, column 2, lines 8–15, delete the section entitled "9. Project Budget.''

The project budget information is already included on page 4 of the PHS 398 application form.

Dated: February 23, 2004.

Sandra R. Manning,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–4350 Filed 2–26–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 04054]

Youth Violence Prevention Through Community-Level Change; Notice of Availability of Funds-Amendment

A notice announcing the availability of fiscal year (FY) 2004 funds for a cooperative agreement program to evaluate community-level interventions to reduce youth violence was published in the **Federal Register** on December 2, 2003, volume 68, number 231, pages 67450–67455.

The notice is amended as follows: On page 67452, column 2, the section entitled "1. Abstract'' should be deleted. The abstract is already included on page 2 of the PHS 398 application form in the section called "Description.'' On page 67452, Column 3, and on page 67453, Column 1, the section entitled "9. Project Budget'' should be deleted. The project budget information is already included on page 4 of the PHS 398 application form.

Dated: February 23, 2004.

Sandra R. Manning,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–4349 Filed 2–26–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–4070–N]

Medicare Program; Request for Nominations for the Advisory Panel on Medicare Education

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice requests nominations for individuals to serve on the Advisory Panel on Medicare Education (the Panel). The Panel advises and makes recommendations to the Secretary of the Department of Health and Human Services and the Administrator of the Centers for Medicare & Medicaid Services (CMS), on opportunities for CMS to optimize the effectiveness of the National Medicare Education Program and other CMS programs that help Medicare beneficiaries understand the Medicare program and the range of Medicare health plan options available under the Medicare+Choice and Medicare Advantage Program.

EFFECTIVE DATE: Nominations will be considered if we receive them at the appropriate address, provided below, no later than 5 p.m. on March, 19, 2004.

ADDRESSES: Mail or deliver nominations to the following address: Lynne G. Johnson, Center for Beneficiary Choices, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, S2–23–05, Baltimore MD, 21244–1850.

FOR FURTHER INFORMATION CONTACT: Lynne G. Johnson, Health Insurance Specialist, Division of Partnership Development, Center for Beneficiary Choices, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, S2–23–05, Baltimore, MD, 21244–1850, (410) 786–0090. Please refer to the CMS Advisory Committees Information Line (1–877–449–5659 toll free) (410–786–9379 local) or the Internet (*http://www.cms.hhs.gov/faca/apme/default.asp*) for additional information and updates on committee activities, or contact Ms. Johnson via e-mail at *ljohnson3@cms.hhs.gov.* Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION: Section 222 of the Public Health Service Act, as amended, grants to the Secretary of the Department of Health and Human Services (the Secretary) the authority to establish an advisory panel if the Secretary finds the panel necessary and in the public interest. The Secretary signed the charter establishing this Panel on January 21, 1999 and the charter renewing the Panel on January 18, 2003. The Advisory Panel on Medicare Education advises the Department of Health and Human Services and the Centers for Medicare & Medicaid Services on opportunities to enhance the effectiveness of consumer education materials serving the Medicare program.

The goals of the Panel are to provide advice on the following:

- Developing and implementing a national Medicare education program that describes the options for selecting health plans and prescription drug benefits under Medicare.
- Enhancing the Federal government's effectiveness in informing the Medicare consumer, including the appropriate use of public-private partnerships.
- Expanding outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of a national Medicare education program.
- Assembling an information base of best practices for helping consumers evaluate health plan options and building a community infrastructure for information, counseling, and assistance.

The Panel must consist of a maximum of 20 members. The Chair must either be appointed from among the 20 members, or a Federal official will be designated to serve as the Chair. The charter requires that meetings must be held approximately four times per year. Members will be expected to attend all meetings. The members and the Chair must be selected from authorities knowledgeable in the fields of senior citizen advocacy; outreach to minority communities; health communications; disease-related health advocacy; disability policy and access; health economics research; health insurers and plans; providers and clinicians; and matters of labor and retirement; and from representatives of the general public.

This notice is an invitation to interested organizations or individuals to submit their nominations for membership on the Panel. Current members whose terms expire in 2004 will be considered for reappointment, if renominated, subject to committee service guidelines. The Secretary, or his designee, will appoint new members to the Panel from among those candidates determined to have the expertise required to meet specific agency needs, and in a manner to ensure an appropriate balance of membership.

Each nomination must state that the nominee has expressed a willingness to serve as a Panel member and must be accompanied by a short resume or description of the nominee's experience. In order to permit an evaluation of possible sources of conflict of interest, potential candidates will be asked to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts. Self-nominations also will be accepted.

Authority: (Section 222 of the Public Health Service Act (42 U.S.C. 217(a)) and section 10(a) of Pub. L. 92–463 (5 U.S.C. App. 2, section 10(a) and 41 CFR 102–3) (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance Program; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 24, 2004.

Dennis G. Smith,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 04–4383 Filed 2–26–04; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3112–N]

RIN 0938–ZA49

Medicare Program; Calendar Year 2004 Review of the Appropriateness of Payment Amounts for New Technology Intraocular Lenses (NTIOLs) Furnished by Ambulatory Surgical Centers (ASCs)

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice solicits interested parties to submit requests for review of the appropriateness of the payment amount for a particular intraocular lens furnished by an ambulatory surgical center.

DATES: Requests for review must be received at the address provided no later than 5 p.m. E.S.T. on March 29, 2004.

ADDRESSES: Mail requests for review (one original and three copies) to the Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: Betty Shaw, Mailstop C1–09–06, 7500 Security Blvd., Baltimore, Maryland 21244–1850.

FOR FURTHER INFORMATION CONTACT: Betty Shaw, (410) 786–6100.

SUPPLEMENTARY INFORMATION: On October 31, 1994, the Social Security Act Amendments of 1994 (SSAA 1994) (Pub. L. 103–432) were enacted. Section 141(b) of SSAA 1994 requires us to develop and implement a process under which interested parties may request, for a class of new technology intraocular lens (NTIOLs), a review of the appropriateness of the payment amount for intraocular lenses (IOLs) furnished by ambulatory surgical centers (ASCs) under section 1833(i)(2)(A)(iii) of the Social Security Act (the Act).

On June 16, 1999, we published a final rule in the **Federal Register** entitled "Adjustment in Payment Amounts for New Technology Intraocular Lenses Furnished by Ambulatory Surgical Centers'' (64 FR 32198), which added subpart F to 42 CFR part 416. The June 16, 1999 final rule established a process for adjusting payment amounts for NTIOLs furnished by ambulatory surgical centers (ASCs); defined the terms relevant to the process; and established a flat rate payment adjustment of $50 for IOLs that we determine are NTIOLs. The payment adjustment applies for a 5-year period that begins when we recognize a payment adjustment for the first IOL in a new subset of an existing class of IOLs or a new class of technology, as explained below. Any subsequent IOLs with the same characteristics as the first IOL recognized for a payment adjustment will receive the adjustment for the remainder of the 5-year period established by the first recognized IOL. After July 16, 2002, we have the option of changing the $50 adjustment amount through a notice with a comment period. We have opted not to change that adjustment amount for calendar year 2004 (CY 04).

Review Process for Establishing Classes of New Technology Intraocular Lenses (NTIOLs)

We evaluate requests for the designation of an IOL as an NTIOL by doing the following:

(1) Publishing a public notice in the **Federal Register** that identifies the requirements and announces a deadline for submitting a request for us to review payment for an IOL.

(2) Processing requests to review the appropriateness of the payment amount for an IOL.

(3) Compiling a list of the requests we receive that identify the IOL manufacturer, IOL model number under review, name of the requester, and a summary of the request for review of the appropriateness of the IOL payment amount.

(4) Publishing an annual public notice in the **Federal Register** that lists the requests, and provides the public with 30 days to submit comments on the IOLs for which a review was requested.

(5) Reviewing the information submitted with the applicant's request for review, and requesting confirmation from the Food and Drug Administration (FDA) about labeling applications that have been approved on the IOL model under review. We also request FDA's recommendations as to whether or not the IOL model submitted represents a new class of technology that sets it apart from other IOLs.

Using a baseline of the date of the last determination of a new class of IOLs, the FDA states an opinion based on proof of superiority over existing lenses of the same type of material or over lenses that are classified by a predominant characteristic such as reducing the risk of intraoperative or postoperative complications or trauma, or demonstrating accelerated postoperative recovery, reduced induced astigmatism, improved postoperative visual acuity, more stable postoperative vision, or other comparable clinical advantages.

(6) Determining which lenses meet the criteria to qualify for the payment adjustment based on clinical data and evidence submitted for review, the FDA's analysis, public comments on the lenses, and other available information.

(7) Designating a type of material or a predominant characteristic of an NTIOL that sets it apart from other IOLs to establish a new class.

(8) Publishing a notice in the **Federal Register** (within 120 days after we publish the notice identified in paragraph (4) of this section) that announces the IOLs that we have determined are "new technology'' IOLs. These NTIOLs qualify for the following payment adjustment:

(a) Determinations made before July 16, 2002—$50.

(b) Determinations made after July 16, 2002—$50 or the amount announced through proposed and final rules in connection with ASC services.

(9) Adjusting payments effective 30 days after the publication of the notice announcing our determinations described in paragraph (8) of this section.

Who May Request a Review

Any party who is able to furnish the information required in § 416.195 (A request to review) may request that we review the appropriateness of the payment amount provided under section 1833(i)(2)(A)(iii) of the Act for an IOL that meets the definition of a

new technology IOL in § 416.180 (Definitions).

Requests To Review

A request to review must include all of the following information:

- The name of the manufacturer, the model number, and the trade name of the IOL.
- A copy of the FDA's summary of the IOL's safety and effectiveness.
- A copy of the labeling claims of specific clinical advantages approved by the FDA for the IOL.
- A copy of the IOL's original FDA approval notification.
- Reports of modifications made after the original FDA approval.
- Other information that supports the requestor's claim (including, clinical trials, case studies, and journal articles, etc.).

Privileged or Confidential Information

To the extent that information received from an IOL manufacturer can reasonably be characterized as a trade secret or as privileged or confidential commercial or financial information, we maintain the confidentiality of the information and protect it from disclosure not otherwise authorized or required by Federal law as allowed under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and, for trade secrets, the Trade Secrets Act (18 U.S.C. 1905). We recommend that the requestor clearly identify all information that is to be characterized as confidential. Under the Freedom of Information Act (FOIA), we may not withhold publication of information based on the type of information contained, but rather on an identifiable harm that release of that information would present.

Application of the Payment Adjustment

We recognize the IOL(s) that define a new technology subset for purposes of subpart F of part 416 as belonging to the class of NTIOLs for a period of 5 years effective from the date that we recognize the first new technology IOL within the subset for a payment adjustment. Any IOL that we subsequently recognize as belonging to a new technology subset receives the new technology payment adjustment for the remainder of the 5-year period established with our recognition of the first NTIOL in the subset.

II. Provisions of This Notice

Under our rules at 42 CFR part 416, subpart F, we are soliciting requests for review of the appropriateness of the payment amount for IOLs furnished by an ASC. Requests for review must comply with our regulations at § 416.195 and be received at the address provided by the date specified in the **DATES** section of this notice. We will announce timely requests for review in a subsequent notice that will allow for public comment. Currently, if we determine a lens as an NTIOL, the lens will be eligible for a payment adjustment of $50 or a different amount implemented through proposed and final rules.

III. Collection of Information Requirements

Because the requirements referenced in this notice will not affect 10 or more persons on an annual basis, this notice does not impose any information collection and record keeping requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Regulatory Impact Statement

We have examined the impacts of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 16, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), 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 annually). We have determined that this notice is not a major rule because it merely solicits interested parties to submit requests for review of the appropriateness of the payment amount with regard to a particular IOL furnished by an ASC.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $26 million to $29 million or less in any 1 year. We have determined that this notice will not affect small businesses.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. We have determined that this notice does not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in an expenditure in any one year by State, local, or tribal governments, in the aggregate, or by the private sector, of $110 million. We have determined that this notice will not have a consequential effect on the governments mentioned or on the private sector.

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, local, or tribal governments, preempts State law, or otherwise has Federalism implications. We have determined that this notice does not have an economic impact on State, local, or tribal governments.

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management and Budget.

(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.

[FR Doc. 04–4274 Filed 2–26–04; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–4090–N]

Medicare Program; Town Hall Meeting on Proposed Collection—Comment Request for Skilled Nursing Facility Advance Beneficiary Notice (SNFABN)

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a Town Hall meeting to solicit input from the public on the proposed use of a Skilled Nursing Facility Advance Beneficiary Notice (SNFABN). Interested persons are invited to comment on the SNFABN Notice (CMS–10055 form) collection instrument, the associated burden 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 associated time 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. The meeting is open to the public, but attendance is limited to space available.

DATES: The Town Hall meeting will be held on Wednesday, March 16, 2004, from 1 p.m. to 4 p.m., e.s.t.

ADDRESSES: The Town Hall meeting will be held in the Multi-Purpose Room at the Centers for Medicare & Medicaid Services (CMS), 7500 Security Boulevard, Baltimore, Maryland 21244.

FOR FURTHER INFORMATION CONTACT: E. Joan Collins by phone at (410) 786–4618, via e-mail at *ecollins1@cms.hhs.gov,* or by fax at (410) 786–9963.

SUPPLEMENTARY INFORMATION:

I. Background

The Skilled Nursing Facility Advance Beneficiary Notice (SNFABN) replaces the Skilled Nursing Facility (SNF) Notices Of Non-Coverage previously used for notification purposes. SNFs must also meet the advance beneficiary notice (ABN) Standards in § 40.3 of chapter 30, Financial Liability Protections, of the IOM Pub. 100–4 at *http://www.cms.hhs.gov/manuals/104_claims/clm104c30.pdf* in completing and delivering SNFABNs.

A SNFABN is a CMS-approved written notice that the SNF gives to a Medicare beneficiary, or to their authorized representative, before extended care services or items are furnished, reduced, or terminated when the SNF, the Utilization Review entity, the Quality Improvement Organization, or the Medicare contractor believes that Medicare will not pay for, or will not continue to pay for, extended care services that the SNF furnishes and that a physician ordered on the basis of one of the following statutory exclusions:

- Not reasonable and necessary ("medical necessity") for the diagnosis or treatment of illness, injury, or to improve the functioning of a malformed body member—section 1862(a)(1) of the Social Security Act (the Act); or
- Custodial care ("not a covered level of care")—section 1862(a)(9) of the Act.

These exclusions provide the only statutory authority for application of the limitation on liability (LOL) provision at section 1879 of the Act to denied SNF claims.

The SNFABN (CMS–10055 form) is for use with SNF Prospective Payment System services. This form satisfies the requirements under LOL for advance beneficiary notice and the beneficiary's agreement to pay. The use of any other notices or of modified SNFABNs may be ineffective in protecting users from liability. The SNFABN must be prepared with an original and at least one patient copy, a SNF copy containing the signature of the patient or authorized representative, an attending physician copy, and (when necessary) a Medicare contractor copy. SNFs may produce SNFABNs using self-carboning paper and other methods of producing copies, including photocopying, printing, and electronic generation, but they must conform to the Form CMS–10055 design.

This Town Hall meeting is intended to provide a forum for all interested individuals to comment on and discuss the SNFABN. The SNFABN form and instructions may be reviewed prior to the public meeting by accessing *http://www.cms.hhs.gov/medicare/bni* on the Internet. This information is available for immediate review.

II. Meeting Format

Registered persons from the public may discuss and make individual recommendations concerning the Skilled Nursing Facility Advance Beneficiary Notice. Individuals who wish to make formal presentations must include that information when registering. Presentations must be brief, and three written copies must be submitted to accompany the oral presentation. Presenters may also make copies available for approximately 70 meeting participants.

III. Registration Instructions

Representatives of providers and suppliers furnishing skilled nursing facility services, health care consumer advocacy groups, and other members of the public who wish to participate in the public meeting are asked to notify us, in advance, of their interest in attending. Interested persons may register by providing notification to E. Joan Collins either by telephone at (410) 786–4618, fax at (410) 786–9963, or by e-mail at *ecollins1@cms.hhs.gov.* Please submit the following information when registering: name, company name, address, telephone number, and e-mail address and an indication of whether you wish to make a formal presentation.

Because this meeting will be located on Federal property, for security reasons, any persons wishing to attend this meeting must register by close of business on March 10, 2004. In order to gain access to the building and grounds, participants must show to the Federal Protective Service or guard service personnel government-issued photo identification and a copy of their registration confirmation. Individuals who have not registered in advance will not be allowed to enter the building to attend the meeting. Seating capacity is limited to the first 250 registrants.

The on-site check-in for visitors will be held from 12 noon until 1 p.m., followed by opening remarks. Please allow sufficient time to arrive to go through the security checkpoints. It is suggested that you arrive at 7500 Security Boulevard no later than 12 noon so that you will be able to arrive promptly at the meeting by 1 p.m. All items brought to us, whether personal or for the purpose of demonstration or to support a presentation, are subject to inspection.

Individuals requiring sign language interpretation or other special accommodations must provide that information upon registering for the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program.)

Dated: February 12, 2004.

Dennis G. Smith,

Acting Administrator, Centers for Medicare and Medicaid Services.

[FR Doc. 04–4275 Filed 2–26–04; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1268–N]

Medicare Program; Town Hall Meeting on the Fiscal Year 2005 Applications for New Medical Services and Technologies Add-On Payments Under the Hospital Inpatient Prospective Payment System

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice, in accordance with section 503 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), announces a Town Hall meeting to discuss fiscal year (FY) 2005 applications for add-on payments for new medical services and technologies under the hospital inpatient prospective payment system (IPPS). Applicants, supporters, opponents, and other interested parties are invited to this meeting to present their comments, recommendations, and data regarding whether the FY 2005 new medical services and technologies applications meet the substantial clinical improvement criteria.

DATES: *Meeting Date:* The Town Hall meeting announced in this notice will be held on Monday, March 15, 2004 at 9 a.m. and check-in will begin at 8:30 a.m. EST.

Registration Deadline for Presenters: All presenters, whether attending in person or by phone, must register and submit their agenda item(s) by March 8, 2004.

Registration Deadline for All Other Participants: All other participants must register by March 10, 2004.

Comment Deadline: Written comments for discussion at the meeting must be received by March 8, 2004. All other written comments for consideration before publication of the IPPS proposed rule must be received by March 26, 2004.

ADDRESSES: The Town Hall meeting will be held in the Multipurpose Room in the central building of the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Agenda Item(s) or Written Comments: Agenda item(s) and written comments regarding whether a FY 2005 application(s) meet the substantial clinical improvement criterion may be sent by mail, fax, or electronically. Agenda item(s) must be received by March 8, 2004. We will accept written questions or other statements, not to exceed three single-spaced, typed pages that are received by March 26, 2004. Send written comments, questions, or other statements to—Division of Acute Care, Mail stop C4–07–05, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Attention: Meredith Walz, Fax: (410) 786–0169, *newtech@cms.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Meredith Walz, (410) 786–9421, *mwalz@cms.hhs.gov,* Michael Treitel, (410) 786–4552, *mtreitel@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Sections 1886(d)(5)(K) and (L) of the Social Security Act (the Act) require the Secretary to establish a process of identifying and ensuring adequate payments for new medical services and technologies under Medicare. Effective for discharges beginning on or after October 1, 2001, section 1886(d)(5)(K)(i) required the Secretary to establish (after notice and opportunity for public comment) a mechanism to recognize the costs of new services and technologies under the inpatient hospital prospective payment system (IPPS). In addition, section 1886(d)(5)(K)(vi) of the Act specifies that a medical service or technology will be considered "new'' if it meets criteria established by the Secretary (after notice and opportunity for public comment). (See the May 4, 2001 proposed rule (66 FR 22693) and the September 7, 2001 final rule (66 FR 46912) for a more detailed discussion.)

In the September 7, 2001 final rule (66 FR 46914), we noted that we evaluate a request for special payment for a new medical service or technology against the following criteria in order to determine if the new technology meets the substantial improvement requirement:

- The device offers a treatment option for a patient population unresponsive to, or ineligible for, currently available treatments.
- The device offers the ability to diagnose a medical condition in a patient population where that medical condition is currently undetectable or offers the ability to diagnose a medical condition earlier in a patient population than allowed by currently available methods. There must also be evidence that use of the device to make a diagnosis affects the management of the patient.
- Use of the device significantly improves clinical outcomes for a patient population as compared to currently available treatments. Some examples of outcomes that are frequently evaluated in studies of medical devices are the following:

—Reduced mortality rate with use of the device.
—Reduced rate of device-related complications.
—Decreased rate of subsequent diagnostic or therapeutic interventions (for example, due to reduced rate of recurrence of the disease process).
—Decreased number of future hospitalizations or physician visits.
—More rapid beneficial resolution of the disease process treatment because of the use of the device.
—Decreased pain, bleeding, or other quantifiable symptom.
—Reduced recovery time.

In addition, we noted that we require the requester to submit evidence that the technology meets one or more of these criteria.

Section 503 of the of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) revised the process for evaluating new medical services and technology applications by requiring the Secretary to do the following:

- Before publication of a proposed rule, provide for public input regarding whether a new service or technology represents an advance in medical technology that substantially improves the diagnosis or treatment of Medicare beneficiaries.
- Accept comments, recommendations, and data from the public regarding whether the service or technology represents a substantial improvement.
- Before publication of a proposed rule, provide for a meeting at which organizations representing hospitals, physicians, manufacturers and any other interested party may present comments, recommendations, and data to the clinical staff of CMS.

The opinions and alternatives provided during this meeting will assist us as we evaluate the new medical services and technology applications for FY 2005. In addition, they will help us to evaluate our policy on the IPPS new technology add-on payment process before the publication of the FY 2005 IPPS proposed rule.

II. Meeting Format

This meeting will allow a discussion of the substantial clinical improvement criteria for each of the FY 2005 new medical services and technology add-on payment applications. Information regarding the applications can be found on our Web site at *http://www.cms.hhs.gov/providers/hipps/default.asp.* The majority of the meeting will be reserved for comments, recommendations, and data from registered presenters. The time for each presenter's comments will be approximately 10 minutes and will be based on the number of registered presenters. Presenters will be scheduled to speak in the order in which they register. Therefore, individuals who want to be presenters must register and submit their agenda item(s) by Monday, March 8, 2004. Once the agenda is completed, it will be posted on the IPPS Web site at *http://www.cms.hhs.gov/providers/hipps/default.asp.* Comments from all participants will be heard (time

permitting) after the completion of the presentations.

For presenters or participants that cannot come to CMS for the meeting, an open phone line, 1–877 357–7851, has been made available. If you are calling in, you will be prompted to enter the conference identification number, 5601867, or the name of the meeting. In addition, written comments will also be accepted and presented at the meeting if they are received by March 8, 2004. Written comments may also be submitted after the meeting. If the comments are to be considered before the publication of the proposed rule, the comments must be received by March 26, 2004.

III. Registration Instructions

The Division of Acute Care is coordinating meeting registration. While there is no registration fee, individuals must register to attend. Individuals may present their comments either in person or by phone. These individuals must register and submit their agenda item(s) by March 8, 2004. All other participants must register by March 10, 2004. All registrants will receive confirmation with instructions for arrival at the CMS complex. Because of limited meeting space and our desire to maintain an accurate count of registrants that plan to come to CMS, we prefer that these persons register on-line. In addition, we would prefer that registrants that plan to participate by phone, register by phone or fax.

On-line Registration: Registration may be completed on-line at the following Web address: *http://www.cms.hhs.gov/providers/hipps/default.asp.* Select the link "Register to Attend the New Technology Town Hall Meeting'' and then select "New Technology Town Hall Meeting'' from the drop down menu and follow the instructions. After completing registration, on-line registrants should print the confirmation page and bring it with them to the meeting.

Registration by Phone or Fax: Registration may be completed by contacting Meredith Walz at (410) 786–9421 or Michael Treitel at (410) 786–4552. Registration may also be completed by fax to the attention of Meredith Walz or Michael Treitel at (410) 786–0169. If registration is completed by phone or fax, please provide your name, address, telephone number, and, if available, e-mail address and fax number.

IV. Security Information

Since this meeting will be held in a Federal government building, Federal security measures are applicable. In planning your arrival time, we recommend allowing additional time to clear security. In order to gain access to the building and grounds, participants must bring a government-issued photo identification and a copy of your confirmation of registration for the meeting. Access may be denied to persons without proper identification.

Security measures also include inspection of vehicles, inside and out, at the entrance to the grounds. In addition, all persons entering the building must pass through a metal detector. All items brought to CMS, whether personal or for the purpose of demonstration or to support a presentation, are subject to inspection. CMS cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for demonstration or to support a presentation.

Authority: Section 503 of Pub. L. 108–173.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 23, 2004.

Dennis G. Smith,

Acting Administrator, Centers for Medicare and Medicaid Services.

[FR Doc. 04–4334 Filed 2–26–04; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–2200–N]

Medicare Program; Request for Nominations for the State Pharmaceutical Assistance Transition Commission

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice requests nominations for individuals to serve on the State Pharmaceutical Assistance Transition Commission (the Commission). The Commission will develop a proposal for addressing the unique transitional issues facing State pharmaceutical assistance programs and program participants due to the implementation of the voluntary prescription drug benefit program under part D of title XVIII of the Social Security Act. This Commission will be established in accordance with the Federal Advisory Committee Act, 5 U.S.C. appendix 2. We are preparing the charter and will ask the Secretary to establish this Commission.

EFFECTIVE DATE: Nominations will be considered if we receive them at the appropriate address, provided below, no later than 5 p.m. on March 12, 2004, or until the Secretary or designee selects all members of the Commission.

ADDRESSES: Mail or deliver nominations to the following address: Marge Watchhorn, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mail stop S2–01–16, Baltimore, MD 21244–1850.

FOR FURTHER INFORMATION CONTACT: Marge Watchhorn, (410) 786–4361. Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION:

I. Background

Section 106 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173), enacted on December 8, 2003, grants to the Secretary of the Department of Health and Human Services (the Secretary) the authority to establish a State Pharmaceutical Assistance Transition Commission (the Commission). The Commission's goal is to develop a proposal for addressing the unique transitional issues facing State pharmaceutical assistance programs (SPAPs) and program participants due to the implementation of the voluntary prescription drug benefit program under Part D of title XVIII of the Social Security Act (the Act). An SPAP is a program (other than the Medicaid program) operated by a State (or under contract with a State) that provides financial assistance as of December 8, 2003 to Medicare beneficiaries to purchase prescription drugs. Generally, SPAP participants are low-income Medicare beneficiaries.

II. Composition of the Commission

The Commission must include the following:

1. A representative of each Governor of each State that the Secretary identifies as operating, on a statewide basis, an SPAP that provides for eligibility and benefits that are comparable to, or more generous than, the low-income assistance eligibility and benefits offered under section 1860D–14 of the Act. Nominations under this category must be made by a State Governor or his designee and information must be submitted to demonstrate that the SPAP in the State provides a benefit comparable to, or more generous than, the Medicare benefit under section 1860D–14 of the

Act. This determination will be made based on the per capita SPAP expenditures for the most recent full year of program operation. Nominations must include total SPAP expenditures and the number of full-time equivalent SPAP enrollees for the year. The per capita amount computed from these data must equal or exceed the actuarial value of the benefit under section 1860D–14 of the Act estimated by CMS. (Please note that because the CMS actuarial values may not be publicly available, this comparison will be done within CMS.) We will assume that States not responding to this notice do not believe they would meet the criteria for inclusion on the Commission under this paragraph.

2. Representatives from other States that the Secretary identifies have in operation other State pharmaceutical assistance programs, as appointed by the Secretary.

3. Representatives of organizations that have an inherent interest in program participants or the program itself, that the Secretary appoints but not to exceed the number of representatives in the two preceding paragraphs.

4. Representatives of Medicare Advantage organizations, pharmaceutical benefits managers, and other private health insurance plans, that the Secretary appoints.

5. The Secretary (or the Secretary's designee) and any other members that the Secretary may specify.

The Secretary will designate a member to serve as Chair of the Commission and the Commission will meet at the call of the Chair.

III. Development of the Proposal

The Commission must develop the proposal in a manner consistent with the following principles:

- Protection of the interests of program participants in a manner that is the least disruptive to these participants and that includes a single point of contact for enrollment and processing of benefits.
- Protection of the financial and flexibility interests of States so that States are not financially worse off as a result of the enactment of Title I of the MMA, which establishes the voluntary prescription drug benefit program under part D.
- Principles of Medicare modernization under the MMA.

IV. Report to Congress

By January 1, 2005, the Commission must submit to the President and the Congress a report that contains a detailed proposal (including specific legislative or administrative recommendations, if any) and other recommendations as the Commission deems appropriate.

V. Other Information

The Secretary may provide the Commission with administrative support services necessary for the Commission to carry out its responsibilities under section 106 of the MMA.

The Commission terminates 30 days after the date of submission of the report to Congress, but no later than January 31, 2005.

VI. Submission of Nominations

This notice is an invitation to interested organizations or individuals to submit their nominations for membership on the Commission. Persons submitting nominations must indicate the number of the paragraph in section II under which the nomination is being made. The Secretary, or his designee, will appoint members to the Commission from among those candidates and from those organizations determined to have the expertise required to meet specific agency needs, and in a manner to ensure an appropriate balance of membership.

Each nomination must state that the nominee has expressed a willingness to serve as a Commission member and must be accompanied by a short resume or description of the nominee's experience. In order to permit an evaluation of possible sources of conflict of interest, potential candidates will be asked to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts. Self-nominations also will be accepted.

Authority: Section 106 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: February 23, 2004.

Dennis G. Smith,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 04–4441 Filed 2–26–04; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Environmental Regulatory Enhancement Program Announcement

Program Office Name: Administration for Native Americans (ANA).

Funding Opportunity Title: Environmental Regulatory Enhancement.

Announcement Type: Competitive Grant—Initial.

Funding Opportunity Number: HHS–2004–ACF–ANA–NR–0002.

CFDA Number: 93.581.

Due Date for Application: April 6, 2004, 4:30 p.m. (EST).

SUMMARY:

Note: This program announcement amends the grant opportunity published on February 20, 2004.

The Administration for Native Americans (ANA), within the Administration for Children and Families, announces the availability of fiscal year (FY) 2004 funds for the Environmental Regulatory Enhancement (Environmental) Program. Financial assistance is provided utilizing the competitive process in accordance with the Native Americans Programs Act of 1974, as amended. The Program Areas of Interest are projects that ANA considers supportive to Native American communities. Although eligibility for funding is not restricted to projects of the type listed under this program announcement, these Areas of Interest are ones which ANA sees as particularly beneficial to the development of healthy Native American communities.

I. Funding Opportunity Description

The Administration for Native Americans (ANA), within the Administration for Children and Families, announces the availability of fiscal year (FY) 2004 funds for new community-based projects under the competitive area: Environmental Regulatory Enhancement. This announcement contains information on financial assistance from the Environmental Regulatory Enhancement Program, authorized under section 803(d) of the Native American Programs Act of 1974 (Act), 42 U.S.C. 2991b. Despite an increasing environmental responsibility and growing awareness of environmental issues on Indian lands, there has been a lack of resources available to tribes to develop tribal environmental programs that are responsive to tribal needs. In many

cases, the lack of resources has resulted in a delay in action on the part of the tribes.

In 1990, Congress added section 803(d) to the Native American Programs Act of 1974 to address critical issues identified by tribes before congressional committees, some of which included: The need for assistance to train professional staff to monitor and enforce tribal environmental programs; the lack of adequate data for tribes to develop environmental statutes and establish quality environmental standards; and the lack of resources to conduct studies to identify sources of pollution and determine the impact on existing environmental quality.

The Native American Program's Act of 1974 was amended to strengthen tribal governments through building capacity in order to identify, plan, develop, and implement environmental programs in a manner that is consistent with tribal culture. Ultimate success in this program will be realized when the applicant's desired level of environmental quality is acquired and maintained.

In this announcement, ANA encourages Native American tribes and organizational leaders to propose, coordinate and implement community-based projects and services that meet the needs of its community members and create options and opportunities for future generations.

This program announcement emphasizes community-based partnerships and projects. ANA will accept applications for funding and award grants to multiple eligible organizations located in the same geographic area, provided the activities are not duplicative of previously funded ANA projects in the same geographic area or to the same grantee. Previously, under each competitive program area, ANA accepted one application that served or impacted a reservation, Tribe or Native American community. The reason for this change is to expand and support large Native American rural and urban communities that provide a variety of services in the same geographic area. Although Tribes are limited to three simultaneous ANA grants (one each under SEDS, Language and Environmental programs) at any one time, this clarification allows other community-based organizations to apply for ANA funding to support on-going community-based efforts, provided the activities do not duplicate currently funded projects serving the same geographic area.

The Program Areas of Interest are projects that ANA considers supportive to Native American communities. Although eligibility for funding is not restricted to projects of the type listed under this program announcement, these Areas of Interest are ones which ANA sees as particularly beneficial to the development of healthy Native American communities.

ANA Administrative Policies: Applicants must comply with the following Administrative Policies:

- An applicant must provide a 20% non-federal match of the approved project costs.
- An application from a Tribe, Alaska Native Village or Native American organization must be from the governing body.
- A non-profit organization submitting an application must submit proof of its non-profit status at the time of submission. The non-profit agency can accomplish this by providing: (i) A reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in the IRS Code; or (ii) a copy of the currently valid IRS tax exemption certificate; or (iii) a statement from a State taxing body, State Attorney General, or other appropriate State official certifying that the applicant organization has a non-profit status and none of the net earnings accrue to any private shareholders or individuals; or (iv) a certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status; or (v) any of the items in the subparagraphs immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate. Organizations incorporating in American Samoa are cautioned that the Samoan government relies exclusively upon IRS determination of non-profit status; therefore, articles of incorporation approved by the Samoan government do not establish non-profit status for the purpose of ANA eligibility.
- If the applicant, other than a Tribe or an Alaska Native Village government, is proposing a project benefiting Native Americans or Native Alaskans, or both, it must provide assurance that it's duly elected or appointed board of directors is representative of the community to be served. To establish compliance, an applicant should provide supporting documentation and assurance that its duly elected or appointed board of directors is majority Native American.
- Applicants must describe how the proposed project objectives and activities relate to a locally determined strategy.
- Proposed projects must consider the maximum use of all available community-based resources.
- Proposed projects must present a strategy to overcome the challenges that hinder movement toward self-sufficiency in the community.
- Applicants proposing an Economic Development project should address the project's viability. A business plan, if applicable, must be included to describe the project's feasibility, cash flow, and approach for the implementation and marketing of the business.
- ANA will not accept applications from tribal components, which are tribally authorized divisions of a larger tribe, which are not approved by the governing body of the tribe.
- An applicant can have only one active environmental grant operating at any given time.
- ANA funds short-term projects not programs. Proposed projects must have definitive goals and objectives that will be achieved by the end of the project period. All projects funded by ANA must be completed, or self-sustaining, or supported by other than ANA funding at the end of the project period.

Definitions: Program specific terms and concepts are defined and should be used as a guide in writing and submitting the proposed project. The funding for allowable projects in this program announcement is based on the following definitions:

Authorized Representative: The person or persons authorized by Tribal or Organizational resolution to execute documents and other actions required by outside agencies.

Budget Period: The interval of time into which the project period is divided for budgetary or funding purposes, and for which a grant is made. A budget period usually lasts one year in a multi-year project period.

Community: A group of people residing in the same geographic area that can apply their own cultural and socio-economic values in implementing ANA's program objectives and goals. In discussing the applicant's community, the following information should be provided: (1) A description of the population segment within the community to be served or impacted; (2) the size of the community; (3) geographic description or location, including the boundaries of the community; (4) demographic data on the target population; and (5) the relationship of the community to any larger group or tribe.

Community Involvement: How the community participated in the development of the proposed project, how the community will be involved

during the project implementation and after the project is completed. Evidence of community involvement can include, but is not limited to, certified petitions, public meeting minutes, surveys, needs assessments, newsletters, special meetings, public Council meetings, public committee meetings, public hearings, and annual meetings with representatives from the community. The applicant should document the community's support of the proposed project. Applications from National and Regional Indian and Native organizations should clearly demonstrate a need for the project, explain how the project originated, identify the beneficiaries, and describe and relate the actual project benefits to the community and organization. National Indian and Native organizations should also identify their membership and specifically discuss how the organization operates and impacts Native American people and communities.

Completed Project: A project funded by ANA is finished, or self-sustaining, or funded by other than ANA funds, and the results and outcomes are achieved by the end of the project period.

Consortia—Tribe/Village: A group of Tribes or villages that join together either for long-term purposes or for the purpose of an ANA project. Applicant must identify consortia membership. The consortia applicant must be the recipient of the funds. A consortia applicant must be an "eligible entity'' as defined by this Program Announcement and the ANA regulations. Consortia applicants should include documentation (a resolution adopted pursuant to the organization's established procedures and signed by an authorized representative) from all consortia members supporting the ANA application. An application from a consortium should have goals and objectives that will create positive impacts and outcomes in the communities of its members. ANA will not fund activities by a consortium of tribes which duplicates activities for which member Tribes also receive funding from ANA. The consortium application should identify the role and responsibility of each participating consortia member and a copy of the consortia legal agreement or Memoranda of Agreement to support the proposed project.

Construction: The initial building of a facility.

Core Administration: Salaries and other expenses for those functions that support the applicant's organization as a whole or for purposes that are unrelated to the actual management or implementation of the ANA project. However, salaries and activities that are clearly related to the ANA project are eligible for grant funding.

Economic Development: Involves the promotion of the physical, commercial, technological, industrial, and/or agricultural capacities necessary for a sustainable local community. Economic development includes activities and actions that develop sustainable, stable, and diversified private sector local economies. For example, initiatives that support employment options, business opportunities, development and formation of a community's economic infrastructure, laws and policies that result in the creation of businesses and employment options and opportunities that provide for the foundation of healthy communities and strong families.

Equipment: Tangible, non-expendable personal property, including exempt property, charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. However, consistent with recipient policy, lower limits may be established.

Governance: Involves assistance to tribal and Alaska Native village government leaders to increase their ability to execute local control and decisionmaking over their resources.

Implementation Plan: The guidebook the applicant will use in meeting the results and benefits expected for the project. The Implementation Plan provides detailed descriptions of how, when, where, by whom and why activities are proposed for the project and is complemented and condensed by the Objective Work Plan.

In-kind Contributions: In-kind contributions are property or services which benefit a federally assisted project or program and which are contributed by the grantee, non-Federal third parties without charge to the grantee, or a cost-type contractor under the grant agreement. Any proposed in-kind match must meet the applicable requirements found in 45 CFR part 74 and part 92.

Letter of Commitment: A third party statement to document the intent to provide specific in-kind contributions or cash to support the applicant. The Letter of Commitment must state the dollar amount (if applicable), the length of time the commitment will be honored, and the conditions under which the organization will support the proposed ANA project. If a dollar amount is included, the amount must be based on market and historical rates charged and paid. The resources to be committed may be human, natural, physical, or financial, and may include other Federal and non-Federal resources. For example, a notice of award from another Federal agency committing $200,000 in construction funding to complement a proposed ANA funded pre-construction activity is evidence of a commitment. Statements about resources which have been committed to support a proposed project made in the application without supporting documentation will be disregarded.

Leveraged Resources: The total dollar value of all non-ANA resources that are committed to a proposed ANA project and are supported by documentation that exceed the 20% non-federal match required for an ANA grant. Such resources may include any natural, financial, and physical resources available within the tribe, organization, or community to assist in the successful completion of the project. An example would be a written letter of commitment from an organization that agrees to provide a supportive action, product, and service, human or financial contribution that will add to the potential success of the project.

Multi-purpose Organization: A community-based corporation whose charter specifies that the community designates the Board of Directors and/or officers of the organization through an elective procedure and that the organization functions in several different areas of concern to the members of the local Native American community. These areas are specified in the by-laws and/or policies adopted by the organization. They may include, but need not be limited to, economic, artistic, cultural, and recreational activities, and the delivery of human services such as day care, education, and training.

Multi-year Project: Encompasses a single theme and requires more than 12 or 17 months to complete. A multi-year project affords the applicant an opportunity to develop and address more complex and in-depth strategies that cannot be completed in one year. A multi-year project is a series of related objectives with activities presented in chronological order over a two or three year period. Prior to funding the second or third year, a multi-year grant, ANA will require verification and support documentation from the grantee that objectives and outcomes proposed in the preceding year were accomplished and the non-federal match requirement was met. Applicants proposing multi-year projects must complete and submit an Objective Work Plan (OWP) and budget with narrative for each project year, and fully describe objectives to be

accomplished, outcomes to be achieved, and the results and benefits to determine the successful outcomes of each budget period. ANA will review the quarterly and annual reports of grantees to determine if the grantee is meeting its goals, objectives and activities identified in the OWP.

Objective(s): Specific outcomes or results to be achieved within the proposed project period that are specified in the Objective Work Plan. Completion of objectives must result in specific, measurable, outcomes that would benefit the community and directly contribute to the achievement of the stated community goals. Applicants should relate their proposed project objectives to outcomes that support the community's long-range goals.

Partnerships: Agreements between two or more parties that will support the development and implementation of the proposed project. Partnerships include other community-based organizations or associations, Tribes, Federal and State agencies and private or non-profit organizations, which may include faith-based organizations.

Performance Indicators: Measurement descriptions used to identify the outcomes or results of the project. Outcomes or results must be measurable to determine that the project has achieved its desired objective and can be independently verified through monitoring and evaluation.

Real Property: Land, including land improvements, structures, and appurtenances thereto, excluding movable machinery and equipment.

Renovation or Alteration: The work required to change the interior arrangements or other physical characteristics of an existing facility, or install equipment so that it may be more effectively used for the project. Alteration and renovation may include work referred to as improvements, conversion, rehabilitation, remodeling, or modernization, but is distinguished from construction.

Resolution: Applicants are required to include a current signed Resolution (a formal decision voted on by the official governing body) in support of the project for the entire project period. The Resolution should indicate who is authorized to sign documents and negotiate on behalf of the Tribe or organization. The Resolution should indicate that the community was involved in the project planning process, and indicate the specific dollar amount of any non-federal matching funds (if applicable).

Sustainable Project: A sustainable project is an on-going program or service that can be maintained without additional ANA funds.

Self-Sufficiency: The ability to generate resources to meet a community's needs in a sustainable manner. A community's progress toward self-sufficiency is based on its efforts to plan, organize, and direct resources in a comprehensive manner that is consistent with its established long-range goals. For a community to be self sufficient, it must have local access to, control of, and coordination of services and programs that safeguard the health, well-being, and culture of the people that reside and work in the community.

Social Development: Investment in human and social capital for advancing the well-being members of the Native American community served. Social development is the action taken to support the health, education, culture, and employment options that expand an individual's capabilities and opportunities, and that promote social inclusion and combat social ills.

Program Area: Environmental Regulatory Enhancement

The strengthening of tribal governments or organizations through capacity building in order to identify, plan, develop, and implement environmental programs in a manner that is consistent with tribal culture for Native American communities.

Program Areas of Interest include:

- Projects to develop regulations, ordinances and laws to protect the environment;
- Projects to develop the technical and program capacity to carry out a comprehensive tribal environmental program and perform essential environmental program functions to meet Tribal and Federal regulatory requirements;
- Projects that promote environmental training and education of tribal employees;
- Projects that develop technical and program capability to monitor compliance and enforcement of Tribal and Federal environmental regulations, ordinances, and laws.

II. Award Information

Funding Instrument Type: Grant.

Anticipated Total Program Area Funding: $3,000,000.

Anticipated Number of Awards: 20–30.

Average Projected Award Amount: $50,000 to $250,000.

Length of Project Periods: 12, 17, 24, or 36 months.

Ceiling on Amount of Individual Awards: $250,000 (for planning purposes).

Floor of Individual Award Amounts: $50,000.

III. Eligibility Information

1. Eligible Applicants

- Federally Recognized Indian Tribes;
- Incorporated non-Federally and State recognized Indian Tribes;
- Alaska Native Villages, as defined in the Alaska Native Claims Settlement Act (ANSCA) and/or non-profit village consortia;
- Non-profit Alaska Native Regional Corporations/Associations in Alaska with village specific projects;
- Other Tribal or village organizations or consortia of Indian Tribes; and
- Tribal governing bodies (Indian Reorganization Act or Traditional Councils) as recognized by the Bureau of Indian Affairs.

Additional Information on Eligibility: Please refer to section I "Funding Opportunity Description'' to review general ANA Administrative Policies for any applicable statutory policies pertaining to application eligibility.

Proof of Non-Profit Status: Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing:

- a reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in the IRS Code; or
- a copy of the currently valid IRS tax exemption certificate; or
- a statement from a State taxing body, State Attorney General, or other appropriate State official certifying that the applicant organization has a non-profit status and none of the net earnings accrue to any private shareholders or individuals; or
- a certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status; or
- any of the items in the subparagraphs immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

Resolution: Applicants are required to include a current signed Resolution (a formal decision voted on by the official governing body) in support of the project for the entire project period. The Resolution must indicate who is authorized to sign documents and negotiate on behalf of the Tribe or organization. The Resolution should

indicate that the community was involved in the project planning process, and indicate the specific dollar amount of any non-federal matching funds (if applicable).

2. Cost Sharing or Matching

Grantees must provide at least 20 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match through cash contributions. Therefore, a project requesting $100,000 in Federal funds (based on an award of $100,000 per budget period) must provide a match of at least $25,000 ($100,000 / 80% = $125,000 − $100,000 = $25,000) or 20% total approved project cost. Grantees will be held accountable for commitments of non-Federal resources even of over the amount of the required match. Failure to provide the amount will result in disallowance of Federal match. Applications that fail to include the required amount of cost-sharing will be considered non-responsive and will not be eligible for funding under this announcement. A request for a waiver of the non-Federal share requirement may be submitted in accordance with 45 CFR 1336.50(b) (3) of the Native American Program regulations.

3. Other (if applicable)

DUNS Number: On June 27, 2003, the Office of Management and Budget published in the **Federal Register** a new Federal policy applicable to all Federal grant applicants after giving notice in the **Federal Register** on June 27, 2002 and opportunity for public comment. The policy requires all Federal grant applicants to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements on or after October 1, 2003. The DUNS number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal (*http://www.Grants.Gov*). A DUNS number will be required for every application for a new award or renewal/continuation of an award, including applications or plans under mandatory grant programs, submitted on or after October 1, 2003. A DUNS number may be acquired at no cost by calling the dedicated toll-free DUNS number request line on 1–866–705–5711 or you may request a number on-line at *http://www.dnb.com.*

Applications that fail to include the required amount of cost-sharing will be considered non-responsive and will not be eligible for funding under this announcement.

IV. Application and Submission Information

1. Address To Request Application Package

The ANA regional Training and Technical Assistance providers at:

Region I: AL, AR, CT, DC, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, W.VA.

Native American Management Services, Inc., 6858 Old Dominion Drive, Suite 302, McLean, Virginia 22101, Toll Free: 888–221–9686, (703) 821.2226 x–234, Fax: (703) 821.3680, Kendra King-Bowes, Project Manager, e-mail: *kking@namsinc.org, http://www.anaeastern.org.*

Region II: AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, WY.

ACKCO, Inc., 2214 N. Central, Suite 250, Phoenix, Arizona 85004, Toll Free: 800–525.2859, (602) 253.9211, Fax (602) 253.9135, Theron Wauneka, Project Manager, e-mail: *theron.wauneka@ackco.com, http://www.anawestern.com.*

Region III: Alaska.

Native American Management Services, Inc., 11723 Old Glenn Highway, Suite 201, Eagle River, Alaska 99577, Toll Free 877–770–6230, (907) 694.5711, Fax (907) 694.5775, P.J. Bell, Project Manager, e-mail: *pjbell@gci.net, http://www.anaalaska.org.*

2. Content and Form of Application Submission

Please refer to section I "Funding Opportunity Description'' to review general ANA Administrative Policies for any applicable statutory policies pertaining to application content and form.

Application Submission: An original and two copies of the complete application are required. The original copy must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative, have original signatures, and be submitted unbound. The two additional copies of the complete application must include all required forms, certifications, assurances, and appendices and must also be submitted unbound. Applicants have the option of omitting from the application copies (not the original) specific salary rates or amounts for individuals specified in the application budget. A complete application for assistance under this Program Announcement consists of Three Parts. Part One includes the SF 424, other required government forms, and other required documentation. Part Two of the application is a description of the project's substance. This section of the application may not exceed 45 pages. Part Three of the application is the Appendix. This section of the application may not exceed 20 pages (the exception to this 20-page limit applies only to projects that require, if relevant to the project, a Business Plan or any Third-Party Agreements).

Electronic Submission: While ACF does have the capability to receive program announcement applications electronically through Grants.gov, electronic submission of applications will not be available for this particular announcement. There are required application form(s) specific to ANA that have not yet received clearance from Grants.gov. While electronic submission of applications may be available in the next fiscal year for this program, no electronic submission of applications will be accepted for this announcement this year as they would be missing those required ANA forms and be considered incomplete.

Organization and Preparation of Application: Due to the intensity and pace of the application review and evaluation process, ANA strongly recommends applicants organize, label, and insert required information in accordance with Part One, Part Two and Part Three as presented in the charts below. The application should begin with the information requested in Part One of the chart in the prescribed order. Utilizing this format will insure all information submitted to support an applicant's request for funding is thoroughly reviewed. Submitting information in this format will assist the panel reviewer in locating and evaluating the information. Deviation from this suggested format may reduce the applicant's ability to receive maximum points, which are directly related to ANA's funding review decisions.

ANA Application Format: This format applies to all applicants submitting applications for funding. ANA will now require all applications to be labeled with a Section Heading in compliance with the format provided in the program announcement. All pages submitted (including Government Forms, certifications and assurances) should be numbered consecutively. The paper size shall be 8½ × 11 inches, line spacing shall be a space and a half (1.5 line spacing), printed only on one side, and have a half-inch margin on all sides of

the paper. The font size should be no smaller than 12-point and the font type shall be Times New Roman. These requirements do not apply to the project Abstract Form, Letters of Commitment, the Table of Contents, and the Objective Work Plan.

Forms and Assurances: The project description should include all the information requirements described in the specific evaluation criteria outlined in the program announcement under Part V. In addition to the project description, the applicant needs to complete all the standard forms required for making applications for awards under this announcement. Applicants requesting financial assistance for non-construction projects must file the Standard Form 424B, "Assurances: Non-Construction Programs.'' Applicants must sign and return the Standard Form 424B with their applications. Applicants must provide a certification regarding lobbying when applying for an award in excess of $100,000. Applicants must sign and return the certification with their applications. Applicants must disclose lobbying activities on the Standard Form LLL when applying for an award in excess of $100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form, if applicable, with their applications. The forms (Forms 424, 424A–B; and Certifications may be found at: *http://www.acf.hhs.gov/programs/ofs/forms.htm.* Fill out Standard Forms 424 and 424A and the associated certifications and assurances based on the instructions on the forms.

Survey: Private, non-profit organizations are encouraged to submit with their applications the survey located under "Grant Related Documents and Forms'' titled "Survey for Private, Non-Profit Grant Applicants'' at *http://www.acf.hhs.gov/programs/ofs/forms.htm.* (OMB No. 1890–0014 Exp. 1/31/06).

3. Submission Date and Time

The closing time and date for receipt of applications is 4:30 (Eastern Standard Time) on April 6, 2004. Mailed or hand-delivered applications received after 4:30 p.m. on the closing date will be classified as late.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., Washington, DC 20447. This address must appear on the envelope/package containing the application with the note "Attention: Lois B. Hodge.'' Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

Hand-delivered applications must be received at the address below by 4:30 p.m. (Eastern Standard Time) on or before the closing date. Applications that are hand delivered will be accepted between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (excluding Federal holidays). Applications may be delivered to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants, ACF Mail Room, Second Floor Loading Dock, Aerospace Center, 901 D Street, SW., Washington, DC 20024. This address must appear on the envelope/package containing the application with the note "Attention: Lois B. Hodge.'' Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

Late Applications: Applications that do not meet the Deadline criteria above will be considered late applications. ACF shall notify each late applicant that its application will not be considered for review in the current competition.

Extension of Deadline: ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, etc.) occur, when there are widespread disruptions of mail service. Determinations to extend or waive deadline requirements rests with the Grants Management Officer.

Required Forms: All requirements for submission are due on or before the deadline date.

PART ONE.—FEDERAL FORMS AND OTHER REQUIRED DOCUMENTS

Part one must include the following:	Content and location of part one required forms, certifications, and documents
SF 424, SF 424A, and SF 424B	*http://www.acf.hhs.gov/programs/ofs/forms.htm.*
Table of Contents	Applicant must include a table of contents that accurately identifies the page number and where the information can be located. Table of Contents does not count against application page limit.
Project Abstract	ANA Form: OMB Clearance Number 0980–0204 *http://www.acf.hhs.gov/programs/ana.*
Proof of Non-Profit Status	As described in this announcement under Section B—Award Information, subpart heading "Acceptable proof of Non-profit status.''
Resolution	Information for submission can be found in the Program Announcement Section, "Content and Form of Application Submission.''
Documentation that the Board of Directors is majority Native American, if applicant is other than a Tribe or Alaska Native Village government.	As described in this announcement under "ANA Administrative Policies'' section.
Audit Letter	A Certified Public Accountant's "Independent Auditors' Report on Financial Statement.'' This is usually only a two to three page document. (This requirement applies only to applicants with annual expenditures of $300,000 or more of Federal funds). Applicant must also include that portion of the audit document that identifies all other Federal sources of funding.
Indirect Cost Agreement	Organizations and Tribes must submit a current indirect cost agreement (if claiming indirect costs) that aligns with the approved ANA project period. The Indirect Cost Agreement must identify the individual components and percentages that make up the indirect cost rate.
Non-Federal Share of Waiver Request, per CFR 1336.50(b).	A request for a waiver of the non-Federal share requirement may be submitted in accordance with 45 CFR 1336.50(b) (3) of the Native American Program regulations (if applicable).
Certification regarding Lobbying Disclosure of Lobbying Activities—SF LLL.	May be found at *http://www.acf.hhs.gov/programs/ofs/forms.htm.*
Certification regarding Maintenance of Effort	May be found at *http://www.acf.hhs.gov/programs/ofs/forms.htm.*
Environmental Tobacco Smoke Certification	May be found at *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

PART TWO.—APPLICATION REVIEW CRITERIA

Part two—Proposed project	Application review criteria—(This section may not exceed 45 pages)
Criteria One (5 pts)	Introduction and Project Summary/Project Abstract.
Criteria Two (20 pts)	Objectives and Need for Assistance.
Criteria Three (25 pts)	Approach: Include an Objective Work Plan (OWP) Form for each 12 months of the project period. Only one OWP is needed to reflect a 17-month project period.
Criteria Four (20 pts)	Organizational Capacity.
Criteria Five (20 pts)	Results or Benefits Expected.
Criteria Six (10 pts)	Budget and Budget Justification Summary/Cost Effectiveness.

PART THREE.—APPENDIX

Part Three—Support	Appendix—(This section may not exceed 20 pages)
Documentation	Part Three includes only supplemental information or required support documentation that addresses the applicant's capacity to carry out and fulfill the proposed project. These items include: Letters of agreement with cooperating entities, in-kind commitment and support letters, business plans, and a summary of the Third Party Agreements. Do not include books, videotapes, studies or published reports and articles, as they will not be made available to the reviewers, or be returned to the applicant.

Additional Forms: Private-non-profit organizations may submit with their applications the additional survey located under "Grant Related Documents and Forms'' titled "Survey for Private, Non-Profit Grant Applicants''.

What to submit	Required content	Required form or format	When to submit
Survey for Private, Non-Profit Grant Applicants.	Per required form	May be found on *http://www.acf.hhs.gov/programs/ofs/form.htm.*.	By application due date.

4. Intergovernmental Review

Applications are not subject to Executive Order 12372.

5. Funding Restrictions

ANA does not fund:

• Activities in support of litigation against the United States Government that are unallowable under OMB Circulars A–87 and A–122.

• ANA has a policy of not funding duplicative projects or allowing any one community to receive a disproportionate share of the funds available for award. When making decisions on awards of grants the Agency will consider whether the project is essentially identical or similar, in whole or significant part, to projects in the same community previously funded or being funded under the same competition. The Agency will also consider whether the grantee is already receiving funding for a SEDS, Language, or Environmental project from ANA. The Agency will also take into account in making funding decisions whether a proposed project would require funding on an indefinite or recurring basis. This determination will be made after it is determined whether the application meets the requirements for eligibility as set forth in 45 CFR 1336, Subpart C, but before funding decisions are complete.

• Projects in which a grantee would provide training and/or technical assistance (T/TA) to other tribes or Native American organizations that are otherwise eligible to apply for ANA funding. However, ANA will fund T/TA requested by a grantee for its own use or for its members' use (as in the case of a consortium), when the T/TA is necessary to carry out project objectives.

• The purchase of real property or construction because those activities are not authorized by the Native American Programs Act of 1974, as amended.

• Objectives or activities to support core administration activities of an organization. However, functions and activities that are clearly project related are eligible for grant funding (Please refer to the definition for "core administration activities'' under Definitions within section I on Funding Opportunity Description, and the section on indirect costs under section V.1 Application Review Information, Criteria).

• Costs associated with fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable under an ANA grant award. However, any unallowable costs for purposes of computing charges to Federal awards must be treated as direct costs for purpose of determining indirect cost rates, and be allocated their share of the organization's indirect costs if they represent activities that (a) include the salaries of personnel, (b) occupy space, and (c) benefit from the organization's indirect costs.

• Major renovation or alteration because those activities are not authorized under the Native American Programs Act of 1974, as amended.

• Projects originated and designed by consultants who provide a major role for themselves and are not members of the applicant organization, Tribe, or village.

• Project activities that do not further the three interrelated ANA goals of economic development or social development or governance, or meet the purpose of this program announcement.

6. Other Submission Requirements

Submission by Mail: An Applicant must provide a complete original and two copies of the application with all required forms and signed by the authorized representative. The Application must be received at the address below by 4:30 p.m. Eastern Standard Time on or before the closing date. Applications should be mailed to:

U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Division of Discretionary

Grants, "Attention: Lois B. Hodge'', 370 L'Enfant Promenade, SW., Washington, DC 20447.

For Hand-Delivery: An Applicant must deliver a complete original and two copies of the application with all required forms and signed by the authorized representative. Applications shall be considered as meeting an announced deadline if received on or before the deadline date, between the hours of 8 a.m. to 4:30 p.m., EST, Monday through Friday (excluding Federal holidays). Applications may be delivered to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants, ACF Mail Room, Second Floor Loading Dock, Aerospace Center, 901 D Street, SW., Washington, DC 20024. This address must appear on the envelope/package containing the application with the note "Attention: Lois B. Hodge''. Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

V. Application Review Information

1. Criteria

Instructions: ACF Uniform Project Description (UPD)

The UPD text should be used as a general guidance in the development of projects. However, the program specific ANA application submission format to be used in response to this announcement is located in Section IV "Application and Submission Information''.

Purpose: The Project Description is a major area by which an application is evaluated and ranked in competition with other applications for financial assistance. The Project Description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included if they present information clearly and succinctly. In preparing your Project Description, all information requested through each specific evaluation criteria should be provided. ANA uses this and other information to make funding decisions. It is important, therefore, that this information be included in the application.

General Instructions: ANA is particularly interested in specific factual information and statements of measurable goals and performance indicators in quantitative terms. Project descriptions are evaluated on a basis of substance, not length. Extensive exhibits are not required. Cross-referencing should be used rather than repetition. Supporting information that does not directly pertain to an integral part of the grant-funded activity should be placed in the appendix. The application narrative should be in a 12-pitch font. A table of contents and an executive summary should be included. Each page should be numbered sequentially, including attachments or appendices. Please do not include books, videotapes or published reports because they are not easily reproduced, are inaccessible to the reviewers, and will not be returned to the applicant.

Introduction: Applicants are required to submit a full Project Description and shall prepare this portion of the grant application in accordance with the following instructions and the specified evaluation criteria. The introduction provides a broad overview of the Project, and the information provided under each evaluation criteria expands and clarifies the project program-specific activities and information that reviewers will need to assess the proposed project.

Project Summary: Provide a summary of the Project Description (a page or less) with reference to the funding request.

Objectives and Need for Assistance: Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the Project Description, the applicant should provide information on the total range of projects currently being conducted and supported (or to be initiated) to ensure they are within the scope of the program announcement.

Results or Benefits Expected: Identify the results and benefits to be derived by the community and its members. For example, applicants are encouraged to describe the qualitative and quantitative data collected, how this data will measure progress towards the stated results or benefits, and how performance indicators under economic and social development and governance projects can be monitored, evaluated and verified.

Approach: Outline a plan of action that describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors, which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, extraordinary social and community involvement or ease of project replication by other tribes and Native organizations. List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution. Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people served and the number of activities accomplished. Examples of these activities would be the number of businesses started or expanded, the number of jobs created or retained, the number of people trained, the number of youth, couples or families assisted or the number elders participating in the activity during that reporting period. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the dates and schedule of accomplishments. List organizations, cooperating entities, consultants, or other key individuals who will work on the project, as well as a short description of the nature of their effort or contribution.

Organizational Profiles: Provide information on the applicant organization(s) and cooperating partners with organizational charts, financial statements, audit reports or statements from CPA/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission.

Third-Party Agreements: Include written agreements between grantees and sub grantees or subcontractors or other cooperating entities. These agreements must detail scope of work to be performed, work schedules, remuneration, and other terms and conditions that structure or define the relationship.

Budget and Budget Justification: Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424. Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allow-ability of the proposed costs.

Additional Information: The following are requests for additional information that need to be included in the application: Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit organization shall submit one of the following (i) a reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in the IRS Code; or (ii) a copy of the currently valid IRS tax exemption certificate; or (iii) a statement from a State taxing body, State Attorney General, or other appropriate State official certifying that the applicant organization has a non-profit status and none of the net earnings accrue to any private shareholders or individuals; or (iv) a certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status; or (v) any of the items in the subparagraphs immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate. Organizations incorporating in American Samoa are cautioned that the Samoan government relies exclusively upon IRS determinations of non-profit status; therefore, articles of incorporation approved by the Samoan government do not establish non-profit status for the purpose of ANA program eligibility.

General: The following guidelines are for preparing the budget and budget justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. For purposes of preparing the budget and budget justification, "Federal resources'' refers only to the ACF grant for which you are applying. Non-Federal resources are all other Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s); and last column, total budget. The budget justification should be a narrative.

- *Personnel:* The description of the costs of employee salaries and wages. Identify the project director or principal investigator, if known. For each staff person, provide the title, time commitment to the project (in months), or time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.
- *Fringe Benefits:* Costs of employee fringe benefits unless treated as part of an approved indirect cost rate. Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.
- *Travel:* Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel). *Justification:* For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored workshops should be detailed in the budget.
- *Equipment:* Equipment means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost, which equals or exceeds the lesser of (a) the capitalization level established by the organization for the financial statement purposes, or (b) $5,000. (Note: Acquisition cost means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.) *Justification:* For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy or section of its policy, which includes the equipment definition.
- *Supplies:* Costs of all tangible personal property other than that included under the Equipment category. *Justification:* Specify general categories of supplies and their costs. Show computations and provide other information that supports the amount requested.
- *Contractual:* Costs of all contracts for services and goods except for those, which belong under other categories such as equipment, supplies, construction, etc. Third-party evaluation contracts (if applicable) and contracts with secondary recipient organizations, including delegate agencies and specific project(s) or businesses to be financed by the applicant, should be included under this category. *Justification:* All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients and sub-recipients, other than States that are required to use Part 92 procedures, must justify any anticipated procurement action that is expected to be awarded without competition (sole source) and exceed the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at $100,000.). Recipients may be required to make available to ANA pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc. *Note:* Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.
- *Other:* Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development costs, and administrative costs. *Justification:* Provide computations, a narrative description, and a justification for each cost under this category.
- *Indirect Charges:* Total amount of indirect costs. This category should be used only when the applicant currently has an indirect cost rate approved by the Department of the Interior, Department of Labor, the Department of Health and Human Services (HHS), or other Federal agency. *Justification:* An applicant that

will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the grant. Also, if the applicant is requesting a rate which is less than what is allowed under the program, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

- *Program Income:* The estimated amount of income, if any, expected to be generated from this project. *Justification:* Describe the nature, source, and anticipated use of program income in the budget or refer to the pages in the application, which contain this information.
- *Non-Federal Resources:* Amounts of non-Federal resources that will be used to support the project as identified in Block 15 of the SF–424. *Justification:* The firm commitment of these resources must be documented and submitted with the application in order to be given credit in the review process. A detailed budget must be prepared for each budget period.
- Total Direct Charges, Total Indirect Charges, and Total Project Costs.

Evaluation Criteria: ANA

Approach (25 Points). The Applicant's narrative should be clear and concise. The applicant should provide a detailed project description with goals and objectives. It should discuss the project strategy and implementation plan over the project period. Applicant should also describe the project strategy using the Objective Work Plan (OWP). In the OWP, the applicant should identify the project objectives, time frames, proposed activities, outcomes, and evaluation activity, as well as the individuals responsible for completing the objectives and performing the activities. Applicant should summarize how the project description, objective(s), approach, strategy and implementation plan are inter-related. The applicant should also include the names and activities of any organizations, consultants, or other key individuals who will contribute to the project. The Applicant should discuss "Leveraged Resources'' (*see* Definitions) used to strengthen and broaden the impact of the proposed project. The Applicant should discuss how commitments and contributions from other entities will enhance the project. Applicant should provide "Letters of Commitment'' (*see* Definitions) that identify the time, dollar amount, and activity to be accomplished through partnerships. Applicant should discuss the relationship of non-ANA funded activities to those objectives and activities that will be funded with ANA grant funds. (Letters of Commitment are included in the Appendix.)

Objectives and Need for Assistance (20 Points). Applicant should show a clear relationship between the proposed project, the environmental strategy, and the community's long-range goals. The need for assistance should clearly identify the physical, economic, social, financial, governmental, and institutional challenges and problem(s) requiring a solution that supports the funding request. Describe the community (*see* Definitions) to be affected by the project and the community involvement in the project. The Applicant should describe the community's long-range goals, the community planning process, and how the project supports these community goals. The applicant should describe how the proposed goals, objectives, and activities reflect the environmental needs of the local community. Discuss the geographic location of the project and where the project and grant will be administered.

Applications from National American Indian and Native American organizations must clearly demonstrate a need for the project, explain how the project originated, and identify intended beneficiaries, describe and relate the actual project benefits to the community and organization, and describe a community-based program delivery strategy. National Indian and Native organizations should describe their membership and define how the organization operates, and demonstrates native community and/or Tribal government support for the project. The type of community served will determine the type of documentation necessary. Proposed project objectives support the identified need and should be measurable.

Organizational Profile (20 Points). Provide information on the management structure of the Applicant and the organizational relationships with its cooperating partners. Include organizational charts that indicate how the proposed project will fit into the existing structure. Demonstrate experience in the program area. Describe the Applicant's capabilities such as the administrative structure, its ability to administer a project of the proposed scope and its capacity to fulfill the implementation plan. If relevant to the project, applicants must provide a Business Plan or any Third-Party Agreements (not counted in Appendix page limit). Applicants are required to affirm that they will credit the Administration for Native Americans, and reference the ANA funded project on any audio, video, and/or printed materials developed in whole or in part with ANA funds. Applicants should list all current sources of federal funding, the agency, purpose, amount, and provide the most recent certified signed audit letter for the organization to be included in Part One of the application. If the applicant has audit exceptions, these issues should be addressed. Applicant should provide "staffing and position data'' to include a proposed staffing pattern for the project where the Applicant highlights the new project and staff. Positions discussed in this section must match the positions identified in the Objective Work Plan and in the proposed budget. *Note:* Applicants are strongly encouraged to give preference to qualified Native Americans in hiring project staff and in contracting services under an approved ANA grant. Applicant should provide a paragraph of the duties and skills required for the proposed staff and a paragraph on qualifications and experience of current staff (Full position descriptions are required to be submitted and included in the Appendix). Applicant should explain and discuss how the current and future staff will manage the proposed project. Brief biographies of key positions or individuals should be included.

Results or Benefits Expected (20 Points). In this section the applicant should discuss the "Performance Indicators'' (*see* Definitions) and the benefits expected as a result of this project. Performance indicators identify qualitative and quantitative data directly associated with the project. Each applicant should submit five indicators to support the applicant's project. Three performance indicators should be selected from the list of six below. Each grantee is required to develop two additional indicators specific to the project that directly

support the goals and objectives. For each performance indicator selected the applicant should discuss the relevance of the data, the method for collecting the data, and the evaluation process. Performance indicators will be reported to ANA in the grantee's quarterly report. Three of the five Performance indicators required, should be selected from the following list: (1) The number of environmental regulations, codes or ordinances created; (2) the number of workshops/trainings provided; (3) the number of people to successfully complete a workshop/training; (4) types of capacity building systems created and implemented to support environmental program functions; (5) identification of tribal or village government environmental regulations, codes or ordinances that were adopted or enacted; and (6) the number of regulations, codes or ordinances successfully enforced. In this section the applicant will describe how it will measure the success of the separate project components and the project as a whole. Applicant should describe how the success of the project would be evaluated and verified by an independent program monitoring and evaluation team. Applicant should provide a narrative on the specific performance indicators that can be analyzed, measured, monitored, and evaluated. For example, if requesting funds for a conference, workshop, or an educational activity, the applicant should discuss the value and long-term impact to the participants and the community and explain how the information relates to the project goals, objectives and outcomes. The applicant should discuss how the project will be completed, or self-sustaining, or supported by other than ANA fund at the end of the project period. Applicants should discuss and present objectives and goals to be achieved and evaluated at the end of each budget period. Project outcomes support the identified need and should be measurable.

Budget and Budget Justification/Cost Effectiveness: (10 Points). Budget and Budget Justification: An applicant must submit an itemized budget detailing the applicant's Federal and non-Federal share and citing source(s) of funding. The applicant should provide a detailed line item Federal and Non-Federal share budget by year for each year of project funds requested. A budget narrative describing the line item budget should be attached for each year of project funds requested. The budget should include a line item justification for each Object Class Category listed under Section B—"Budget Categories'' of the "Budget Information-Non Construction Programs on the SF 424A form. The budget should include the necessary details to facilitate the determination of allowable costs and the relevance of these costs to the proposed project.

Applicant should briefly explain its existing operational budget and any additional anticipated funding (including unique financial circumstances, with potential impact on the project such as upcoming monetary or land settlements), and how the proposed project fits in the overall budget. Applicant should explain why it cannot apply other funding resources to cover the ANA portion of funding.

The non-Federal budget share should identify the source and be supported by letters of commitment (*see* Definitions). Letters of commitment are binding when they specifically state the nature, the amount, and conditions under which another agency or organization will support a project funded with ANA funds. These resources may be human, natural, or financial, and may include other Federal and non-Federal resources. For example, a letter from another Federal agency or foundation pledging a commitment of $200,000 in construction funding to complement proposed ANA funded pre-construction activity is evidence of a firm funding commitment. Statements that additional funding will be sought from other specific sources are not considered a binding commitment of outside resources. Letters of Support merely express another organization's endorsement of a proposed project. Support letters are not binding commitment letters. They do not factually establish the authenticity of other resources and do not offer or bind specific resources to the project.

If an applicant plans to charge or otherwise seek credit for indirect costs in its ANA application, a current copy of its Indirect Cost Rate Agreement should be included in the application, with all cost broken down by category so ANA reviewers can be certain that no budgeted line items are included in the indirect cost pool. Applicants that do not submit a current Indirect Cost Rate Agreement, may not be able to claim the allowable cost, may have the grant award amount reduced, or result in a delay in grant award.

Applicants are encouraged to include sufficient funds for principal representatives, such as the applicant's chief financial officer or project director to travel to one ANA post-award grant training and technical assistance workshop. This expenditure is allowable for new grant recipients and optional for grantees that have had previous ANA grant awards and will be negotiated prior to award. Applicants may also include costs to travel to an ANA grantee conference.

Cost Effectiveness: This criterion reflects ANA's concern with ensuring that the expenditure of its limited resources yields the greatest benefit possible in achieving environmentally sound and healthy Native American communities. Applicant demonstrates an effective cost-benefit relationship for the proposed project by: explaining partnerships and the efficient use of leveraged resources; explaining the impact on the identified community through measurable project outcomes; and presenting a project that is completed, or self-sustaining or supported by other than ANA funds by the end of the project period.

Introduction and Project Summary/ Project Abstract (5 Points). Using the ANA Project Abstract form, the applicant should provide a Project Introduction. The Introduction will provide the reader an overview and some details of the proposed project. This is where the project is introduced to the peer review panel. Identify the name of the applicant, location of the community to be served by the proposed project, the project activities, amount requested, amount of matching funds to be provided, the length of time required to accomplish the project, and the outcomes or outputs to be achieved.

2. Review and Selection Process

Initial Screening: Each application submitted under this program announcement will undergo a pre-review screening to determine if (a) the application was received by the program announcement closing date; (b) the application was submitted in accordance with section IV, "Application and Submission Information''; (c) the applicant is eligible for funding in accordance with section III "Eligibility Information'' of this program announcement; (d) the applicant has submitted the proper support documentation such as proof of non-profit status, resolutions, and required government forms; and (e) an authorized representative has signed the application; and (f) applicant has a DUNS number. An application that fails to meet one of the above elements will be determined to be incomplete and excluded from the competitive review process. Applicants, with incomplete applications, will be notified by mail within 30 business days from the closing date of this program announcement. ANA staff cannot respond to requests for information regarding funding decisions prior to the

official applicant notification. After the Commissioner has made decisions on all applications, unsuccessful applicants will be notified in writing within 90 days. If pertinent, the notification will present the application weaknesses identified during the review process. Applicants are not ranked based on general financial need. Applicants, who are initially excluded from competition because of ineligibility, may appeal the decision. Applicants may also appeal an ANA decision that an applicant's proposed activities are ineligible for funding consideration. The appeals process is stated in the final rule published in the **Federal Register** on August 19, 1996 (61 FR 42817 and 45 CFR part 1336, subpart C).

Competitive Review Process: Applications that pass the initial screening process will be analyzed, evaluated and rated by an independent review panel on the basis of the evaluation criteria specified. The evaluation criteria were designed to analyze and assess the quality of a proposed community-based project, the likelihood of its success, and the ability to monitor and evaluate community impact and long-term results. The evaluation criteria and analysis are closely related and are wholly considered in judging the overall quality of an application. In addition, the evaluation criteria will standardize the review of each application and distribute the number of points more equitably. Applications will be evaluated in accordance with the Program Announcement criteria and ANA's program areas of interest. A determination will be made as to whether the project is an effective use of Federal funds.

Application Review Criteria: ANA has expanded the review criteria to allow for a more equitable distribution of points during the application review and competition process. The use of these six criteria distributes the number of points more equitably. Based on the ACF Uniform Project Description, ANA's criteria categories are Project Introduction; Objectives and Need for Assistance; Project Approach; Organizational Capacity; Results and Benefits Expected; and Budget and Budget Narrative.

As non-Federal reviewers will be used, applicants have the option of omitting from the application copies (not original) specific salary rates or amounts for individuals specified in the application budget and Social Security Numbers, if otherwise required for individuals. The copies may include summary salary information.

Application Consideration: The Commissioner's funding decision is based on an analysis of the application by the review panel, panel review scores and comments; analysis by ANA staff and review of previous ANA grantee past performance (includes timely reporting and successful grant close-out); comments from State and Federal agencies having contract and grant performance related information; and other interested parties. The Commissioner makes grant awards consistent with the purpose of the Native American Programs Act (NAPA), all relevant statutory and regulatory requirements, this program announcement, and the availability of appropriated funds. The Commissioner reserves the right to award more, or less, than the funds described or under such circumstances as may be deemed to be in the best interest of the Federal government. Applicants may be required to reduce the scope of projects based on the amount of approved award.

ANA has a policy of not funding duplicative projects or allowing any one community to receive a disproportionate share of the funds available for award. When making decisions on awards of grants the Agency will consider whether the project is essentially identical or similar, in whole or significant part, to projects in the same community previously funded or being funded under the same competition. The Agency will also consider whether the grantee is already receiving funding for a SEDS, Language, or Environmental project from ANA. The Agency will also take into account in making funding decisions whether a proposed project would require funding on an indefinite or recurring basis. This determination will be made after it is determined whether the application meets the requirements for eligibility as set forth in 45 CFR 1336, Subpart C, but before funding decisions are complete.

VI. Award Administration Information

1. Award Notice

Approximately 120 days after the application due date, the successful applicants will be notified by mail through the issuance of a Financial Assistance Award document which will set forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which initial support will be given, the non-Federal share to be provided and the total project period for which support is contemplated. The Financial Assistance Award will be signed by the Grants Officer and sent to the applicants Authorizing Official.

2. Administrative and National Policy Requirements

45 CFR part 74 and 45 CFR part 92 and 45 CFR part 1336, subpart C and 42 U.S.C. section 2991 *et seq.*—Native American Programs Act of 1974.

Paperwork Reduction Act of 1995 (Pub. L. 104–13): Public reporting burden for this collection of information is estimated to average 120 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection information. The project description is approved under OMB control number 0970–0139 which expires 3/31/04. 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 Survey on Ensuring Equal Opportunity for Applicants form is approved under OMB control number 1890–0014 which expires 1/31/06.

3. Reporting Requirements

Programmatic Reports: Quarterly.

Financial Reports: Quarterly.

Special Reporting Requirements: An original and two copies of each performance report and financial status report must be submitted to the Grants Officer. Failure to submit these reports when required will mean the grantee is non-compliant with the terms and conditions of the grant award and subject to administrative action or termination. Performance reports are submitted 30 days after each quarter (3-month intervals) of the budget period. The final performance report, due 90 days after the project period end date, shall cover grantee performance during the entire project period. All grantees shall use the SF 269 (Long Form) to report the status of funds. Financial Status Reports are submitted 30 days after each quarter (3-month intervals) of the budget period. The final report shall be due 90 days after the end of the project period.

VII. Agency Contacts

Program Office Contact: ANA Applicant Help Desk, 370 L'Enfant Promenade, SW., Aerospace Building 8th Floor-West, Washington, DC 20447–0002. Telephone: (202) 690–7776 or toll-free at 1–877–922–9262. e-mail: *ana@acf.dhhs.gov.*

Grants Management Office Contact: Lois B. Hodge, 370 L'Enfant Promenade, SW., Aerospace Building 8th Floor-West, Washington, DC 20447–0002.

Telephone: (202) 401–2344. e-mail: *Lhodge@acf.dhhs.gov.*

VIII. Other Information

Training and Technical Assistance: All potential ANA applicants are eligible to receive T&TA in the SEDS, Language, or Environmental program areas. Prospective applicants should check ANA's web site for training and technical assistance dates and locations, or contact the ANA Help Desk at 1–877–922–9262. Due to the new application and program additions and modifications, ANA strongly encourages all prospective applicants to participate in free pre-application training.

Dated: Dated February 20, 2004.

Quanah Crossland Stamps,

Commissioner, Administration for Native Americans.

[FR Doc. 04–4304 Filed 2–26–04; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004N–0063]

Agency Information Collection Activities; Proposed Collection; Comment Request; Voluntary Registration of Cosmetic Product Establishments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the voluntary registration of cosmetic product establishments with FDA.

DATES: Submit written or electronic comments on the collection of information by April 27, 2004.

ADDRESSES: Submit electronic comments on the collection of information to: *http://www.fda.gov/dockets/ecomments*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Robbins, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520) Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Voluntary Registration of Cosmetic Product Establishments—21 CFR Part 710 (OMB Control Number 0910–0027)—Extension

The Federal Food, Drug, and Cosmetic Act (the act) provides FDA with the responsibility for assuring consumers that cosmetic products in the United States are safe and properly labeled. Cosmetic products that are adulterated under section 601 of the act (21 U.S.C. 361) or misbranded under section 602 of the act (21 U.S.C. 362) may not be distributed in interstate commerce. To assist FDA in carrying out its responsibility to regulate cosmetics, FDA has developed the Voluntary Cosmetic Registration Program (VCRP). In 21 CFR part 710, FDA requests that establishments that manufacture or package cosmetic products register with the agency on Form FDA 2511 entitled "Registration of Cosmetic Product Establishment.'' Form FDA 2511 is available on FDA's VCRP Web site at *http://www.cfsan.fda.gov/~dms/cos-regn.html*.

Because registration of cosmetic product establishments is not mandatory, voluntary registration provides FDA with the best information available about the locations, business trade names, and types of activity (manufacturing or packaging) of cosmetic product establishments. FDA places the registration information in a computer database and uses the information to generate mailing lists for distributing regulatory information and for inviting firms to participate in workshops on topics in which they may be interested. FDA also uses the information for estimating the size of the cosmetic industry and for conducting onsite establishment inspections. Registration is permanent, although FDA requests that respondents submit an amended Form FDA 2511 if any of the originally submitted information changes.

FDA estimates the burden of this information collection as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Part	Form	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
710	FDA 2511	15	1	15	0.4	6

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The VCRP was suspended during fiscal year (FY) 1998 due to a lack of budgetary funding and was reinstated at the beginning of FY 1999. The estimated hour burden for this information collection is 30 percent of the previous level reported in 2000. In general, the larger cosmetic companies have resumed participating in the VCRP, whereas the smaller companies are lagging.

Dated: February 23, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–4339 Filed 2–26–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004C–0078]

Cryovac North America; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Cryovac North America has filed a petition proposing that the color additive regulations be amended to provide for the safe use of synthetic iron oxide as a color additive in or on cooked meat products.

FOR FURTHER INFORMATION CONTACT: Aydin Örstan, Center for Food Safety and Applied Nutrition (HFS 265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 202–418–3076.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 721(d)(1) (21 U.S.C. 379e(d)(1))), notice is given that a color additive petition (CAP 4C0276) has been filed by Cryovac North America, c/o Keller and Heckman LLP, 1001 G St. NW., Suite 500 West, Washington, DC 20001. The petition proposes to amend the color additive regulations in 21 CFR part 73 to provide for the safe use of synthetic iron oxide as a color additive in or on cooked meat products.

The agency has determined under 21 CFR 25.32(k) 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.

Dated: February 5, 2004.

George H. Pauli,

Acting Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 04–4340 Filed 2–26–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003D–0478]

Draft Guidance on Marketed Unapproved Drugs; Compliance Policy Guide; Availability; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening until April 27, 2004, the comment period on the draft guidance for industry entitled "Marketing Unapproved Drugs; Compliance Policy Guide.'' The agency announced the availability of this draft guidance in the **Federal Register** of October 23, 2003 (68 FR 60702). The initial comment period closed December 22, 2003. The agency is taking this action to provide interested persons additional time to review the draft guidance and submit comments.

DATES: Submit written or electronic comments on the draft guidance by April 27, 2004. General comments on agency guidance documents are welcome at anytime.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research (CDER), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist the office in processing your requests. Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Sakineh H. Walther, Center for Drug Evaluation and Research (HFD–318), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–8964.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 23, 2003 (68 FR 60702), FDA published the draft guidance for industry entitled "Marketing Unapproved Drugs; Compliance Policy Guide.'' This draft guidance describes how FDA intends to exercise its enforcement discretion with regard to drugs marketed in the United States that do not have required FDA approval for marketing. This document will, when finalized, supersede section 440.100 entitled "Marketed New Drugs Without Approved NDAs or ANDAs'' (CPG 7132c.02) of the Compliance Policy Guide. It applies to any new drug required to have FDA approval for marketing, including new drugs covered by the over-the-counter review. The initial comment period closed on December 22, 2003, but to provide interested persons additional time to review the draft guidance and submit comments, the agency is reopening the comment period for an additional 60 days, until April 27, 2004.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the draft guidance. Two copies of any mailed comments are to be submitted, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain copies of this draft guidance for industry at either *http://www.fda.gov/cder/guidance/index.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: February 20, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–4310 Filed 2–26–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004D–0027]

Draft Guidance for Industry on Time and Extent Applications; Availability; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that appeared in the **Federal Register** of February 10, 2004 (69 FR 6309). The document announced the availability of a draft guidance for industry entitled "Time and Extent Applications.'' The document was published with an incorrect docket number. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Joyce A. Strong, Office of the Commissioner (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7010.

SUPPLEMENTARY INFORMATION: In FR Doc. 04–2729, appearing on page 6309 in the **Federal Register** of Tuesday, February 10, 2004, the following correction is made:

1. On page 6309, the docket number in the heading of the document is corrected to read "[Docket No. 2004D–0027].''

Dated: February 19, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–4311 Filed 2–26–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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: National Heart, Lung, and Blood Institute Special Emphasis Panel, Review of Programs for Genomic Application (PGAs).

Date: March 4, 2004.

Time: 8:30 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Arthur N Freed, PhD, Review Branch, Room 7186, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, MSC 7924, Bethesda, MD 20892, (301) 435–0280.

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 Heart, Lung, and Blood Institute Special Emphasis Panel, Review of Career Enhancement Awards (K18s).

Date: March 11, 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: Robert B Moore, PhD, Review Branch, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7178, MSC 7924, Bethesda, MD 20892, (301) 435–0725.

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. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 20, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–4333 Filed 2–26–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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: National Institute of Environmental Health Sciences Special Emphasis Panel.

Date: April 7, 2004.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Linda K. Bass, PhD, Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel.

Date: April 7, 2004.

Time: 3:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Linda K. Bass, PhD, Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: February 20, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–4330 Filed 2–26–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the national Institute of Environmental Health Sciences Special Emphasis Panel, February 18, 2004, 1 p.m. to February 18, 2004, 4 p.m., NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, 122, Research Triangle Park, NC, 27709 which was published in the **Federal Register** on December 23, 2003, FR 68 74248.

The meeting will be rescheduled to March 9, 2004. Meeting time and location will remain the same. The meeting is closed to the public.

Dated: February 20, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–4331 Filed 2–26–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Respiratory Integrative Biology and Translational Research Study Section, March 8, 2004, 8:30 a.m. to March 9, 2004, 5:30 p.m., Governor's House Hotel, 1615 Rhode Island Avenue, NW., Washington, DC 20036 which was published in the **Federal Register** on February 13, 2004, 69 FR 7240–7241.

The meeting will be held at the Marriott Courtyard, 1600 Rhode Island Avenue, NW., Washington, DC 20036. the dates and time remain the same. The meeting is closed to the public.

Dated: February 20, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–4328 Filed 2–26–04; 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 Skeletal Biology Structure and Regeneration Study Section, February 22, 2004, 8 a.m. to February 24, 2004, 5 p.m. Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007 which was published in the **Federal Register** on January 30, 2004, 69 FR 4526–4528.

The meeting will be held February 23–24, 2004. The meeting time and location remain the same. The meeting is closed to the public.

Dated: February 20, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–4329 Filed 2–26–04; 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, Genetic Sciences Integrated Review Group.

Date: March 3, 2004.

Time: 10 a.m. to 12:30 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: Michael A. Marino, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Rm. 2216 MSC 7890, Bethesda, MD 20892, 301–435–0601, *marinomi@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: Health of the Population Integrated Review Group, Epidemiology of Cancer Study Section.

Date: March 4–5, 2004.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Terrace Hotel, 1515 Rhode Island Avenue, NW., Washington, DC 20005.

Contact Person: Denise Wiesch, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, (301) 435–0684.

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, DNA Repair.

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: Hungyi Shau, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–435–1720, *gshauhuns@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, Vector Biology.

Date: March 11, 2004.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW, Washington, DC 20007.

Contact Person: Richard G. Kostriken, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7808, Bethesda, MD 20892, 301–402–4454, *kostrikr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 RUS–D(03): Osteoarthritis.

Date: March 12, 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: M. Chris Langub, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7814, Bethesda, MD 20892, 301–496–8551, *clangub@uky.edu.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Innovation and Bioengineering Research Grants.
Date: March 14–15, 2004.
Time: 7 p.m. March 14 to 5 p.m. March 15.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites Hotel, 4300 Military Road, Washington, DC 20015.
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, ZRG1: SSS–7 (02): Medical Imaging Technology: Member Conflicts.
Date: March 15, 2004.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Montgomery Room, Bethesda, MD 20814.
Contact Person: Robert J. Nordstrom, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892, (301) 435–1175, *nordstrr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSS–9(50) R: Biomedical Computing and Health Informatics.
Date: March 17, 2004.
Time: 8 a.m. to 12:30 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: Bill Bunnag, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 20892, (301) 435–1177, *bunnagb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSS-9 (10) B: Biomedical Computing and Health Informatics.
Date: March 17–19, 2004.
Time: 2 p.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: Bill Bunnag, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 0891, (301) 435–1177, *bunnagb@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, Behavioral and Social Science Approaches to Preventing HIV/AIDS Study Section.
Date: March 18–19, 2004.
Time: 8 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: Ranga V. Srinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 435–1167, *srinivar@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 CVS SBIR.
Date: March 18–19, 2004.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.
Contact Person: Delia Tang MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, 301–435–2506, *tangd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Genetics, Genomics and Nucleic Acid Technologies.
Date: March 18–19, 2004.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Michael A. Marino, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2216, MSC 7890, Bethesda, MD 20892, 301–435–0601, *marinomi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Pain: Cellular and Molecular Mechanisms.
Date: March 18, 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: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neural Control of Cardiovascular System.
Date: March 18, 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: Ai-Ping Zou, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–435–1777.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Structure, Function and Development of Clotting Factors–Member Conflict.
Date: March 18, 2004.
Time: 2 p.m. to 5 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, Member Conflicts for SSPS–C.
Date: March 18, 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: Karin F. Helmers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, (301) 435–1017, *helmersk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSS–M 53R: PAR–03–032: Neuroprosthesis Bioengineering Research Partnerships.
Date: March 19, 2004.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham City Center, 1143 New Hampshire Avenue, NW., Washington, DC 20036.
Contact Person: Jean D. Sipe, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, (301) 435–1743, *sipej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Coagulation, Hematopoiesis and Transfusion.
Date: March 19, 2004.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Chhanda L. Ganguly, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7802, Bethesda, MD 20892, (301) 435–1739, *gangulyc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships in Language, Memory and Cognition.
Date: March 19, 2004.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Dana Plude, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7848, Bethesda, MD 20892, (301) 435–2309, *pluded@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Haemophilus Influenzae Adhesins.

Date: March 19, 2004.

Time: 11 a.m. to 12 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: Diane L. Stassi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, (301) 435–2514, *stassid@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Obscurin and Ankyrin in Striated Muscles.

Date: March 19, 2004.

Time: 1 p.m. to 2 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: Rajiv Kumar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7802, Bethesda, MD 20892, (301) 435–1212, *kumarra@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Hearing Mechanisms: Human Subjects Studies.

Date: March 19, 2004.

Time: 1 p.m. to 2 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: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cardiovascular Dynamics.

Date: March 19, 2004.

Time: 1 p.m. to 2 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: Ai-Ping Zou, PhD, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, (301) 435–1777.

(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, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 20, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–4332 Filed 2–26–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG–2004–16860]

Gulf Landing LLC Liquefied Natural Gas Deepwater Port License Application; Correction

AGENCY: Coast Guard, DHS, Maritime Administration, DOT.

ACTION: Notice of Application; correction.

SUMMARY: On January 22, 2004, the Coast Guard published a notice of application for the Gulf Landing LLC Liquefied Natural Gas Deepwater Port, with request for comments in the **Federal Register**, which inadvertently contained an error in the *Summary of the application* section. This document corrects the error.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Kevin Tone, Vessel and Facility Operating Standards Division (G–MSO–2), Coast Guard, telephone 202–267–0226.

Correction

In the **Federal Register** of January 22, 2004, in FR Doc. 04–1276, on page 3166, in the third column, correct the first and second lines to read "West Cameron'' instead of "South Cameron.''

Dated: February 20, 2004.

Joseph J. Angelo,

Director of Standards, Marine Safety, Security, and Environmental Protection.

Raymond R. Barberesi,

Director, Office of Ports and Domestic Shipping, U.S. Maritime Administration.

[FR Doc. 04–4396 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG 2004–16877]

Cabrillo Port Liquefied Natural Gas Deepwater Port License Application; Environmental Impact

AGENCY: United States Coast Guard, DHS; Maritime Administration, DOT.

ACTION: Notice of intent; notice of preparation; notice of public meetings; and request for public comments.

SUMMARY: The Coast Guard and the Maritime Administration (MARAD) announce their intent to prepare a joint environmental impact statement/environmental impact report (EIS/EIR), pursuant to a Memorandum of Agreement with the California State Lands Commission (CSLC), in connection with this application for a proposed liquefied natural gas (LNG) deepwater port (DWP) that would be located approximately 13.9 miles offshore of Ventura County, California. The joint EIS/EIR will be prepared with the CSLC because the applicant has also filed a CSLC land lease application for subsea pipelines through State waters to deliver natural gas to shore. The joint EIS/EIR will meet the requirements of both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). This notice announces public meetings to be held in connection with the joint EIS/EIR, requests public comment on the scope of the joint EIS/EIR, and serves as a notice of preparation (NOP) for the purposes of California law.

DATES: Comments or related material must be received by March 31, 2004, at 2 p.m. Pacific Standard Time. Meeting dates are March 15, 2004, (Oxnard, California) and March 16, 2004 (Malibu, California).

ADDRESSES: The Coast Guard, MARAD, and CSLC will conduct an open house, followed by a public scoping meeting, to receive oral or written testimony at the following times and places: Monday, March 15, 2004, Oxnard Performing Arts Center, 800 Hobson Way, Oxnard, California 93030, (805) 486–2424.

Open House: 9:30 a.m. to 11:30 a.m., and 4 p.m. to 6 p.m.

Public Scoping Meetings: 12 p.m. to 3 p.m., and 6:30 p.m. to 9:30 p.m.

Tuesday, March 16, 2004, Malibu High School Auditorium, 30215

Morningview Drive, Malibu, California 90265, (310) 457–6801.

Open House: 4 p.m. to 6 p.m.

Public Scoping Meeting: 6:30 p.m. to 9:30 p.m.

All public scoping meeting spaces will be wheelchair-accessible. Individuals may request special accommodations for the public scoping meetings, such as real-time translation. Contact Cy Oggins, CSLC, at (916) 574–1884 or *ogginsc@slc.ca.gov* if special accommodations are required. Requests should be made as soon as possible but at least three (3) business days before the scheduled meeting. Include the name and telephone number of the contact person, the timelines for requesting accommodations, and a TDD number that can be used by individuals with hearing impairments.

It is not necessary to present comments at more than one meeting. One need not attend a meeting in order to comment. Comments may also be sent using one of the following methods (identify the subject of the comment by using the docket number, USCG–2004–16877):

(1) Electronically through the Web site for the Docket Management System, at *http://dms.dot.gov.*

(2) By mail to the Docket Management Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(3) By fax to the Docket Management Facility at (202) 493–2251.

(4) By delivery to Room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public will become part of this docket and will be available for inspection or copying in Room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, D.C., from 9 a.m. to 5 p.m. Monday through Friday, except Federal holidays. This docket may also be found on the Internet at *http://dms.dot.gov.*

(5) In addition, comments may be made by mail or email to Cy Oggins, California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, California 95825; *ogginsc@slc.ca.gov* or electronically through the project Web site at *http://www.cabrilloport.ene.com.* Include the docket number, USCG–2004–16877, and State Clearinghouse number. However, if one of these comment submittal methods is used, the comment will also be entered in the Docket Management Facility docket.

FOR FURTHER INFORMATION CONTACT: Information pertaining to the proposed Cabrillo Port Project is available online at *http://dms.dot.gov, http://www.slc.ca.gov,* or *http://www.cabrilloport.ene.com.* Questions regarding the proposed Project, the license application process, or the EIS/EIR process may be directed to Commander Mark Prescott, USCG, (202) 267–0225 (*mprescott@comdt.uscg.mil*), Keith Lesnick, MARAD, 202–366–1624 (*Keith.Lesnick@marad.dot.gov*) or Cy Oggins, CSLC, (916) 574–1884 (*ogginsc@slc.ca.gov*). Questions regarding viewing or submitting materials to the docket may be directed to Andrea M. Jenkins, Program Manager, Docket Operations, (202) 366–0271.

This public notice may be requested in an alternative format, such as Spanish translation, audiotape, large print, or Braille. Contact Cy Oggins, CSLC, (916) 574–1884 (*ogginsc@slc.ca.gov*), or visit *http://www.cabrilloport.ene.com.*

SUPPLEMENTARY INFORMATION:

Public Meetings and Request for Comments

As discussed under **ADDRESSES**, the Coast Guard, MARAD, and CSLC plan to conduct meetings related to preparation of the joint EIS/EIR for the proposed Project. The open houses will be informal opportunities to ask questions and receive information regarding the Project. The public scoping meetings will be structured to provide interested members of the public with an opportunity to present comments regarding the approach and conduct of the environmental analysis. Speakers at the public scoping meetings will be recognized in the following order: elected officials, public agencies, individuals or groups in the sign-up order, and anyone else who wishes to speak. Speakers may be asked to limit their oral comments to three (3) minutes in order to afford everyone an opportunity to speak. Written comments will also be accepted. Please notify Cy Oggins, CSLC, (916) 574–1884 (*ogginsc@slc.ca.gov*), as soon as possible, but at least three (3) business days before the scheduled meeting, if translation of written materials is required.

The Coast Guard, MARAD, and CSLC also encourage submittal of comments and related material regarding this notice using one of the methods described under **ADDRESSES.** The Coast Guard, MARAD, and CSLC are most interested in receiving comments that identify potentially significant impacts, alternatives, or mitigation measures that should be taken into account in determining the scope of the joint EIS/EIR.

Background Information

A notice of application for the proposed Cabrillo Port DWP was published in the **Federal Register** (FR) on January 27, 2004 (69 FR 3934). Consult that notice for additional information regarding the proposed DWP and the moorings that would be installed on the floor of the Pacific Ocean approximately 13.9 miles offshore of Ventura County, California.

Congress first authorized DWPs in 1974. Federal law (33 United States Code [U.S.C.] 1501 *et seq.*) defines a DWP as any fixed or floating manmade structure other than a vessel, or any group of such structures, that is located beyond State seaward boundaries, and that is used or intended for use as a port or terminal for the transportation, storage, or further handling of oil or natural gas for transportation to any state. All DWPs require Federal licenses, which may be granted or denied by the Maritime Administrator based on an application process administered by the Coast Guard and MARAD. Part of that process involves assessment of the proposed DWP's environmental impact, in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4332), and in consultation with States that are adjacent to the proposed DWP's location. For the purposes of the Cabrillo Port application, California is an adjacent State. The Coast Guard has determined that compliance with the NEPA requires preparation of an EIS. The CSLC has determined that the proposed DWP would need a CSLC land lease for subsea pipelines through State waters to deliver the natural gas to shore, and that compliance with the California Environmental Quality Act (CEQA) requires preparation of an EIR. Because of the many similarities between an EIS and an EIR, the Coast Guard (in coordination with MARAD) and CSLC have agreed to cooperate in preparing a single document that can satisfy both the NEPA and the CEQA. For the State of California's purposes, this notice serves as an NOP, notice of public scoping meetings, and request for comments.

Proposed Action

The Applicant is proposing to construct and operate an offshore floating storage and regasification unit (FSRU) that would be moored in Federal

waters approximately 13.9 miles offshore of Ventura County in 2,900 feet of water. As proposed, LNG from the Pacific basin would be delivered by tanker to, and offloaded onto, the FSRU; re-gasified; and delivered onshore via two new 21.1-mile- (33.8-kilometer-) long, 24-inch-diameter natural gas pipelines laid on the ocean floor. These pipelines would come onshore at Ormond Beach near Oxnard, Ventura County. New 14.9-mile- (24-kilometer-) and 7.4-mile- (11.9- kilometer-) long pipeline loops would also be constructed to connect the offshore pipeline with the existing Southern California Gas Company intrastate pipeline system to distribute natural gas throughout the Southern California region. The facilities would be designed to deliver a peak of up to 1.5 billion cubic feet per day (bcf/d), with an anticipated average rate of 0.6 to 0.9 bcf/d.

The DWP's offloading facilities would be designed to accommodate LNG carriers ranging in capacity from 100,000 to 220,000 cubic meters (m^3). The FSRU would be permanently moored, and would use a turret system (a tower-like revolving structure) to allow the FSRU to weathervane (rotate) around a fixed point. The FSRU, which would be designed for loading LNG from a side-by-side, moored LNG tanker, would be shaped like another vessel, double-sided, double-bottomed, and 938 feet (286 meters) long and 213 feet (65 meters) wide, with a displacement of approximately 190,000 deadweight tons.

Ships would be berthed and unloaded on the starboard side of the FSRU. The FSRU would store LNG in three Moss spherical tanks. Each tank would have a 91,000-m^3 LNG storage capacity, and the total FSRU LNG storage capacity would be 273,000 m^3. Onboard utilities and systems associated with FSRU operations would include electric power generation and distribution, instrumentation and controls, and fire and safety systems. According to the applicant, the DWP would include all marine systems, communications, navigation aids, and equipment necessary to safely conduct LNG carrier operations and receive product. This will be independently analyzed in the EIS/EIR.

A 200-foot- (60.9-meter-) wide right-of-way would be set aside for the construction, with permanent rights-of-way in all offshore areas in which the 24-inch (0.762-meter) pipelines would be laid. The submarine pipelines would be buried from the 13-meter water depth approximately 0.3 mile (0.48 kilometer) offshore to its landfall at Ormond Beach within the city limits of Oxnard, and would be installed using the horizontal directional drilling technique. The underground pipelines would pass beneath Ormond Beach east of the Reliant Ormond Beach Generating Station in Oxnard. Gas would be metered at a small facility located inland approximately 0.4 mile (0.64 kilometer). The facility would include a metering station, pig launcher/receiver, and odorant station. The onshore pipeline would continue through Ventura County into Los Angeles County. It would be constructed mainly adjacent to existing rights-of-way.

The Coast Guard and CSLC intend to prepare a joint EIS/EIR consistent, with the Deepwater Port Act (DWPA) of 1974, as amended (33 U.S.C. 1501 *et seq.*); the NEPA (Section 102[2][c]), as implemented by Council on Environmental Quality regulations (40 Code of Federal Regulations 1500 to 1508); DOT Order 5610.1C ("Procedures for Considering Environmental Impacts''); Coast Guard policy (Commandant's Instruction M16475.1D); and the CEQA (California Public Resources Code §§ 21000 *et seq.*) as implemented by the State CEQA Guidelines (14 California Code of Regulations §§ 15000 *et seq.*).

The environmental review and analysis will be performed according to the timeline prescribed by the DWPA. These activities must be completed within 356 days. The period to complete all NEPA/CEQA documents is approximately 240 days. This timeline will govern the activities related to the processing of the license application and the completion of all NEPA- and CEQA-related actions needed to support the decision regarding whether to approve, approve with conditions, or disapprove the proposed license/lease.

Currently Identified Environmental Issues

The NEPA and CEQA require agencies to consider environmental impacts that may result from a proposed action, to inform the public of potential impacts and alternatives, and to facilitate public involvement in the assessment process. The EIS/EIR for Cabrillo Port will describe in detail the nature and extent of the environmental impacts of the proposed action and each alternative, and will discuss appropriate mitigation measures for any adverse impacts. The EIS/EIR will include, among other matters, discussions of the purpose and need for the proposed action, a description of alternatives, a description of the affected environment, an evaluation of the environmental impacts of the proposed action and alternatives, and explanations of proposed mitigation. The EIS/EIR will assess the impacts of the alternatives on the natural and human environment, including approving or not approving (no-action alternative) the license application to construct and operate the DWP.

The EIS/EIR will consider a reasonable range of alternatives, including the no-action/no project alternative, which for this Project would mean that MARAD would not approve the application for the DWP and CSLC would not approve the application for the lease of the subsea pipelines right-of-way.

Environmental issues that will require detailed analysis include, but are not necessarily limited to: Aesthetics

- Alteration of the viewshed by construction and operations.

Air Quality

- Impacts on regional air quality, including visibility and other resources in sensitive Federal Class I areas (*e.g.*, Channel Islands National Park).

Geological Resources and Soils

- Impacts on facilities from seismic hazards;
- Impacts on onshore facilities from liquefaction;
- Erosion and dust; and
- Sand migration and scour at Ormond Beach.

Hazardous Materials (HAZMAT)

- Impacts from HAZMAT spills (including petroleum, LNG, hydrocarbons, fuels, lubricant, urea, paints, solvents, and sanitary waste).

Marine Transportation

- Disruption in marine transportation, adversely affecting existing ship traffic to and from the ports of Port Hueneme and Oxnard;
- Potential navigational hazards to marine traffic; and
- An increase in tanker travel to and from the FSRU, which could disrupt marine traffic to local ports or harbors.

Marine Biology

- Vessels potentially striking sea turtles and marine mammals;
- Crushing and displacement of benthic communities during construction; and
- Effects of increases in turbidity and changes in water quality, lights, and noise.

Recreation

- Impacts on boating and commercial and recreational fishing opportunities;
- Recreational areas possibly being impacted by noise and/or dust generated during construction;

• Access to the beach or ocean; and
• Permanent and temporary areas of restricted access around the FSRU.

Hazards and Risk/Safety

• LNG releases resulting in potential impacts on third parties from fire, radiant energy, or ignitable gas clouds (mainly to passengers of small craft operating near the FSRU);
• Effects of "cold water'' resulting from LNG release to marine mammals; and
• Effects of pipeline failures on humans, property, and marine and terrestrial ecosystems.

The EIS/EIR will include an independent, site-specific risk assessment.

Noise

• Potential increases in noise levels due to project construction and operation; and
• Effects of noise on local residents, recreationists, passengers and crews on marine vessels, and marine mammals.

Terrestrial and Freshwater Biology

• Impacts from construction or operation on wetlands and other habitats, and sensitive species, within the proposed pipeline landing and corridor areas.

Water Quality

• Impacts from LNG or HAZMAT spills, increases in turbidity, or unearthing of contaminated sediments; and
• Increases in shoreline erosion during construction and operation.

Environmental Justice

• Potential disproportionate effects on minority and low-income populations within the Project area.

The EIS/EIR will identify any relevant populations that might be disproportionately affected by the proposed Project, and ensure that a range of reasonable alternatives is identified.

Agricultural Resources

• Disruption of existing farmland and prime farmland located in the Ormond Beach area and along the onshore pipeline rights-of-way.

Cultural Resources

• Potential adverse and cumulative adverse effects on existing and as yet unidentified cultural resources, offshore and onshore.

Energy and Mineral Resources

• Restriction of future availability of exploitable oil and gas resources (and associated government royalties) due to infrastructure development and restricted access.

Land Use and Traffic

• Conflicts with existing land uses, especially in coastal areas designated for recreational purposes (Ormond Beach);
• Impacts on farmland and agricultural areas in Oxnard;
• Impacts on marine resources off the coast of Oxnard, including the Channel Islands National Marine Sanctuary and Channel Islands National Park; and
• Disruptions to traffic use and patterns.

Population and Housing

• Impacts on the existing community character and development, population, housing, infrastructure and social services, employment, and the regional economic base.

Cumulative Impacts: The EIS/EIR will evaluate the cumulative effects of the Project associated with each environmental issue area. These include the incremental effects of past projects, other current projects, and probable future projects, including the offshore LNG facility proposed by Crystal Energy and the Sound Energy Solutions LNG project proposed for the Port of Long Beach, along with the cumulative effects of other major projects in the area.

No-Action/No Project Alternative: The EIS/EIR will examine the impacts of not approving the DWP license application.

Alternative Offshore Locations: The EIS/EIR will consider an alternative location in the vicinity of the proposed Project, and other locations adjacent to the California coast. Local alternatives include sites near the Santa Barbara Channel and Anacapa Island.

Land-Based Alternatives: The California Legislature mandated the evaluation of land-based LNG sites. Land-based alternatives previously considered by California agencies will be considered again, including sites at Point Conception and Camp Pendleton.

Alternative Technologies: Alternative Project technologies, including open-rack vaporizers and alternative floating facility designs, also will be evaluated.

Alternative Pipeline Routes: The EIS/EIR will also evaluate an alternative submarine pipeline route and an alternative onshore pipeline route.

The major Federal and State permit, approval, and consultation requirements for Cabrillo Port include, but are not necessarily limited to, the following:

Federal

• DOT/MARAD—DWP license;
• DHS/U.S. Coast Guard—DWP license;
• U.S. Environmental Protection Agency (EPA)—Title V Federal operating permit and Prevention of Significant Deterioration preconstruction review;
• EPA—Clean Water Act (CWA) stormwater and wastewater discharge permits;
• Advisory Council on Historic Preservation—Section 106, National Historic Preservation Act (NHPA);
• U.S. Army Corps of Engineers (USACE)—Waterways permit under Section 404, CWA;
• USACE—Section 10, Rivers and Harbors Act;
• U.S. Fish and Wildlife Service—Section 7, Endangered Species Act (ESA);
• National Oceanic and Atmospheric Administration (NOAA), NOAA Fisheries—Section 7, ESA;
• NOAA Fisheries—Magnuson-Stevens Fishery and Conservation and Management Act;
• NOAA Fisheries—Marine Mammal Protection Act; and
• Federal Communication Commission—Telecommunications license.

California

• CSLC—Right-of-way lease;
• California Coastal Commission—Compliance with California Coastal Act and consistency with California Coastal Management Program;
• California Department of Transportation—Encroachment permits;
• Los Angeles Regional Water Quality Control Board (RWQCB)—CWA Section 401 certification;
• Los Angeles RWQCB—Hydrostatic test water discharge permit;
• California Department of Fish and Game—California ESA consultation and stream alteration agreements; and
• State Historic Preservation Officer—Section 106 NHPA consultation.

Availability of EIS/EIR

A notice of availability (NOA) will be published in the **Federal Register** when the draft EIS/EIR is available, and CSLC will issue notices of availability and completion. The draft EIS/EIR in hard-copy or electronic format will be distributed to agencies and interested parties that have requested copies. Anyone who wishes to comment on the draft report will be provided with an opportunity to review the draft EIS/EIR and to offer comments on the environmental effects of the Project. Comments received during the draft EIS/EIR review period will be available in the public docket and responded to in the final EIS/EIR. An NOA of the final EIS/EIR will also be published in

the **Federal Register**, and CSLC will issue notices of availability and completion.

Dated: February 24, 2004

Joseph J. Angelo,

Director of Standards, Marine Safety, Security and Environmental Protection, U.S. Coast Guard.

Raymond R. Barberesi,

Director, Office of Ports and Domestic Shipping, U.S. Maritime Administration.

[FR Doc. 04–4407 Filed 2–24–04; 2:45 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG–2004–16860]

Gulf Landing LLC Liquefied Natural Gas Deepwater Port License Application; Preparation of Environmental Impact Statement

AGENCY: Coast Guard, DHS; and Maritime Administration, DOT.

ACTION: Notice of intent; notice of public meeting; and request for public comments.

SUMMARY: The U.S. Coast Guard and the Maritime Administration (MARAD) announce their intent to prepare an environmental impact statement (EIS), and hold a public meeting/informational open house to discuss issues to be addressed in the EIS, for the project described in the Gulf Landing LLC Deepwater Port License Application. The plan description in the license application calls for construction of a liquefied natural gas (LNG) Deepwater Port known as "Gulf Landing'', associated anchorages, and pipeline connections in the Gulf of Mexico, approximately 38 miles south of Cameron Parish, Louisiana, located in 55 feet of water in Outer Continental Shelf (OCS) Block West Cameron 213. The Coast Guard seeks public and agency input on the scope of the EIS. Specifically, the Coast Guard requests input on any environmental concerns that the public may have related to the proposal to construct a new Deepwater Port, sources of relevant data or information, and any suggested analysis methods for inclusion in the EIS.

DATES: The public meeting will be held March 16, 2004, from 1 p.m. to 5 p.m., in Lafayette, LA. Comments and related material must reach the Docket on or before April 15, 2004.

ADDRESSES: The public meeting/open house location is: Marriott Courtyard, 214 East Kaliste Saloon Road, Lafayette, LA 70508, phone number (337) 232–5005.

You may submit comments identified by Coast Guard docket number USCG–2004–16860 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) Web site: *http://dms.dot.gov.*

(2) *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

(3) *Fax:* 202–493–2251.

(4) *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. The telephone number is 202–366–9329.

(5) Federal eRulemaking Portal: *http://www.regulations.gov.*

The Docket Management Facility maintains the public docket for this notice. Comments will become part of this docket and will be available for inspection or copying in Room PL–401, located on the Plaza Level of the Nassif Building at the above address between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays. You may also view this docket, including this notice and comments, on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, the project, or the meeting, call Lieutenant Derek Dostie at 202–267–0626, or email at *ddostie@comdt.uscg.mil.* If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202–366–0271.

SUPPLEMENTARY INFORMATION:

Submitting Comments

You may submit comments and related materials on this notice, the public meeting, or concerning the application. Persons submitting comments should include their names and addresses, the docket number (USCG–2004–16860), and the reasons for each comment. You may submit your comments and materials by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address given under **ADDRESSES**; but please submit your comments and materials by only one means. If you choose to submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, and suitable for copying and electronic filing. If you submit them by mail and would like to know if they reach the facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and materials received during the comment period. All comments received will be posted, without change, to *http://dms.dot.gov* and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use their Docket Management Facility. Please see DOT's "Privacy Act'' paragraph below.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://dms.dot.gov* at any time and conduct a simple search using the docket number. You may also visit the Docket Management Facility in 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.

Privacy Act

Anyone can 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 the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://dms.dot.gov.*

Background Information

On November 3, 2003, the Coast Guard and MARAD received an application from Gulf Landing LLC ("Gulf Landing''), 1301 McKinney, Suite 700, Houston, Texas 77010 for all federal authorizations required for a license to own, construct and operate a deepwater port off the coast of Louisiana. Supplemental information was furnished at our request on December 12, 2003. On January 5, 2004, we determined that the application contained all information required by the Deepwater Port Act and a Notice of Application was published in the **Federal Register** on January 22, 2004 (Volume 69, Number 14). The application and related documentation supplied by the applicant (except for certain protected information specified in 33 U.S.C. 1513) may be viewed in the public docket (see **ADDRESSES**).

According to the Deepwater Port Act of 1974, as amended (the Act; 33 U.S.C. 1501 *et seq.*), a deepwater port is a fixed or floating manmade structure other than a vessel, or a group of structures, located beyond State seaward boundaries and used or intended for use as a port or terminal for the transportation, storage, and further handling of oil or natural gas for transportation to any State.

A deepwater port must be licensed, and the Act provides that a license applicant submit detailed plans for its facility to the Secretary of Transportation, along with its application. The Secretary has delegated the processing of deepwater port applications to the Coast Guard and MARAD. The Act provides, "For all applications, the Secretary, in cooperation with other involved Federal agencies and departments, shall comply with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4332).'' This notice is intended to meet the requirements of NEPA and to provide general information about the procedure that will be followed in complying with NEPA.

Proposed Action

The Coast Guard intends to prepare an EIS consistent with the Deepwater Port Act of 1974, as amended (the Act, 33 U.S.C. 1501 *et seq.*) NEPA (Section 102(2)(c), as implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508), Department of Transportation (DOT) Order 5610C (Procedures for Considering Environmental Impacts), and Coast Guard Policy (Commandant's Instruction (COMDTINST) M16475.1D). The Coast Guard anticipates having several cooperating agencies in this endeavor.

NEPA requires Federal agencies to consider environmental impacts that may result from a proposed action, to inform the public of potential impacts and alternatives, and to facilitate public involvement in the assessment process. The EIS describes in detail the nature and extent of the environmental impacts of the Proposed Action and each alternative, and discusses appropriate mitigation measures for any adverse impacts. An EIS includes, among other matters, discussions of the purpose and need for the Proposed Action, a description of alternatives, a description of the affected environment, and an evaluation of the environmental impacts of the Proposed Action and alternatives.

The Gulf Landing EIS will assess the impacts of the alternatives, including but not limited to, approving, approving with conditions or not approving (No Action Alternative) the license application to construct and operate Gulf Landing, on the natural and human environment. The application plan calls for construction of a deepwater port and associated anchorages in an area situated in the Gulf of Mexico, approximately 38 miles south of Cameron, Louisiana in West Cameron Block 213, in water depth of approximately 55 feet, and adjacent to an existing shipping fairway servicing the Calcasieu River and area ports.

Gulf Landing's terminal would be capable of storing up to 180,000 cubic meters of LNG and vaporizing up to 1.2 billion cubic feet per day. Gulf Landing proposes to construct, own, and operate up to 5 pipelines that would interconnect with existing natural gas pipelines located in the Gulf of Mexico. Gas would then be delivered to the onshore national pipeline grid for delivery to any consumption market east of the Rocky Mountains.

The project would consist of two concrete gravity base structures (GBSs) housing the LNG containment facilities, along with topside unloading and vaporization structures, living quarters, and a ship berthing system.

The terminal would be able to receive LNG carriers with cargo capacities between 125,000 and 160,000 cubic meters and unload up to 135 LNG carriers per year. LNG carrier arrival frequency would be planned to match specified terminal gas delivery rates. All marine systems, communication, navigation aids and equipment necessary to conduct safe LNG carrier operations and receiving of cargo during specified atmospheric and sea states would be provided at the port.

The regasification process would consist of lifting the LNG from storage tanks, pumping the cold liquid to pipeline pressure, subsequent vaporization of the LNG across heat exchanging equipment and send-out through custody transfer metering to the gas pipeline network. No gas conditioning is required for the terminal since the incoming LNG would be pipeline quality.

Five offshore pipelines, ranging from 16 to 36 inches in diameter, would be constructed and would transverse a combined 65.7 nautical miles. Each pipeline would transport gas from the terminal to an existing transmission pipeline where it would deliver the gas to the onshore U.S. gas pipeline network. On average, Gulf Landing expects the terminal would vaporize and deliver 1 billion cubic feet per day (Bcfd) of natural gas to the pipelines, with a peak daily send out rate of 1.2 Bcfd.

As required by NEPA, the Coast Guard also will analyze the No Action Alternative as a baseline for comparing the impacts of the proposed project. For the purposes of this project, the No Action Alternative is defined as not approving the Gulf Landing LLC Deepwater Port License Application. The Coast Guard encourages public participation in the EIS process. The scoping period will begin upon publication of this notice in the **Federal Register** and continue for a period of thirty (30) days. As part of the scoping process, and as authorized by 40 CFR 1508.22(b)(4), the Coast Guard and MARAD will hold a public scoping meeting and informational open house in Lafayette, Louisiana, on March 16, 2004, from 1 p.m. to 5 p.m. at the Marriott Courtyard, 214 East Kaliste Saloon Road, Lafayette, LA 70505–2286, (337) 232–5005. Public comments will be accepted at that meeting and can also be submitted to the docket, as previously described under **ADDRESSES.** If special assistance is required to attend the meeting, such as sign language interpretation or other reasonable accommodations, contact the U.S. Coast Guard as indicated in **FOR FURTHER INFORMATION CONTACT.**

Following the scoping process, the Coast Guard will prepare a draft EIS. A Notice of Availability will be published in the **Federal Register** when the draft EIS is available. Public notices will be mailed or emailed to those who have requested a copy of the draft EIS. The public will be provided an opportunity to review the draft EIS and to offer appropriate comments.

Comments received during the draft EIS review period will be available in the public docket and made available in the final EIS. A Notice of Availability of the final EIS will also be published in the **Federal Register**.

Dated: February 24, 2004.

Joseph J. Angelo,

Director of Standards, Marine Safety, Security, and Environmental Protection, U.S. Coast Guard.

Raymond R. Barberesi,

Director, Office of Ports and Domestic Shipping, U.S. Maritime Administration.

[FR Doc. 04–4408 Filed 2–24–04; 2:45 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), 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 a continuing information collection. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the Mission Assignment forms that are used to record requests for Federal assistance by State and Federal entities to FEMA.

SUPPLEMENTARY INFORMATION: The Mission Assignment forms are necessary to support the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93–288 as amended, 42 U.S.C. 5121 *et seq.*; also, the Stafford Act and its implementing regulations 44 CFR 206.7 have provided for FEMA to issue mission assignments for disaster work performed by other Federal agencies. A written request for Federal assistance may be submitted on an Action Request Form (ARF). The ARF is the working document requesting Federal assistance. The mission assignments are directives provided by FEMA to another agency to perform specific work in disaster operations on a reimbursable basis and are defined in the title 44, Code of Federal Regulations, 206.2(a)18. The mission assignment is used to record a request for Federal assistance by States and Federal entities to FEMA, and may become the official FEMA obligating document when a mission assignment to another Federal agency results from the request. The mission assignment contains information that is used by FEMA management to evaluate requests for assistance from States, other Federal agencies and internal FEMA organizations. The requirement that requests for assistance to be made in writing and approved by the requesting State can be found in 44 CFR part 206. Requirements for program and finance officials to sign for the approval of funds from the President's Disaster Relief Fund are found in standard Federal financial regulations regarding financial operations and separation of duties.

Collection of Information

Title: Request for Federal Assistance Form—How to Process Mission Assignments in Federal Disaster Operations.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 1660–0047.

Form Numbers: FEMA Form 90–129, Mission Assignment (MA), and FEMA Form 90–136, Action Request Form (ARF).

Abstract: The Mission Assignment Form is used to record a request for Federal assistance by States and Federal entities to FEMA, and may become the official FEMA obligating document if a mission assignment to another Federal agency results from the request. A written request for Federal assistance may be submitted on an Action Request Form (ARF). The ARF is the working document requesting Federal assistance. Mission assignments are directives provided by FEMA to another agency to perform specific work in disaster operations, on a reimbursable basis and are defined in the title 44, Code of Federal Regulations, 206.2(a)18 and to record Federal approving signatures.

Affected Public: State, local or tribal government and Federal government.

Estimated Total Annual Burden Hours:

FEMA forms	Number of respondents (A)	Number of responses × 12 disasters per year (B)	Hours per response minutes (C)	Annual burden hours
FEMA Form 90–129	56	33 × 12 =396*	1	396
FEMA Form New, Action Request Form	56	95 × 12=1140*	20	380
Total	56	1536	21	776

*It is estimated that an average of 33 Mission Assignments (FEMA Form 90–129) will be processed per disaster and an average of 95 Action Request Forms (FEMA Form 90–136) will be received from States.

Estimated Cost: There is no cost associated with completing these forms.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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. Comments must be received on or before April 27, 2004.

ADDRESSES: Interested persons should submit written comments on the proposed information collection to Muriel B. Anderson, Chief, Records Management Branch, FEMA at 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646–3347, or email address *InformationCollections@fema.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michael W. Lowder Branch Chief, Operations Branch 202–646–3866 for additional information. You may contact Ms. Anderson for copies of the proposed information collection (*see* **ADDRESSES** information above).

Dated: February 20, 2004.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 04–4405 Filed 2–26–04; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4914–N–01]

Mortgagee Review Board Administrative Actions

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: In compliance with section 202(c) of the National Housing Act, notice is hereby given of the cause and description of certain administrative actions taken by HUD's Mortgagee Review Board against HUD-approved mortgagees. This notice of administrative actions relates solely to the failure of Title I lenders and Title II mortgagees to submit the required audited annual financial statement, an acceptable annual audited financial statement and/or payment of the annual recertification fee.

FOR FURTHER INFORMATION CONTACT: Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Room B–133–3214 L'Enfant Plaza, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone: (202) 708–1515. (This is not a toll-free number.) A Telecommunications Device for Hearing- and Speech-Impaired Individuals (TTY) is available at 1–800–877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: Section 202(c)(5) of the National Housing Act (added by section 142 of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101–235, approved December 15, 1989), requires that HUD publish a description of and the cause for administrative actions against a HUD-approved mortgagee by the Department's Mortgagee Review Board. In compliance with the requirements of section 202(c)(5), notice is hereby given of administrative actions that have been taken by the Mortgagee Review Board from October 1, 2002 through September 30, 2003 related to the failure of Title I lenders and Title II mortgagees to submit the required audited annual financial statement, an acceptable annual audited financial statement and/or payment of the annual recertification fee.

Action: Withdrawal of HUD/FHA Title I lender approval and Title II mortgagee approval.

Cause: Failure to submit to the Department the required annual audited financial statement, an acceptable annual audited financial statement, and/or remit the required annual recertification fee.

209 TITLE 1 LENDERS AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003

Name	City	State
A J SMITH FEDERAL SAV BANK	MIDLOTHIAN	IL
AAA EQUITY LENDING AND TRUST DEED INV	LANCASTER	CA
ABANAMCO MORTGAGE CORPORATION	ARTESIA	CA
ACCELERATED FUNDING GOVT LOANS	LAGUNA HILLS	CA
ACCESS EQUITY CORP	LAKEWOOD	CO
ADCO FINANCIAL MORTGAGE SERVICES	BRIDGETON	NJ
AFFORDABLE HOME MORTGAGE INC	ST PETERSBURG	FL
AFFORDABLE MORTGAGE LINK LLC	HOUSTON	TX
AGAWAM FEDERAL CREDIT UNION	AGAWAM	MA
ALAMEDA MUNICIPAL CREDIT UNION	ALAMEDA	CA
ALASKA USA MORTGAGE CO LLC	ANCHORAGE	AK
ALGIERS HOMESTEAD ASSOC	NEW ORLEANS	LA
ALLEN MORTGAGE LC	SANDY	UT
ALLEN PARKER COMPANY	SUGAR LAND	TX
ALLIANCE BANK OF HOT SPRINGS	HOT SPRINGS	AR
ALLIED MORTGAGE GROUP INC	BALA CYNWYD	PA
ALPINE MORTGAGE LLC	BOISE	ID
ALTA REAL ESTATE REDEVELOP CORP	RANCHO CUCAMONGA	CA
AMARIS MORTGAGE COMPANY	CHICAGO	IL
AMERICAN EAGLE MORTGAGE CO INC	VENICE	FL
AMERICAN INTNATL MTG BANKERS	LAKE SUCCESS	NY
AMERICAN INVESTMENT AND LOAN CO	LOS ANGELES	CA
AMERICAN MARINE BANK	WINSLOW	WA
AMERIFUND INC	LA VERNE	CA
AMERILENDING CORP	PICO RIVERA	CA
AMERILOAN CORPORATION	CERRITOS	CA
ANC MORTGAGE INC	MIAMI	FL
ANODYNE LENDING INC	SANTA ANA	CA
APPLETREE MORTGAGE CORP	MIAMI LAKES	FL
ARIZONA STATE SAVINGS AND CU	PHOENIX	AZ
ASMC REAL ESTATE LTD	AUSTIN	TX
ATLANTIC PACIFIC HOME LOANS INC	SAN DIEGO	CA
BANK OF BENNINGTON	BENNINGTON	VT
BANK OF GENEVA	GENEVA	IN
BANK OF SIERRA	PORTERVILLE	CA
BAY STATE SAVINGS BANK	WORCESTER	MA
BEREAN FEDERAL SAVINGS BANK	PHILADEPHIA	PA
BHL LENDING INC	CITY OF INDUSTRY	CA
BOEING EMPLOYEES CREDIT UNION	TUKWILA	WA
BSLM INC	SANTA FE SPRINGS	CA
CAL STATE RELOCATION INC	CARMICHAEL	CA
CAMBRIDGE SAVINGS BANK	CAMBRIDGE	OH
CAMBRIDGE STATE BANK	CAMBRIDGE	MN
CAMPBELL FINANCIAL SERVICES INC	WEST HAVEN	CT

209 TITLE 1 LENDERS AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
CARPENTERS CREDIT UNION	SAINT PAUL	MN
CENTRAL FLORIDA MORTGAGE LOANS INC	WINTER PARK	FL
CENTRAL VALLEY HOME LOANS INC	STOCKTON	CA
CENTURY PLUS FINANCIAL GROUP INC	VENICE	FL
CHEVRON FEDERAL CREDIT UNION	OAKLAND	CA
CIRCLE MORTGAGE CORPORATION	HOLLYWOOD	FL
CITI CORPORATION	LOS ANGELES	CA
CITIZENS NATIONAL BANK	BROWNWOOD	TX
CITIZENS STATE BANK	DICKINSON	TX
COASTAL LENDING CORPORATION	LOS ANGELES	CA
COLLATERAL ONE MORTGAGE CORPORATION	FT LAUDERDALE	FL
COLONIAL IMPERIAL FINANCING INC	WEST COVINA	CA
COMMUNITY BANK EXCELSIOR SPRINGS	EXCELSIOR SPRINGS	MO
COMMUNITY FIRST NATIONAL BANK	CHEYENNE	WY
CONTEMPO MORTGAGE CORPORATION	TORRANCE	CA
CORSTAR FINANCIAL INC	PHOENIX	AZ
CPM FINANCIAL INC	ONTARIO	CA
CRESCO UNION SAVINGS BANK	CRESCO	IA
CRESTWOOD MORTGAGE INC	TORRANCE	CA
CUSTOM CAPITAL CORPORATION	MASSAPEQUA PARK	NY
D L MORTGAGE INC	SIMI VALLEY	CA
DACOTAH BANK	CLARK	SD
DEERE COMMUNITY FCU	OTTUMWA	IA
DIRECT EQUITY MORTGAGE LLC	LAS VEGAS	NV
DOVENMUEHLE MORTGAGE INC	SCHAUMBURG	IL
EAGLE HOME FINANCING INC	SANTA ANA	CA
ELITEAGENTS INC	FAIRFAX	NJ
EQUIBANC	ORANGE	CA
ESQUIRE LENDING COMPANY	MIAMI LAKES	FL
EVANS MORTGAGE CO	SACRAMENTO	CA
FAIRBANKS CAPITAL CORP	SALT LAKE CITY	UT
FARMERS BANK	FRANKFORT	IN
FINANCIAL ADVANTAGE CORP	MONROE	WA
FIRST FEDERAL SAVINGS BANK	BRYAN	TX
FIRST NATIONAL BANK	BARRON	WI
FIRST NATIONWIDE MORTGAGE CORP	FREDERICK	MD
FIRST NORTHERN SAVINGS BANK SA	GREEN BAY	WI
FIRST ONE LENDING CORP	SAN JUAN CAPISTRANO	CA
FIRST SAVINGS BANK FSB	BERESFORD	SD
FIRST SAVINGS BANK FSB	MANHATTAN	KS
FIRST STATE BANK	FINLAYSON	MN
FIRST STATE BANK	EAST POINTE	MI
FIRST UNITED BANK AND TRUST CO	DURANT	OK
FOUNTAIN GROVE MORTGAGE	SANTA ROSA	CA
FSB FUNDING INC	LOVELAND	OH
GALAXY MORTGAGE INC	TEMPLE CITY	CA
GATEWAY RESIDENTIAL FUNDING	CONCORD	CA
GENERAL MORTGAGE CORPORATION	SAN DIEGO	CA
GENUINE HOME LOANS INC	PASADENA	CA
GEORGIA MORTGAGE ASSCIATES GROUP INC	CARROLLTON	GA
GHI CORPORATION	MIAMI	FL
GLOBAL REAL ESTATE LOANS COM	WEST COVINA	CA
GLOBE INDUSTRIES EMPLOYEES CU	DAYTON	OH
GOLDSTAR FUNDING INC	HUNTINGTON BEACH	CA
GRANDCO INC	LAS VEGAS	NV
GREATBANK NA	EVANSTON	IL
GREATER BOSTON MORTGAGE INC	JAMAICA PLAIN	MA
GREENSTREET FINANCIAL GROUP INC	HUNTINGTON	NY
HALE COUNTY STATE BANK	PLAINVIEW	TX
HARVARD EQUITY CORP	TULSA	OK
HERITAGE BANK	WOOD RIVER	NE
HIGHLAND LAKES BANK	KINGSLAND	TX
HOME EQUITY STORE INC	SALT LAKE CITY	UT
HOME FINANCE CO OF AMERICA INC	HIALEAH	FL
HOME LOAN SPECIALISTS INC	LAGUNA HILLS	CA
HOME N MORTGAGE INC	HOUSTON	TX
HOMEFRONT MORTGAGE INC	TUSTIN	CA
HOMEGOLD INC	COLUMBIA	SC
HOMESIDE FUNDING CORPORATION	JACKSONVILLE	FL
HORATIO STATE BANK	HORATIO	AR
HP FINANCIAL INC	ORANGE	CA

209 TITLE 1 LENDERS AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
IMC FUNDING GROUP INC	SAN DIEGO	CA
IMPERIAL FUNDING CORP	CHICAGO	IL
INDEPENDENCE BANK NA	HOUSTON	TX
INTERCHANGE STATE BANK	SADDLE BROOK	NJ
INVEST AMERICA MORTGAGE CORP	ATLANTA	GA
INVESTMENT MORTGAGE INTERNATIONAL INC	ORLANDO	FL
IOWA TRUST AND SAVINGS BANK	CENTERVILLE	IA
JAYS MORTGAGE AND FINANCE COMPANY	HOUSTON	TX
JM FUNDING CORP	WEST COVINA	CA
KSJ ENTERPRISES INC	WASHINGTON	DC
LATIN MORTGAGE FINANCE CORP	MIAMI	FL
LEADER MORTGAGE COMPANY	LENEXA	KS
LIBERTY MORTGAGE GROUP INC	WINTER PARK	FL
LOAN AMERICA	WOODLAND HILLS	CA
LOAN CORRESPONDENTS INC	COSTA MESA	CA
LOANS BY SUMMERVILLE INC	AUGUSTA	GA
LONG ISLAND FEDERAL CREDIT UNION	CARLE PLACE	NY
LOREN W ROBINSON INC	NEVADA CITY	CA
MACLOUD FINANCIAL INC	DUBLIN	OH
MANASOTA MORTGAGE AND REAL EST INVEST	SARASOTA	FL
MAYER MORTGAGE	MANSFIELD	OH
MERCANTILE BANK MIDWEST	DES MOINES	IA
MERCHANTS BANK	HOUSTON	TX
METROPOLITAN SAVINGS BANK	HIGHLAND HILLS	OH
MIAMI MORTGAGE INC	MIAMI	FL
MILLENIA MORTGAGE INC	FAIRFIELD	NJ
MILWAUKEE WESTERN BANK	MILWAUKEE	WI
MONEY TREE FINANCIAL	TEMECULA	CA
MORTGAGE CAPITAL AMERICA	LAUDERHILL	FL
MORTGAGE CO OF AMERICA	RANCHO CUCAMONGA	CA
MORTGAGE DEPOT INC	LAS VEGAS	NV
MORTGAGE FINANCE AMERICA INC	ANAHEIM	CA
MORTGAGE HOUSE	VALLE ARRIBA HGTS	PR
MORTGAGE TECHNOLOGY INC	IRVINE	CA
MOUNTAIN MORTGAGE CORPORATION	TEHACHAPI	CA
NATIONWIDE FINANCIAL CORPORATION	BREA	CA
NDNJ INC	RANCHO PALOS VERDES	CA
NEW CENTURY FUNDING CORP	LOS ANGELES	CA
NEW MILLENIUM INVESTMENTS INC	FONTANA	CA
NEWPORT FEDERAL SAVINGS AND LOAN ASSN	NEWPORT	AR
NIKKI JOON INC	ALISO VIEJO	CA
OLD COLONY MORTGAGE CORP	WEYMOUTH	MA
PACIFIC STATES MORTGAGE INC	SANTA ANA	CA
PENNINGTON MORTGAGE INC	LAS VEGAS	NV
PIONEER FEDERAL CREDIT UNION	MOUNTAIN HOME	ID
POSTAL EMPLOYEES CREDIT UNION	MEMPHIS	TN
PREFERRED MORTGAGE GROUP INC	VIENNA	VA
PRIMARY MORTGAGE GROUP INC	MONARCH BEACH	CA
PRIME LINE MORTGAGE CORP	SHERMAN OAKS	CA
PROMILAND MORTGAGE CORPORATION	POMPANO BEACH	FL
PROVIDENT BANK	JERSEY CITY	NJ
PULASKI MORTGAGE COMPANY	LITTLE ROCK	AR
PYRAMID MORTGAGE INC	SHORELINE	WA
QFUND FINANCIAL INC	BELLEVUE	WA
QUALITA FINANCIAL GROUP INC	CORAL GABLES	FL
RAINBOW CAPITAL MORTGAGE CORPORATION	CARSON	CA
REAL ESTATE FINAN ASSESSORS	MONTEBELLO	CA
REAL ESTATE PLUS MORTGAGE	REDONDO BEACH	CA
RED CEDAR BANK NATIONAL ASSOCIATION	BOYCEVILLE	WI
RICHARD THOMAS MORTGAGE	LAGUNA NIGUEL	CA
RIVER BANK	HOLMEN	WI
RIVERWAY BANK	HOUSTON	TX
RMI COMPANY EMPLOYEES CU INC	NILES	OH
ROXBOROUGH–MANAYUNK FED S–L	PHILADELPHIA	PA
SEACOAST EQUITIES INC	LA MESA	CA
SEACORP MORTGAGE AND FINANCIAL	SANTA MARIA	CA
SECTION 705 FEDERAL CREDIT UN	LAFAYETTE	LA
SECURITY BANK USA	BEMIDJI	MN
SECURITY SERVICE FEDERAL CU	SAN ANTONIO	TX
SECURITY STATE BANK	DEER CREEK	MN
SHOREBANK	CHICAGO	IL

209 TITLE 1 LENDERS AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
SOLARO FINANCIAL INC	RANCHO PALOS VERDES	CA
SOVEREIGN BANK FSB	WYOMISSING	PA
SPENCER SAVINGS BANK	SPENCER	MA
STATE BANK	TOLEDO	IA
STATE BANK OF MOORHEAD	MOORHEAD	MN
STERLING BANK	HOUSTON	TX
SWAN INVESTMENTS INTERNATIONAL INC	COVINA	CA
TEXAS STAR FEDERAL CU	TEXAS CITY	TX
TRAVELERS BANK AND TRUST FSB	NEWARK	DE
TROY SAVINGS BANK	TROY	NY
UNDERLINE INCORPORATED	SANTA ANA	CA
UNION ADVANTAGE HOME LOANS INC	LODI	CA
UNION CITY SAVINGS BANK	UNION CITY	NJ
UNITED LENDING PARTNERS LTD	DALLAS	TX
UNITED NORTHERN MTG BANKERS LTD	LEVITTOWN	NY
UNIVERSITY CREDIT UNION	BOSTON	MA
VENTURE ONE MORTGAGE CORPORATION	NATIONAL CITY	CA
VILLAGE REALTY AND HOME LN INC	SAN JOSE	CA
W D WICKLEY INC	RANCHO CUCAMONGA	CA
WALMAR FINANCIAL CORPORATION	IRVINE	CA
WASHINGTON MUTUAL BANK FA NAMC	SANTA ROSA	CA
WESTCAL MORTGAGE CORP	SANTA ANA	CA
YIG INC	SOUTH WEST COVINA	CA

735 TITLE 2 MORTGAGEES AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003

Name	City	State
A HOME FOR YOU INC	CLOVIS	CA
A MORTGAGE STORE INC	CLERMONT	FL
A ONE A MORTGAGE CENTER INC	FLAGLER BEACH	FL
AAA HOME LOANS INC	MIAMI	FL
AAV REAL ESTATE MORTGAGE EXCHANGE INC	LA CANADA	CA
ABM MORTGAGE LLC	WHEAT RIDGE	CO
ACADIAN MORTGAGE COMPANY	LAFAYETTE	LA
ACCELERATED FUNDING GOVT LOANS	LAGUNA HILLS	CA
ACCESS EQUITY CORP	LAKEWOOD	CO
ACCESS FINANCIAL NETWORK INC	HUNTINGTON BEACH	CA
ACCESS FUNDING INC	SAN ANTONIO	TX
ACE MORTGAGE COMPANY	CINCINNATI	OH
ACUMEN INVESTMENTS CORPORATION INC	MIAMI	FL
ADVANTAGE FIRST MORTGAGE INC	BEAVERTON	OR
ADVANTAGE MORTGAGE CORPORATION	WEST DENNIS	MA
ADVANTAGE MORTGAGE GROUP	EVERETT	WA
AFFILIATED BANC CORP	SCHAUMBURG	IL
AFFILIATED MORTGAGE SERVICES CORP	WAKEFIELD	MA
AFFINITY MORTGAGE GROUP INC	BOCA RATON	FL
AFFORDABLE LENDERS INC	AUBURN	CA
AFFORDABLE WALLS MORTGAGE CORPORATION	CLERMONT	FL
AGENT MORTGAGE LLC	MESA	AZ
AI FINANCIAL SERVICES INC	LAUDERHILL	FL
AJ CAPCO LLC	LAS VEGAS	NV
ALGIERS HOMESTEAD ASSOC	NEW ORLEANS	LA
ALL AMERICAN MORTGAGE FINANCIAL INC	ATLANTA	GA
ALLEGRO MORTGAGE SERVICES LLC	MCKINNEY	TX
ALLEN PARKER COMPANY	SUGAR LAND	TX
ALLIANCE HOME MORTGAGE CORPORATION	MICHIGAN CITY	IN
ALLIANCE MORTGAGE CORP	VILLA PARK	IL
ALLSTATE FINANCIAL GROUP LLC	BEACHWOOD	OH
ALLSTATE MORTGAGE SERVICES INC	LANHAM	MD
ALPINE MORTGAGE LLC	BOISE	ID
ALTERNATIVE LENDING GROUP INC	PHOENIX	AZ
ALTERNATIVE LENDING SERVICES LLC	JEFFERSON	LA
AMBASSADOR CAPITAL CORPORATION	LA CRESCENTA	CA
AMBASSADOR FUNDING AND INVESTMENTS INC	VALLEY SPRINGS	CA
AMERICA ONE MORTGAGE COMPANY	BAD AXE	MI
AMERICA TWO THOUSAND CORPORATION	DOWNEY	CA
AMERICAN ALLIANCE LLC	CARMEL	IN
AMERICAN BANK OF THE LEHIGH VALLEY	ALLENTOWN	PA

735 TITLE 2 MORTGAGEES AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
AMERICAN COMMUNITY BANK OF GEORGIA	MCDONOUGH	GA
AMERICAN CONTINENTAL FUNDING CORP	WHITTIER	CA
AMERICAN DREAM MORTGAGE LENDERS	FORT LAUDERDALE	FL
AMERICAN FUNDING INC	CHICAGO	IL
AMERICAN HOME MORTGAGE GROUP INC	ST CHARLES	IL
AMERICAN HOME MORTGAGE-NO INDIANA INC	VALPARAISO	IN
AMERICAN INVESTMENT AND LOAN CO	LOS ANGELES	CA
AMERICAN LENDING INSTITUTE INC	SAN CLEMENTE	CA
AMERICAN MARINE BANK	BAINBRIDGE ISLAND	WA
AMERICAN MORTGAGE ACCEPTANCE LLC	BRICK	NJ
AMERICAN MORTGAGE CORPORATION	BAYAMON	PR
AMERICAN MORTGAGE LENDING INC	OKLAHOMA CITY	OK
AMERICAN NATIONAL BANK AND TR	CHICAGO	IL
AMERICAN SUCCESS COMPANY INC	NEW YORK	NY
AMERICAN UNITED LIFE INS CO	INDIANAPOLIS	IN
AMERICITIES COMMUNITY MORTGAGE CORP	COMMERCE	CA
AMERIFINANCIAL HOME MORTGAGE INC	BARRINGTON	IL
AMERIFIRST CORPORATION	TULSA	OK
AMERILOAN CORPORATION	CERRITOS	CA
AMEX MORTGAGE CORPORATION	TEMPE	AZ
AMWEST FINANCIAL INC	HOUSTON	TX
ANB MORTGAGE COMPANY	EVANSTON	IL
ANTHONY MORTGAGE CORP	WEST LONG BRANCH	NJ
A-PAN-AMERICAN MORTGAGE GROUP	CHICAGO	IL
APPROVED MORTGAGE ASSOCIATION INC	DALLAS	TX
ASSOC INVEST U S GUAR ASS INC	NORWALK	CT
ASSOCIATED FINANCIAL SVCS INC	NORTHBROOK	IL
ASSOCIATED MORTGAGE LLC	WESTCHESTER	IL
ASSOCIATES FIRST CAPITAL MORTGAGE CORP	IRVING	TX
ASSOCIATES TRADE FINANCE CORP	MIAMI	FL
ASTON FINANCIAL GROUP	SANTA ROSA	CA
ATLANTA CAPITAL MORTGAGE INC	NORCROSS	GA
ATLANTIC PACIFIC HOME LOANS INC	SAN DIEGO	CA
ATM FINANCIAL SERVICES INC	ST PETERSBURG	FL
AUTOMATED FINANCIAL SERVICES LLC	SALT LAKE CITY	UT
AVANTI MORTGAGE SERVICES INC	HOUSTON	TX
AVILES MORTGAGE LLC	TAMPA	FL
BACK BAY INC	NOKOMIS	FL
BANCO FINANCIERO DE PUERTO RIC	PONCE	PR
BANCOKLAHOMA MORTGAGE CORP	TULSA	OK
BANK M MORTGAGE GROUP INC	MURFREESBORO	TN
BANK M MORTGAGE TRUST INC	MURFREESBORO	TN
BANK OF COLUMBIA	COLUMBIA	KY
BANK OF DYER	HUMBOLDT	TN
BANK OF JACOMO	BLUE SPRINGS	MO
BANK OF LOUISIANA	LOUISIANA	MO
BANK OF MCCREARY COUNTY	WHITLEY CITY	KY
BANK OF MILAN	MEDINA	TN
BANK OF NASHVILLE	NASHVILLE	TN
BANK OF THE CAROLINAS	LANDIS	NC
BANK OF TRAVELERS REST	TRAVELERS REST	SC
BANK TEN	BELTON	MO
BANKERS AMERICAN MORTGAGE CORPORATION	HOLLYWOOD	FL
BANKERS GROUP MORTGAGE CO	LAFAYETTE	CO
BANKUNITED	CORAL GABLES	FL
BARCLAYS MORTGAGE COMPANY	STREAMWOOD	IL
BEACON FINANCIAL MORTGAGE	MIAMI	FL
BEAVER DAM DEPOSIT BANK	BEAVER DAM	KY
BEDFORD FEDERAL SAVINGS BANK	BEDFORD	IN
BEST RATE LLC	CHICAGO	IL
BHL LENDING INC	CITY OF INDUSTRY	CA
BMRG ENTERPRISES	COVINA	CA
BMS MORTGAGE SERVICES INC	FOUNTAIN HILLS	AZ
BOARDWALK MORTGAGE INC	ATLANTA	GA
BORINQUEN MORTGAGE CORP	ORLANDO	FL
BORROWER'S ADVANTAGE MORTGAGE CORP	TAMPA	FL
BOULDER FINANCIAL CORPORATION	UPLAND	CA
BPA BANK NATIONAL ASSOCIATION	NEWARK	NJ
BRANCO MORTGAGE CO INC	CINCINNATI	OH
BREWER MORTGAGE COMPANY	BARTLETT	TN
BRICKTON MORTGAGE CORPORATION	PARK RIDGE	IL

735 TITLE 2 MORTGAGEES AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
BRIGHTON BANK	MEMPHIS	TN
BRIT AND BRIGGS MORTGAGE CONSULTANTS LLC	MANCHESTER	NH
BROADWAY NATIONAL BANK	SAN ANTONIO	TX
BROKER ONE LENDING LLC	EVERGREEN	CO
BRONCO INVESTMENTS INC	ENCINO	CA
BSLM INC	SANTA FE SPRINGS	CA
BUENA VISTA MORTGAGE CO	BAKERSFIELD	CA
BURKE VENTURES INC	GRASS VALLEY	CA
BUSINESS MORTGAGE INC	CLEARWATER	FL
CAL CITIES MORTGAGE INC	LOS ALAMITOS	CA
CAL STATE RELOCATION INC	CARMICHAEL	CA
CALIFORNIA DISCOUNT MORTGAGE	COVINA	CA
CAMBRIDGE MORTGAGE GROUP	BOSTON	MA
CAMBRIDGE SAVINGS BANK	CAMBRIDGE	OH
CAMBRIDGE STATE BANK	CAMBRIDGE	MN
CAMERON FINANCIAL GROUP INC	SAN LUIS OBISPO	CA
CAPITAL BANC MORTGAGE INC	COLUMBUS	OH
CAPITAL MORTGAGE AND ASSOCIATES	HOLLYWOOD	FL
CAPITAL PLUS MORTGAGE LLC	BEDFORD	TX
CAPITAL VALLEY MORTGAGE INC	SACRAMENTO	CA
CAPSTONE LENDING AND INVESTMENT INC	LEESBURG	FL
CAPSTONE LENDING CORP	CERRITOS	CA
CAROLINA FIRST MORTGAGE	LEXINGTON	SC
CASA MORTGAGE INC	HOUSTON	TX
CASINO MORTGAGE	MIAMI	FL
CEDAR FUNDING GROUP INC	LARGO	MD
CENTRAL FLORIDA MORTGAGE LOANS INC	WINTER PARK	FL
CENTRAL HOME MORTGAGE CORP	LINCOLNWOOD	IL
CENTRAL MORTGAGE SERVICES	RIDGELAND	MS
CENTRAL PACIFIC BANK	HONOLULU	HI
CENTRAL VALLEY HOME LOANS	STOCKTON	CA
CENTRO FINANCIERO HISPANO AM LLC	SANDY	UT
CENTURION MORTGAGE CO LLC	MARYVILLE	TN
CENTURY FUNDING LTD	NORCROSS	GA
CENTURY PLUS FINANCIAL GROUP INC	VENICE	FL
CHARTER MORTGAGE COMPANY	ALBUQUERQUE	NM
CHICAGOLAND MORTGAGE CORP	PARK RIDGE	IL
CHOICE CAPITAL FUNDING INC	ALPHARETTA	GA
CHOICE MORTGAGE INC	SKOKIE	IL
CHRISTIAN BENEFIT MORTGAGE CO	JACKSONVILLE	FL
CITI CORPORATION	LOS ANGELES	CA
CITIZENS NATIONAL BANK NORWALK	NORWALK	OH
CITIZENS SAVINGS BANK	BLOOMINGTON	IL
CITY BANK	HONOLULU	HI
CITY NATIONAL BANK	MIAMI	FL
CITY NATIONAL BANK AND TR CO	HASTINGS	NE
CLASSIC ONE MORTGAGE LLC	MISHAWAKA	IN
CMS FINANCIAL SERVICES INC	ROSELLE	IL
CNH FUNDING INC	LAS VEGAS	NV
COAST FUNDING CORP	SAN JOSE	CA
COASTAL BANK	SAVANNAH	GA
COASTAL LENDING CORPORATION	LOS ANGELES	CA
COASTAL MORTGAGE LENDERS INC	NAPLES	FL
COLONIAL IMPERIAL FINANCIAL	WEST COVINA	CA
COLONIAL MORTGAGE CORP	JERICHO	NY
COLORADO TIERRA MORTGAGE INC	DENVER	CO
COLUMN FINANCIAL INC	ATLANTA	GA
COMMERCE BANK AND TRUST CO	WORCESTER	MA
COMMON CENTS COMPANY	SALT LAKE CITY	UT
COMMONWEALTH CAPITAL MTG CORP	BIRMINGHAM	AL
COMMUNITY BANK DESOTO COUNTY	SOUTHAVEN	MS
COMMUNITY BANK EXCELSIOR SPRIN	EXCELSIOR SPRINGS	MO
COMMUNITY BANK VERNON CENTER	MANKATO	MN
COMMUNITY BANKING COMPANY OF FITZGERALD	FITZGERALD	GA
COMMUNITY FEDERAL SAVINGS ALA	LITTLE FALLS	MN
COMMUNITY FIRST NATIONAL BANK	FARGO	ND
COMMUNITY FIRST STATE BANK	VERMILLION	SD
COMMUNITY HOME MORTGAGE CORP	MELVILLE	NY
COMMUNITY LENDERS LLC	MONTICELLO	MN
COMMUNITY MORTGAGE NETWORK LLC	CINCINNATI	OH
COMMUNITY NATIONAL BANK	NORTH BRANCH	MN

735 TITLE 2 MORTGAGEES AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
COMMUNITY SAVINGS BANK	BURLINGTON	NC
COMMUNITY WIDE FEDERAL CREDIT UNION	SOUTH BEND	IN
CONCORDIA MORTGAGE LLC	LAS VEGAS	NV
CONSOLIDATED MORTGAGE CORPORATION	LAS VEGAS	NV
CONSTRUCTION FUNDING CORPORATION	SCHAUMBURG	IL
CONTEMPO MORTGAGE CORPORATION	MONTEREY PARK	CA
CORNERSTONE NATIONAL BANK	EASLEY	SC
CORTRUST BANK	MITCHELL	SD
COUNTRY HOME MORTGAGE INC	CORAL SPRINGS	FL
COUNTRY MORTGAGE SERVICES INC	ARLINGTON HEIGHTS	IL
COUNTRYSIDE LENDING OF TEXAS LC	HEBER CITY	UT
COUNTRYSIDE MORTGAGE INC	WHEELING	IL
COUNTY MORTGAGE USA INC	SAN DIEGO	CA
COUNTY TRUST MORTGAGE CORP	MIAMI	FL
COVENANT FEDERAL CREDIT UNION	BROKEN ARROW	OK
CREATIVE FINANCIAL CENTER CORP	LUTZ	FL
CREATIVE MORTGAGE INC	ENGLEWOOD	CO
CREATIVE MORTGAGE LENDING	DESOTO	TX
CRESCO UNION SAVINGS BANK	CRESCO	IA
CRESTWOOD MORTGAGE INC	TORRANCE	CA
CROWN FINANCIAL SERVICES CORP	BRENTWOOD	TN
CRYSTAL MORTGAGE SERVICES INC	ORLANDO	FL
CUSTOM CAPITAL CORP	MASSAPEQUA PARK	NY
CYBERLOANOFFICER-COM INC	SCHAUMBURG	IL
D C STARKS MORTGAGE ASSOCIATES INC	BOURBONNAIS	IL
DALLAS PLANNING GROUP	WAXAHACHIE	TX
DALTON NORTH COAST INC	BEACHWOOD	OH
DELAWARE ALLIANCE FEDERAL CREDIT UNION	NEW CASTLE	DE
DENISON STATE BANK	HOLTON	KS
DEVELOPERS MARKETING AND MORT SRVS INC	NEWPORT BEACH	CA
DIRECT LENDING CORP	RAMONA	CA
DIRECT MORTGAGE LLC	MERRILLVILLE	IN
DISCOVER MORTGAGE INC	ALBUQUERQUE	NM
DISTINCTIVE MORTGAGES LLC	LAKEWOOD	CO
DIVERSIFIED CAPITAL CORP OF TENNESSEE	MEMPHIS	TN
DIVERSIFIED FINANCIAL GROUP	RIDGEWOOD	NJ
DIVERSIFIED MORTGAGE INC	LIVONIA	MI
DIVERSIFIED RESIDENTIAL FUNDING	ALTAMONTE SPRINGS	FL
DOVENMUEHLE MORTGAGE CO L P	SCHAUMBURG	IL
DOVENMUEHLE MORTGAGE INC	SCHAUMBURG	IL
DRH MORTGAGE LLC	CORONA	CA
DULANY ENTERPRISES	SIGNAL HILL	CA
DUNCANVILLE MORTGAGE COMPANY	DUNCANVILLE	TX
EADOIN MORTGAGE NETWORK INC	LOS ANGELES	CA
EAGLE HOME FINANCING INC	SANTA ANA	CA
EASTERN SAVINGS BANK FSB	HUNT VALLEY	MD
EASTWIND FINANCIAL GROUP INC	TEMECULA	CA
EIDON FINANCIAL INC	SAN DIEGO	CA
ELITE FINANCIAL GROUP INC	BRIGHTON	CO
ELITEAGENTS MORTGAGE SERVICES INC	FAIRFIELD	NJ
ELSEA FINANCIAL SERVICES	CIRCLEVILLE	OH
EM N EM INC	MIAMI	FL
EMBASSY MORTGAGE INC	BATON ROUGE	LA
EMIGRANT MORTGAGE COMPANY INC	ELMSFORD	NY
ENDEAVOUR MORTGAGE INC	LARGO	FL
ENR FINANCIAL SERVICES INC	SCOTTSDALE	AZ
EPONA MORTGAGE CAPITAL INC	STOCKTON	CA
EQUIBANC	ORANGE	CA
EQUITABLE MORTGAGE SERVICES INC	MIAMI LAKES	FL
EQUITY FINANCIAL CORPORATION	SACRAMENTO	CA
EQUITY PLUS INC	RAVENNA	OH
ESQUIRE LENDING COMPANY	MIAMI LAKES	FL
ESTATE MORTGAGE INC	TUSTIN	CA
EXCEL FUNDING INC	VANCOUVER	WA
EXCELSIOR MORTGAGE LLC	FLEMINGTON	NJ
EXCHANGE BANK AND TRUST CO	NATCHITOCHES	LA
EXECUTIVE CAPITAL GROUP INC	RANCHO CUCAMONGA	CA
EXECUTIVE FUNDING CORPORATION	MIAMI	FL
EXECUTIVE FUNDING OF PLACERVILLE INC	PLACERVILLE	CA
FAIRWAY FUNDING GROUP INC	CORAL SPRINGS	FL
FARMERS AND MERCHANT BANK	STUTTGART	AR

735 TITLE 2 MORTGAGEES AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
FARMERS AND MERCHANTS BANK	GRANITE QUARRY	NC
FARMERS BANK	GREENWOOD	AR
FEDERAL EMPLOYEES CREDIT UNION	OKLAHOMA CITY	OK
FICORE MORTGAGE INC	SAN DIEGO	CA
FIDELITY FIRST LENDING INC	OWINGS MILLS	MD
FIDELITY FUNDING CORPORATION	KIRKWOOD	MO
FIDELITY MORTGAGE SERVICES	ROCKVILLE	MD
FIDELITY MORTGAGE TRUST CORP	MIAMI	FL
FINANCIAL CENTER CREDIT UNION	STOCKTON	CA
FINANCIAL EXPERTS ONE INC	NORTH MIAMI BEACH	FL
FINSERV CAPITAL MORTGAGE INC	COVINA	CA
FIRST ADVANTAGE MORTGAGE COMPANY	GAITHERSBURG	MD
FIRST AMERICAN EQUITY CORP	CLEVELAND	TN
FIRST AMERICAN MORTGAGE HOLDINGS INC	DENVER	CO
FIRST ANDOVER MORTGAGE CORP	EAST PROVIDENT	RI
FIRST BANK OF SOUTH ARKANSAS	CAMDEN	AR
FIRST BOSTON MORTGAGE CORP	WOBURN	MA
FIRST CALIFORNIA ENTERPRISES INC	ALAMO	CA
FIRST CHOICE FINANCIAL SERVICES LTD	ALBRIGHTSVILLE	PA
FIRST CHOICE MORTGAGE CORPORATION	BLOOMINGDALE	IL
FIRST CHOICE MORTGAGE INC	TEMPE	AZ
FIRST CITY BANK	COLUMBUS	OH
FIRST CITY FUNDING	WOODSIDE	NY
FIRST COMMERCIAL BANK	CHICAGO	IL
FIRST COMMERCIAL BANK OF FLORIDA	ORLANDO	FL
FIRST COMMUNITY BANK	HARBOR SPRINGS	MI
FIRST COUNTY BANK	NEW BADEN	IL
FIRST EQUITY BANC A MORTGAGE CORP	INDEPENDENCE	MO
FIRST FEDERAL SAVINGS BANK	MONESSEN	PA
FIRST IN SERVICE MORTGAGES INC	FRANKLIN SQUARE	NY
FIRST LIBERTY FEDERAL CREDIT UNION	GREAT FALLS	MT
FIRST MADISON VALLEY BANK	ENNIS	MT
FIRST MORTGAGE LLC	MEQUON	WI
FIRST NATIONAL BANK	HAWLEY	MN
FIRST NATIONAL BANK	RIVER FALLS	WI
FIRST NATIONAL BANK BROWNFIELD	TERRY	TX
FIRST NATIONAL BANK OF IPSWICH	IPSWICH	MA
FIRST NATIONAL BANK OF LAKE CITY CREEDE	LAKE CITY	CO
FIRST NATIONAL MORTGAGE SERVICES INC	ELK RIVER	MN
FIRST NAT'L BK AND TR CO TREASURE COAST	STUART	FL
FIRST NORTHERN SAVINGS BANK	GREEN BAY	WI
FIRST PALMETTO SAVINGS BANK FSB	CAMDEN	SC
FIRST PREFERRED MTG OF FL INC	FORT LAUDERDALE	FL
FIRST PRIME RATE MORTGAGE INC	ORLANDO	FL
FIRST REALTY MORTGAGE CORP	ALPHARETTA	GA
FIRST REPUBLIC MORTGAGE CORPORATION	LOUISVILLE	KY
FIRST SAVINGS AND LOAN ASSN	DEDEDO	GU
FIRST SAVINGS AND LOAN ASSN	SOUTH HOLLAND	IL
FIRST SECURITY BANK	BATESVILLE	MS
FIRST SECURITY BANK—WEST	BEULAH	ND
FIRST STATE MORTGAGE CORP	FORT WORTH	TX
FIRST TEXAN MORTGAGE GROUP INC	HOUSTON	TX
FIRST TRUST FINANCIAL INC	WEYMOUTH	MA
FIRST UNITED MORTGAGE SVCS INC	MECHANICSBURG	PA
FIVE STAR FINANCIAL LLC	HUDSONVILLE	MI
FIVE STAR MORTGAGE SERVICES	GREEN BAY	WI
FLEETWOOD FUNDING CORP	PLANTATION	FL
FLINT HILLS BANK OF ESKRIDGE	OSAGE CITY	KS
FLORIDA FINAN MGMT MORTGAGE	TAMPA	FL
FOCUS FINANCIAL GROUP INC	DURHAM	NC
FOOD PROCESSORS CREDIT UNION	MODESTO	CA
FOREST PARK NATIONAL BANK	FOREST PARK	IL
FOUR OAKS BANK AND TRUST CO	FOUR OAKS	NC
FRANKLIN MORTGAGE AND FINANCIAL SVCS LLC	TOLEDO	OH
FRANKLIN SAVINGS BANK	FRANKLIN	NH
FIRST NATIONAL BANK OF OTTAWA	OTTAWA	IL
FROLANDER AND ASSOCIATES INC	VISTA	CA
FRONT STREET FINANCIAL	TEMECULA	CA
FRONTIER BANK	ROCK RAPIDS	IA
GALAXY MORTGAGE INCORPORATED	TEMPLE CITY	CA
GALAXY TRUST MORTGAGE CORP	MIAMI	FL

735 TITLE 2 MORTGAGEES AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
GARBER FINANCIAL INC	SAN DIEGO	CA
GCN INC DBA GENEVA CAPITAL NETWORK	HUNTINGTON BEACH	CA
GELIN AND ASSOCIATES INC	MARIETTA	GA
GENERAL MORTGAGE CORPORATION	PLEASANT RIDGE	MI
GENESEE REGIONAL BANK	ROCHESTER	NY
GENEVA STATE BANK	GENEVA	NE
GEORGIA BANK AND TRUST	CALHOUN	GA
GEORGIA MORTGAGE ASSOCIATES GROUP INC	CARROLLTON	GA
GERMAN AMERICAN BANK	JASPER	IN
GHI CORPORATION	MIAMI	FL
GIBRALTAR CAPITAL CORPORATION	IRVINE	CA
GLENFED MORTGAGE CORPORATION	SAN DIEGO	CA
GLOBAL LENDING GROUP INC	CLEARWATER	FL
GLOBAL MORTGAGE COMPANY	CHICAGO	IL
GLOBAL MORTGAGE CORPORATION	HATO REY	PR
GLOBAL REAL ESTATE LOANS COM	WEST COVINA	CA
GMR MORTGAGE CORP	MIDDLESEX	NJ
GOLD COAST FINANCIAL LLC	NEWTOWN	CT
GOLD VALLEY LOANS INC	SACRAMENTO	CA
GOLDEN FINANCIAL SERVICES INC	HOUSTON	TX
GOLDEN MORTGAGE CORPORATION	BRIDGEWATER	NJ
GOLDSTAR FUNDING INC	HUNTINGTON BEACH	CA
GRANDCO INC	LAS VEGAS	NV
GREAT HOME MORTGAGE COMPANY	ENGLEWOOD	CO
GREAT LAKES MORTGAGE CORP	MIAMI	FL
GREAT NORTHERN MORTGAGE CORP	ST LOUIS PARK	MN
GREATER BOSTON MORTGAGE INC	JAMAICA PLAIN	MA
GREATER CLARK COUNTY MORTGAGE INC	VANCOUVER	WA
GREATLAND FINANCIAL CORPORATION	TUSTIN	CA
GREENPARK MORTGAGE CORPORATION	NEEDHAM	MA
GREENSTREET FINACIAL GROUP INC	HUNTINGTON	NY
GUARANTY MORTGAGE FINANCIAL SRVCS LLC	MILFORD	CT
HANCOCK BANK OF LOUISIANA	BATON ROUGE	LA
HARBORSTONE CREDIT UNION	TACOMA	WA
HARMONY MORTGAGE INC	LOVELAND	CO
HARRIS TRUST BANK OF ARIZONA	SCOTTSDALE	AZ
HEARTLAND MORTGAGE AND R E SERVICES INC	DAWNERS GROVE	IL
HELMS MORTGAGE ASSOC INC	BROOKSVILLE	FL
HENNESSY MORTGAGE GROUP INC	CROWLEY	TX
HERITAGE MORTGAGE CORPORATION	ROSEVILLE	CA
HERITAGE MORTGAGE INC	AUSTIN	TX
HERITAGE MORTGAGE LTD PARTSHIP	COLUMBIA	MD
HERITAGE USA MORTGAGE LLC	MEMPHIS	TN
HERKIMER COUNTY TRUST COMPANY	LITTLE FALLS	NY
HIGH STREET BANKING COMPANY	HICKORY	NC
HOME CAPITAL PLUS INC	WEBSTER	FL
HOME FINANCE CO OF AMERICA INC	HIALEAH	FL
HOME FUNDING CORPORATION	MAITLAND	FL
HOME LENDING CENTER INC	TAMARAC	FL
HOME PLUS MORTGAGE INC	ESCONDIDO	CA
HOME REALTY AND MANAGEMENT CO	CHARLOTTE	NC
HOMEGOLD INC	COLUMBIA	SC
HOMEOWNERS FINANCIAL SERVICES INC	MCFARLAND	WI
HOMESIDE FUNDING CORPORATION	JACKSONVILLE	FL
HOMETOWN FINANCIAL PARTNERS LP	FORT LAUDERDALE	FL
HOMETOWN NATIONAL BANK	NEW ALBANY	IN
HUNTER MORTGAGE CORPORATION	ENFIELD	CT
IBM TEXAS EMPLOYEES FEDERAL CR UN	AUSTIN	TX
ICON FUNDING CORP	MONTEREY PARK	CA
IMIX MORTGAGE COMPANY INC	PHOENIX	AZ
INDEPENDENCE COMMUNITY BANK	BROOKLYN	NY
INDEPENDENCE FINANCIAL CORP	WASHINGTON	DC
INFINITY FINANCIAL SERVICES INC	DOWNEY	CA
INFINITY HOME LOAN INC	NORCROSS	GA
INLAND EMPIRE BANK	HERMISTON	OR
INNOVATION FUNDING INC	SILVER SPRING	MD
INNOVATIVE FUNDING LLC	DENVER	CO
INTEGRA CAPITAL FUNDING LLC	ROSWELL	GA
INTER CONTINENTAL LENDING CORP	LOS ANGELES	CA
INVESTORS OF AMERICA INC	OAKLAND PARK	FL
INVESTORS PLUS INC	VAN NUYS	CA

735 TITLE 2 MORTGAGEES AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
ISLE PACIFICA MORTGAGE	SAN DIEGO	CA
J AND F INC	UPLAND	CA
J MORGAN FUNDING INC	FOLSOM	CA
J R DAVIDSON INC	CORNELIUS	NC
J RINDOCK MORTGAGE COMPANY	ALLENTOWN	PA
JAM CAPITAL INC	SANTA ANA	CA
JAMES MORTGAGE CORPORATION	DES MOINES	IA
JAYS MORTGAGE AND FINANCE CO	HOUSTON	TX
JEFFERSON MORTGAGE INC	KILL DEVIL HILLS	NC
JM FUNDING CORP	ONTARIO	CA
JM MORTGAGE CORPORATION	SANATA ANA	CA
JNA CAPITAL INC	PHILADELPHIA	PA
JOHNSON COMPANY LLC	BIRMINGHAM	AL
JOPLIN METRO CREDIT UNION	JOPLIN	MO
K MILES INC	TAMARAC	FL
KALA INVESTMENTS INC	NEWPORT BEACH	CA
KAW VALLEY MORTGAGE INC	TOPEKA	KS
KEMPER FINANICAL INC	DAYTON	OH
KEYSTONE MORTGAGE WHOLESALE LENDER INC	ANDERSON	IN
KLEIN GROUP LLC	EDWARDS	CO
L AND H MANAGEMENT GROUP INC	MIAMI	FL
LA MORTGAGE INC	NORTHRIDGE	CA
LABETTE COUNTY STATE BANK	ALTAMONT	KS
LAKESHORE MORTGAGE INCORPORATED	ROCKY RIVER	OH
LANCASTER MORTGAGE SERVICES COMPANY	LANCASTER	PA
LANDVIEW FINANCIAL INC	LOS ANGELES	CA
LBA SAVINGS BANK	LAFAYETTE	LA
LCB HOME LOANS INC	FAYETTEVILLE	TN
LENDING GROUP	NEWPORT BEACH	CA
LENDING GROUP INC	FT MEYERS	FL
LEXIE MORTGAGE INC	WINDER	GA
LHSK INC	HOUSTON	TX
LIBERTY LENDING SERVICES INC	WILMINGTON	OH
LIBERTY NATIONAL BANK	BRADENTON	FL
LINCOLN MORTGAGE BROKERS LLC	LAKEWOOD	CO
LINDA SPIVEY INC	AUBURNDALE	FL
LISH MORTGAGE CORPORATION	TREMONTON	UT
LOAN AMERICA	WOODLAND	CA
LOAN AMERICA MORTGAGE CORP	DALLAS	TX
LOAN LINES INC	TARZANA	CA
LOANS BY SUMMERVILLE INC	HEPHZIBAH	GA
LONE STAR UNITED MORTGAGE SER OF AMERICA	LAKE DALLAS	TX
LONGHORN MORTGAGE INC	GRAND PRAIRIE	TX
LOREN W ROBINSON INC	NEVADA CITY	CA
LUZAL INC	MIRA LOMA	CA
MAGIC CITY FUNDING INC	BIRMINGHAM	AL
MAIN STREET HOME MORTGAGE CORP	BELLWOOD	IL
MAIN STREET MORTGAGE LLC	LOUISVILLE	CO
MAINBANK NA	DALLAS	TX
MANASOTA MORTGAGE AND REAL EST INVEST	SARASOTA	FL
MANHATTAN MORTGAGE CORP	CERRITOS	CA
MANVILLE AREA FED CREDIT UNION	MANVILLE	NJ
MARKEE FINANCIAL GROUP INC	CHEYENNE	WY
MARKETPLACE MORTGAGE LLC	WEST HARTFORD	CT
MASSACHUSETTS CAPITAL MORTGAGE CORP	DEDHAM	MA
MAXIMUM FUNDING LLC	VIRGINIA BEACH	VA
MAYER MORTGAGE CORPORATION	MANSFIELD	OH
MC JAMES MORTGAGE CORPORATION	LAGUNA NIGUEL	CA
MC MORTGAGE BANC	CHICAGO	IL
MCKENZIE MORTGAGE COMPANY	EUGENE	OR
MCM MORTGAGE CORPORATION	OGDEN	UT
MCM SAVINGS BANK FSB	HANNIBAL	MO
MECHANICS BANK—RICHMOND	RICHMOND	CA
MEDFORD SAVINGS BANK	MEDFORD	MA
MEGA CAPITAL FUNDING INC	NORTHRIDGE	CA
MERIT FINANCE COM INC	VINELAND	NJ
METROBANK	INDIANAPOLIS	IN
METROBANK NATIONAL ASSOCIATION	HOUSTON	TX
METROCREST MORTGAGE INCORPORATED	DALLAS	TX
METROPOLITAN FINANCIAL GROUP INC	TUKWILA	WA
METROPOLITAN MORTGAGE FIN SER COR	HYATTSVILLE	MD

735 TITLE 2 MORTGAGEES AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
METROPOLITAN SAVINGS BANK	HIGHLAND HILLS	OH
METUCHEN ASSEMBLERS F C U	EDISON	NJ
MEW ENTERPRISES INC	MABLETON	GA
MIAMI MORTGAGE INC	MIAMI	FL
MILLENNIUM PLUS MORTGAGE INC	SOUTH HOLLAND	IL
MINNESOTA LIFE	SAINT PAUL	MN
MINROB MANSIONS INC	MINEOLA	NY
MISSION MORTGAGE INC	INDIANAPOLIS	IN
MITSUI MANUFACTURERS BANK	LOS ANGELES	CA
MODINE TELEDYNE FEDERAL CREDIT UNION	LAPORTE	IN
MOJAVE VALLEY MORTGAGE CORP	VICTORVILLE	CA
MONDRIAN MORTGAGE CORPORATION	HOUSTON	TX
MONETARY FUNDING GROUP OF CONNECTICUT	NAUGATUCK	CT
MONTICELLO BANKING CO	MONTICELLO	KY
MONUMENT MORTGAGE INC	SAN RAMON	CA
MORTECH FINANCIAL CORPORATION	DALLAS	TX
MORTGAGE ACCEPTANCE CORP	OCEANSIDE	CA
MORTGAGE ACCESS INC	LAKE WORTH	FL
MORTGAGE CAPITAL AMERICA INC	LAUDERHILL	FL
MORTGAGE CAPITAL GROUP LLC	PLAINVILLE	CT
MORTGAGE CIRLE—COM INC	PEMBROKE PINES	FL
MORTGAGE CO OF AMERICA	RANCHO CUCAMONGA	CA
MORTGAGE CONNECTION	SMYRNA	GA
MORTGAGE CONNECTION COMPANY	LINCOLNWOOD	IL
MORTGAGE DEPOT LLP	NASHVILLE	TN
MORTGAGE EXECUTIVES LLC	ENGLEWOOD	CO
MORTGAGE FINANCE AMERICA INC	ANAHEIM	CA
MORTGAGE GROUP	HONOLULU	HI
MORTGAGE LENDERS INC	OLATHE	KS
MORTGAGE NETWORK LP	AUSTIN	TX
MORTGAGE ONE CORPORATION	COLUMBIA	SC
MORTGAGE SECURITY INC	EAST FALMOUTH	MA
MORTGAGE SOLUTIONS	LANGHORNE	PA
MORTGAGE SPECIALISTS	OAK BROOK	IL
MORTGAGE STORE INC	MARIETTA	GA
MORTGAGE UNLIMITED LLC	LEONIA	NJ
MORTGAGE USA INC	SILVER SPRING	MD
MORTGAGE WEST LLC	LAKEWOOD	CO
MORTGAGES PLUS INC	NOGALES	AZ
MOUNTAIN STATES BANK	DENVER	CO
MOUNTAIN WEST MORTGAGE INC	MIDVALE	UT
MUNDACA FINANCIAL SERVICES LLC	FRANKLIN	TN
MUNFORD UNION BANK	ATOKA	TN
MUNICIPAL MORTGAGE CORP	MIAMI	FL
MUTUAL COMMUNITY SAVINGS BANK INC SSB	DURHAM	NC
MUTUAL FINANCIAL SERVICES LLC	MESA	AZ
MUTUAL OF NORTH AMERICA INC	MELVILLE	NY
MYSTIKAL MORTGAGE GROUP INC	LAWRENCEVILLE	GA
MZ MORTGAGE INC	CHICAGO	IL
NALLY AND COMPANY	LOUISVILLE	KY
NATIONAL BANK OF NEWPORT	NEWPORT	TN
NATIONS BANCORP INC	WEST COVINA	CA
NATIONWIDE FINANCIAL CORPORATION	BREA	CA
NATIONWIDE INVESTMENT SERV CORP	SOUTHFIELD	MI
NATIONWIDE LIFE INS CO COLUMBU	COLUMBUS	OH
NATIONWIDE MORTGAGE CORP	SAINT LOUIS	MO
NDNJ INC	RANCHO PALOS VERDES	CA
NEBRASKA ENERGY FEDERAL CREDIT UNION	COLUMBUS	NE
NEIGHBORHOOD ACCEPTANCE CORP	COSTA MESA	CA
NEIGHBORHOOD MORTGAGE CORPORATION	KANSAS CITY	MO
NEW AMERICAN REAL ESTATE MGTMT GROUP INC	NEWPORT BEACH	CA
NEW MILLENIUM INVESTMENTS INC	FONTANA	CA
NEW MILLENNIUM MORTGAGE	ST LOUIS	MO
NEW YORK COMMUNITY BANK	FLUSHING	NY
NEXUS FINANCIAL INC	FRESNO	CA
NIKKI JOON INC	ALISO VIEJO	CA
NIMA INVESTMENT CO	WESTLAKE VILLAGE	CA
NMI GROUP INC	KANSAS CITY	MO
NORLARCO CREDIT UNION	FORT COLLINS	CO
NORTHEAST MORTGAGE LLC	CRANSTON	RI
NORTHERN HOME FUNDING CORP	WHITE PLAINS	NY

735 TITLE 2 MORTGAGEES AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
NORTHERN MORTGAGE COMPANY INC	SPRING LAKE PARK	MN
NORTHLAND FUNDING GROUP LLC	AUSTIN	TX
NORTHLAWN FINANCIAL INC	BIRMINGHAM	MI
NORTHPOINT CAPITAL INC	NORCROSS	GA
NORTHWESTERN MUTUAL LIFE IN CO	MILWAUKEE	WI
NUTMEG MORTGAGE COMPANY LLC	NORTH HAVEN	CT
OCEAN CITY HOME BANK	OCEAN CITY	NJ
OCEANFRONT MORTGAGE INC	SAN DIEGO	CA
OKLAHOMA EMPLOYEES CREDIT UNION	OKLAHOMA CITY	OK
OLM FINANCIAL GROUP INC	DUBLIN	OH
OLYMPUS SERVICING LP	AUSTIN	TX
OMNI MORTGAGE CORPORATION	PLANO	TX
OREGON PACIFIC BANKING CO	FLORENCE	OR
ORNL FEDERAL CREDIT UNION	OAK RIDGE	TN
PACIFIC GROUP MORTGAGE INC	LAS VEGAS	NV
PACIFIC INDEPENDENCE FINANCE	ENCINO	CA
PACIFIC NORTHWEST BANK	OAK HARBOR	WA
PACIFIC RESIDENTIAL LENDING CORPORATION	SAN DIMAS	CA
PACIFIC TRUST BANK CHULA	VISTA	CA
PAL FINANCIAL CORP	EVERETT	MA
PALM BEACH NATIONAL BANK AND TRUST CO	PALM BEACH GARDENS	FL
PARTNERS GROUP MORTGAGE	CONSHOHOCKEN	PA
PARTNERS LEND AMERICA LLC	HOUSTON	TX
PATRIOT NATIONAL BANK	HAUPPAUGE	NY
PAVILION STATE BANK	PAVILION	NY
PBK BANK INC	RICHMOND	KY
PCMG INC	SANTA ANA	CA
PEAK FINANCIAL SERVICES INC	MIAMI	FL
PENTUCKET FIVE CENTS SAVINGS BANK	HAVERHILL	MA
PERCENTAGE EQUITY INVESTORS INC	NORTH MIAMI BEACH	FL
PINNACLE FINANCIAL SERVICES	CHEYENNE	WY
PIONEER FEDERAL CREDIT UNION	MOUNTAIN HOME	ID
PIONEER MORTGAGE SERVICES INC	GREELEY	CO
PNC BANK DELAWARE	WILMINGTON	DE
PORT BYRON STATE BANK	PORT BYRON	IL
PORTSMOUTH MORTGAGE CO INC	HAMPTON FALLS	NH
POWDER HOUSE MORTGAGE CO INC	SOMERVILLE	MA
POWER REALTY TEXAS INC	ABILENE	TX
PPMG INC	TUSTIN	CA
PRASKI MORTGAGE INC	LAKEWOOD	CO
PREFERRED MORTGAGE GROUP INC	JACKSONVILLE	FL
PREMIER ADVANTAGE HOME LOANS	CONCORD	CA
PREMIER EQUITY FINANCIAL INC	DAVENPORT	FL
PREMIER FINANCIAL AND INVESTMENT GR INC	UPLAND	CA
PREMIUM MORTGAGE AND INVESTMENTS INC	CORAL GABLES	FL
PRIME LINE MORTGAGE CORP	SHERMAN OAKS	CA
PRIMIDOM LENDING CORPORATION	DALLAS	TX
PRO EQUITY MORTGAGE INC	CHARLOTTE	NC
PROSOURCE MORTGAGE INC	KANSAS CITY	MO
PRYME INVESTMENT AND MTG BROKERS INC	MURRAY	UT
PTJM INC	REEDLEY	CA
QFUND FINANCIAL INC	BELLEVUE	WA
QUAKER CITY FEDERAL SAVINGS AND LN ASSOC	WHITTIER	CA
QUALITA FINANCIAL GROUP INC	CORAL GABLES	FL
QUALITY FINANCIAL INC	BUENA PARK	CA
QUALITY FUNDING SERVICES INC	PALOS HILLS	IL
QUESTAR FINANCIAL INC	DANVILLE	CA
QUESTSTAR MORTGAGE INC	SUWANEE	GA
QUORUM FINANCIAL SERVICES INC	SAN ANTONIO	TX
R AND G FEDERAL SAVINGS BANK	GUAYNABO	PR
RAINBOW CAPITAL MORTGAGE CORPORATION	CARSON	CA
RAMSEY NATIONAL BANK AND TR CO DEVIL LK	DEVILS LAKE	ND
RANDALL FUNDING CORPORATION	VALENCIA	CA
RANDOLPH BANK AND TRUST CO	ASHEBORO	NC
RANTOUL FIRST BANK SB	RANTOUL	IL
REAL ESTATE FINANCIAL ASSESSORS INC	MONTEBELLO	CA
REAL ESTATE FINANCIAL SVCS INC	ALPHARETTA	GA
REAL ESTATE PLUS MORTGAGE	REDONDO BEACH	CA
REALTORS MORTGAGE SERVICES INC	ORLANDO	FL
REGIONAL FINANCIAL GROUP INC	DEARBORN HEIGHTS	MI
REPUBLIC MORTGAGE LOANS INC	MIAMI	FL

735 TITLE 2 MORTGAGEES AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
RESIDENTIAL BLDG AND MTG RESO	FENTON	MO
RESIDENTIAL CAPITAL CORPORATION	LAS VEGAS	NV
RESIDENTIAL MORTGAGE CENTER INC	ROCKVILLE	MD
RESOURCE BANK	COVINGTON	LA
RIVER VALLEY MORTGAGE INC	ROSEVILLE	MN
ROBINSON GROUP MORTGAGE INC	SEATTLE	WA
ROCKY MOUNTAIN LAW ENFORCEMENT F C U	DENVER	CO
RONZETTI MORTGAGE AND INVESTMENT	FAIRFAX	VA
ROUSSEAU MORTGAGE CORPORATION	HOUSTON	TX
S AND S FINANCIAL INC	WOODLAND HILLS	CA
S MORTGAGE CORP	FAIR OAKS	CA
SALCORP MORTGAGAE	IRVINE	CA
SALEM FIVE MORTGAGE CORP	SALEM	MA
SAN FRANCISCO FUNDING INC	NOVATO	CA
SAN VICENTE MORTGAGE CORP	RAMONA	CA
SEACOAST EQUITIES INC	LA MESA	CA
SECURITY BANK	RICH HILL	MO
SECURITY BANK AND TRUST CO	GLENCOE	MN
SECURITY FEDERAL BANK FSB	SAINT JOHN	IN
SECURITY FINANCIAL SERVICES	LOS ANGELES	CA
SECURITY FIRST NETWORK BANK	ATLANTA	GA
SECURITY LENDING OF UTAH INC	SALT LAKE	UT
SECURITY MORTGAGE FUNDING INC	CANTON	GA
SECURITY ST BANK FERGUS FALLS	FERGUS FALLS	MN
SELECT CAPITAL MORTGAGE CO	BELLEVUE	WA
SELECT HOME LOANS INC	SAN JACINTO	CA
SELECT MORTGAGE INC	BURNET	TX
SIERRA REAL ESTATE SERVICE INC	FRESNO	CA
SIGNATURE BANC AND LENDING LTD	DAYTON	OH
SLEEPY HOLLOW NATIONAL BANK	SLEEPY HOLLOW	NY
SMACKOVER STATE BANK	SMACKOVER	AR
SOLARO FINANCIAL INC	RANCHO PALOS VERDES	CA
SOUTH HOLLAND MORTGAGE LLC	SOUTH HOLLAND	IL
SOUTHEAST FINANCIAL CORPORATION	MIAMI LAKES	FL
SOUTHEAST LENDING GROUP INC	SARASOTA	FL
SOUTHERN COMMUNITY HOME LOANS	HUNTSVILLE	AL
SOUTHERN EXCHANGE BANK	TAMPA	FL
SOUTHERN FINANCE MORTGAGE CORPORATION	MIAMI	FL
SOUTHERN LENDING CORPORATION	AUSTIN	TX
SOUTHERN NICHIGAN BANK	COLDWATER	MI
SOUTHPOINTE MORTGAGE CO INC OF SC	CAYCE	SC
SOUTHWEST BANK OF ST LOUIS	ST LOUIS	MO
SOUTHWEST FINANCIAL SERVICES LLC	CHARLOTTE	NC
SOVEREIGN FINANCIAL CORPORATION	ATLANTA	GA
SPECTRUM MORTGAGE CORPORATION	EL DORADO HILLS	CA
SQUARE ONE MORTGAGE INC	HAZELTON	PA
ST JAMES FEDERAL SAVINGS AND LOAN ASSN	ST JAMES	MN
ST MARY'S AREA FEDERAL CREDIT UNION	ST MARY'S	PA
STATE BANK OF SOUTHERN UTAH	CEDAR CITY	UT
STATE CENTRAL CREDIT UNION	MILWAUKEE	WI
STATE STREET BANK AND TRUST CO	BOSTON	MA
STATE STREET BANK AND TRUST COMPANY NA	NEW YORK	NY
STATE STREET BANK AND TRUST CT	HARTFORD	CT
STATEN ISLAND SAVINGS BANK	STATEN ISLAND	NY
STEPSTONE MORTGAGE COMPANY INC	MARBLEHEAD	MA
STERLING LENDING GROUP INC	BETHEL	CT
STONEGATE PRODUCTIONS INC	ATHENS	GA
SUNAMERICA LIFE INSURANCE CO	LOS ANGELES	CA
SUNLENDING MORTGAGE CORP	CORAL GABLES	FL
SUNTRUST BANK	ATLANTA	GA
SURETY MORTGAGE INC	COLUMBIA	SC
SURFSIDE MORTGAGE INC	BELLFLOWER	CA
SUTTER WEST CAPITAL MORTGAGE INC	SANTA ROSA	CA
T J ROSE FINANCIAL SERVICES INC	TAMPA	FL
TARGET MORTGAGE CORP	LAUDERDALE LAKES	FL
TEAM ONE MORTGAGE INC	ROSWELL	GA
TECHNICAL MORTGAGE LP	SUGARLAND	TX
TEXAS SAVINGS BANK FSB	SNYDER	TX
TEXAS SUPREME MORTGAGE INC	HOUSTON	TX
THE GORDON BANK	GORDON	GA
THREE RIVERS BANK AND TRUST CO	MONROEVILLE	PA

735 TITLE 2 MORTGAGEES AND LOAN CORRESPONDENTS TERMINATED BETWEEN OCTOBER 1, 2002 AND SEPTEMBER 30, 2003—Continued

Name	City	State
TLC MORTGAGE CORPORATION	OREM	UT
TOLLAND BANK	VERNON	CT
TOWLE FINANCIAL SERVICES	MINNEAPOLIS	MN
TOWNE MORTGAGE EASTPOINTE LLC	EASTPOINTE	MI
TRIANGLE MORTGAGE CENTER	MIAMI	FL
TRI-CITY MORTGAGE LLC	LOVELAND	CO
U S BANK NA	NEW YORK	NY
U S MORTGAGE COMPANY	BAY HARBOR ISLAND	FL
UNION ADVANTAGE HOME LOANS INC	LODI	CA
UNION AMERICAN MORTGAGE SERVICES LLC	NASHVILLE	TN
UNION BANK	NORTH PROVIDENCE	RI
UNION BANK CALIFORNIA NA	SAN DIEGO	CA
UNION PLANTERS BANK OF THE LAKEWAY AREA	MORRISTOWN	TN
UNITED AMERICAN FUNDING CORP	POMPANO BEACH	FL
UNITED BANK	ST PETERSBURG	FL
UNITED BUSINESS AND INDUSTRY FED CR UNIO	PLAINVILLE	CT
UNITED COMMUNITY BANK WEST GEORGIA	CARROLLTON	GA
UNITED GENERAL MORTGAGE CORP	BETHLEHEM	PA
UNITED HOME LOANS CORPORATION	LONGMONT	CO
UNITED HOME MORTGAGE CORPORATION	DES PLAINES	IL
UNITED LABOR CREDIT UNION	KANSAS CITY	MO
UNITED NATIONAL BANK	BRIDGEWATER	NJ
UNIVERSITY FEDERAL CREDIT UNION	BIRMINGHAM	AL
UPTOWN MORTGAGE CORPORATION	WHITTIER	CA
US MORTGAGE CORPORATION	PROVO	UT
VALENCIA BANK AND TRUST	NEWHALL	CA
VALLEY BANK BELGRADE	BELGRADE	MT
VALLEY HEIGHTS FUNDING	RIVERSIDE	CA
VALLEY STATE BANK LAMAR	LAMAR	CO
VAN CAMP MORTGAGE LLC	SOUTH BEND	IN
VILLAGE FINANCIAL SERVICES LLC	ORLANDO	FL
VIRGINIA STATE MORTGAGE INC	ROANOKE	VA
VONROPE MORTGAGE CORPORATION	POMONA	CA
WACHOVIA BANK NA	WINSTON-SALEM	NC
WALL STREET MORTGAGE CORP	GAITHERSBURG	MD
WALMAR FINANCIAL CORPORATION	IRVINE	CA
WASHINGTON MUTUAL BANK FA	STOCKTON	CA
WASHINGTON MUTUAL BANK FA DIME	HICKSVILLE	NY
WASHINGTON MUTUAL BK FA-WMHLI-FMC	COLUMBIA	SC
WATERFIELD MORTGAGE CO INC	FORT WAYNE	IN
WESTERN HOME LOANS INC	ARCADIA	CA
WESTERN MORTGAGE EXPRESS	EL CENTRO	CA
WESTERN PACIFIC LOANS INC	SANTA ROSA	CA
WHITLEY MORTGAGE ASSOCIATES	MONROE	NC
WHOLESALE FINANCIAL MORTGAGE CORP	SCHAUMBURG	IL
WILLIAM GREGORY MORTGAGE INC	LOS ANGELES	CA
WINDY CITY FINANCIAL MORTGAGE CORPORATIO	CHICAGO	IL
WOODHAVEN FINANCIAL SERVICES LTD	DALLAS	TX
WOODSTOWN NATIONAL BANK	WOODSTOWN	NJ
WOODWARD FINANCIAL SERVICES INC	BLOOMFIELD HILLS	MI
WORLD MORTGAGE INC	CHAMBLEE	GA
WORLDWIDE DIVERSIFIED FUNDING HMC INC	FT PIERCE	FL
Y AND S MORTGAGE LLC	GROVE CITY	OH
YIG INC	WEST COVINA	CA
YOSEMITE BROKERAGE INC	BRIDGE CITY	TX

Dated: February 20, 2004.

John C. Weicher,

Assistant Secretary for Housing-Federal, Housing Commissioner, Chairman Mortgagee Review Board.

[FR Doc. 04–4305 Filed 2–26–04; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended.

DATES: To ensure consideration, written comments must be received on or before March 29, 2004.

ADDRESSES: Written comments should be submitted to the Chief, Endangered

Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Documents will be available for public inspection, by appointment only, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Ave. SW., Room 4102, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Chief, Endangered Species Division, (505) 248–6922.

SUPPLEMENTARY INFORMATION:

Permit No. TE–081873

Applicant: William Clark, Harlingen, Texas.

Applicant requests a new permit for research and recovery purposes to conduct surveys, trap, and band northern aplomado falcons (Falco femoralis septentrionalis) within Texas.

Permit No. TE–028986

Applicant: Arizona Department of Transportation, Environmental Planning Group, Phoenix, Arizona.

Applicant requests an amendment to an existing permit to allow presence/absence surveys for the following species within Arizona: black-footed ferret (Mustela nigripes), Hualapai Mexican vole (Microtus mexicanus hualpaiensis), jaguar (Panthera onca), lesser long-nosed bat (Leptonycteris curasoae yerbabuenae), Mexican gray wolf (Canis lupus baileyi), ocelot (Leopardus pardalis), Sonoran pronghorn (Antilocapra americana sonoriensis), California condor (Gymnogyps californianus), masked bobwhite (Colinus virginianus ridgwayi), Yuma clapper rail (Rallus longirostris yumanensis), Sonoran tiger salamander (Ambystoma tigrinum stebbinsi), bonytail chub (Gila elegans), desert pupfish (Cyprinodon macularius), humpback chub (Gila cypha), Virgin River chub (Gila robusta semidnuda), woundfin (Plagopterus argentissimus), Yaqui chub (Gila purpurea), and Kanab ambersnail (Oxyloma haydeni kanabensis). In addition, the applicant requests authorization to survey for and collect the following species within Arizona: Agave arizonica (Arizona agave), Amsonia kearneyana (Kearney's blue-star), Astragalus cremnophylax var. cremnophylax (Sentry milk-vetch), Astragalus holmgreniorum (Holmgren milk-vetch), Coryphantha scheeri var. robustispina (Pima pineapple cactus), Echinocactus horizonthalonius var. nicholii (Nichol's Turk's head cactus), Echinocereus triglochidiatus var. arizonicus (Arizona hedgehog cactus), Lilaeopsis schaffneriana var. recurva (Huachuca water-umbel), Pediocactus bradyi (Brady pincushion cactus), Pediocactus peeblesianus var. peeblesianus (Peebles Navajo cactus), Purshia subintegra (Arizona cliff-rose), and Spiranthes delitescens (Canelo Hills ladies'-tresses).

Permit No. TE–082497

Applicant: Resource Stewards, L.L.C., Ardmore, Oklahoma.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for American burying beetle (Nicrophorus americanus) within Oklahoma.

Permit No. TE–082496

Applicant: U.S. Army, Camp Bullis Military Training Reservation, San Antonio, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys and nest monitoring for golden-cheeked warbler (Dendroica chrysoparia) and black-capped vireo (Vireo atricapillus) within Texas.

Permit No. TE–082495

Applicant: Paul Fushille, Austin, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys and nest monitoring for golden-cheeked warbler (Dendroica chrysoparia) and black-capped vireo (Vireo atricapillus) within Texas.

Permit No. TE–081884

Applicant: Andrew Gluesenkamp, Austin, Texas.

Applicant requests a new permit for research and recovery purposes to survey for and collect the following species within Texas: Barton Springs salamander (Eurycea sosorum), Houston toad (Bufo houstonensis), Texas blind salamander (Typhlomolge rathbuni), Batrisodes texanus (Coffin Cave mold beetle), Batrisodes venyivi (Helotes mold beetle), Cicurina baronia (Robber Baron Cave meshweaver), Cicurina madla (Madla's cave meshweaver), Cicurina venii (Braken Bat Cave meshweaver), Cicurina vespera (Government Canyon Bat Cave meshweaver), Heterelmis comalensis (Comal Springs riffle beetle), Neoleptoneta microps (Government Canyon Bat Cave spider), Neoleptoneta myopica (Tooth Cave spider), Rhadine exilis (ground beetle, no common name), Rhadine infernalis (ground beetle, no common name), Rhadine persephone (Tooth Cave ground beetle), Stygobromus pecki (Peck's cave amphipod), Stygoparnus comalensis (Comal Springs dryopid beetle), Tartarocreagris texana (Tooth Cave pseudoscorpion), Texamaurops reddelli (Kretschmarr Cave mold beetle), Texella cokendolpheri (Cokendolpher cave harvestman), Texella reddelli (Bee Creek Cave harvestman), and Texella reyesi (Bone Cave harvestman).

Authority: 16 U.S.C. 1531, *et seq.*

Dated: February 18, 2004.

Bryan Arroyo,

Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.

[FR Doc. 04–4352 Filed 2–26–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Environmental Assessment/Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the Eagle's Nest Open Space, Larimer County, CO

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: This notice advises the public that Larimer County Parks and Open Lands Department (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act (Act) of 1973, as amended. The proposed permit would authorize the incidental take of the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's), federally listed as threatened, through loss and modification of its habitat associated with construction of a trail, river access area, spring development and bridge replacement on the North Fork Cache La Poudre River in Larimer County, Colorado. The duration of the permit would be 30 years from the date of issuance.

We announce the receipt of the Applicant's incidental take permit application, which includes a combined Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the

Preble's at Eagle's Nest Open Space. The proposed EA/HCP is available for public review and comment. It fully describes the proposed project and the measures the Applicant would undertake to minimize and mitigate project impacts to the Preble's.

The Service requests comments on the EA/HCP and associated documents for the proposed issuance of the incidental take permit. All comments on the EA and permit application will become part of the administrative record and will be available to the public. We provide this notice pursuant to section 10(a) of the Act and the National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the permit application and EA/HCP should be received on or before April 27, 2004 to be considered.

ADDRESSES: Comments regarding the permit application and EA/HCP should be addressed to Susan Linner, Field Supervisor, U.S. Fish and Wildlife Service, Colorado Field Office, 755 Parfet Street, Suite 361, Lakewood, Colorado 80215. Comments also may be submitted by facsimile to (303) 275–2371.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen Linder, Fish and Wildlife Biologist, Colorado Field Office, telephone (303) 275–2370.

SUPPLEMENTARY INFORMATION:

Document Availability

Individuals wishing copies of the EA/HCP and associated documents for review should immediately contact the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

Background

Section 9 of the Act and Federal regulations prohibit the "take'' of a species listed as endangered or threatened. Take is defined under the Act, in part, as to kill, harm, or harass a federally listed species. However, the Service may issue permits to authorize "incidental take'' of listed species under limited circumstances. Incidental take is defined under the Act as take of a listed species that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity under limited circumstances. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32.

Eagle's Nest Open Space is located south of Red Feather Lakes Road (CR 74), along the North Fork of the Cache La Poudre River, south of the Town of Livermore, Larimer County, Colorado. The project site is 107 hectares (264 acres), but the proposed project will directly impact a maximum of 1.4 hectares (3.4 acres) that may result in incidental take of the Preble's. Of the total amount of impacted acreage, 0.3 hectare (0.7 acre) will be temporarily disturbed and will be revegetated. An HCP has been developed as part of the preferred alternative. The proposed HCP will allow for the incidental take of the Preble's by permitting bridge replacement, spring development and construction of a multiple-use trail in an area that may be periodically used as foraging, breeding or hibernation habitat.

In addition to the Proposed Action, alternatives considered included—(a) develop the site more intensively with less avoidance of Preble's habitat, (b) no action, and (c) look for an alternative open space property. The draft EA analyzes the onsite, offsite, and cumulative impacts of the proposed project and all associated development and construction activities and mitigation activities on the Preble's, and also on other threatened or endangered species, vegetation, wildlife, wetlands, geology/soils, land use, water resources, air and water quality, and cultural resources. The Applicant, using the Service's definition of Preble's habitat, has determined that the proposed project would impact approximately 1.4 hectares (3.4 acres) of potential Preble's habitat. The mitigation will likely provide a net benefit to the Preble's mouse and other wildlife by planting additional shrubs and revegetating an old road with a native grass mix.

Only one federally listed species, the threatened Preble's, occurs on site and has the potential to be adversely affected by the project. To mitigate impacts that may result from incidental take, the HCP provides mitigation for the development of the proposed trail and associated facilities by protecting and enhancing 2.8 hectares (7.0 acres) of existing or potential Preble's habitat through reduced and managed grazing, planting native shrubs and grasses. Approximately 0.3 hectare (0.7 acre) of temporarily disturbed habitat will be reseeded with a native seed mix and planted with native shrubs where appropriate and approximately 107 hectares (264 acres) will be protected on perpetuity as open space by Larimer County as well as via a deed restriction. Measures will be taken during construction to minimize impact to the habitat, including monitoring, worker education/awareness of Preble's habitat and the restricted construction period during daylight hours and between mid-September and mid-May when Preble's is inactive. All of the proposed mitigation area is within the boundaries of the Eagle's Nest Open Space property.

This notice is provided pursuant to section 10(c) of the Act. We will evaluate the permit application, the EA/HCP, and comments submitted therein to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, a permit will be issued for the incidental take of the Preble's in conjunction with the development of the proposed trail, associated facilities, river access, and ongoing management of the Eagle's Nest Open Space property. The final permit decision will be made no sooner than 60 days after the date of this notice.

Dated: January 27, 2004.

John A. Blankenship,

Regional Director, Denver, Colorado.

[FR Doc. 04–4351 Filed 2–26–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–01–134–1610–241A]

Colorado Canyons National Conservation Area Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meetings.

SUMMARY: The Colorado Canyons National Conservation Area (CCNCA) Advisory Council will hold its first bi-monthly meeting of 2004 on April 7, 2004. The meeting will begin at 3 p.m. and will be held at the Mesa County Administration Building; 544 Rood Avenue, Grand Junction, CO. Throughout the remainder of calendar year 2004, the CCNCA Advisory Council meetings will be held the first Wednesday of every other month—June 2, August 4, October 6 and December 1—in the same location and at the same time.

DATES: The meeting will be held on April 7, 2004.

ADDRESSES: For further information or to provide written comments, please contact the Bureau of Land Management (BLM), 2815 H Road, Grand Junction, Colorado 81506; (970) 244–3000.

SUPPLEMENTARY INFORMATION: The CCNCA was established on October 24, 2000 when the Colorado Canyons National Conservation Area and Black Ridge Wilderness Act of 2000 (the Act) was signed by the President. The Act required that the CCNCA Advisory Council be established to provide advice

in the preparation and implementation of the CCNCA Resource Management Plan.

The CCNCA Advisory Council will meet on Wednesday, April 7, 2004 at the Mesa County Administration Building; 544 Rood Avenue, Grand Junction, CO, beginning at 3 p.m. The agenda topics for this meeting are:

(1) The re-election of council officials;

(2) CCNCA Resource Management Plan implementation and monitoring strategy;

(3) Budgetary requirements for upcoming fiscal years;

(4) Development of Limits of Acceptable change to be used in the CCNCA monitoring strategy;

(5) Public comment period;

(6) Agenda for next meeting.

Beginning April 2004 the CCNCA Advisory Council meetings will be held monthly on the first Wednesday of every other month at the same time and location. The dates for these meetings are April 7, 2004; June 2, 2004; August 4, 2004; October 6, 2004; and December 1, 2004.

Topics of discussion for future meetings will include completion of the proposed resource management plan and Record of Decision, development of limits of acceptable change to be used in the CCNCA monitoring strategy, partnerships, interpretation, adaptive management, socioeconomics, and other issues as appropriate.

All meetings will be open to the public and will include a time set aside for public comment. Interested persons may make oral statements at the meetings or submit written statements at any meeting. Per-person time limits for oral statements may be set to allow all interested persons an opportunity to speak.

Summary minutes of all Council meetings will be maintained at the Bureau of Land Management Office in Grand Junction, Colorado. They are available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting. In addition, minutes and other information concerning the CCNCA Advisory Council, can be obtained from the CCNCA Web site at: *http://www.co.blm.gov/gjra/ccnca/ccncahome.htm.,* which will be updated following each Advisory Council meeting.

Dated: February 20, 2004.

Greg Gnesios,

Manager, Colorado Canyons National Conservation Area.

[FR Doc. 04–4354 Filed 2–26–04; 8:45 am]

BILLING CODE 4310–JB–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 (1010–0067).

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 E, Oil and Gas Well-Completion Operations.''

DATES: Submit written comments by April 27, 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 1010–0067'' 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 E, Oil and Gas Well-Completion.

OMB Control Number: 1010–0067.

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 1332(6) of the OCS Lands Act (43 U.S.C. 1332) requires that "operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.'' This authority and responsibility are among those delegated to MMS. To carry out these responsibilities, MMS issues regulations governing oil and gas and sulphur operations in the OCS. This collection of information addresses 30 CFR part 250, subpart E, Oil and Gas Well-Completion Operations.

The MMS district supervisors analyze and evaluate the information and data collected under subpart E to ensure that planned well-completion operations will protect personnel safety and natural resources. They use the analysis and evaluation results in the decision to approve, disapprove, or require modification to the proposed well-completion operations. Specifically, MMS uses the information to ensure: (a) Compliance with personnel safety training requirements; (b) crown block safety device is operating and can be expected to function to avoid accidents; (c) proposed operation of the annular preventer is technically correct and provides adequate protection for personnel, property, and natural resources; (d) well-completion operations are conducted on well casings that are structurally competent; and (e) sustained casing pressures are within acceptable limits.

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: The frequency of reporting varies by section, but is mostly "on occasion'' or annually.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Reporting and Recordkeeping "Hour'' Burden: The currently approved annual reporting burden for this collection is 9,520 hours.

The following chart details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, 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 E & NTL Sec.	Reporting & recordkeeping (R/K) requirement	Hour burden
502	Request approval not to shut-in well during equipment movement	1 hour.
502	Notify MMS of well-completion rig movement on or off platform or from well to well on same covered under platform form MMS–144.	Burden covered under 1010–0150.
505; 513; 515(a); 516(g), (j); NTL I.C, III.B.	Submit forms MMS–123, MMS–124, MMS–125 for various approvals, including remediation procedure for SCP.	Burden covered under 1010–0044, 1010–0045, 1010–0046.
512	Request field well-completion rules be established and canceled (on occasion, however, there have been no requests in many years).	1 hour.
515(a)	Submit well-control procedure	1 hour.
517(b)	Pressure test, caliper, or otherwise evaluate tubing & wellhead equipment casing; submit results (every 30 days during prolonged operations).	4 hours.
517(c); NTL I, III.B	Notify MMS if sustained casing pressure is observed on a well	¼ hour.
NTL I.A, I.E, I.G, I.H, II, III Appendix.	Submit results of diagnostic tests, departure requests and supporting information, including plan of action for non-producing wells.	2 hours.
NTL I.C	Notify MMS when remediation procedure is complete	1 hour.
NTL I.D	Appeal departure request denial according to 30 CFR part 290	Burden covered 1010–0121.
500–517	General departure and alternative compliance requests not specifically covered elsewhere in subpart E regulations.	2 hours.
506	Instruct crew members in safety requirements of operations to be performed; document meeting (weekly for 2 crews × 2 weeks per completion = 4).	10 minutes.
511	Perform operational check of traveling-block safety device; document results (weekly × 2 weeks per completion = 2).	6 minutes.
516 tests; 516(i), (j)	Perform BOP pressure tests, actuations & inspections; record results; retain records 2 years following completion of well (when installed; minimum every 14 days; as stated for component).	6 hours.
516(d)(5) test; 516(i)	Function test annulars and rams; document results (every 7 days between BOP tests—biweekly; note: part of BOP test when conducted).	10 minutes.
516(e)	Record reason for postponing BOP system tests (on occasion)	6 minutes.
516(f)	Perform crew drills; record results (weekly for 2 crews × 2 weeks per completion = 4).	½ hour.
NTL I.F	Retain complete record of well's casing pressure and diagnostic tests for 2 years.	¼ hours.
NTL & Appendix	Perform diagnostic tests and record results; perform follow-up tests at least annually to determine departure status.	4 hours.

Estimated Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified no cost burdens for this collection.

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 19, 2004.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 04–4394 Filed 2–26–04; 8:45 am]

BILLING CODE 4310–MR–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 a currently approved information collection (1010–0058).

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 I, Platforms and Structures.''

DATES: Submit written comments by April 27, 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 1010–0058'' 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 250, Subpart I, Platforms and Structures.

OMB Control Number: 1010–0058.

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.

Specifically, the OCS Lands Act (43 U.S.C. 1356) requires the issuance of "* * * regulations which require that any vessel, rig, platform, or other vehicle or structure— * * * (2) which is used for activities pursuant to this subchapter, comply, * * * with such minimum standards of design, construction, alteration, and repair as the Secretary * * * establishes; * * *.'' The OCS Lands Act (43 U.S.C. 1332(6)) also states, "operations in the [O]uter Continental Shelf should be conducted in a safe manner * * * to prevent or minimize the likelihood of * * * physical obstruction to other users of the water or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.'' 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 250, subpart I, Platforms and Structures.

The MMS OCS Regions use the information submitted under subpart I to determine the structural integrity of all offshore structures and ensure that such integrity will be maintained throughout the useful life of these structures. We use the information to ascertain, on a case-by-case basis, that the platforms and structures are structurally sound and safe for their intended use to ensure safety of personnel and pollution prevention. More specifically, we use the information to:

- Review information concerning damage to a platform to assess the adequacy of proposed repairs.
- Review plans for platform construction (construction is divided into three phases—design, fabrication, and installation) to ensure the structural integrity of the platform.
- Review verification plans and reports for unique platforms to ensure that all nonstandard situations are given proper consideration during the design, fabrication, and installation phases of platform construction.
- Review platform design, fabrication, and installation records to ensure that the platform is constructed according to approved plans.
- Review inspection reports to ensure that platform integrity is maintained for the life of the platform.
- Ensure that any object (wellheads, platforms, etc.) installed on the OCS is properly removed and the site cleared so as not to conflict with or harm other users of the OCS.

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: The frequency varies by section, but is generally on occasion and annual.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Reporting and Recordkeeping "Hour'' Burden: The currently approved annual reporting burden for this collection is 28,344. The following chart details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, 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 I	Reporting or recordkeeping requirement	Hour burden
900(b), (g); 901; 902; 909(b)(4)(iii)	Submit application and plans for new platform or major modifications and notice to MMS.	24

Citation 30 CFR 250 subpart I	Reporting or recordkeeping requirement	Hour burden
900(e)	Request approval for major repairs of damage to platform and notice to MMS	16
900(f)	Request approval for reuse or conversion of use of existing fixed or mobile platforms.	24
901(e)	Notify MMS before transporting platform to installation site	[1]10
903(a), (b)	Submit nominations for Certified Verification Agent (CVA)	16
903(a)(1), (2), (3)	Submit interim and final CVA reports	200
912(a)	Request inspection interval that exceeds 5 years	16
912(b)	Submit annual report of platforms inspected and summary of testing results	45
900 thru 914	General departure and alternative compliance requests not specifically covered elsewhere in subpart I regulations.	8
Reporting Hour Burden		
909, 911, 912, 914	Recordkeeping Requirement: Maintain records on as-built structural drawings, design assumptions and analyses, summary of nondestructive examination records, inspection results, *etc.,* for the functional life of the platform.	50

[1] 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 8, 2004.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 04–4395 Filed 2–26–04; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and were pending through December 31, 2003, and contract actions that have been completed or discontinued since the last publication of this notice on October 28, 2003. From the date of this publication, future quarterly notices during this calendar year will be limited to new, modified, discontinued, or completed contract actions. This annual notice should be used as a point of reference to identify changes in future notices. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities consistent with section 9(f) of the Reclamation Project Act of 1939. Additional announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Sandra L. Simons, Manager, Water

Contracts and Repayment Office, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2902.

SUPPLEMENTARY INFORMATION: Consistent with section 9(f) of the Reclamation Project Act of 1939 and the rules and regulations published in 52 FR 11954, April 13, 1987 (43 CFR 426.22), Reclamation will publish notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act. Pursuant to the "Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act, as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. At a minimum, the regional director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Definitions of Abbreviations Used in This Document

BCP Boulder Canyon Project
Reclamation Bureau of Reclamation
CAP Central Arizona Project
CVP Central Valley Project
CRSP Colorado River Storage Project
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District
M&I Municipal and Industrial
O&M Operation and Maintenance
P-SMBP Pick-Sloan Missouri Basin Program
PPR Present Perfected Right
SOD Safety of Dams
WD Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5223.

1. Irrigation, M&I, and Miscellaneous Water Users; Idaho, Oregon, Washington, Montana, and Wyoming: Temporary or interim water service contracts for irrigation, M&I, or miscellaneous use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Rogue River Basin Water Users, Rogue River Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

3. Willamette Basin Water Users, Willamette Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

4. Pioneer Ditch Company, Boise Project, Idaho; Clark and Edwards Canal and Irrigation Company, Enterprise Canal Company, Ltd., Lenroot Canal Company, Liberty Park Canal Company, Poplar ID, all in the Minidoka Project, Idaho; Juniper Flat District Improvement Company, Wapinitia Project, Oregon: Amendatory repayment and water service contracts; purpose is to conform to the RRA.

5. Bridgeport ID, Chief Joseph Dam Project, Washington: Warren Act contract for the use of an irrigation outlet in Chief Joseph Dam.

6. Palmer Creek Water District Improvement Company, Willamette Basin Project, Oregon: Irrigation water service contract for approximately 13,000 acre-feet.

7. North Unit ID, Deschutes Project, Oregon: Warren Act contract with cost of service charge to allow for use of project facilities to convey nonproject water.

8. Baker Valley ID, Baker Project, Oregon: Warren Act contract with cost of service charge to allow for use of project facilities to store nonproject water.

9. Trendwest Resorts, Yakima Project, Washington: Long-term water exchange contract for assignment of Teanaway River and Big Creek water rights to Reclamation for instream flow use in exchange for annual use of up to 3,500 acre-feet of water from Cle Elum Reservoir for a proposed resort development.

10. City of Cle Elum, Yakima Project, Washington: Contract for up to 2,170 acre-feet of water for municipal use.

11. Burley ID, Minidoka Project, Idaho-Wyoming: Supplemental and amendatory contract providing for the transfer of O&M of the headworks of the Main South Side Canal and works incidental thereto.

12. Minidoka ID, Minidoka Project, Idaho-Wyoming: Supplemental and amendatory contract providing for the transfer of O&M of the headworks of the Main North Side Canal and works incidental thereto.

13. Fremont-Madison ID, Minidoka Project, Idaho-Wyoming: Repayment contract for reimbursable cost of SOD modifications to Grassy Lake Dam.

14. Queener Irrigation Improvement District, Willamette Basin Project, Oregon: Renewal of long-term water

service contract to provide up to 2,150 acre-feet of stored water from the Willamette Basin Project (a Corps of Engineers' project) for the purpose of irrigation within the District's service area.

15. Vale and Warms Springs IDs, Vale Project, Oregon: Repayment contract for reimbursable cost of SOD modifications to Warm Springs Dam.

16. Westland and West Extension IDs, Umatilla Project, Oregon: Contracts for long-term boundary expansions to include lands outside of federally recognized district boundaries.

17. Greenberry ID, Willamette Basin Project, Oregon: Irrigation water service contract for approximately 7,500 acre-feet of project water.

18. Twenty-three irrigation districts of the Arrowrock Division, Boise Project, Idaho: Repayment agreements with districts with spaceholder contracts for repayment, per legislation, of reimbursable share of costs to rehabilitate Arrowrock Dam Outlet Gates under the O&M program.

19. Eighteen irrigation water user entities, Boise Project, Idaho: Long-term renewal and/or conversion of 18 irrigation water service contracts for supplemental irrigation use of up to 71,018 acre-feet of storage space in Lucky Peak Reservoir, a Corps of Engineers' project on the Boise River, Idaho.

The following action has been completed since the last publication of this notice on October 28, 2003:

1. (21) Tualatin Valley ID, Clean Water Services, and the Cities of Hillsboro, Forest Grove, Beaverton, and Lake Oswego; Tualatin Project; Oregon: Repayment agreements for repayment of reimbursable cost of SOD modifications to Scoggins Dam. Agreements were executed in September 2003.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

1. Irrigation water districts, individual irrigators, M&I and miscellaneous water users, Mid-Pacific Region projects other than CVP: Temporary (interim) water service contracts for available Project water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; temporary Warren Act contracts for use of Project facilities for terms up to 1 year; temporary conveyance agreements with the State of California for various purposes; long-term contracts for similar service for up to 1,000 acre-feet annually. **Note:** Upon written request, copies of the standard forms of temporary water service contracts for the various types of service are available from the Regional Director at the address shown above.

2. Contractors from the American River Division, Cross Valley Canal, Delta Division, Friant Division, Sacramento River Division, San Felipe Division, Shasta Division, Trinity River Division, and West San Joaquin Division, CVP, California: Renewal of up to 114 long-term water service contracts; water quantities for these contracts total in excess of 3.4M acre-feet. These contract actions will be accomplished through long-term renewal contracts pursuant to Public Law 102–575. Prior to completion of negotiation of long-term renewal contracts, existing interim renewal water service contracts may be renewed through successive interim renewal of contracts.

3. Redwood Valley County WD, SRPA, California: Restructuring the repayment schedule pursuant to Public Law 100–516.

4. El Dorado County Water Agency, CVP, California: M&I water service contract to supplement existing water supply: 15,000 acre-feet for El Dorado County Water Agency authorized by Public Law 101–514.

5. Sutter Extension WD and the State of California Department of Water Resources, CVP, California: Pursuant to Public Law 102–575, conveyance agreements for the purpose of wheeling refuge water supplies and funding District facility improvements and exchange agreements to provide water for refuge and private wetlands.

6. CVP Service Area, California: Temporary water purchase agreements for acquisition of 20,000 to 200,000 acre-feet of water for fish and wildlife purposes as authorized by the Central Valley Project Improvement Act for terms of up to 3 years.

7. City of Roseville, CVP, California: Execution of long-term Warren Act contract for conveyance of nonproject water provided from the Placer County Water Agency. This contract will allow CVP facilities to be used to deliver nonproject water to the City of Roseville for use within their service area.

8. Sacramento Municipal Utility District, CVP, California: Amendment of existing water service contract to allow for additional points of diversion and assignment of up to 30,000 acre-feet of project water to the Sacramento County Water Agency. The amended contract will conform to current Reclamation law.

9. El Dorado ID, CVP, California: Execution of long-term Warren Act contract for conveyance of nonproject water. This contract will allow CVP facilities to be used to deliver nonproject water to the El Dorado ID for use within their service area.

10. Horsefly, Klamath, Langell Valley, and Tulelake IDs, Klamath Project, Oregon: SOD repayment of applicable costs related to work on Clear Lake Dam. These districts will share in repayment of costs and each district will have a separate contract. Initial contract should be ready by April 2004.

11. Casitas Municipal WD, Ventura Project, California: Repayment contract for SOD work on Casitas Dam.

12. Warren Act Contracts, CVP, California: Execution of long-term Warren Act contracts (up to 25 years) with various entities for conveyance of nonproject water in the Delta-Mendota Canal and the Friant Division facilities.

13. Tuolumne Utilities District (formerly Tuolumne Regional WD), CVP, California: Long-term water service contract for up to 9,000 acre-feet from New Melones Reservoir, and possibly long-term contract for storage of nonproject water in New Melones Reservoir.

14. Banta Carbona ID, CVP, California: Long-term Warren Act contract for conveyance of nonproject water in the Delta-Mendota Canal.

15. Plain View WD, CVP, California: Long-term Warren Act contract for conveyance of nonproject water in the Delta-Mendota Canal.

16. City of Redding, CVP, California: Amend water service contract No. 14–06–200–5272A, for the purpose of renegotiating the provisions of contract Article 15, "Water Shortage and Apportionment,'' to conform to current CVP M&I water shortage policy.

17. Byron-Bethany ID, CVP, California: Long-term Warren Act contract for conveyance of nonproject water in the Delta-Mendota Canal.

18. Sacramento Area Flood Control Agency, CVP, California: Execution of a long-term operations agreement for flood control operations of Folsom Dam and Reservoir to allow for recovery of costs associated with operating a variable flood control pool of 400,000 to 670,000 acre-feet of water during the flood control season. This agreement is to conform to Federal law.

19. Colusa County WD, CVP, California: Proposed long-term Warren Act contract for conveyance of up to 4,500 acre-feet of ground water through the Tehama-Colusa Canal.

20. Madera-Chowchilla Water and Power Authority, CVP, California: Agreement to transfer the operation, maintenance, and replacement and certain financial and administrative activities related to the Madera Canal and associated works.

21. El Dorado ID, CVP, California: Title transfer agreement for conveyance of CVP facilities. This agreement will allow transfer of title for Sly Park Dam, Jenkinson Lake, and appurtenant facilities from the CVP to El Dorado ID.

22. Carpinteria WD, Cachuma Project, California: Contract to transfer title of distribution system to the District. Title transfer is subject to Congressional ratification.

23. Montecito WD, Cachuma Project, California: Contract to transfer title of distribution system to the District. Title transfer is subject to Congressional ratification.

24. City of Vallejo, Solano Project, California: Execution of long-term Warren Act contract for conveyance of nonproject water. This contract will allow Solano Project facilities to be used to deliver nonproject water to the City of Vallejo for use within their service area.

25. Sacramento Suburban WD (formerly Northridge WD), CVP, California: Execution of long-term Warren Act contract for conveyance of nonproject water. This contract will allow CVP facilities to be used to deliver nonproject water to the Sacramento Suburban WD for use within their service area.

26. Truckee Meadows Water Authority, Town of Fernley, State of California, City of Reno, City of Sparks, Washoe County, State of Nevada, Truckee-Carson ID, and any other local interest or Native American Tribal Interest, who may have negotiated rights under Public Law 101–618; Nevada and California: Contract for the storage of non-Federal water in Truckee River reservoirs as authorized by Public Law 101–618 and the Preliminary Settlement Agreement. The contracts shall be consistent with the Truckee River Water Quality Settlement Agreement and the terms and conditions of the proposed Truckee River Operating Agreement.

27. Contra Costa WD, CVP, California: Amend water service contract No. I75r–3401A to extend the date for renegotiation of the provisions of contract Article 12 "Water Shortage and Apportionment.''

28. Sacramento River Settlement Contracts, CVP, California: Up to 145 contracts and one contract with Colusa Drain Mutual Water Company will be renewed; water quantities for these contracts total 2.2M acre-feet. Colusa Drain Mutual Water Company contract will be renewed for a period of 25 years, and the rest of the contracts will be renewed for a period of 40 years. These contracts reflect an agreement to settle the dispute over water rights' claims on the Sacramento River.

29. San Joaquin Valley National Cemetery, U.S. Department of Veteran Affairs, Delta Division, CVP, California: Renewal of the long-term water service contract for up to 850 acre-feet with conveyance through the California State Aqueduct pursuant to the CVP-State Water Project wheeling agreement.

30. A Canal Fish Screens, Klamath Project, Oregon: Negotiation of an O&M contract for the A Canal Fish Screen with Klamath ID.

31. Ady Canal Headgates, Klamath Project, Oregon: Transfer of operational control to Klamath Drainage District of the headgates located at the railroad. Reclamation does not own the land at the headgates, only operational control pursuant to a railroad agreement.

32. Pajaro Valley Water Management Agency, CVP, California: Proposed assignment of 27,000 acre-feet of Broadview WD's entire CVP supply to Pajaro Valley Water Management Agency for M&I use.

33. Orland Unit Water Users Association, Orland Project, California: Repayment contract for SOD costs assigned to the irrigation purposes of Stony Gorge Dam.

34. Delta Lands Reclamation District No. 770, CVP, California: Long-term operations contract for conveying nonproject flood flows.

35. Banta-Carbona ID, CVP, California: Proposed partial assignment of up to 5,000 acre-feet of Banta Carbona ID's CVP water to the City of Tracy for M&I use.

36. The West Side ID, CVP, California: Proposed partial assignment of up to 5,000 acre-feet of the West Side ID's CVP irrigation water to the City of Tracy for M&I use.

37. Centinella WD, CVP, California: Proposed assignment of up to 2,500 acre-feet of Centinella WD's CVP water to Westlands WD for irrigation use.

38. Widren WD, CVP, California: Proposed assignment of up to 2,990 acre-feet of Widren WD's CVP water to Westlands WD for irrigation use.

The following actions have been completed since the last publication of this notice on October 28, 2003:

1. (5) Sutter Extension and Biggs-West Gridley WDs, Buena Vista Water Storage District, and the State of California Department of Water Resources, CVP, California: Pursuant to Public Law 102–575, conveyance agreements for the purpose of wheeling refuge water supplies and funding District facility improvements and exchange agreements to provide water for refuge and private wetlands. Conveyance agreement with Biggs-West Gridley WD was executed on September 23, 2003, and conveyance agreement with Buena Vista Water Storage District was executed on September 18, 2003. Contracts are still pending with Sutter Extension WD and the State of California Department of Water Resources.

2. (11) Cachuma Operations and Maintenance Board, Cachuma Project, California: Temporary interim contract (not to exceed 1 year) to transfer O&M responsibility of certain Cachuma Project facilities to member units.

3. (22) Foresthill Public Utility District, CVP, California: Title transfer agreement for conveyance of CVP facilities. This agreement will allow transfer of title for Sugar Pine Dam and appurtenant facilities from the CVP to Foresthill Public Utility District. Title transfer completed November 7, 2003.

4. (46) Melvin D. and Mardella Hughes, CVP, California: Assignment of water service contract to Tranquillity Public Utility District for agricultural use. Assumption contract executed October 14, 2003.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8536.

1. Milton and Jean Phillips, BCP, Arizona: Colorado River water delivery contract for 60 acre-feet of Colorado River water per year as recommended by the Arizona Department of Water Resources.

2. John J. Peach, BCP, Arizona: Colorado River water delivery contract for 456 acre-feet of Colorado River water per year as recommended by the Arizona Department of Water Resources.

3. Sunkist Growers, Inc., BCP, Arizona: Colorado River water delivery contract for 924 acre-feet of Colorado River water per year as recommended by the Arizona Department of Water Resources.

4. Brooke Water Co., BCP, Arizona: Amend contract for an additional 120 acre-feet per year of Colorado River water for domestic uses, as recommended by the Arizona Department of Water Resources.

5. Miscellaneous PPR No. 11, BCP, Arizona: Assign a portion of the PPR from Holpal to McNulty *et al.*, and assign a portion of the PPR from Holpal to Hoover.

6. Beattie Farms SW, BCP, Arizona: Contract for 1,110 acre-feet per year of fourth priority water for agricultural purposes.

7. Maricopa-Stanfield IDD, CAP, Arizona: Amend distribution system repayment contract No. 4–07–30–W0047 to reschedule repayment pursuant to June 28, 1996, agreement.

8. Indian and non-Indian agricultural and M&I water users, CAP, Arizona:

New and amendatory contracts for repayment of Federal expenditures for construction of distribution systems.

9. San Tan ID, CAP, Arizona: Amend distribution system repayment contract No. 6–07–30–W0120 to increase the repayment obligation by approximately $168,000.

10. Central Arizona IDD, CAP, Arizona: Amend distribution system repayment contract No. 4–07–30–W0048 to modify repayment terms pursuant to final order issued by U.S. Bankruptcy Court, District of Arizona.

11. Imperial ID/Coachella Valley WD and/or The Metropolitan WD of Southern California, BCP, California: Contract to fund the Department of the Interior's expenses to conserve All-American Canal seepage water in accordance with Title II of the San Luis Rey Indian Water Rights Settlement Act, dated November 17, 1988.

12. Coachella Valley WD and/or The Metropolitan WD of Southern California, BCP, California: Contract to fund the Department of the Interior's expenses to conserve seepage water from the Coachella Branch of the All-American Canal in accordance with Title II of the San Luis Rey Indian Water Rights Settlement Act, dated November 17, 1988.

13. Salt River Pima-Maricopa Indian Community, CAP, Arizona: O&M contract for its CAP water distribution system.

14. Arizona State Land Department, BCP, Arizona: Colorado River water delivery contract for 1,534 acre-feet per year for domestic use.

15. Miscellaneous PPR No. 38, BCP, California: Assign Schroeder's portion of the PPR to Murphy Broadcasting.

16. Berneil Water Co., CAP, Arizona: Partial assignment of 200 acre-feet of water per year to the Cave Creek Water Company.

17. Canyon Forest Village II Corporation, BCP, Arizona: Colorado River water delivery contract for up to 400 acre-feet per year of unused Arizona apportionment or surplus apportionment for domestic use.

18. Gila Project Works, Gila Project, Arizona: Title transfer of facilities and certain lands in the Wellton-Mohawk Division from the United States to the Wellton-Mohawk IDD.

19. ASARCO Inc., CAP, Arizona: Amendment of subcontract to extend the deadline for giving notice of termination on exchange.

20. Phelps Dodge Miami, Inc., CAP, Arizona: Amendment of subcontract to extend the deadline for giving notice of termination on exchange.

21. Gila River Indian Community, CAP, Arizona: Amend CAP water delivery contract and distribution system repayment and operation, maintenance, and replacement, contract pursuant to the Arizona Water Settlements Act, when enacted (Federal legislation pending).

22. North Gila Valley IDD, Yuma ID, and Yuma Mesa IDD, Yuma Mesa Division, Gila Project, Arizona: Administrative action to amend each district's Colorado River water delivery contract to effectuate a change from a "pooled'' water entitlement for the Division to a quantified entitlement for each district.

23. Indian and/or non-Indian M&I users, CAP, Arizona: New or amendatory water service contracts or subcontracts in accordance with an anticipated final record of decision for reallocation of CAP water, as discussed in the Secretary of the Interior's notice published in the **Federal Register** on July 30, 1999 (64 Fed. Reg. 41456).

24. Litchfield Park Service Company, CAP, Arizona: Proposed partial assignments of subcontract for 5,590 acre-feet of CAP M&I water to the Central Arizona Water Conservation District, which is exercising its authority as the Central Arizona Groundwater Replenishment District, and to the cities of Avondale, Carefree, and Goodyear.

25. Shepard Water Company, Inc., BCP, Arizona: Contract for the annual delivery of 50 acre-feet of fourth priority water per year for domestic use.

26. Jessen Family Limited Partnership, BCP, Arizona: Partial contract for delivery of Colorado River water for agricultural purposes.

27. City of Somerton, BCP, Arizona: Contract for the annual delivery of up to 750 acre-feet of Colorado River water per year for domestic use as recommended by the Arizona Department of Water Resources.

28. Various Irrigation Districts, CAP, Arizona: Amend distribution system repayment contracts to provide for partial assumption of debt by the Central Arizona Water Conservation District and the United States pursuant to the Arizona Water Settlements Act, when enacted (Federal legislation pending).

29. Mohave County Water Authority, BCP, Arizona: Amendatory Colorado River water delivery contract to include the delivery of 3,500 acre-feet per year of fourth priority water and to delete the delivery of 3,500 acre-feet per year of fifth or sixth priority water.

30. Harquahala Valley ID, CAP, Arizona: The District has requested that Reclamation transfer title to the District's CAP Distribution System and to assign to the District permanent easements acquired by the United States. Title transfer of the District's CAP distribution system is authorized by Public Law 101–628 and contract No. 3–07–30–W0289 between the District and Reclamation, dated December 8, 1992.

31. All-American Canal, BCP, California: Agreement among Reclamation, Imperial ID, Metropolitan WD, and Coachella Valley WD for the federally funded construction of a reservoir(s) and associated facilities that will improve the regulation and management of Colorado River water (Federal legislation pending).

32. Tohono O'odham Nation, CAP, Arizona: Amend CAP water delivery contract pursuant to the Arizona Water Settlements Act, when enacted.

33. Central Arizona Water Conservation District and the Arizona Department of Water Resources, CAP, Arizona: Arizona Water Settlement Agreement to address outstanding CAP water allocation issues, subject to completion of final record of decision for reallocation of CAP water as discussed in the Secretary of the Interior's notice published in the **Federal Register** on July 30, 1999 (64 FR 41456).

34. Sunrise Water Company, CAP, Arizona: Proposed assignment of subcontract for 944 acre-feet of CAP M&I water per year to the Central Arizona Water Conservation District, which is exercising its authority as the Central Arizona Groundwater Replenishment District.

35. West End Water Company, CAP, Arizona: Proposed assignment of subcontract for 157 acre-feet of CAP M&I water per year to the Central Arizona Water Conservation District, which is exercising its authority as the Central Arizona Groundwater Replenishment District.

36. New River Utilities Company, CAP, Arizona: Proposed assignment of subcontract for 1,885 acre-feet of CAP M&I water to the Central Arizona Water Conservation District, which is exercising its authority as the Central Arizona Groundwater Replenishment District.

37. Cibola Valley IDD, BCP, Arizona: Contingent upon completion of sale documents, proposed assignment and transfer of a portion of Cibola Valley IDD's right to divert up to 24,120 acre-feet of Colorado River per year to the Mohave County Water Authority, the Hopi Tribe, and Reclamation.

38. Metropolitan WD and others, BCP, Arizona and California: Contract to provide for the recovery by Metropolitan WD of interstate underground storage credits previously

placed in underground storage in Arizona by the Central Arizona Water Conservation District under agreements executed in 1992 and 1994, and to document the Arizona Water Banking Authority's responsibility in agreeing to Arizona's forbearance in the use of Colorado River water to permit the Secretary to release that quantity of water for diversion and use by the Metropolitan WD.

39. Wellton-Mohawk IDD, BCP, Arizona: Amend contract No. 1–07–30–W0021 to revise the authority to deliver domestic use water from 5,000 to 10,000 acre-feet per calendar year, which is within the District's current overall Colorado River water entitlement.

40. Fisher's Landing Water and Sewer Works, LLC, BCP Arizona: Contract for 87 acre-feet annually of Colorado River water to be used to account for domestic water use on residential properties located within the Castle Dome area of Martinez Lake.

41. Green Valley Water Company, CAP, Arizona: Assignment of subcontract entitlement of 1,900 acre-feet of M&I water per year to Green Valley Domestic Improvement District.

42. Midvale Farms Water Company, CAP, Arizona: Assignment of allocation for 1,500 acre-feet of M&I water per year to the City of Tucson.

43. Yuma County Water Users Association, BCP, Arizona: Supplemental contract for O&M of the Yuma Project, Valley Division.

44. Forbearance agreements, BCP, Arizona and California: Develop and execute short-term agreements to implement a demonstration forbearance program to evaluate the feasibility of acquiring water, through a voluntary land fallowing program, to replace drainage water currently being bypassed to the Cienega de Santa Clara.

The following actions have been discontinued since the last publication of this notice on October 28, 2003:

1. (3) National Park Service for Lake Mead National Recreation Area, Supreme Court Decree in *Arizona* v. *California,* and BCP in Arizona and Nevada: Agreement for delivery of Colorado River water for the National Park Service's Federal Establishment PPR for diversion of 500 acre-feet annually and the National Park Service's Federal Establishment perfected right pursuant to Executive Order No. 5125 (April 25, 1930).

2. (4) Miscellaneous PPR entitlement holders, BCP, Arizona and California: New contracts for entitlement to Colorado River water as decreed by the U.S. Supreme Court in *Arizona* v. *California,* as supplemented or amended, and as required by section 5 of the Boulder Canyon Project Act. Miscellaneous PPRs holders are listed in the January 9, 1979, Supreme Court Supplemental Decree in *Arizona* v. *California et al.*

3. (8) U.S. Fish and Wildlife Service, Lower Colorado River Refuge Complex, BCP, Arizona: Agreement to administer the Colorado River water entitlement for refuge lands located in Arizona to resolve water rights coordination issues, and to provide for an additional entitlement for non-consumptive use of flow through water.

The following actions have been completed since the last publication of this notice on October 28, 2003:

1. (24) California Water Districts, BCP, California: Incorporate into the water delivery contracts with several water districts (Coachella Valley WD, Imperial ID, Palo Verde ID, and The Metropolitan WD of Southern California), through new contracts, contract amendments, contract approvals, or other appropriate means, the agreement reached with those water districts to (i) quantity the Colorado River water entitlements for Coachella Valley WD and Imperial ID and (ii) provide a basis for water transfers among California water districts.

2. (29) The United States International Boundary and Water Commission, The Metropolitan WD of Southern California, San Diego County Water Authority, and Otay WD, Mexican Treaty Waters: Agreement for the temporary emergency delivery of a portion of the Mexican Treaty waters of the Colorado River to the International Boundary in the vicinity of Tijuana, Baja California, Mexico.

3. (30) Gila River Indian Community, CAP, Arizona: Operation, maintenance, and replacement contract for an archeological repository named the Huhugam Heritage Center.

4. (33) Cities of Chandler and Mesa, CAP, Arizona: Amendments to the CAP M&I water service subcontracts of the cities of Chandler and Mesa to remove the language stating that direct effluent exchange agreements with Indian Communities are subject to the "pooling concept.''

5. (43) Allocation agreement for water conserved from lining the All-American and Coachella Canals, BCP, California: Parties include the United States, The Metropolitan WD of Southern California, the Coachella Valley WD, the Imperial ID, the City of Escondido, Vista, San Luis Rey River Indian Water Authority, and the La Jolla, Pala, Pauma, Rincon, and San Pasqual Bands of Mission Indians.

6. (53) City of Tucson, CAP, Arizona: Partial transfer of 4,454 acre-feet of M&I allocation from the City of Tucson to Wells Fargo Bank of Arizona, Trustee, for the town of Oro Valley.

7. (54) Arizona American Water Company (Sun City Division), CAP, Arizona: Subcontract with Central Arizona Water Conservation District for water service of 4,189 acre-feet of M&I water.

8. (55) Arizona American Water Company (Sun City West Division), CAP, Arizona: Subcontract with Central Arizona Water Conservation District for water service of 2,372 acre-feet of M&I water.

9. (56) Arizona American Water Company (Agua Fria Division), CAP, Arizona: Subcontract with Central Arizona Water Conservation District for water service of 11,092 acre-feet of M&I water.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone 801–524–3864.

1. Individual irrigators, M&I, and miscellaneous water users, Initial Units, CRSP; Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10, 000 acre-feet of water annually for terms up to 10 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) United States Fish and Wildlife Service, Aspinall Unit, CRSP; Colorado: Contract for 25 acre-feet to support an augmentation plan to provide water for the Hotchkiss Fish Hatchery ponds, used to grow out endangered fish, which is a part of the Endangered Fish Recovery Program.

(b) Upper Gunnison Water Conservancy District (Upper Gunnison), Aspinall Unit, CRSP, Colorado: A 40-year contract for 500 acre-feet of M&I water to support Upper Gunnison's plan of augmentation for non-agricultural water uses within the Upper Gunnison District. The 500 acre-feet of water is to be resold by Upper Gunnison under third-party contracts approved by Reclamation, to water users located with Upper Gunnison's boundaries.

(c) Hawk Haven LLC, Aspinall Unit, CRSP: Hawk Haven LLC has requested a 40-year water service contract for 1 acre-foot of water out of Blue Mesa Reservoir to support their plan of augmentation, case No. 03WC091, District Court, Water Division 4.

(d) Robert V. Ketchum, Aspinall Unit, CRSP: Robert V. Ketchum has requested a 40-year water service contract for 1 acre-foot water out of Blue Mesa Reservoir to support his plan of augmentation, case No. 02WC252, District Court, Water Division 4.

2. Taos Area, San Juan-Chama Project, New Mexico: The United States is reserving 2,990 acre-feet of project water for potential use in an Indian water rights settlement in the Taos, New Mexico area.

3. Various Contactors, San Juan-Chama Project, New Mexico: The United States proposes to lease water from various contractors to stabilize flows in a critical reach of the Rio Grande in order to meet the needs of irrigators and preserve habitat for the silvery minnow.

4. Upper Gunnison River Water Conservancy District, Aspinall Unit, CRSP, Colorado: Long-term water service contract for up to 25,000 acre-feet for irrigation use.

5. Uncompahgre Valley Water Users Association, Upper Gunnison River Water Conservancy District, Colorado River Water Conservation District, Uncompahgre Project, Colorado: Water management agreement for water stored at Taylor Park Reservoir and the Wayne N. Aspinall Storage Units to improve water management.

6. Southern Ute Indian Tribe, Florida Project, Colorado: Supplement to contract No. 14–06–400–3038, dated May 7, 1963, for an additional 181 acre-feet of project water, plus 563 acre-feet of water pursuant to the 1986 Colorado Ute Indian Water Rights Final Settlement Agreement.

7. Sanpete County Water Conservancy District, Narrows Project, Utah: Application for a SRPA loan and grant to construct a dam, reservoir, and pipeline to annually supply approximately 5,000 acre-feet of water through a transmountain diversion from upper Gooseberry Creek in the Price River drainage (Colorado River Basin) to the San Pitch—Savor River (Great Basin).

8. Individual Irrigators, Carlsbad Project, New Mexico: The United States proposes to enter into long-term forbearance lease agreements with individuals who have privately held water rights to divert nonproject water either directly from the Pecos River or from shallow/artesian wells in the Pecos River Watershed. This action will result in additional water in the Pecos River to make up for the water depletions caused by changes in operations at Summer Dam which were made to improve conditions for a threatened species, the Pecos bluntnose shiner.

9. La Plata Conservancy District, Animas-La Plata Project, Colorado and New Mexico: Cost sharing/repayment contract for up to 1,560 acre-feet per year of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

10. LeChee Chapter of the Navajo Nation, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 950 acre-feet of water for municipal purposes.

11. Pine River ID, Pine River Project, Colorado: Contract to allow the District to convert up to approximately 3,000 acre-feet of project irrigation water to municipal, domestic, and industrial uses.

12. City of Page, Arizona; Glen Canyon Unit, CRSP; Arizona: Long-term contract for 1,000 acre-feet of water for municipal purposes.

13. Castle Valley Special Service District, City of Huntington, Emery County Project: Assignment of contract for 189 acre-feet of water for municipal purposes.

14. El Paso County Water Improvement District No. 1 and Isleta del Sur Pueblo, Rio Grande Project, Texas: Contract to convert up to 1,000 acre-feet of the Pueblo's project irrigation water to use for traditional and religious purposes.

15. Carlsbad ID and New Mexico Interstate Stream Commission (ISC), Carlsbad Project, New Mexico: Contract to convert irrigation water appurtenant to up to 6,000 acres of land within the project for use by the ISC for delivery to Texas to meet New Mexico's Pecos River Compact obligation.

16. Animas-La Plata Water Conservancy District, Colorado, Animas-La Plata Project, Colorado and New Mexico: Contract to transfer the operation, maintenance, and replacement responsibilities of most project facilities to the District, pursuant to Section 6 of the Reclamation Act of June 17, 1902, and other Reclamation laws.

17. South Cache Water Users Association, Hyrum Project, Utah: Contract to allow the Association to convert up to 1,000 acre-feet of project irrigation water annually to municipal, domestic, and industrial uses.

18. Project Operations Committee, Animas-La Plata Project, Colorado and New Mexico: Agreement among the United States, the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, the Navajo Nation, the San Juan Water Commission, the Animas-La Plata Water Conservancy District, the State of Colorado, and the La Plata Conservancy District of New Mexico to coordinate and oversee the necessary operation, maintenance, and replacement activities of the project works.

19. Southern Ute Indian Tribe, Colorado, Animas-La Plata Project, Colorado and New Mexico: Water delivery contract for an average annual depletion not to exceed 16,525 acre-feet of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

20. Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico: Water delivery contract for an average annual depletion not to exceed 16,525 acre-feet of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

21. Navajo Nation, Animas-La Plata Project, Colorado and New Mexico: Water delivery contract for an average annual depletion not to exceed 2,340 acre-feet of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

22. Various contractors including the Town of Mancos and the Mancos Rural Water Company, Mancos Project, Colorado: Small or short-term contracts to carry nonproject water through project facilities for municipal purposes under authority of Public Law 106–549.

The following action has been discontinued since the last publication of this notice on October 28, 2003:

1. (3) Water Service Contractors, San Juan-Chama Project, New Mexico: Conversion of water service contracts to repayment contracts for the following entities: City of Santa Fe, County of Los Alamos, City of Espanola, Town of Taos, Village of Los Lunas, and Village of Tao Ski Valley.

The following actions have been completed since the last publication of this notice on October 28, 2003:

1. (25) Elk Meadows Homeowners Association, Aspinall Storage Unit, CRSP, Colorado: Elk Meadows has requested a 40-year water service contract for 3 acre-feet water out of Blue Mesa Reservoir to support their plan of augmentation, case No. 03WC20, District Court, Water Division 4. Contract was executed on October 16, 2003.

2. (27) Russell, Harrison F. and Patricia E.; Aspinall Unit, CRSP; Colorado: Contract for 1 acre-foot of water to support an augmentation plan, case No. 97CW39, Water Division Court No. 4, State of Colorado, to provide for a single-family residential well, including home lawn and livestock watering (non-commercial). Contract was executed on November 10, 2003.

Great Plains Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone 406–247–7790.

1. Individual irrigators, M&I, and miscellaneous water users: Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming: Temporary (interim) water service contracts for the sale, conveyance, storage, and exchange of surplus project water and nonproject water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for a term of up to 1 year.

2. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts for irrigation and M&I; contracts for sale of water from the marketable yield to water users within the Colorado River Basin of western Colorado.

3. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Second round water sales from the regulatory capacity of Ruedi Reservoir. Water service and repayment contracts for up to 17,000 acre-feet annually for M&I use.

4. Garrison Diversion Unit, P–SMBP, North Dakota: Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to conform with the Garrison Diversion Unit Reformulation Act of 1986; negotiation of repayment contracts with irrigators and M&I users.

5. City of Rapid City, Rapid Valley Unit, P–SMBP, South Dakota: Contract renewal for storage capacity in Pactola Reservoir. A temporary (1 year not to exceed 10,000 acre-feet) water service contract has been executed with the City of Rapid City, Rapid Valley Unit, for use of water from Pactola Reservoir. A long-term storage contract is being negotiated for water stored in Pactola Reservoir. Legislation is pending for change in the authorized use of Pactola storage.

6. Mid-Dakota Rural Water System, Inc., South Dakota: Pursuant to the Reclamation Projects Authorization and Adjustment Act of 1992, the Secretary of the Interior is authorized to make grants and loans to Mid-Dakota Rural Water System, Inc., a non-profit corporation, for the planning and construction of a rural water supply system.

7. City of Berthoud, Colorado-Big Thompson Project, Colorado: Long-term contract for conveyance of nonproject M&I water through Colorado-Big Thompson Project facilities.

8. City of Cheyenne, Kendrick Project, Wyoming: Negotiate a long-term contract for storage space for replacement water on a daily basis in Seminoe Reservoir. A temporary contract has been issued pending negotiation of the long-term contract.

9. Highland-Hanover ID, Hanover-Bluff Unit, P–SMBP, Wyoming: Negotiate long-term water service contract; includes provisions for repayment of construction costs.

10. Upper Bluff ID, Hanover-Bluff Unit, P–SMBP, Wyoming: Negotiate long-term water service contract; includes provisions for repayment of construction cost.

11. Fort Clark ID, P–SMBP, North Dakota: Negotiation of water service contract to continue delivery of project water to the District.

12. Western Heart River ID, Heart Butte Unit, P–SMBP, North Dakota: Negotiation of water service contract to continue delivery of project water to the District.

13. Lower Marias Unit, P–SMBP, Montana: Water service contract with Robert A. Sisk, Sisk Ranch, expired in July 1998. Initiating long-term contract for the use of up to 552 acre-feet of storage water from Tiber Reservoir to irrigate 276 acres. This action will combine the two contracts presently held by Robert Sisk. Temporary/interim contracts are being issued to allow continued delivery of water and the time necessary to complete required actions for the long-term contract process.

14. Lower Marias Unit, P–SMBP, Montana: Negotiating for a long-term water service contract with Julie Peterson for the use of up to 717 acre-feet of storage water from Tiber Reservoir to irrigate 239 acres. Temporary/interim contracts are being issued to allow continued delivery of water and the time necessary to complete required actions for the long-term contract process.

15. Lower Marias Unit, P–SMBP, Montana: Water service contract with Ray Morkrid as Morkrid Enterprises expired May 1998. Initiating long-term contract for the use of up to 6,855 acre-feet of storage water from Tiber Reservoir to irrigate 2,285 acres. Temporary/interim contracts are being issued to allow continued delivery of water and the time necessary to complete required actions for the long-term contract process.

16. Dickinson-Heart River Mutual Aid Corporation, Dickinson Unit, P–SMBP, North Dakota: Negotiate renewal of water service contract for irrigation of lands below Dickinson Dam in western North Dakota.

17. Savage ID, P–SMBP, Montana: The District is currently seeking title transfer. The contract is subject to renewal pending outcome of the title transfer process. A 5-year interim contract has been executed to ensure a continuous water supply. The District has requested information concerning renewal of the long-term contract.

18. City of Fort Collins, Colorado-Big Thompson Project, Colorado: Long-term contracts for conveyance and storage of nonproject M&I water through Colorado-Big Thompson Project facilities.

19. Standing Rock Sioux Tribe, P–SMBP, North Dakota: Negotiate a long-term water service contract with the Standing Rock Sioux Tribe in North Dakota for irrigation of up to 2,380 acres of land within the reservation.

20. Glendo Unit, P–SMBP, Wyoming: Amend long-term water service contracts with Burbank Ditch, New Grattan Ditch Company, Torrington ID, Lucerne Canal and Power Company, and Wright and Murphy Ditch Company.

21. Glendo Unit, P–SMBP, Nebraska: Amend long-term water service contracts with Bridgeport, Enterprise, and Mitchell IDs, and Central Nebraska Public Power and ID.

22. Helena Valley Unit, P–SMBP, Montana: Initiating negotiations with Helena Valley ID for renewal of Part A of the A/B contract which expires in 2004.

23. Crow Creek Unit, P–SMBP, Montana: Initiating negotiations with Toston ID for renewal of Part A of the A/B contract which expires in 2004.

24. Dickinson Parks and Recreation District, Dickinson Unit, P–SMBP, North Dakota: A temporary contract has been negotiated with the District for minor amounts of water from Dickinson Reservoir. Negotiate a long-term water service contract with the Park Board for minor amounts of water from Dickinson Dam.

25. Clark Canyon Water Supply Company, East Bench Unit, P–SMBP, Montana: Initiating renewal of contract No. 14–06–600–3592 which expires December 31, 2005.

26. East Bench ID, East Bench Unit, P–SMBP, Montana: Initiating renewal of contract No. 14–06–600–3593 which expires December 31, 2005.

27. Lower Marias Unit, P–SMBP, Montana: Initiating long-term water service contract with Allen Brown as Tiber Enterprises for up to 1,388 acre-feet of storage water from Tiber Reservoir to irrigate 694 acres. This action will combine the two contracts presently held by Tiber Enterprises. Temporary/interim contracts are being issued to allow continued delivery of water and the time necessary to complete required actions for the long-term contract process.

28. Helena Valley Unit, P–SMBP, Montana: The long-term water service contract with the City of Helena, Montana, expires December 31, 2004. Initiating negotiations for contract renewal for an annual supply of raw

water for domestic and M&I use from Helena Valley Reservoir not to exceed 5,680 acre-feet of water annually.

29. Canadian River Municipal Water Authority, Lake Meredith Salinity Control Project, New Mexico and Texas: Negotiation of a contract for the transfer of control (care and O&M) of the project to the Authority in accordance with Pub. L. 102 575, Title VIII, Section 804(c).

30. Fryingpan-Arkansas Project, Colorado: Consideration of excess capacity contracts in the Fryingpan-Arkansas Project.

31. Fryingpan-Arkansas Project, Colorado: Consideration of requests for long-term contracts for the use of excess capacity in the Fryingpan-Arkansas Project from the Southeastern Colorado Water Conservancy District, the City of Aurora, and the Colorado Springs Utilities.

32. Town of Deaver, Shoshone Project, Wyoming: Negotiate a long-term contract for up to 475 acre-feet of irrigation water from the two drains below Deaver Reservoir.

33. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: The District has requested a partial deferment of its 2003 repayment obligation. A BON has been prepared to amend contract No. 14–06–500–369. A public notice has been published in the San Angelo Times.

34. Debbie A. Axtell (Individual), Boysen Unit, P–SMBP, Wyoming: Renew long-term contract for up to 100 acre-feet of irrigation water to service 17.2 acres.

35. Individual irrigators, Heart Butte Unit, P–SMBP, North Dakota: Renew long-term water service contracts for minor amounts of less than 1,000 acre-feet of irrigation water annually from the Heart River below Heart Butte Dam.

The following actions have been completed since the last publication of this notice on October 28, 2003:

1. (32) Pueblo Board of Water Works, Fryingpan-Arkansas Project, Colorado: On September 25, 2002, an amendment was executed to extend the term of a conveyance contract by 1 year from October 2002 to October 1, 2003. Initiating negotiations for renewal of a water conveyance contract for annual conveyance of up to 750 acre-feet of nonproject water through the Nast and Boustead Tunnel System. Contract was executed on September 25, 2003.

2. (40) Clayton and Debbie Fulfer (Individual), P–SMBP, Boysen Unit, Wyoming: Renewal of long-term contract for up to 15 acre-feet of supplemental irrigation water to service 5.72 acres. Contract was executed on October 16, 2003.

Dated: January 20, 2004.

Sandra L. Simons,

Acting Director, Office of Program and Policy Services.

[FR Doc. 04–4355 Filed 2–26–04; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Allocation of Water Supply and Long-Term Contract Execution, Central Arizona Project, Arizona

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of re-opening the public review period for the draft environmental impact statement (EIS) on the Allocation of Water Supply and Long-Term Contract Execution, Central Arizona Project (CAP) (INT–DES–00–24).

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA, the Bureau of Reclamation (Reclamation) filed a draft EIS with the U. S. Environmental Protection Agency (EPA) on the Allocation of Water Supply and Long-Term Contract Execution, CAP, on June 23, 2000. The draft EIS proposes allocation of remaining available CAP water and execution of associated contracts. Reclamation published a notice of availability for the draft EIS in the **Federal Register** on June 23, 2000 (65 FR 39177). EPA's notice of availability was published on June 30, 2000 (65 FR 40629). The public review period for the draft EIS was from June 23, 2000, to August 25, 2000. On July 12, 2000, a **Federal Register** notice was published (65 FR 43037) indicating that due to legislation passed during the public comment period prohibiting the expenditure of resources to complete the NEPA process, no public hearings would be held; however, written comments on the adequacy of the draft EIS would continue to be accepted until August 25, 2000.

Due to the amount of time that has passed since the original review period closed, Reclamation is re-opening the public review period for the draft EIS, to receive comments from interested organizations and individuals on the adequacy of the draft EIS in describing environmental impacts of the proposal. All written comments received during the original public review period are part of the record and do not have to be resubmitted.

At this time, Reclamation does not plan to hold any public hearings to obtain oral comments on the draft EIS; however, if substantial interest in having hearings is expressed, one or more public hearings will be scheduled and public notice will be provided in the **Federal_Register.**

DATES: If you believe a public hearing should be scheduled, please contact Mr. Bruce Ellis by March 15, 2004 (see **FOR FURTHER INFORMATION CONTACT** section below).

Written comments on this draft EIS must be received no later than April 27, 2004.

ADDRESSES: Send written comments to Mr. Bruce Ellis, Chief, Environmental Resources Management Division, Bureau of Reclamation, Phoenix Area Office (PXAO–1500), PO Box 81169, Phoenix, AZ 85069–1169; or by fax (602) 216–4006.

The draft EIS is available on the Internet at *http://www.usbr.gov/lc/phoenix/*. Copies of the draft EIS are also available upon request from Ms. Janice Kjesbo, Bureau of Reclamation, Phoenix Area Office (PXAO–1500), PO Box 81169, Phoenix, AZ 85069–1169, telephone (602) 216–3864, or fax (602) 216–4006.

See **SUPPLEMENTARY INFORMATION** for a list of libraries where the draft EIS is available for public inspection and review.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Ellis at (602) 216–3854.

SUPPLEMENTARY INFORMATION: As indicated in previous **Federal Register** notices, this NEPA process involves proposed modifications to previous CAP water allocations. The purpose and need for the Federal action is to allocate remaining available CAP water in a manner that would facilitate the resolution of outstanding Indian water rights claims in the State of Arizona. Authority for this action is pursuant to the Colorado River Basin Project Act of 1968 (Public Law 90–537).

The proposed allocation is taking place in the context of settlement negotiations concerning operation and repayment of the CAP and Indian water rights. These negotiations are being conducted by the U.S. Departments of the Interior and Justice, with representatives of the Central Arizona Water Conservation District (CAWCD) (which operates the CAP), several Indian Tribes, Arizona Department of Water Resources (ADWR), non-Indian agricultural districts, and several municipalities. The Proposed Action (or Settlement Alternative) identified in the draft EIS is an allocation of CAP water which is consistent with terms of

proposed settlements negotiated with these entities. The draft EIS also analyzes three alternative allocations of remaining available CAP water. A No Action Alternative is also described, which provides a baseline for comparing the impacts of the four action alternatives.

In February 2003, legislation was introduced in the Congress to settle claims over Indian water rights, and repayments owed to the Federal government by Arizona for construction of the CAP. The proposed legislation (H.R. 885 and S. 437), known as the "Arizona Water Settlements Act,'' provides for adjustments to the operation of the CAP, authorizes the Gila River Indian Community (GRIC) water rights settlement, and reauthorizes and amends the Southern Arizona Water Rights Settlement Act of 1982 (SAWRSA). Reallocation of CAP water and associated actions identified in the proposed legislation are consistent with those described as the Proposed Action (Settlement Alternative) and evaluated in the draft EIS. For informational purposes, the following is a comparison of the major components of the proposed action with the proposed legislation. Citations for the Proposed Action are to the draft EIS, Volume 1, dated June 2000. Citations to the proposed legislation are shown in *italics* and are to Senate Bill 437, as introduced on February 25, 2003.

1. Proposed Action. A total of 65,647 acre-feet annually (AFA) of currently unallocated municipal and industrial (M&I) priority water would be allocated and contracted to M&I entities consistent with State recommendations. [p. II–5, and Table 2–1]

Settlement Act. No change. Act directs Secretary to reallocate the 65,647 AFA per State recommendations (as reflected for the Settlement Alternative in Table 2–1 in the draft EIS). [see § 104(b)]

2. Proposed Action. A total of 17,000 AFA of M&I priority water currently contracted to ASARCO would be voluntarily transferred to GRIC pursuant to an agreement between the two parties and would be put under contract to GRIC. [p. II–5]

Settlement Act. No change. [see § 204(b)(3)]

3. Proposed Action. A total of 37,918 AFA of CAP water currently held by the Secretary, as a result of the Roosevelt Water Conservation District and Harquahala Valley Irrigation District relinquishments, would be used to facilitate Indian water rights claims. [pp. II–5 to II–6].

Settlement Act. No change.

Of the 37,918 AFA, 36,400 AFA would be allocated and contracted to GRIC; the remaining 1,518 AFA would continue to be held for use in settling Indian water rights claims in the Salt and Verde River watershed. [p. II–6]

Settlement Act. Of the 37,918 AFA, 36,700 AFA would go to GRIC; the remaining 1,218 AFA would continue to be held for use in settling Indian water rights claims in the Salt and Verde River watershed. [see § 204(b)(1) & (2)] There would be no change from the draft EIS in the overall GRIC settlement water budget; the additional 300 AFA of CAP water would displace an equal volume of groundwater.

4. Proposed Action. All allocations of non-Indian agriculture (NIA) priority water would be converted to fixed volumes based upon a total CAP water supply of 1,415,000 AFA, based upon the assumption that CAP water allocated to NIA districts would be voluntarily relinquished (estimated to affect a maximum of 295,263 AFA) [p. II–6].

Settlement Act. No change in concept; however, it is no longer assumed all CAP water allocated to NIA districts would be relinquished. Water not voluntarily relinquished by NIA districts would not be converted to fixed volumes (retained allocations would continue to be based upon a percentage of the available CAP agricultural supply). Estimated total amount potentially relinquished is 293,795 AFA–a reduction of 1,468 AFA due to a change in the way the Hohokam Irrigation and Drainage District option water to cities is calculated in the Settlement. [see § 104(a)(1) & (2)]

Assuming the maximum amount is relinquished, the following is envisioned to occur:

- Proposed Action. A total of 102,000 AFA of relinquished NIA priority water would be reallocated to GRIC as part of a water rights settlement agreement; and 28,200 AFA of the relinquished NIA priority water would be allocated to Tohono O'odham Nation to satisfy Federal obligations under SAWRSA. [p. II–6]

Settlement Act. No change. [see § 104(a)(1)(A)]

- Proposed Action. A total of 69,800 AFA of relinquished NIA priority water would be reserved for Federal use, primarily to facilitate future Indian water rights settlements (the draft EIS indicates this amount would likely be reduced by 2,500 AFA and that the final EIS would reflect the most current agreed upon amount).

Settlement Act. A total of 67,300 AFA would be reserved for future Indian water rights settlements. (The amount was, in fact, reduced by 2,500 AFA during negotiations.) [see § 104(a)(1)(A)(iii) & (B)]

- Proposed Action. Up to 95,263 AFA of relinquished NIA priority water would be distributed for M&I or NIA use by the State of Arizona through a process to be established. [p. II–6]

Settlement Act. No substantive change. The remaining relinquished NIA priority water (up to 96,295 AFA) would be held by ADWR in trust for future M&I or NIA use in Arizona. Subsequent reallocation of this water to M&I or NIA water users would be subject to further NEPA review. [see § 104(a)(2)]

5. Proposed Action. The draft EIS assumes some degree of Federal debt relief and Reclamation Reform Act (RRA) relief would be provided for NIA users to facilitate relinquishment. [p. II–6]

Settlement Act. The U.S. would forgive a total of $73,561,337 in debt incurred under section 9(d) of the Reclamation Project Act of 1939; CAWCD would fund upfront the remainder of the outstanding debt (approximately $84.5 million); later this debt is to be paid by the entities that are allocated the relinquished water. [see § 106(b)] RRA relief would be provided. [see § 106(c)]

6. Proposed Action. The manner in which shortages are allocated within the CAP would be agreed upon as part of the Settlement Alternative. Water relinquished by NIA districts would retain its original NIA priority. Higher priority Colorado River water delivered by CAP would continue to retain its priority.

Settlement Act. No change. The shortage sharing formula is set forth in paragraph 8.16 of the GRIC settlement and would be incorporated into existing CAP Indian and M&I contracts. [see § 104(d)(2)(C)]

7. Proposed Action. Although not stated, the analysis in the draft EIS assumes unallocated M&I water would be subcontracted for a term of 50 years of water service which could be renewed, consistent with current subcontract terms.

Settlement Act. All contracts and subcontracts for CAP water (except those for non-Indian agricultural use or those executed under paragraph 5(d) of the repayment stipulation) would be offered or amended to be for permanent service. [see § 104(d)(2)(A)]

Reclamation reviewed the portions of the proposed settlement act that are relevant to CAP water allocations, to identify any differences between what is described in the draft EIS and the proposed legislation. Reclamation has

determined these changes would not result in any significant changes to the environmental impacts described in the draft EIS. Therefore, the draft EIS has not been revised. The final EIS will, however, be updated as necessary to acknowledge the most current proposed reallocation of CAP water at that time. As indicated in the draft EIS, in the event a final settlement contains modifications that are different from those analyzed in this process, Reclamation will evaluate them to determine whether or not additional NEPA compliance is required prior to implementation.

A final allocation of remaining available CAP water, and execution of contracts for delivery of that water, would provide a level of certainty to all entities regarding available future water supplies. This, in turn, would enable Arizona water users, Indian and non-Indian alike, to develop and implement the systems and infrastructure necessary to utilize those water supplies to meet future water demands and serve Tribal and community needs.

Copies of the draft EIS are available for public inspection and review at the following libraries:

- Department of the Interior, Natural Resources Library, 1849 C Street, NW., Washington, DC 20240.
- Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225.
- Arizona Department of Library Archives and Public Records, 1700 W. Washington St., Phoenix, AZ 85007.
- Phoenix Public Library (Burton Barr Central), 1221 N. Central Ave., Phoenix, AZ 85004.
- Arizona Collection, Hayden Library, Arizona State University, Tempe, AZ 85287.
- Government Document Service, Arizona State University, Tempe, AZ 85287.
- Arizona State University—West Library, 4701 W. Thunderbird Rd., Glendale, AZ 85306.
- University of Arizona, Main Library, 1510 E. University Blvd., Tucson, AZ 85721.
- Library, City Hall Annex, 111 E. Pennington, Tucson, AZ 85701.
- Law Library, County Courthouse (Lower Level), Tucson, AZ 85701.
- Government Reference Library, City Hall, 9th Floor, Tucson, AZ 85701.
- Globe Public Library, 339 S. Broad St., Globe, AZ 85501.
- Casa Grande Public Library, Casa Grande, AZ 85222.
- Coolidge Public Library, 160 W. Central Ave., Coolidge, AZ 85228.
- Coconino County Public Library, 300 W. Aspen Ave., Flagstaff, AZ 86001.
- Cline Library, PO Box 6022, Northern Arizona University, Flagstaff, AZ 86011–6022.
- Tuba City Public Library Bldg., 45 W. Maple St., Tuba City, AZ 86045.
- Payson Public Library, 510 W. Main, Payson, AZ 85541.
- Sierra Vista Public Library, 2600 E. Tacoma, Sierra Vista, AZ 85635.
- Cottonwood Public Library, 100 S. 6th St., Cottonwood, AZ 86326.
- Parker Public Library, 1001 Navajo Ave., Parker, AZ 85344.
- Green Valley Public Library, 601 N. LaCaZada, Green Valley, AZ 85614.
- Octavia Fellin Public Library, 115 W. Hill Ave., Gallup, NM 87301.

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: February 18, 2004.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 04–4313 Filed 2–26–04; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–04–004]

Sunshine Act; Meeting

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: March 8, 2004 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Agenda for future meetings:* none.
2. Minutes.
3. Ratification List.
4. Inv. No. TA–421–5 (Market Disruption) (Uncovered Innerspring Units from China)—briefing and vote. (The Commission is currently scheduled to transmit its determination on market disruption to the President and the United States Trade Representative on March 8, 2004.)
5. *Outstanding action jackets:* none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: February 24, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–4438 Filed 2–25–04; 10:34 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP(OJJDP) Docket No. 1396]

Office of Juvenile Justice and Delinquency Prevention: Meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Justice.

ACTION: Notice of meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention is announcing the March 19, 2004, meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention. This meeting will be open to the public.

DATES: Friday, March 19, 2004, from 9 a.m. to 3:30 p.m. (ET).

ADDRESSES: The meeting will take place at the U.S. Department of Health and Human Services, Hubert Humphrey Building, Room 800, 200 Independence Avenue, S.W., Washington, DC. (The building is located two blocks from the Federal Center, SW., stop on the Blue and Orange Metro lines.)

FOR FURTHER INFORMATION CONTACT: Timothy Wight, Designated Federal Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, OJJDP, by telephone at 202–514–2109, or by e-mail at *WightT@ojp.usdoj.gov.*

SUPPLEMENTARY INFORMATION: The Coordinating Council on Juvenile Justice and Delinquency Prevention, established pursuant to section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App. 2), will meet to carry out its advisory functions under Section 206 of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. 5601, *et seq.* Documents such as meeting announcements, agendas, minutes, and

interim and final reports will be available on the Council's Web page at *ojjdp.ncjrs.org/council/index.html.* (You may also verify the status of the meeting at that Web address.)

The agenda for this meeting will include: (a) Discussion of truancy programs; (b) information on the Final Report of the White House Task Force for Disadvantaged Youth; and (c) formulation of plans for future work of the Council.

Written Comments: Interested parties may submit written comments by March 5th to Timothy Wight, Designated Federal Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, OJJDP, at *WightT@ojp.usdoj.gov.* The Coordinating Council on Juvenile Justice and Delinquency Prevention expects public statements presented at its meetings will not be repetitive of previously submitted statements. No oral comments will be permitted at this meeting.

For security purposes, members of the public who wish to attend the meeting must pre-register by calling the Juvenile Justice Resource Center at 301–519–6473 (Daryel Dunston) or 301–519–5790 (Karen Boston), no later than March 5th, 2004. To register on-line, please go to *ojjdp.ncjrs.org/council/meetings.html.*

Note: Photo identification will be required for admission to the meeting.

Dated: February 23, 2004.

J. Robert Flores,

Administrator, Office of Juvenile Justice and Delinquency, Prevention, and Vice-Chair, Coordinating Council on Juvenile Justice and Delinquency Prevention.

[FR Doc. 04–4404 Filed 2–26–04; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; ETA 218, Benefit Rights and Experience

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance 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. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the ETA 218, Benefits Rights and Experience. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Submit comments on or before April 27, 2004.

ADDRESSES: Send comments to: Thomas Stengle, U.S. Department of Labor, Employment and Training Administration, Room S–4231, 200 Constitution Ave., NW., Washington, DC 20210. Phone number: 202–693–2991. (This is not a toll free number.) E-mail: *stengle.thomas@dol.gov*. Fax: 202–693–3229.

SUPPLEMENTARY INFORMATION:

I. Background

Attachment to the labor force, usually measured as amount of past wages earned, is used to determine eligibility for state unemployment compensation programs. The data in the ETA 218, Benefit Rights and Experience Report, includes numbers of individuals who were and were not monetarily eligible, those eligible for the maximum benefits, those eligible based on classification by potential duration categories, and those exhausting their full entitlement as classified by actual duration categories. These data are used by the National Office in solvency studies, cost estimating and modeling, and assessment of State benefit formulas.

II. Desired Focus of Comments

Currently, the Department of Labor is soliciting comments concerning the proposed extension for the collection of the ETA 218, Benefit Rights and Experience report. Comments are requested to:

- 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.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above in the **ADDRESSES** section of this notice.

Current Actions

Type of Review: Extension without change.

Agency: Employment and Training Administration, Office of Workforce Security.

Title: Benefit Rights and Experience.

OMB Number: 1205–0177.

Agency Number: ETA 218.

Recordkeeping: 3 year record retention.

Affected Public: State governments.

Cite/Reference/Form/etc: Social Security Act, section 303(a)(6).

Total Respondents: 53.

Frequency: Quarterly.

Total Responses: 216.

Average Time per Response: .5 hour.

ESTIMATED BURDEN HOURS

Cite/Reference	Total respondents	Frequency	Total responses	Average time per response (hours)	Burden (hours)
ETA 218 Regular	53	Quarterly	212	.5	106
ETA 218 Extended Benefits	2	Quarterly	4	.25	1
Totals			216		107

Total Burden Cost (Operating/Maintaining): $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 will also become a matter of public record.

Dated: February 20, 2004.

Cheryl Atkinson,

Administrator, Office of Workforce Security.

[FR Doc. E4–417 Filed 2–26–04; 8:45 am]

BILLING CODE 4510–13–P

DEPARTMENT OF LABOR

Employment Standards Administration

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 preclearance 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. Currently, the Employment Standards Administration is soliciting comments concerning the proposed collection: 29 CFR part 825, the Family and Medical Leave Act of 1993. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before April 27, 2004.

ADDRESSES: Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0418, fax (202) 693–1451, email *bell.hazel@dol.gov*. Please use only one method of transmission for comments (mail, fax, or email).

SUPPLEMENTARY INFORMATION:

I. Background

The Family and Medical Leave Act of 1993 (FMLA), Public Law 103.3, 107 Stat. 6, 29 U.S.C. 2601, which became effective on August 5, 1993, requires private sector employers of 50 or more employees and public agencies to provide up to 12 weeks of unpaid, job-protected leave during any 12-month period to "eligible'' employees for certain family and medical reasons. Leave must be granted to "eligible'' employees because of the birth of a child and to care for the newborn child, because of the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, or because the employee's own serious health condition makes the employee unable to perform any of the essential function of his or her job. This information collection contains recordkeeping and notification requirements associated with the Act and regulations. Implementing regulations are found at 29 CFR Part 825. Two optional forms are included in this information collection request. The WH–380, Certification of Health Care Provider, may be used to certify a serious health condition under FMLA. The WH–381, Employer Response to Employee Request for Family or Medical Leave, may be used by an employer to respond to a leave request under FMLA. Both forms are third-party notifications and are sent to the employee; they are not submitted to the Department of Labor. The current PRA authorization for 29 CFR part 825, The Family and Medical Leave Act of 1993, is scheduled to expire on July 31, 2004. DOL is requesting a three year extension of the OMB clearance for the current regulations and its information collection requirements. However, DOL does anticipate publication of a proposed revision to those regulations for public review and comment (68 FR 72522, December 22, 2003, RIN 1215-AB35) and a final rule prior to the expiration of the three year clearance for the current regulations and its information collection requirements. DOL will submit for clearance a revised information collection request once a proposed rule is published.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- 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 Actions

The Department of Labor seeks approval for the extension of this information collection in order to ensure that both employers and employees are aware of and can exercise their rights and meet their respective obligations under FMLA, and in order for the Department of Labor to carry out its statutory obligation under FMLA to investigate and ensure employer compliance has been met.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: 29 CFR Part 825, The Family and Medical Leave Act of 1993.

OMB Number: 1215–0181

Agency Number: WH–380, WH–381

Affected Public: Individuals or household, business or other for-profit, not-for-profit institutions, farms, Federal government, State, local or tribal government.

Total Respondents: 6.657 million.

Total Responses: 15.058 million.

Time per Response: 1 to 20 minutes.

Frequency: On occasion (recordkeeping, third-party disclosure).

Estimated Total Burden Hours: 1,370,103.

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 will also become a matter of public record.

Dated: February 23, 2004.

Bruce Bohanon,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. E4–418 Filed 2–26–04; 8:45 am]

BILLING CODE 4510–27–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 of the character and in the localities described therein.

Good cause is hereby found for not utilizing 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 determination decisions, and modifications and supersedeas 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 the 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 governmental 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

New Jersey
NJ030001 (Jun. 13, 2003)
NJ030002 (Jun. 13, 2003)
NJ030003 (Jun. 13, 2003)
NJ030004 (Jun. 13, 2003)
NJ030005 (Jun. 13, 2003)
NJ030007 (Jun. 13, 2003)
NJ030009 (Jun. 13, 2003)
New York
NY030007 (Jun. 13, 2003)
NY030013 (Jun. 13, 2003)
NY030021 (Jun. 13, 2003)
NY030022 (Jun. 13, 2003)
NY030060 (Jun. 13, 2003)
NY030072 (Jun. 13, 2003)

Volume II

Maryland
MD030002 (Jun. 13, 2003)
MD030007 (Jun. 13, 2003)
MD030010 (Jun. 13, 2003)
MD030011 (Jun. 13, 2003)
MD030015 (Jun. 13, 2003)
MD030048 (Jun. 13, 2003)
Pennsylvania
PA030002 (Jun. 13, 2003)
PA030003 (Jun. 13, 2003)
West Virginia
WV030002 (Jun. 13, 2003)
WV030003 (Jun. 13, 2003)
WV030010 (Jun. 13, 2003)

Volume III

Tennessee
TN030001 (Jun. 13, 2003)
TN030045 (Jun. 13, 2003)
TN030048 (Jun. 13, 2003)
TN030062 (Jun. 13, 2003)

Volume IV

Illinois
IL030018 (Jun. 13, 2003)

Volume V

Nebraska
NE030001 (Jun. 13, 2003)
NE030003 (Jun. 13, 2003)
NE030005 (Jun. 13, 2003)
NE030007 (Jun. 13, 2003)
NE030009 (Jun. 13, 2003)
NE030010 (Jun. 13, 2003)
NE030011 (Jun. 13, 2003)
NE030019 (Jun. 13, 2003)
NE030021 (Jun. 13, 2003)
NE030025 (Jun. 13, 2003)
NE030041 (Jun. 13, 2003)

Volume VI

North Dakota
ND030004 (Jun. 13, 2003)
ND030005 (Jun. 13, 2003)
ND030006 (Jun. 13, 2003)
ND030007 (Jun. 13, 2003)
ND030008 (Jun. 13, 2003)
ND030017 (Jun. 13, 2003)
ND030018 (Jun. 13, 2003)
ND030019 (Jun. 13, 2003)
South Dakota
SD030005 (Jun. 13, 2003)
SD030006 (Jun. 13, 2003)
Utah
UT030004 (Jun. 13, 2003)
UT020025 (Jun. 13, 2003)

Volume VII

Nevada
NV030004 (Jun. 13, 2003)
NV030005 (Jun. 13, 2003)
NV030009 (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 in Washington, DC, this 19th day of February, 2004.

Terry Sullivan,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 04–4016 Filed 2–26–04; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0143(2004)]

Standard on Presence Sensing Device Initiation (PSDI) (29 CFR 1910.217(h)); Extension of the Office of Management and Budget's Approval of Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comment.

SUMMARY: OSHA solicits comments concerning its proposal to extend OMB approval of the information-collection requirements contained in the Standard on Presence Sensing Device Initiation (PSDI) (29 CF 1910.217(h)). This standard regulates the use of presence-sensing devices ("PSDs'') in mechanical power-press safety systems; a PSD (*e.g.*, a photoelectric field or curtain) automatically stops the stroke of a mechanical power press when the device detects an operator entering a danger zone near the press. Accordingly, the standard protects employees from seriouos crush injuries, amputations, and/or death.

DATES: Comments must be submitted by the following dates:

Hard Copy: Your comments must be submitted (postmarked or received) by April 27, 2004.

Facsimile and electronic transmission: Your comments must be received by April 27, 2004.

ADDRESSES:

I. Submission of Comments

Regular mail, express delivery, hand delivery, and messenger service: Submit your comments and attachments to the OSHA Docket Office, Docket No. ICR 1218–0143(2004), Room N–2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m., e.s.t.

Facsimile: If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693–1648. You must include the docket number of this document, Docket Number ICR 1218–0143(2004), in your comments.

Electronic: You may submit comments, but not attachments, through the Internet at *http://ecomments.osha.gov/.*

II. Obtaining Copies of the Supporting Statement for the Information Collection

The Supporting Statement for the Information Collection Request is available for downloading from OSHA's Web site at *http://www.osha.gov.* The Supporting Statement is available for inspection and copying in the OSHA Docket Office at the address listed above. A copy of the Supporting Statement can be obtained by contacting Theda Kenney at (202) 693–2222.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document by (1) hard copy, (2) fax transmission (facsimile), or (3) electronically through the OSHA webpage. Please note you cannot attach materials such as studies or journal articles to electronic comments. When you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach them to your comments. Because of security-related problems, a significant delay may occur in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

II. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimized, collection instruments are understandable, and OSHA's estimate of the information-collection burden is correct. The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

A number of paragraphs in OSHA's Standard on Presence Sensing Device Initiation (PSDI) (29 CFR 1910.217(h)) (the "Standard'') contain paperwork requirements. These requirements include: Certifying brake-monitor adjustments, alternatives to photo-electric presence sensing devices (PSDs), safety-system design and installation, and employee training; annual recertification of safety systems; establishing and maintaining the original certification and validation records, as well as the most recent recertification and revalidation records; affixing labels to test rods and to

certified and recertified presses; and notifying an OSHA-recognized third-party validation organization when a safety system component fails, the employer modifies the safety system, or a point-of-operation injury occurs. In addition, Appendix A of § 1910.217 provides detailed information and procedures required to meet the certification/validation provisions, as well as the design requirements, contained in the Standard. Accordingly, Appendix A supplements and explains the certification/validation provisions of the PSDI Standard, and does not specify new or additional paperwork requirements for employers. Appendix C of § 1910.217 describes the requirements and procedures for obtaining OSHA recognition as a third-party validation organization; therefore, the paperwork requirements specified by this appendix do not impose burden hours or cost directly on employers who use PSDs.

By complying with these paperwork requirements, employers ensure that PSDI-equipped mechanical power presses are in safe working order, thereby preventing severe injury and death to press operators and other employees who work near this equipment. In addition, these records provide the most efficient means for an OSHA compliance officer to determine that an employer performed the requirements and that the equipment is safe.

To date no third-party organization is available to validate employer and manufacturer certifications that their PSDI equipment and practices meet the requirements of the Standard. Therefore, the Agency cannot attribute burden hours and cost to the paperwork requirements of the Standard.

The Agency is currently conducting a Lookback Review on PSDI pursuant to Section 610 of the Regulatory Flexibility Act and section 5 of Executive Order 12866 on Regulatory Planning and Review (67 FR 55181, Docket No. S225A). The purpose of this review is to determine, while protecting worker safety, whether there are ways to modify this standard to make implementation more practical, to reduce regulatory burden on small business and to improve its effectiveness. The Lookback Review process is scheduled to be completed in March 2004.

III. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and transmission techniques.

III. Proposed Actions

OSHA is proposing to extend the information collection requirements in the Standard on Presence Sensing Device Initiation (PSDI) (29 CFR 1910.217(h)). The Agency will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB to extend the approval of the information-collection requirements contained in the Standard.

Type of Review: Extension of a currently-approved information-collection requirement.

Title: Standard on Presence Sensing Device Initiation (PSDI) (29 CFR 1910.217(h)).

OMB Number: 1218–0143.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal government; State, local, or tribal governments.

Number of Respondents: 0.

Frequency of Recordkeeping: On occasion; annually; other (initially).

Average Time per Response: 0.

Estimated Total Burden Hours: 0.

IV. Authority and Signature

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed at Washington, DC, on February 24, 2004.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 04–4390 Filed 2–26–04; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[04–032]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, 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: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Ms. Nancy Kaplan, Code VE, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Ms. Nancy Kaplan, NASA Reports Officer, NASA Headquarters, 300 E Street SW., Code AO, Washington, DC 20546, (202) 358–1372.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Aeronautics and Space Administration (NASA) is initiating a new collection designed to assess almost three years' worth of organizational climate initiatives at Marshall Space Flight Center (MSFC) in Huntsville, Alabama. The survey will attempt to measure several facets of the MSFC culture including safety, communication, and leadership, to see how successful previous cultural change activities have been. This survey is aligned with a larger effort within the Agency to assess organizational climate and culture issues, but has a slightly different focus due to the emphasis on culture issues specific to MSFC.

II. Method of Collection

NASA will collect this information electronically via a Web-based survey.

III. Data

Title: Organizational Climate Survey for NASA Marshall Space Flight Center.

OMB Number: 2700–XXXX.

Type of review: New collection.

Affected Public: Business or other for-profit; Federal Government.

Estimated Number of Respondents: 365.

Estimated Time Per Response: 20 minutes.

Estimated Total Annual Burden Hours: 121.

Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (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 respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Patricia L. Dunnington,

Chief Information Officer, Office of the Administrator.

[FR Doc. 04–4307 Filed 2–26–04; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Federal Advisory Committee on International Exhibitions

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a teleconference meeting of the Federal Advisory Committee on International Exhibitions, advisory committee to the National Council on the Arts, will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506 on Wednesday, March 10, 2004 from 12 p.m. to 1 p.m. from Room 709. This meeting will be closed.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of April 30, 2003, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC, 20506, or call 202/682–5691.

Dated: February 23, 2004.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 04–4312 Filed 2–26–04; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Comment Request: National Science Foundation-Application

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewed clearance of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

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 on respondents, including through the use of automated collection techniques or other forms of information technology; 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.

DATES: Written comments should be received by April 27, 2004 be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd. Rm. 295, Arlington, VA 22230, or by e-mail to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send e-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: "Antarctic Conservation Act Application Permit Form.''

OMB Approval Number: 3145–0034.

Expiration Date of Approval: July 31, 2004.

Type of Request: Intent to seek approval to extend an information collection for three years.

Proposed Project: The current Antarctic Conservation Act Application Permit Form (NSF 1078) has been in use for several years. The form requests general information, such as name, affiliation, location, etc., and more specific information as to the type of object to be taken (plant, native mammal, or native bird.

Use of the Information: The purpose of the regulations (45 CFR part 670) is to conserve and protect the native mammals, birds, plants, and invertebrates of Antarctica and the ecosystem upon which they depend and to implement the Antarctic Conservation Act of 1978, Pub. L. 95–541, as amended by the Antarctic Science, Tourism, and Conservation Act of 1996, Pub. L. 104–227.

Burden on the Public: The Foundation estimates about 20 responses annually at ½ hour per response; this computes to approximately 20 hours annually.

Dated: February 23, 2004.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 04–4327 Filed 2–26–04; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee.

Date and Time: Thursday, March 11, 2004, 8:30 a.m.–1:30 p.m., room 1235.

Place: Arlington, Virginia.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney, Executive Secretary, Room 1220, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone: 703/292–8096.

Purpose of Meeting: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: February 24, 2004.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 04–4378 Filed 2–26–04; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–25]

Foster Wheeler Environmental Corporation's Proposed Idaho Spent Fuel Facility; Notice of Availability of Final Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability of Final Environmental Impact Statement.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) is issuing a Final Environmental Impact Statement (FEIS), "Environmental Impact Statement for the Proposed Idaho Spent Fuel Facility at the Idaho National Engineering and Environmental Laboratory in Butte County, Idaho,'' NUREG–1773, January 2004. This FEIS was prepared to evaluate the environmental impacts of the Foster Wheeler Environmental Corporation (FWENC) proposal to construct and operate an independent spent fuel storage installation as described in it's license application dated November 19, 2001, and docketed on June 27, 2002 (67 FR 43358). If approved, the proposed facility would be licensed in accordance with NRC regulations found at 10 CFR Part 72.

The FEIS discusses the purpose and need for the proposed facility and reasonable alternatives to the proposed action, including the no-action alternative. The FEIS also discusses the environment potentially affected by the proposed facility, presents and compares the potential environmental impacts resulting from the proposed action and its alternatives, and identifies mitigation measures that could eliminate or lessen the potential environmental impacts.

The FEIS is being issued as part of the NRC's decision-making process on whether to issue a license to FWENC. Based on the evaluation in the FEIS, the NRC environmental review staff have concluded that the proposed action will have small effects on the public and existing environment. This FEIS reflects the final analysis of environmental impacts of FWENC's proposal and it's alternatives, including the consideration of public comments received by the NRC. In addition, the FEIS provides summaries of the substantive public comments on the draft EIS, and responses, as appropriate.

ADDRESSES: The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The FEIS and its appendices may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr@nrc.gov*. The FEIS is also available for inspection at the Commission's Public Document Room, U.S. NRC's Headquarters Building, 11555 Rockville Pike (first floor), Rockville, Maryland. Upon written request and to the extent supplies are available, a single copy of the FEIS can be obtained for a fee by writing to the Office of the Chief Information Officer, Reproduction and Distribution Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; by electronic mail at *DISTRIBUTION@nrc.gov*; or by fax at (301) 415–2289.

Information and documents associated with the Idaho Spent Fuel Facility project may also be obtained from the Internet on NRC's Idaho Spent Fuel Facility Web page: *http://www.nrc.gov/waste/spent-fuel-storage.html* (case sensitive).

FOR FURTHER INFORMATION CONTACT: For environmental review questions, please contact Matthew Blevins at (301) 415–7684. For questions related to the safety review or overall licensing of the Idaho Spent Fuel Facility, please contact Randall Hall at (301) 415–1336.

SUPPLEMENTARY INFORMATION: A Settlement Agreement dated October 17, 1995, among the Department of Energy (DOE), the U.S. Navy, and the State of Idaho requires, among other things, the transfer and dry storage of spent nuclear fuel (SNF) until it can be removed from Idaho. As part of it's efforts to meet the Settlement Agreement, the DOE has contracted with FWENC to design, license, construct, and operate the proposed Idaho Spent Fuel Facility for portions of the SNF currently in storage at the Idaho National Environmental and Engineering Laboratory (INEEL). Subsequently, FWENC submitted a license application to the NRC for the receipt, transfer, and storage of SNF at the proposed facility. The proposed facility would provide the ability to remove the SNF from existing canisters, place it in specially designed storage containers, then seal and place the loaded containers into interim storage. The new containers are designed to be compatible with transportation systems and with future permanent disposal systems. The proposed facility would store SNF and associated radioactive material from the Peach Bottom Unit 1 High-Temperature Gas-Cooled Reactor, the Shippingport Atomic Power Station, and various Training, Research, and Isotope reactors built by General Atomics (TRIGA) reactors. The majority of this SNF is currently in storage at the Idaho Nuclear Technology Center located on the INEEL immediately adjacent to the proposed facility. DOE plans to transfer the SNF to the proposed facility using existing INEEL and DOE procedures. The transfers from DOE to the proposed facility would take place completely within the boundaries of the INEEL. Upon arrival at the proposed facility, the SNF would be (1) remotely removed from the containers in which it is currently stored, (2) visually inspected, (3) inventoried, (4) placed into new storage canisters, and (5) placed into interim dry storage.

The FEIS for the proposed Idaho Spent Fuel Facility was prepared by the staff of the NRC and its contractor, Center for Nuclear Waste Regulatory Analyses, in compliance with the National Environmental Policy Act (NEPA), and the NRC's regulations for implementing NEPA (10 CFR part 51). The proposed action involves a decision by NRC of whether to issue a license under the provisions of 10 CFR part 72 that would authorize FWENC to receive, transfer, and store SNF and associated radioactive materials at the proposed facility.

The NRC published a Notice of Intent to prepare an environmental impact statement (EIS) for the proposed Idaho Spent Fuel Facility and to hold a public scoping period in the **Federal Register** on July 26, 2002 (67 FR 48953). The NRC accepted scoping comments through September 16, 2002, and subsequently issued a Scoping Summary Report on December 2, 2002. The NRC published a draft EIS on June 26, 2003, and provided an opportunity to comment until August 18, 2003 (68 FR 38105, 68 FR 39940).

The FEIS describes the proposed action and alternatives to the proposed action, including the no-action alternative. The FEIS assesses the impacts of the proposed action and its alternatives on human health, air quality, water resources, waste management, geology, noise, ecology, land use, cultural resources, socioeconomics, accident impacts, and environmental justice. Additionally, the FEIS analyzes and compares the costs and benefits of the proposed action.

After weighing the impacts, costs, and benefits of the proposed action and comparing alternatives (*see* Sections 2.6, 4.15, and 7 of the FEIS), the NRC staff, in accordance with 10 CFR 51.91 (d), sets forth its final NEPA recommendation regarding the proposed action. The NRC staff recommend that, unless safety issues mandate otherwise, the action called for is the issuance of the proposed license to FWENC. In this regard, the NRC staff concludes (i) the applicable environmental monitoring program described in Section 6 of the FEIS, and (ii) the proposed mitigation measures discussed in Section 5 of the FEIS would eliminate or substantially lessen any potential adverse environmental impacts associated with the proposed action.

The NRC staff has concluded that the overall benefits of the proposed Idaho Spent Fuel Facility outweigh the disadvantages and costs, based on consideration of the following:

—The proposed Idaho Spent Fuel Facility will have small impacts on the physical environment and human communities in the vicinity. Long-term impacts of the no-action alternative are likely to be similar to the impacts of the proposed action.

—The proposed action is designed to support the INEEL mission and comply with agreements and commitments negotiated by DOE, including the 1995 Settlement Agreement among DOE, the State of Idaho, and the U.S. Navy to remove SNF from Idaho by 2035.

—Currently, most of the SNF to be received by the proposed Idaho Spent Fuel Facility is stored at the Idaho Nuclear Technology Center. Transfer distances from current storage locations to the proposed facility are relatively short.

—The current storage configuration does not prepare the SNF for shipment from INEEL to a national HLW repository.

NRC staff in the Spent Fuel Project Office are currently completing the licensing and safety review of FWENC's proposed action. The final licensing decision is currently scheduled for the Spring of 2004.

Dated at Rockville, Maryland, this 3rd day of February 2004.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

Chief, Environmental and Performance Assessment Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E4–413 Filed 2–26–04; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Meeting of the ACRS Subcommittee on Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment will hold a meeting on March 25, 2004, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, March 25, 2004—1 p.m. Until the Conclusion of Business

The purpose of this meeting is to discuss the NRC staff's draft action plan for the implementation of the phased approach to PRA Quality. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Michael R. Snodderly (telephone: 301–415–6927) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted during the meeting.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: February 23, 2004.

Sam Duraiswamy,

Acting Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. E4–414 Filed 2–26–04; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. (as shown in the Attachment), License Nos. (as shown in the Attachment), EA–03–009]

In the Matter of All Pressurized Water Reactor Licensees; First Revised Order Modifying Licenses

I

The Licensees identified in the Attachment to this Order hold licenses issued by the Nuclear Regulatory Commission (NRC or Commission) authorizing operation of pressurized water reactor (PWR) nuclear power plants in accordance with the Atomic Energy Act of 1954 and title 10 of the Code of Federal Regulations (10 CFR) part 50.

II

The reactor pressure vessel (RPV) heads of PWRs have penetrations for control rod drive mechanisms and instrumentation systems. Nickel-based alloys (*e.g.*, Alloy 600) are used in the penetration nozzles and related welds. Primary coolant water and the operating conditions of PWR plants can cause cracking of these nickel-based alloys through a process called primary water stress corrosion cracking (PWSCC). The susceptibility of RPV head penetrations to PWSCC appears to be strongly linked to the operating time and temperature of the RPV head. Problems related to PWSCC have, therefore, increased as plants have operated for longer periods of time. Inspections of the RPV head nozzles at the Oconee Nuclear Station, Units 2 and 3 (Oconee), in early 2001 identified circumferential cracking of the nozzles above the J-groove weld, which joins the nozzle to the RPV head. Circumferential cracking above the J-groove weld is a safety concern because of the possibility of a nozzle ejection if the circumferential cracking is not detected and repaired.

Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), which is incorporated into NRC regulations by 10 CFR 50.55a, "Codes and standards,'' currently specifies that inspections of the RPV head need only include a visual check for leakage on the insulated surface or surrounding area. These inspections may not detect small

amounts of leakage from an RPV head penetration with cracks extending through the nozzle or the J-groove weld. Such leakage can create an environment that leads to circumferential cracks in RPV head penetration nozzles or corrosion of the RPV head. In response to the inspection findings at Oconee and because existing requirements in the ASME Code and NRC regulations do not adequately address inspections of RPV head penetrations for degradation due to PWSCC, the NRC issued Bulletin 2001–01, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles,'' dated August 3, 2001. In response to the bulletin, PWR licensees provided their plans for inspecting RPV head penetrations and the outside surface of the heads to determine whether any nozzles were leaking.

In early March 2002, while conducting inspections of RPV head penetrations prompted by Bulletin 2001–01, the licensee for the Davis-Besse Nuclear Power Station (Davis-Besse) identified a cavity in the RPV head near the top of the dome. The cavity was next to a leaking nozzle with a through-wall axial crack and was in an area of the RPV head that the licensee had left covered with boric acid deposits for several years. On March 18, 2002, the NRC issued Bulletin 2002–01, "Reactor Pressure Vessel Head Degradation and Reactor Coolant Pressure Boundary Integrity,'' which requested PWR licensees to provide information on their RPV head inspection and maintenance programs, the material condition of their reactor vessel heads, and their boric acid inspection programs. In their responses, the licensees provided information about their boric acid inspection programs and their inspections and assessments to ensure that their respective plant did not have reactor vessel head degradation like that identified at Davis-Besse.

The experience at Davis-Besse and the discovery of leaks and nozzle cracking at other plants reinforced the need for more effective inspections of RPV head penetration nozzles. The absence of an effective inspection regime could, over time, result in unacceptable circumferential cracks in RPV head penetration nozzles or in the degradation of the RPV head by corrosion. These degradation mechanisms increase the probability of a more significant loss of reactor coolant pressure boundary through ejection of a nozzle or other rupture of the RPV head. The NRC issued Bulletin 2002–02, "Reactor Pressure Vessel Head and Vessel Head Penetration Nozzle Inspection Programs,'' dated August 9, 2002, requesting that licensees provide information about their inspection programs and any plans to supplement existing visual inspections with additional measures (*e.g.*, volumetric and surface examinations). Licensees have responded to Bulletin 2002–02 with descriptions of their inspection plans for at least the first refueling outage following the issuance of Bulletin 2002–02 or with a schedule to submit such descriptions before the next refueling outage. Many of the licensees' responses to Bulletin 2002–02 did not describe long-term inspection plans. Instead the licensees stated that they would follow guidance being developed by the industry-sponsored Materials Reliability Program.

Inspections performed at several PWR plants in late 2002 found leakage and cracks in nozzles or J-groove welds that have required repairs or prompted the replacement of the RPV head. In addition, as discussed in NRC Information Notice 2003–02, "Recent Experience with Reactor Coolant System Leakage and Boric Acid Corrosion,'' issued January 16, 2003, leakage has recently occurred at some plants from connections above the RPV head and has required additional assessments and inspections to ensure that the leakage has not caused significant degradation of RPV heads.

The NRC issued an Order Modifying Licenses (Effective Immediately) (EA–03–009), dated February 11, 2003 (Order), to establish required inspections of RPV heads and associated penetration nozzles at PWRs. These requirements were necessary to provide reasonable assurance that plant operations did not pose an undue risk to the public health and safety. The requirements of that Order were expected to remain in effect pending long-term resolution of RPV head penetration inspection requirements, which is expected to involve changes to the NRC regulations, specifically 10 CFR 50.55a. Research being conducted by the NRC and industry is increasing our understanding of material performance, improving inspection capabilities, and supporting assessments of the risks to public health and safety associated with potential degradation of the RPV head and associated penetration nozzles. These research activities are important to the long-term development of revisions to the NRC regulations.

III

Revising the NRC regulations will take several years. The licensees' actions to date in response to the NRC bulletins and the February 11, 2003, Order have provided reasonable assurance of adequate protection of public health and safety. That Order required inspections of RPV heads and associated penetration nozzles at PWRs which were necessary to provide reasonable assurance that plant operations do not pose an undue risk to the public health and safety.

Since the issuance of that Order, the NRC staff has reviewed and granted many requests for relaxation thereof. The arguments in the relaxation requests provide reasonable assurance of the continued structural integrity of the RPV head, and the associated nozzle penetrations and J-groove welds. As a result, it is appropriate to revise that Order with respect to bare metal visual inspections, penetration nozzle inspection coverage, flexibility in combining nondestructive examination (NDE) methods, flaw evaluation, and requirements for plants which have replaced their reactor pressure vessel head.

It is appropriate and necessary to the protection of public health and safety to establish a clear regulatory framework, pending the incorporation of revised inspection requirements into 10 CFR 50.55a. To provide reasonable assurance of adequate protection of public health and safety for the interim period, all PWR Licenses identified in the Attachment to this Order shall be modified to include the inspection requirements for RPV heads and associated penetration nozzles identified in section IV of this Order. The NRC requirements imposed by this Order are based on the body of evidence available through December 2003. Continuing research and operating experience may support future changes to the requirements imposed through this Order.

IV

Accordingly, pursuant to sections 103, 104b, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 50, it is hereby ordered that all licenses identified in the Attachment to this Order are modified as follows:

A. To determine the required inspection(s) for each refueling outage at their facility, all Licensees shall calculate the susceptibility category of each RPV head to PWSCC-related degradation, as represented by a value of effective degradation years (EDY) for the end of each operating cycle, using the following equation:

$$EDY = \sum_{j=1}^{n} \left\{ \Delta EFPY_j \exp\left[-\frac{Q_i}{R} \left(\frac{1}{T_{head,j}} - \frac{1}{T_{ref}} \right) \right] \right\}$$

Where:

EDY = total effective degradation years, normalized to a reference temperature of 600 °F

$\Delta EFPY_j$ = operating time in years at $T_{head,j}$

Q_i = activation energy for crack initiation (50 kcal/mole)

R = universal gas constant (1.103×10^{-3} kcal/mole °R)

$T_{head,j}$ = 100 percent power head temperature during time period *j* (°R = °F + 459.67)

T_{ref} = reference temperature (600 °F = 1059.67 °R)

n = number of different head temperatures during plant history

This calculation shall be performed with best estimate values for each parameter at the end of each operating cycle for the RPV head that will be in service during the subsequent operating cycle. The calculated value of EDY shall determine the susceptibility category and the appropriate inspection for the RPV head during each refueling outage.

B. All Licensees shall use the following criteria to assign the RPV head at their facility to the appropriate PWSCC susceptibility category:

High:

(1) Plants with a calculated value of EDY greater than 12, or

(2) Plants with an RPV head that has experienced cracking in a penetration nozzle or J-groove weld due to PWSCC.

Moderate: Plants with a calculated value of EDY less than or equal to 12 and greater than or equal to 8 and no previous inspection findings requiring classification as High.

Low: Plants with a calculated value of EDY less than 8 and no previous inspection findings requiring classification as High.

Replaced: Plants with a replaced RPV head and with a calculated value of EDY less than 8 AND no previous inspection findings requiring classification as High.

C. All Licensees shall perform inspections of the RPV head [1] using the following frequencies [2] and techniques:

(1) For those plants in the High category, RPV head and head penetration nozzle inspections shall be performed using the techniques of paragraph IV.C.(5)(a) and paragraph IV.C.(5)(b) every refueling outage.[3]

(2) For those plants in the Moderate category, RPV head and head penetration inspections shall be performed such that at least the requirements of paragraph IV.C.(5)(a) *or* paragraph IV.C.(5)(b) are performed each refueling outage. In addition the requirements of paragraph IV.C.(5)(a) *and* paragraph IV.C.(5)(b) shall each be performed at least once over the course of every 2 refueling outages.

(3) For those plants in the Low category, RPV head and head penetration nozzle inspections shall be performed as follows. An inspection meeting the requirements of paragraph IV.C.(5)(a) must be completed at least every third refueling outage or every 5 years, whichever occurs first. If an inspection meeting the requirements of paragraph IV.C.(5)(a) was not performed during the last refueling outage prior to February 11, 2003, the Licensee must complete an inspection meeting the requirements of paragraph IV.C.(5)(a) within the first 2 refueling outages after February 11, 2003. The requirements of paragraph IV.C.(5)(b) must be completed at least once prior to February 11, 2008, and thereafter, at least every 4 refueling outages or every 7 years, whichever occurs first.

(4) For those plants in the Replaced category, no RPV head and head penetration nozzle inspections shall be required during the outage for which the RPV head was replaced. Thereafter, until the replacement RPV head in accordance with paragraph IV.A reaches 8 EDY, RPV head and head penetration nozzle inspections shall be performed as follows. An inspection meeting the requirements of paragraph IV.C.(5)(a) must be completed at least every third refueling outage or every 5 years, whichever occurs first. The requirements of paragraph IV.C.(5)(b) must be completed at least every 4 refueling outages or every 7 years, whichever occurs first.

(5) Inspections of the RPV head shall be performed as directed in paragraphs IV.C.(1), IV.C.(2), IV.C.(3) and IV.C.(4) using the following techniques:

(a) Bare metal visual examination of 100 percent of the RPV head surface (including 360° around each RPV head penetration nozzle). For RPV heads with the surface obscured by support structure interferences which are located at RPV head elevations downslope from the outermost RPV head penetration, a bare metal visual inspection of no less than 95 percent of the RPV head surface may be performed provided that the examination shall include those areas of the RPV head upslope and downslope from the support structure interference to identify any evidence of boron or corrosive product. Should any evidence of boron or corrosive product be identified, the licensee shall examine the RPV head surface under the support structure to ensure that the RPV head is not degraded.

(b) For each penetration, perform a nonvisual NDE in accordance with either (i), (ii) or (iii):

(i) Ultrasonic testing of the RPV head penetration nozzle volume (*i.e.*, nozzle base material) from 2 inches above the highest point of the root of the J-groove weld (on a horizontal plane perpendicular to the nozzle axis) to 2

[1] This Order imposes additional inspection requirements. Licensees are required to address any findings from these inspections (*i.e.*, perform analyses and repairs) in accordance with existing requirements in the ASME Code and 10 CFR 50.55a. The NRC has issued guidance to address flaw evaluations for RPV head penetration nozzles (*see* letter dated April 11, 2003, from R. Barrett, NRC, to A. Marion, Nuclear Energy Institute, ADAMS Accession No. ML030980322) and will, as necessary, issue revised guidance pending the updating of the NRC regulations.

[2] The requirements of this Order are generally consistent with inspection plans that the NRC staff accepted in letters to some Licensees regarding their responses to Bulletin 2002–02. If the NRC staff has already accepted a specific variation from the requirements of this Order (*e.g.*, inspections to less than 2 inches above the J-groove weld), the Licensee may continue with the previously accepted inspection plan for the first refueling outage after February 11, 2003, provided that in its response to this Order the Licensee identifies all discrepancies between the requirements of this Order and the previously accepted inspection plan. Licensees proposing to deviate from the requirements of this Order for subsequent refueling outages shall seek relaxation of this Order pursuant to the procedure specified at the end of this section.

[3] For repaired RPV head penetration nozzles that establish a new pressure boundary, the ultrasonic testing inspection shall include the weld and at least 1-inch above the weld in the nozzle base material. For RPV head penetration nozzles or J-groove welds repaired using a weld overlay, the overlay shall be examined by either ultrasonic, eddy current, or dye penetrant testing in addition to the examinations required by paragraph IV.C.(5)(a) and paragraph IV.(C).(5)(b).

inches below the lowest point at the toe of the J-groove weld on a horizontal plane perpendicular to the nozzle axis (or the bottom of the nozzle if less than 2 inches (*see* Figure IV–1)); or from 2 inches above the highest point of the root of the J-groove weld (on a horizontal plane perpendicular to the nozzle axis) to 1.0-inch below the lowest point at the toe of the J-groove weld (on a horizontal plane perpendicular to the nozzle axis) and including all RPV head penetration nozzle surfaces below the J-groove weld that have an operating stress level (including all residual and normal operation stresses) of 20 ksi tension and greater (*see* Figure IV–2). In addition, an assessment shall be made to determine if leakage has occurred into the annulus between the RPV head penetration nozzle and the RPV head low-alloy steel.

(ii) Eddy current testing or dye penetrant testing of the entire wetted surface of the J-groove weld and the wetted surface of the RPV head penetration nozzle base material from at least 2 inches above the highest point of the root of the J-groove weld (on a horizontal plane perpendicular to the nozzle axis) to 2 inches below the lowest point at the toe of the J-groove weld on a horizontal plane perpendicular to the nozzle axis (or the bottom of the nozzle if less than 2 inches (*see* Figure IV–3)); or from 2 inches above the highest point of the root of the J-groove weld (on a horizontal plane perpendicular to the nozzle axis) to 1.0-inch below the lowest point at the toe of the J-groove weld (on a horizontal plane perpendicular to the nozzle axis) and including all RPV head penetration nozzle surfaces below the J-groove weld that have an operating stress level (including all residual and normal operation stresses) of 20 ksi tension and greater (*see* Figure IV–4).

(iii) A combination of (i) and (ii) to cover equivalent volumes, surfaces and leak paths of the RPV head penetration nozzle base material and J-groove weld as described in (i) and (ii). Substitution of a portion of a volumetric exam on a nozzle with a surface examination may be performed with the following requirements:

1. On nozzle material below the J-groove weld, both the outside diameter and inside diameter surfaces of the nozzle must be examined.

2. On nozzle material above the J-groove weld, surface examination of the inside diameter surface of the nozzle is permitted provided a surface examination of the J-groove weld is also performed.

BILLING CODE 7590–01–P

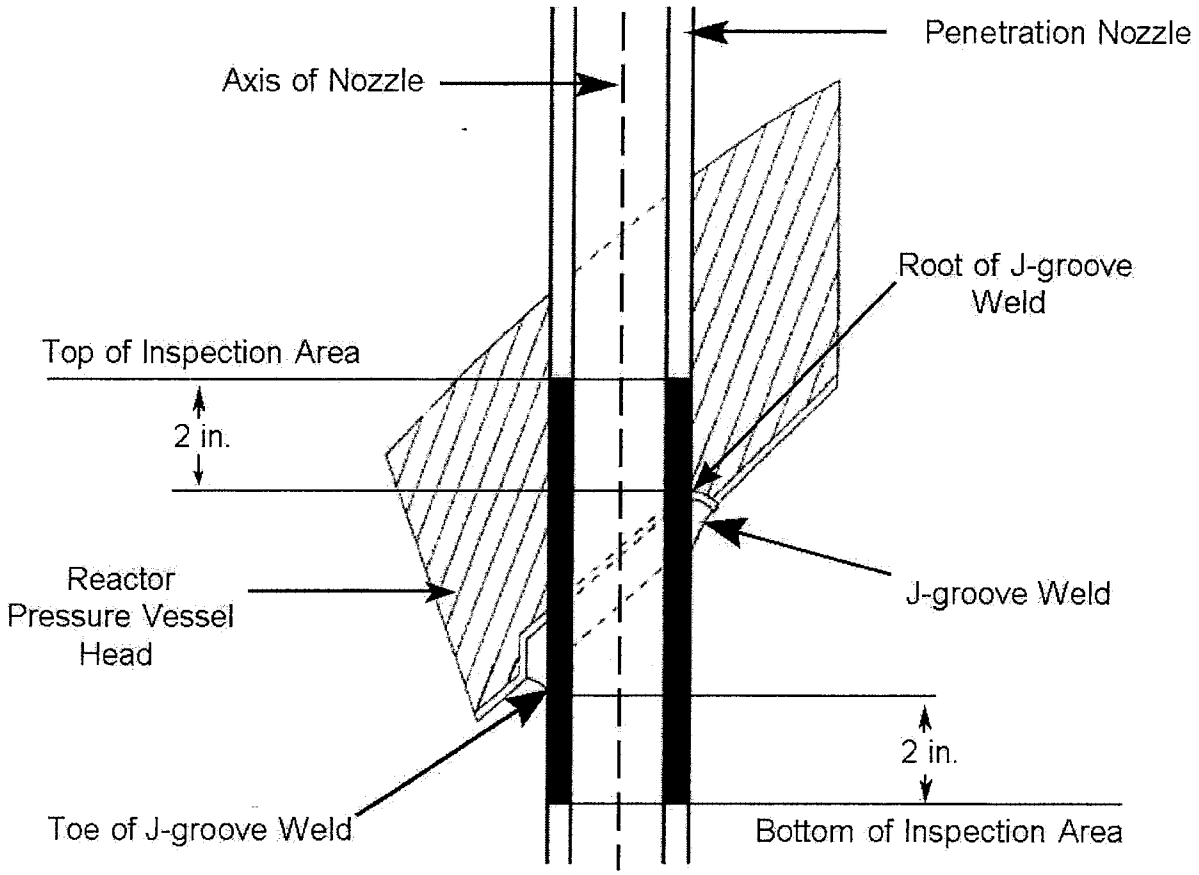

Figure IV-1: Inspection Area Using Ultrasonic Inspection Technique Without Stress Analysis (Nozzle area in black to be volumetrically inspected.)

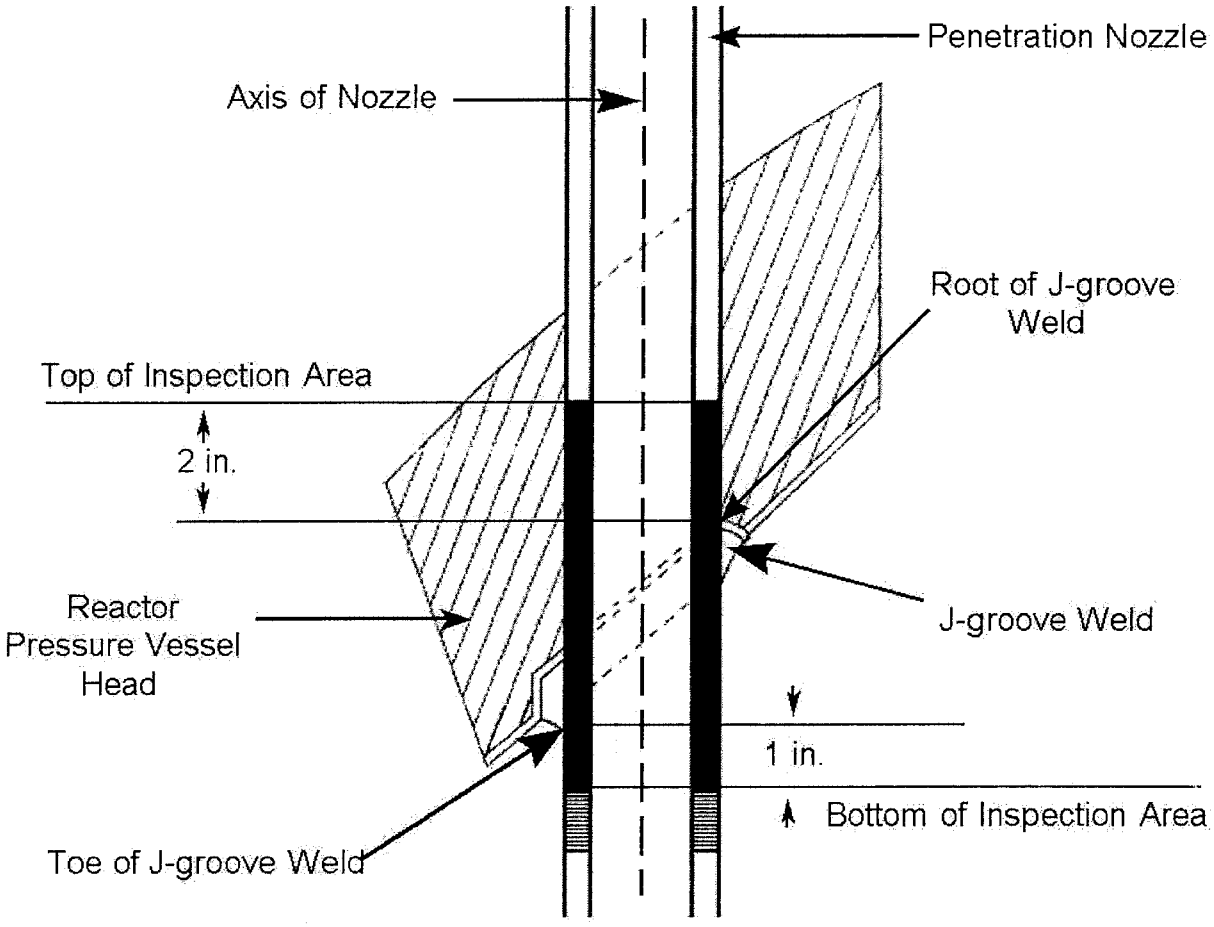

Figure IV-2: Inspection Area Using Ultrasonic Inspection Technique With Stress Analysis (Nozzle area in black to be volumetrically inspected. Nozzle area in grey requires volumetric inspection only if applied stress is ≥20 ksi in that specific area.)

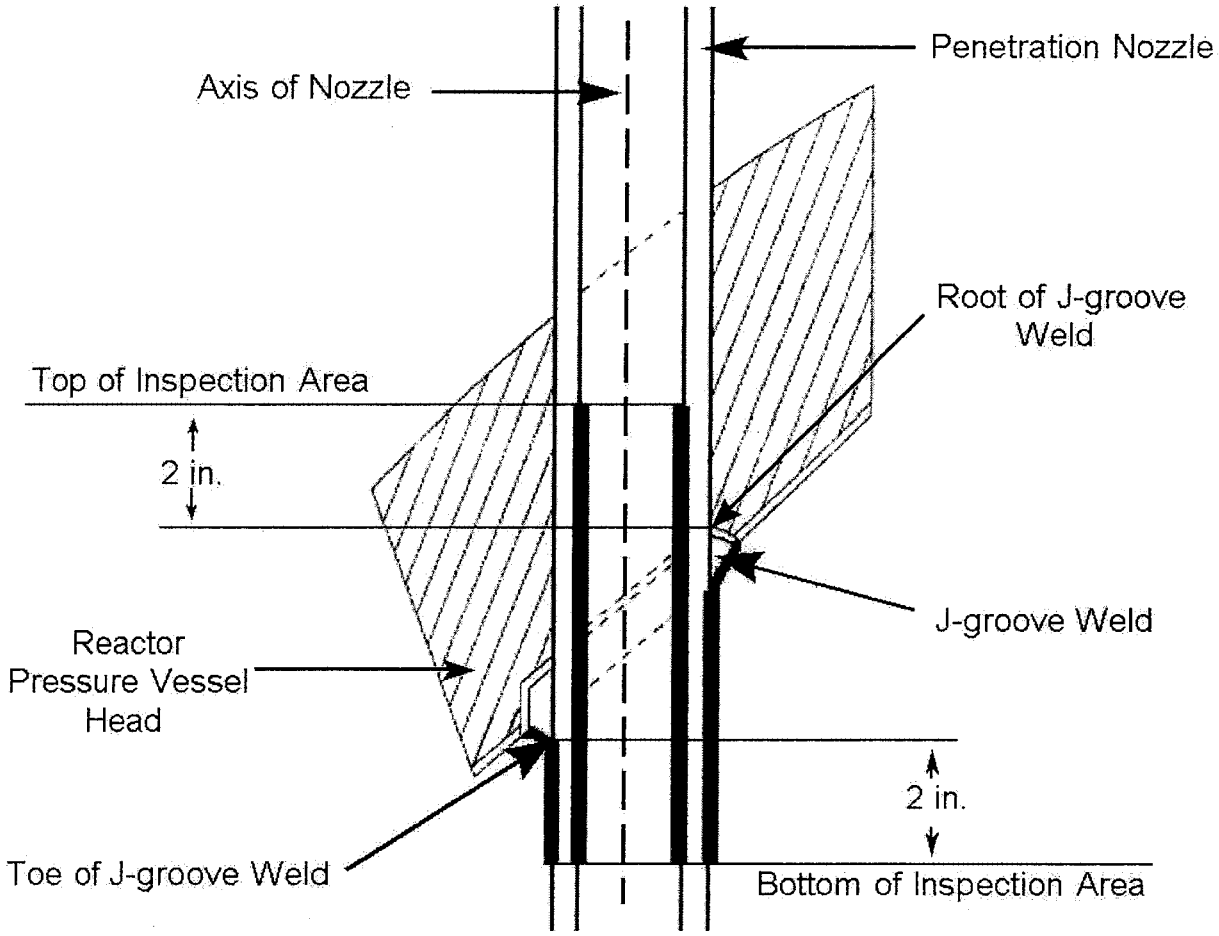

Figure IV-3: Required Wetted Surface Inspection Area Without Stress Analysis (The penetration nozzle and J-groove weld surface areas in black require surface inspection.)

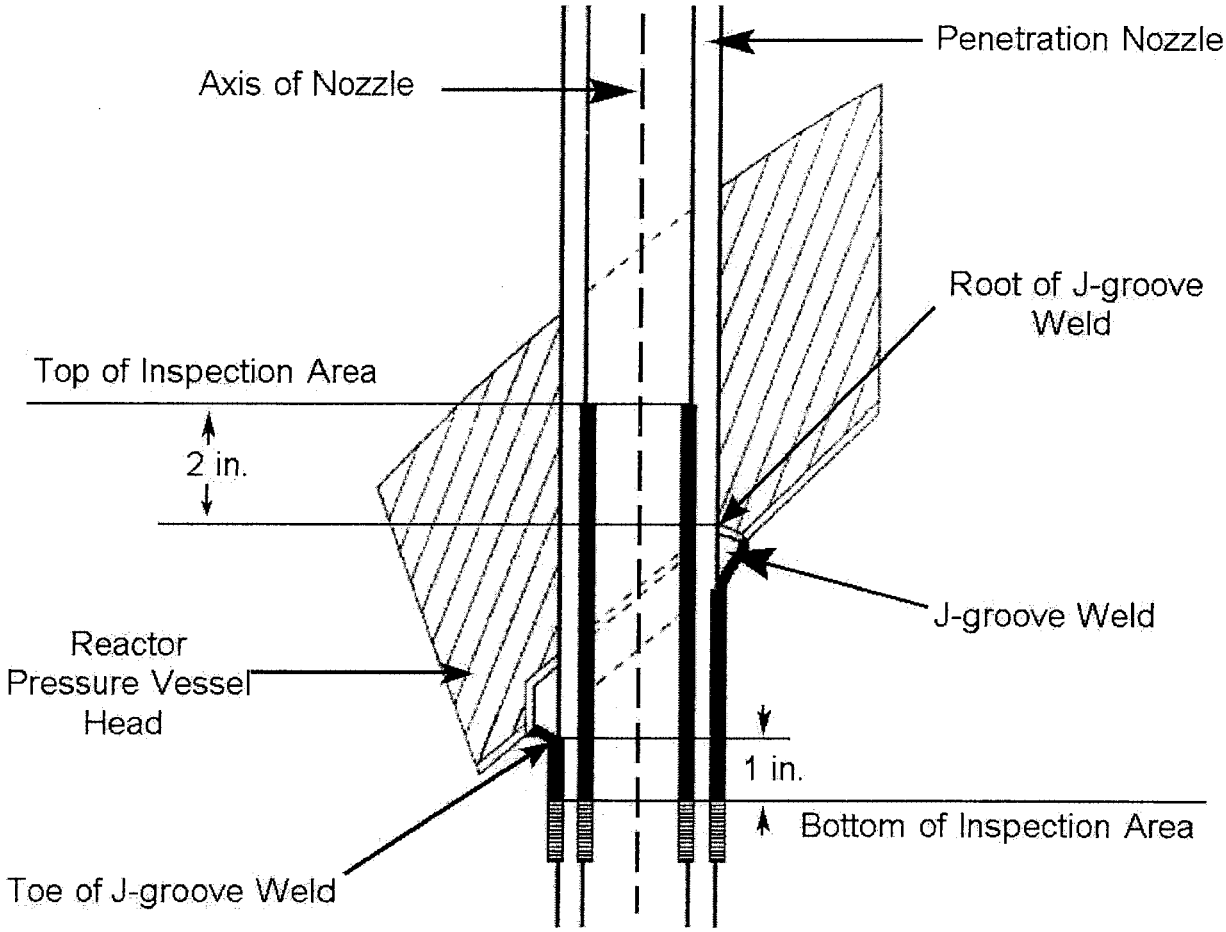

Figure IV-4: Required Wetted Surface Inspection Area With Stress Analysis (The penetration nozzle and J-groove weld surface areas in black require surface inspection. Nozzle area in grey requires surface inspection only if applied stress is ≥20 ksi in that specific area.)

D. During each refueling outage, visual inspections shall be performed to identify potential boric acid leaks from pressure-retaining components above the RPV head. For any plant with boron deposits on the surface of the RPV head or related insulation, discovered either during the inspections required by this Order or otherwise and regardless of the source of the deposit, before returning the plant to operation the Licensee shall perform inspections of the affected RPV head surface and penetrations appropriate to the conditions found to verify the integrity of the affected area and penetrations.

E. For each inspection required in Paragraph C, the Licensee shall submit a report detailing the inspection results within sixty (60) days after returning the plant to operation. For each inspection required in Paragraph D, the Licensee shall submit a report detailing the inspection results within sixty (60) days after returning the plant to operation if a leak or boron deposit was found during the inspection.

F. In the response required by section V of this Order, all Licensees shall notify the Commission if (1) they are unable to comply with any of the requirements of section IV or (2) compliance with any of the requirements of section IV is unnecessary. Licensees proposing to deviate from the requirements of this Order shall seek relaxation of this Order pursuant to the procedure specified below.

Project Directors or higher management positions in the Division of Licensing Project Management of the Office of Nuclear Reactor Regulation may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause. A request for relaxation regarding inspection of specific nozzles shall also address the following criteria:

(1) The proposed alternative(s) for inspection of specific nozzles will provide an acceptable level of quality and safety, or

(2) Compliance with this Order for specific nozzles would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

Requests for relaxation associated with specific penetration nozzles will be evaluated by the NRC staff using its procedure for evaluating proposed alternatives to the ASME Code in accordance with 10 CFR 50.55a(a)(3).

V

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time in which to submit an answer or request a hearing must be

made in writing to the Director, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, Washington, DC 20555, and must include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, Office of the Secretary of the Commission, Nuclear Regulatory Commission, Attn: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies shall also be sent to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, DC 20555; to the Assistant General Counsel for Materials Litigation and Enforcement at the same address; to the Document Control Desk at the same address; to the Regional Administrator for NRC Region I, II, III, or IV, as appropriate for the specific plant; and to the Licensee if the answer or hearing request is by a person other than the Licensee. Because of possible disruptions in delivery of mail to United States government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301–415–1101 or by e-mail to *hearingdocket@nrc.gov* and also to the Assistant General Counsel for Materials Litigation and Enforcement either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

In the absence of any request for a hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in section IV above shall be effective and final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in section IV shall be final when the extension expires if a hearing request has not been received.

For the Nuclear Regulatory Commission.
Dated this 20th day of February, 2004.

R. William Borchardt,

Acting Director, Office of Nuclear Reactor Regulation.

ATTACHMENT

Facilities	Addressee
Beaver Valley Power Station, Units 1 and 2, Docket Nos. 50–334 and 50–412, License Nos. DPR–66 and NPF–73.	Mr. L. William Pearce, Vice President, FirstEnergy Nuclear Operating Company, Beaver Valley Power Station, Post Office Box 4, Shippingport, PA 15077.
Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Docket Nos. 50–317 and 50–318, License Nos. DPR–53 and DPR–69.	Mr. George Vanderheyden, Vice President, Calvert Cliffs Nuclear Power Plant, Inc., Calvert Cliffs Nuclear Power Plant, 1650 Calvert Cliffs Parkway, Lusby, MD 20657–4702.
R.E. Ginna Nuclear Power Plant, Docket No. 50–244, License No. DPR–18.	Dr. Robert C. Mecredy, Vice President, Nuclear Operations, Rochester Gas and Electric Corporation, 89 East Avenue, Rochester, NY 14649.
Indian Point Nuclear Generating, Units 2 and 3, Docket Nos. 50–247 and 50–286, License Nos. DPR–26 and DPR–64.	Mr. Michael R. Kansler, President, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.
Millstone Power Station, Units 2 and 3, Docket Nos. 50–336 and 50–423, License Nos. DPR–65 and NPF–49.	Mr. David A. Christian, Sr. Vice President and Chief Nuclear Officer, Dominion Nuclear Connecticut, Inc., Innsbrook Technical Center, 5000 Dominion Boulevard, Glen Allen, VA 23060–6711.
Salem Nuclear Generating Station, Units 1 and 2, Docket Nos. 50–272 and 50–311, License Nos. DPR–70 and DPR–75.	Mr. Roy A. Anderson, President & Chief Nuclear Officer, PSEG Nuclear LLC–X04, Post Office Box 236, Hancocks Bridge, NJ 08038.
Seabrook Station, Unit 1, Docket No. 50–443, License No. NPF–86	Mr. Mark E. Warner, Site Vice President, c/o James M. Peschel, Seabrook Station, PO Box 300, Seabrook, NH 03874.
Three Mile Island Nuclear Station, Unit 1, Docket No. 50–289, License No. DPR–50.	Mr. Christopher M. Crane, President and Chief Executive Officer, AmerGen Energy Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
Catawba Nuclear Station, Units 1 and 2, Docket Nos. 50–413 and 50–414, License Nos. NPF–35 and NPF–52.	Mr. Dhiaa Jamil, Site Vice President, Catawba Nuclear Station, Duke Energy Corporation, 4800 Concord Road, York, South Carolina 29745–9635.
Crystal River Nuclear Power Plant, Docket No. 50–302, License No. DPR–72.	Mr. Dale E. Young, Vice President, Crystal River Nuclear Plant (NA1B), Attn: Supervisor, Licensing & Regulatory Programs, 15760 W. Power Line Street, Crystal River, Florida 34428–6708.
Joseph M. Farley Nuclear Plant, Units 1 and 2, Docket Nos. 50–348 and 50–364, License Nos. NPF–2 and NPF–8.	Mr. L.M. Stinson, Vice President—Farley Project, Southern Nuclear Operating Company, Inc., Post Office Box 1295, Birmingham, Alabama 35201–1295.
Shearon Harris Nuclear Power Plant, Unit 1, Docket No. 50–400, License No. NPF–63.	Mr. James Scarola, Vice President, Shearon Harris Nuclear Power Plant, Carolina Power & Light Company, Post Office Box 165, Mail Code: Zone 1, New Hill, North Carolina 27562–0165.
William B. McGuire Nuclear Station, Units 1 and 2, Docket Nos. 50–369 and 50–370, License Nos. NPF–9 and NPF–17.	Mr. G.R. Peterson, Vice President, McGuire Site, Duke Energy Corporation, 12700 Hagers Ferry Road, Huntersville, NC 28078–8985.
North Anna Power Station, Units 1 and 2, Docket Nos. 50–338 and 50–339, License Nos. NPF–4 and NPF–7. Surry Power Station, Units 1 and 2, Docket Nos. 50–280 and 50–281, License Nos. DPR–32 and DPR–37.	Mr. David A. Christian, Senior Vice President—Nuclear, Virginia Electric and Power Company, 5000 Dominion Blvd., Glen Allen, Virginia 23060.
Oconee Nuclear Station, Units 1, 2, and 3, Docket Nos. 50–269, 50–270 and 50–287, License Nos. DPR–38, DPR–47 and DPR–55.	Mr. Ronald A. Jones, Vice President, Oconee Site, Duke Energy Corporation, 7800 Rochester Highway, Seneca, SC 29672.

ATTACHMENT—Continued

Facilities	Addressee
H.B. Robinson Steam Electric Plant, Unit 2, Docket No. 50–261, License No. DPR–23.	Mr. J.W. Moyer, Vice President, Carolina Power & Light Company, H.B. Robinson Steam Electric Plant, Unit No. 2, 3581 West Entrance Road, Hartsville, South Carolina 29550.
St. Lucie Nuclear Plant, Units 1 and 2, Docket Nos. 50–335 and 50–389, License Nos. DPR–67 and NPF–16. Turkey Point Nuclear Generating Station, Units 3 and 4, Docket Nos. 50–250 and 50–251, License Nos. DPR–31 and DPR–41.	Mr. J.A. Stall, Senior Vice President, Nuclear and Chief Nuclear Officer, Florida Power and Light Company, P.O. Box 14000, Juno Beach, Florida 33408–0420.
Sequoyah Nuclear Plant, Units 1 and 2, Docket Nos. 50–327 and 50–328, License Nos. DPR–77 and DPR–79. Watts Bar Nuclear Plant, Unit 1, Docket No. 50–390, License No. NPF–90.	Mr. J.A. Scalice, Chief Nuclear Officer and Executive Vice President, Tennessee Valley Authority, 6A Lookout Place, 1101 Market Street, Chattanooga, Tennessee 37402–2801.
Virgil C. Summer Nuclear Station, Unit 1, Docket No. 50–395, License No. NPF–12.	Mr. Stephen A. Byrne, Senior Vice President, Nuclear Operations, South Carolina Electric & Gas Company, Virgil C. Summer Nuclear Station, Post Office Box 88, Jenkinsville, South Carolina 29065.
Vogtle Electric Generating Plant, Units 1 and 2, Docket Nos. 50–424 and 50–425, License Nos. NPF–68 and NPF–81.	Mr. J.T. Gasser, Vice President—Vogtle Project, Southern Nuclear Operating Company, Inc., Post Office Box 1295, Birmingham, Alabama 35201–1295.
Brainwood Station, Units 1 and 2, Docket Nos. STN 50–456 and STN 50–457, License Nos. NPF–72 and NPF–77. Byron Station, Units 1 and 2, Docket Nos. STN 50–454 and STN 50–455, License Nos. NPF–37 and NPF–66.	Mr. Christopher M. Crane, President, Exelon Nuclear, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
Donald C. Cook Nuclear Plant, Units 1 and 2, Docket Nos. 50–315 and 50–316, License Nos. DPR–58 and DPR–74.	Mr. A. Christopher Bakken III, Senior Vice President and Chief Nuclear Officer, Indiana Michigan Power Company, Nuclear Generation Group, 500 Circle Drive, Buchanan, MI 49107.
Davis-Besse Nuclear Power Station, Unit 1, Docket No. 50–346, License No. NPF–3.	Mr. Lew W. Myers, Chief Operating Officer, FirstEnergy Nuclear Operating Company, Davis-Besse Nuclear Power Station, 5501 North State Route 2, Oak Harbor, OH 43449–9760.
Kewaunee Nuclear Power Plant, Docket No. 50–305, License No. DPR–43.	Mr. Thomas Coutu, Site Vice President, Kewaunee Nuclear Power Plant, Nuclear Management Company, LLC, N490 State Highway 42, Kewaunee, WI 54216–9511.
Palisades Plant, Docket No. 50–255, License No. DPR–20	Mr. Daniel J. Malone, Site Vice President, Palisades Nuclear Plant, 27780 Blue Star Memorial Highway, Covert, MI 49043.
Point Beach Nuclear Plant, Units 1 and 2, Docket Nos. 50–266 and 50–301, License Nos. DPR–24 and DPR–27.	Mr. Gary Van Middlesworth, Acting Site Vice President, Point Beach Nuclear Plant, Nuclear Management Company, LLC, 6610 Nuclear Road, Two Rivers, WI 54241–9516.
Prairie Island Nuclear Generating Plant, Units 1 and 2, Docket Nos. 50–282 and 50–306, License Nos. DPR–42 and DPR–60.	Mr. Joseph M. Solymossy, Site Vice President, Prairie Island Nuclear Generating Plant, Nuclear Management Company, LLC, 1717 Wakonade Drive East, Welch, MN 55089.
Arkansas Nuclear One, Units 1 and 2, Docket Nos. 50–313 and 50–368, License Nos. DPR–51 and NPF–61.	Mr. Jeffrey S. Forbes, Site Vice President, Arkansas Nuclear One, Entergy Operations, Inc., 1448 S.R. 333, Russellville, AR 72801.
Callaway Plant, Unit 1, Docket No. 50–483, License No. NPF–30	Mr. Garry L. Randolph, Vice President and Chief Nuclear Officer, Union Electric Company, Post Office Box 620, Fulton, MO 65251.
Comanche Peak Steam Electric Station, Units 1 and 2, Docket Nos. 50–445 and 50–446, License Nos. NPF–87 and NPF–89.	Mr. Michael R. Blevins, Senior Vice President & Principal Nuclear Officer, TXU Energy, Attn: Regulatory Affairs, P.O. Box 1002, Glen Rose, TX 76043.
Diablo Canyon Power Plant, Units 1 and 2, Docket Nos. 50–275 and 50–323, License Nos. DPR–80 and DPR–82.	Mr. Gregory M. Rueger, Senior Vice President, Generation and Chief Nuclear Officer, Pacific Gas and Electric Company, Diablo Canyon Power Plant, P.O. Box 3, Avila Beach, CA 93424.
Fort Calhoun Station, Unit 1, Docket No. 50–285, License No. DPR–40	Mr. R.T. Ridenoure, Division Manager—Nuclear Operations, Omaha Public Power District, Fort Calhoun Station FC–2–4 Adm., Post Office Box 550, Fort Calhoun, NE 68023–0550.
Palo Verde Nuclear Generating Station, Units 1, 2 and 3, Docket Nos. STN 50–528, STN 50–529 and STN 50–530, License Nos. NPF–41, NPF–51 and NPF–74.	Mr. Gregg R. Overbeck, Senior Vice President, Nuclear, Arizona Public Service Company, P.O. Box 52034, Phoenix, AZ 80572–2034.
San Onofre Nuclear Station, Units 2 and 3, Docket Nos. 50–361 and 50–362, License Nos. NPF–10 and NPF–15.	Mr. Harold B. Ray, Executive Vice President, Southern California Edison Company, San Onofre Nuclear Generating Station, P.O. Box 128, San Clemente, CA 92674–0128.
South Texas Project Electric Generating, Station, Units 1 and 2, Docket Nos. 50–498 and 50–499, License Nos. NPF–76 and NPF–80.	Mr. James J. Sheppard, President and Chief Executive Officer, STP Nuclear Operating Company, South Texas Project Electric Generating Station, P.O. Box 289, Wadsworth, TX 77483.
Waterford Steam Electric Generating Station, Unit 3, Docket No. 50–382, License No. NPF–38.	Mr. Joseph E. Venable, Vice President Operations, Entergy Operations, Inc., 17265 River Road, Killona, LA 70066–0751.
Wolf Creek Generating Station, Unit 1, Docket No. 50–482, License No. NPF–42.	Mr. Rick A. Muench, President and Chief Executive Officer, Wolf Creek Nuclear Operating Corporation, Post Office Box 411, Burlington, KS 66839.

[FR Doc. 04–4341 Filed 2–26–04; 8:45 am]

BILLING CODE 7590–01–C

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of a Revised Information Collection: RI 38–115

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 review of a revised information collection. RI 38–115, Representative Payee Survey, is used to collect information about how the benefits paid to a representative payee have been used or conserved for the benefit of the incompetent annuitant.

Approximately 11,000 RI 38–115 forms are processed annually. The form takes approximately 20 minutes to complete. The annual burden is 3,667 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, FAX (202) 418–3251 or via E-mail to *mbtoomey@opm.gov.* Please include a 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—Ronald W. Melton, Chief, Operation Support Group, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349A, Washington, DC 20415–3540; and Joseph F. Lackey, OPM Desk Officer, Office of Information and 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, Support Group, (202) 606–0623.

Kay Coles James,

U.S. Office of Personnel Management Director.

[FR Doc. 04–4319 Filed 2–26–04; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Extension of a Currently Approved Information Collection: Reemployment of Annuitant, 5 CFR 837.103

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 extension of a currently approved information collection. Section 837.103 of Title 5, Code of Federal Regulations, requires agencies to collect information from retirees who become employed in Government positions. Agencies need to collect timely information regarding the type and amount of annuity being received so the correct rate of pay can be determined. Agencies provide this information to OPM so a determination can be made whether the reemployed retiree's annuity must be terminated.

We estimate 3,000 reemployed retirees are asked this information annually. It takes each reemployed retiree approximately 5 minutes to complete for an annual estimated burden of 250 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, FAX (202) 418–3251 or via E-mail to *mbtoomey@opm.gov.* Please include a 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—

Ronald W. Melton, Chief, Operations Support Group, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349A, Washington, DC 20415–3540;

and

Joseph Lackey, OPM Desk Office, Office of Information & Regulatory Affairs, Office of Management & 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.

U.S. Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 04–4320 Filed 2–26–04; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of March 1, 2004: a closed meeting will be held on Thursday, March 4, 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), (6), (7), (9), and (10) and 17 CFR 200.402(a) (5), (6), (7), 9(ii), and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Glassman, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Thursday, March 4, 2004, will be: Formal orders of investigation; institution and settlement of administrative proceedings of an enforcement nature; institution and settlement of injunctive actions; and adjudicatory matter.

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 24, 2004.

Jonathan G. Katz,

Secretary.

[FR Doc. 04–4421 Filed 2–24–04; 4:36 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27803]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (“Act”)

February 20, 2004.

Notice is hereby given that the following filings 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 16, 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 16, 2004, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Northeast Utilities, et al. (70–10177)

Northeast Utilities (“NU”), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, a registered public-utility holding company under the Act, NU’s wholly owned nonutility subsidiary, NU Enterprises, Inc. (“NUEI”), and NUEI’s wholly owned subsidiary, Select Energy, Inc. (“Select”), both located at 107 Selden Street, Berlin, Connecticut 06037 (collectively with NU and NUEI, “Applicants”), have filed an application-declaration (“Application”) under sections 6(a), 7, 9(a), 10, 12(b) and (c), 32 and 33 of the Act and rules 43, 45, 46, 53 and 54.

NU, NUEI and Select propose that the Commission authorize:

(1) NU and NUEI to invest, either directly or indirectly, up to $500 million in excess of the amount permitted to be invested under rule 58 in “energy-related companies,” through June 30, 2007 (the “Authorization Period”);

(2) NU and NUEI to guarantee, indemnify and otherwise provide credit support (“Guarantees”) of up to $750 million (“Guarantee Limit”) of the debt or obligations of NU’s nonutility subsidiaries or affiliates (including Select and any nonutility subsidiary or affiliate that may be formed or acquired during the Authorization Period) (“Nonutility Subsidiaries”), through the Authorization Period;

(3) Select to (a) engage in energy marketing and trading anywhere in the world, subject to the Commission’s reservation of jurisdiction on the provision of such services outside of the United States, Mexico and Canada, and (b) render energy management services and consulting services anywhere in the world;

(4) NU, under rule 53(c), to invest in exempt wholesale generators, as defined in section 32 of the Act (“EWGs”), in an aggregate amount (which includes the amount of NU’s current EWG investment of $449 million) not exceeding a total of $1 billion (“EWG Investment Limit”), through the Authorization Period; and

(5) NU and NUEI to sell or to cause any subsidiary to sell or otherwise transfer (a) its nonutility businesses, (b) the securities of current subsidiaries engaged in some or all of these nonutility businesses or (c) nonutility investments which do not involve a subsidiary (*i.e.*, less than 10% voting interest), in each case to a different subsidiary, and to acquire the assets of such businesses, subsidiaries or other then-existing investment interests, through the Authorization Period.

NU and NUEI [1] seek Commission authorization to invest an additional amount, of up to $500 million, in excess of the amount permitted the Applicants currently under rule 58 in currently existing and new “energy-related companies,” as defined in rule 58, through the Authorization Period, as discussed further below. The Applicants anticipate that the investments will include securities acquisitions, open account advances and the issuance of Guarantees.

NU’s need to increase its ability to invest in its rule 58 companies is driven primarily by the expanded activity of Select.[2] NU states that it, like many utilities during the industry restructuring which has evolved in the United States, has divested most of its generating assets and increased its focus on the marketing and brokering of energy and related services. Moreover, energy marketing and brokering activities have become an integral part of NU’s business and its strategy for competing in the restructured energy industry, as shown in the increasing revenues of, and NU’s investment in, Select.[3] NU anticipates that, as its

[1] NU, a Massachusetts business trust, NUEI and Select are part of the Northeast Utilities system of companies (the “NU System”). NU is the parent and is not itself an operating company. The NU System provides franchised retail electric service in Connecticut, New Hampshire and western Massachusetts through three of NU’s wholly owned subsidiaries (The Connecticut Light and Power Company (“CL&P”), Public Service Company of New Hampshire (“PSNH”) and Western Massachusetts Electric Company (“WMECO” and collectively with CL&P and PSNH, the “NU Utility Companies”)). The NU Utility Companies, together, also provide wholesale electric service to various municipalities and other utilities throughout the northeast United States. In addition, NU owns Holyoke Water Power Company (“HWP”), a utility for purposes of the Act. HWP owns a 147 megawatt coal-fired plant in Holyoke, Massachusetts, and sells all of the output of its generation assets indirectly to Select under a wholesale contract. NU is also the parent of Yankee Energy System, Inc. (“YES”), an exempt gas utility holding company. YES is primarily engaged in the retail distribution of natural gas through its wholly owned subsidiary, Yankee Gas Services Company (“Yankee Gas”), a Connecticut retail gas distribution company, and also has several nonutility subsidiaries. NUEI acts as the holding company for NU’s unregulated businesses. NUEI has numerous direct and indirect nonutility subsidiaries, including, along with Select, Northeast Generation Company (“NGC”) (currently the NU System’s only EWG), Mode 1 Communications, Inc. and Woods Network Services, Inc., (both exempt telecommunications companies, as defined in section 34 of the Act), Select Energy Services, Inc. (formerly, HEC Inc.) (a nonutility subsidiary whose securities NUEI acquired pursuant to Commission authorization (*see* Holding Co. Act Release No. 26939, Nov. 12, 1998)) and other “energy-related companies,” as defined in rule 58 (such as Northeast Generation Services Company and E.S. Boulos Company).

[2] Select, a Connecticut corporation, began active operation under rule 58 in 1998. Applicants state that, since that time, Select has engaged in brokering and marketing of energy commodities, including electricity and natural gas, and sale of energy-related products and services as permitted under rule 58(b)(1)(iv) and (v). It engages in a wide variety of wholesale and retail transactions and is licensed in approximately 11 states to do energy brokering and marketing. Select has contracts with major utilities to provide standard offer service for such utilities’ customers. In connection with electric industry restructuring and the introduction of competition, Select has become a major part of NU’s business as its revenues have grown from approximately $29 million in 1998 to approximately $2.5 billion in 2003. Select has become a major participant in energy marketing and brokering in the northeast. Late in 2001, Select acquired the securities of Niagara Mohawk Energy Marketing, Inc., another energy marketing and brokering company in upstate New York, pursuant to rule 58, and renamed it Select Energy New York, Inc. (“SENY”).

[3] Applicants state that NU’s competitive businesses (including rule 58 energy-related businesses) have grown significantly since the formation of Select in 1998 (with revenues exceeding $2.5 billion in 2003) and, as of September 30, 2003, NU’s investment in rule 58 companies aggregated to approximately $943 million (against a rule 58 limitation for NU of approximately $1.01 billion). A large portion of the

Continued

energy marketing and brokering business continues to grow, it will find it necessary to make additional investments in its energy-related companies of up to $500 million. For this reason, under sections 9 and 10 of the Act, NU is seeking authorization to invest up to an additional $500 million in new and existing rule 58 energy-related companies through the Authorization Period, including Guarantees. NU and NUEI also request that, at the end of the proposed Authorization Period, any investments made in those companies, in excess of the rule 58 limit, be permitted to continue when any unused portion must expire.[4]

Secondly, Applicants now seek an order authorizing the issuance of guarantees up to an aggregate amount of $750 million for their nonutility subsidiaries and affiliates, including any Nonutility Subsidiaries that may be formed or acquired during the Authorization Period. Through June 30, 2004, the Commission authorized NU and NUEI to, among other things, issue guarantees and similar forms of credits support or enhancements for NU and NUEI's Nonutility Subsidiaries in an aggregate amount not to exceed $500 million by its order dated September 30, 2003. Holding Co. Act Release No. 27730 (Sept. 30, 2003). The authorization sought, and described above, to invest in rule 58 energy-related companies, under section 9 and 10 of the Act, and this authorization for NU and NUEI to provide credit support to its competitive affiliates up to the Guarantee Limit will enable NU to grow its competitive businesses as appropriate and necessary to continue to compete with other energy marketing companies.

NU also seeks authority for Select to engage in a variety of activities related to its energy marketing and brokering business, including: (i) The brokering, marketing and trading of other energy commodities, including gas and electric transmission entitlements, weather hedging products, emission credits and financial derivative products (*i.e.*, "paper products'') in respect of any of these commodities (including, but not limited to, hedges, swaps, forwards, options and the like), anywhere in the world, but request the Commission to reserve jurisdiction on the provision of such services outside of the United States, Mexico and Canada, and (ii) the rendering of energy management services and demand-side management services anywhere in the world.

NU also requests authorization to increase the aggregate amount it may invest in EWGs to up to $1.0 billion during the Authorization Period (an amount that would include NU's current investment of $449 million in its only EWG). The Commission previously has authorized NU's investment in EWGs in an amount in excess of the 50% safe harbor limit provided by rule 53, by order dated March 7, 2000 ("March 7, 2000 Order''). Holding Co. Act Release No. 27148 (Mar. 7, 2000). NU states that the ownership of additional generation, on satisfactory terms, is important to support NUEI's energy trading and marketing business. NU further states that the proposed EWG investment limit represents approximately 125% of NU's average "consolidated retained earnings'' as defined in rule 53(a)(1), for the four quarterly periods ending September 30, 2003, and that the proposed investment limit of $1 billion compares favorably with the EWG investment limits authorized by the Commission.[5]

Finally, NU seeks authority to engage in internal corporate reorganizations to better organize its Nonutility Subsidiaries and investments. NU currently engages, directly or indirectly through its Nonutility Subsidiaries, in certain nonutility businesses. No authority is sought to make new investments or to change the organization for the Utility Subsidiaries. "Utility Subsidiary'' for the purposes of this section means the NU Utility Companies and Yankee Gas. NU requests approval to consolidate or otherwise reorganize all or any part of its direct and indirect ownership interests in Nonutility Subsidiaries, and the activities and functions related to these investments.[6] The internal transactions would be undertaken to eliminate corporate complexities, to combine related business segments for staffing and management purposes, to eliminate administrative costs, to achieve tax savings, or for other ordinary and necessary business purposes. NU requests authority to engage in such transactions through the Authorization Period. The transactions proposed will not involve the sale, transfer or other disposition of any utility assets of any Utility Subsidiary to any other person, nor will they involve any change in the corporate ownership of, or involve any restructuring of, the Utility Subsidiaries.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–4321 Filed 2–26–04; 8:45 am]

BILLING CODE 8010–01–P

investment is in the form of NU Guarantees ($258 million). As of September 30, 2003, NU's investment in Select and SENY, including Guarantees, computed for purposes of rule 58, aggregate to approximately $846 million of NU's aggregate investment in rule 58 companies of $943 million. Of that amount, Guarantees issued for NU's nonutility subsidiaries made up approximately $258 million with guarantees for Select and SENY accounting for $184.5 million.

[4] Applicants state that no authorization is sought for off-balance sheet financing nor are any of the Applicants currently involved in such financing. Furthermore, Select does not own or deal in off balance sheet assets or exercise control over any assets that are not fully disclosed.

[5] The proposed aggregate EWG investment would be equal to approximately 125% of NU's average consolidated retained earnings for the four quarters ended September 30, 2003. The proposal would be an increase from the current authorization of approximately 83%. *See* March 7, 2000, Order.

[6] Applicants state that, to effect any consolidations or other reorganizations, NU or NUEI may either contribute the equity securities of one Nonutility Subsidiary to another Nonutility Subsidiary or sell (or cause a Nonutility Subsidiary to sell) the equity securities or all or part of the assets of one Nonutility Subsidiary to another one. The transactions may also take the form of a Nonutility Subsidiary selling or transferring the equity securities of a subsidiary or all or part of such subsidiary's assets as a dividend to another Nonutility Subsidiary, and the acquisition, directly or indirectly, of the equity securities or assets of the subsidiary, either by purchase or by receipt of a dividend. The purchasing Nonutility Subsidiary in any transaction structured as an intrasystem sale of equity securities or assets may execute and deliver its promissory note evidencing all or a portion of the consideration given.

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before April 27, 2004.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to George Solomon, Supervisory Business Development Officer, Office of Business and Community Initiatives, Small Business Administration, 409 3rd Street SW., Suite 6100, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: George Solomon, Supervisory Business

Development Officer, 202–205–7426 or Curtis B. Rich, Management Analyst, 202–205–7030.

SUPPLEMENTARY INFORMATION:

Title: "Economic Impact."

Description of Respondents: Small Business Client small business owners & employees, prospective entrepreneurs and other students of enterprise.

Form No: 2214.

Annual Responses: 14,000.

Annual Burden: 2,333.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 04–4336 Filed 2–26–04; 8:45 am]

BILLING CODE 8025–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP): Import Statistics Relating to Competitive Need Limitations; Invitation for Public Comment on Possible De Minimis Waivers and Redesignations

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice is to inform the public of interim 2003 import statistics relating to Competitive Need Limitations (CNL) under the Generalized System of Preferences (GSP) program. Public comments are invited by 5 p.m., March 31, 2004, regarding possible *de minimis* CNL waivers with respect to particular articles, and possible redesignations under the GSP program of articles currently subject to CNLs.

FOR FURTHER INFORMATION CONTACT: Contact the GSP Subcommittee of the Trade Policy Staff Committee, Office of the United States Trade Representative, 1724 F Street, NW., Room F–220, Washington, DC 20508. The telephone number is (202) 395–6971.

SUPPLEMENTARY INFORMATION:

I. Competitive Need Limitations

The GSP program provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries (BDCs). The GSP program is authorized by title V of the Trade Act of 1974 (19 U.S.C. 2461, *et seq.*), as amended (the "1974 Act"), and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and Presidential Proclamations. Section 503(c)(2)(A) of the 1974 Act provides for CNLs on duty-free treatment under the GSP program. When the President determines that a BDC exported to the United States during a calendar year either (1) a quantity of a GSP-eligible article having a value in excess of the applicable amount for that year ($110 million for 2003), or (2) a quantity of a GSP-eligible article having a value equal to or greater than 50 percent of the value of total U.S. imports of the article from all countries (the "50 percent CNL"), the President shall terminate GSP duty-free treatment for that article from that BDC by no later than July 1 of the next calendar year.

II. Discretionary Decisions

A. De Minimis Waivers

Section 503(c)(2)(F) of the 1974 Act provides the President with discretion to waive the 50 percent CNL with respect to an eligible article imported from a BDC if the value of total imports of that article from all countries during the calendar year did not exceed the applicable amount for that year ($16.5 million for 2003).

B. Redesignation of Eligible Articles

Where imports of an eligible article from a BDC ceased to receive duty-free treatment due to exceeding the CNL in a prior year, section 503(c)(2)(C) of the 1974 Act provides the President with discretion to redesignate such an article for duty-free treatment if imports in the most recently completed calendar year did not exceed the CNLs.

III. Implementation of Competitive Need Limitations, Waivers, and Redesignations

Exclusions from GSP duty-free treatment where CNLs have been exceeded will be effective July 1, 2004. Decisions on these matters, as well as decisions with respect to *de minimis* waivers and redesignations, will be based on full 2003 calendar year import statistics.

IV. Interim 2003 Import Statistics

In order to provide advance notice of articles that may exceed the CNLs for 2003, and to afford an opportunity for comment regarding *de minimis* waivers and redesignations, interim import statistics covering the first 10 months of 2003 are included with this notice. Full calendar year 2003 data may be obtained from the website of the U.S. International Trade Commission at *http://dataweb.usitc.gov/.*

The following lists contain, for each article, the Harmonized Tariff Schedule of the United States (HTSUS) subheading and beneficiary country of origin, the value of imports of such article for the first 10 months of 2003, and the percentage of total imports of that article from all countries. The flags indicate the status of GSP eligibility. Articles marked with an "*" are those that have been excluded from GSP eligibility for the entire past calendar year. Articles marked with a "D" are those that, based on interim 2003 data, may be eligible for a *de minimis* waiver of the 50 percent CNL.

List I shows GSP-eligible articles from BDCs that have already exceeded the CNL of $110 million in 2003. Those articles without a flag are articles that were GSP-eligible during 2003 but stand to lose GSP duty-free treatment on July 1, 2004, unless a waiver is granted. Such waivers are required to have been previously requested in the 2003 GSP Annual Review.

List II shows GSP-eligible articles from BDCs that (1) have not yet exceeded, but are approaching, the $110 million CNL for the period January-October 2003, or (2) are close to or above the 50 percent CNL. Depending on final calendar year 2003 import data, these articles stand to lose GSP duty-free treatment on July 1, 2004, unless a waiver is granted. Such waivers are required to have been previously requested in the 2003 GSP Annual Review.

List III is a subset of List II. List III identifies GSP-eligible articles from BDCs that are near or above the 50 percent CNL, but that may be eligible for a *de minimis* waiver of the 50 percent CNL. Actual eligibility for *de minimis* waivers will depend on final calendar year 2003 import data. Each year, *de minimis* waivers are considered automatically without a petition and public comments are accepted.

List IV shows GSP-eligible articles that are currently not receiving GSP duty-free treatment, but that have import levels (based on interim 2003 data) below the CNLs and thus may be eligible for redesignation pursuant to the President's discretionary authority. Articles with a "D" exceed the 50 percent CNL and would require both a *de minimis* waiver and redesignation to receive GSP duty-free treatment. The list may also contain articles that may not be redesignated until certain conditions are fulfilled, as where, for example, GSP eligibility for an article was administratively suspended because of deficiencies in a country's protection of worker or intellectual property rights. Redesignation requests are normally made in the annual review, unless made in conjunction with remedying the deficiencies.

The lists appended to this notice are provided for informational purposes only. The attached lists are computer-

generated and based on interim 2003 data, and may not include all articles that may be affected by the GSP CNLs. Regardless of whether an article is included on the lists, all determinations and decisions regarding the CNLs of the GSP program will be based on full calendar year 2003 import data with respect to each GSP-eligible article. Each interested party is advised to conduct its own review of 2003 import data with regard to the possible application of GSP CNLs.

IV. Public Comments

Requirements for Submissions

All submissions must conform to the GSP regulations set forth at 15 CFR part 2007, except as modified below. Furthermore, each party providing comments should indicate on the first page of the submission its name, the relevant HTSUS subheading(s), the beneficiary country or territory of interest, and the type of action (*e.g.*, the use of the President's *de minimis* waiver authority) in which the party is interested.

Comments must be submitted, in English, to the Chairman of the GSP Subcommittee of the Trade Policy Staff Committee (TPSC) as soon as possible but not later than 5 p.m., March 31, 2004. Comments submitted after this date may be considered at the discretion of the GSP Subcommittee until the time its advice is provided to the TPSC.

In order to facilitate prompt consideration of submissions, USTR strongly urges and prefers electronic e-mail submissions in response to this notice. Hand delivered submissions will not be accepted. Submissions should be single-copy transmissions in English with the total submission not to exceed 50 single-spaced standard letter-size pages and 3 megabytes as a digital file attached to an e-mail transmission. The e-mail transmission should use the following subject line: "Comments on 2003 CNL Review'' followed by the HTSUS subheading number and beneficiary country of origin found on the appropriate list. Documents must be submitted as either WordPerfect (".wpd''), MSWord (".doc''), or text (".txt'') files. Documents should not be submitted as electronic image files or contain imbedded images (for example, ".jpg'', ".pdf'', ".bmp'', or ".gif'') as such files are generally excessively large. E-mail submissions containing such image files will not be accepted. Supporting documentation submitted as spreadsheets are acceptable as QuattroPro or Excel, pre-formatted for printing only on 8 ½ x 11 inch paper. To the extent possible, any data attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Submissions in response to this notice will be subject to public inspection by appointment with the staff of the USTR Public Reading Room except for information granted "business confidential'' status pursuant to 15 CFR 2003.6.

If the submission contains business confidential information, a non-confidential version of the submission must also be submitted that indicates where confidential information was redacted by inserting asterisks where material was deleted. In addition, the confidential version must be clearly marked "BUSINESS CONFIDENTIAL'' at the top and bottom of each and every page of the document. The public version which does not contain business confidential information must also be clearly marked at the top and bottom of each and every page (either "PUBLIC'' or "NON-CONFIDENTIAL''). Documents that are submitted without any marking might not be accepted or will be considered public documents.

For any document containing business confidential information submitted as an electronic attached file to an e-mail transmission, the file name of the business confidential version should begin with the characters "BC-'' and the file name of the public version should begin with the characters "P-''. The "BC-'' or "P-'' should be followed by the name of the party (government, company, union, association, etc.) which is submitting the comments.

E-mail submissions should not include separate cover letters or messages in the message area of the e-mail; information that might appear in any cover letter should be included directly in the attached file containing the submission itself, including the sender's identifying information with telephone number and e-mail address. The e-mail address for these submissions is *FR0081@USTR.GOV*. Documents not submitted in accordance with these instructions might not be considered in this review. If unable to provide submissions by e-mail, please contact the GSP Subcommittee to arrange for an alternative method of transmission.

Public versions of all documents relating to this review will be available for public review approximately three weeks after the due date by appointment in the USTR Public Reading Room, 1724 F Street, NW., Washington, DC. Availability of documents may be ascertained, and appointments may be made from 9:30 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, by calling 202–395–6186.

Steven Falken,

Executive Director for GSP, Chairman, GSP Subcommittee of the Trade Policy Staff Committee.

List I: Items Graduated or Exceeding Competitive Need Limits

2003 U.S.Imports - January through October

Flag	HTSUS	Partner	Imports	Share(%)	Article Description
*	2402.10.80	Dominican Republic	143,060,397	69.3	Cigars, cheroots and cigarillos containing tobacco, each valued 23 cents or over
*	2905.11.20	Trinidad	286,905,708	39.0	Methanol (Methyl alcohol), other than imported only for use in producing synthetic natural gas (SNG) or for direct use as fuel
*	7113.19.50	Dominican Republic	139,467,770	4.0	Precious metal (o/than silver) articles of jewelry and parts thereo, whether or not plated or clad with precious metal,nesoi
*	7403.11.00	Peru	373,383,845	30.6	Refined copper cathodes and sections of cathodes
	8528.12.28	Thailand	141,533,797	35.9	Non-high definition color television reception app., nonprojection, w/CRT, video display diag. ov 35.56 cm, incorporating a VCR or player

FLAGS: '*'=Excluded full yr; '1'=Excluded January/June; '2'=Excluded July/December

A1

List II : Items Approaching Competitive Need Limits

2003 U.S. Imports - January through October

Flag	HTSUS	Partner	Imports	Share%	Article Description
D	0202-30-02	Costa Rica	30,080	100.0	High-qual. beef cuts, boneless, processed, frozen, descr in gen. note 15 of the HTS
D	0208-50-00	El Salvador	15,839	100.0	Meat and edible offal of reptiles, fresh, chilled or frozen
D	0302-69-10	Ecuador	772,357	52.1	Fish, nesi, excl. fillets, livers and roes, fresh or chilled, scaled, in immediate containers weighing with their contents 6.8 kg or less
D	0302-70-20	Russia	8,000	100.0	Sturgeon roe, fresh or chilled
D	0305-10-40	Thailand	13,962	68.7	Flours, meals and pellets of fish, fit for human consumption, other than in bulk or immediate containers weighing contents over 6.8 kg each
	0306-24-20	Venezuela	12,119,363	48.7	Crabmeat, not frozen
D	0402-21-75	Trinidad	42,600	62.0	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/35%, subject to add. US note 9 to Ch.4
D	0402-29-05	Colombia	133,627	87.3	Milk & cream, concen, sweetened, in powder, granules or other solid forms, w/fat content o/1.5%, subject to gen. note 15
D	0402-29-10	Costa Rica	8,663	100.0	Milk & cream, concen, sweetened, in powder, granules or other solid forms, w/fat content o/1.5%, subject to add. US note 10 to Ch.4
D	0402-99-06	Colombia	96,237	100.0	Condensed milk, sweetened, not in airtight containers, subject to gen. note 15 of the HTS
D	0405-20-10	Honduras	172,480	83.9	Butter substitute dairy spreads, over 45% butterfat weight, subject to general note 15 (outside quota)
D	0405-20-80	Poland	72,460	74.7	Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional US note 1
D	0406-20-69	Jamaica	518,525	63.6	Cheese containing or processed from american-type cheese (except cheddar), grated or powdered, subject to add US note 19 to Ch. 4
D	0406-30-69	Jamaica	338,550	82.9	Processed cheese cont/procd fr american-type cheese (ex cheddar), not grated/powdered, subject to add US note 19 to Ch. 4, not GN15
D	0406-90-28	Jamaica	3,707	100.0	Goya cheese, nesoi, subject to gen. note 15 of the HTS
	0603-10-60	Colombia	128,130,573	67.1	Roses, fresh cut
	0603-10-70	Colombia	78,665,184	91.0	Chrysanthemums, standard carnations, anthuriums and orchids, fresh cut
D	0703-10-30	Chile	19,440	61.4	Pearl onions not over 16 mm in diameter, fresh or chilled
D	0705-29-00	Chile	1,847,505	52.6	Chicory, other than witloof chicory, fresh or chilled
D	0708-10-20	Guatemala	1,564,903	51.9	Peas, fresh or chilled, shelled or unshelled, if entered July 1 to Sept. 30, inclusive, in any year
D	0708-90-30	Ecuador	249,229	91.7	Pigeon peas, fresh or chilled, shelled or unshelled, if entered Oct. 1 through the following June 30, inclusive
D	0709-20-10	Peru	14,178,443	94.9	Asparagus, fresh or chilled, not reduced in size, if entered September 15 to November 15, inclusive, and transported to the U.S. by air
D	0710-29-15	India	60,386	100.0	Lentils, uncooked or cooked by steaming or boiling in water, frozen
D	0710-29-30	Ecuador	397,872	72.6	Pigeon peas, uncooked or cooked by steaming or boiling in water, frozen, if entered Oct. 1 through the following June 30, inclusive
D	0710-80-93	Guatemala	2,740,953	66.4	Okra, reduced in size, frozen
D	0711-40-00	India	2,899,919	77.7	Cucumbers including gherkins, provisionally preserved but unsuitable in that state for immediate consumption
D	0712-90-30	Peru	74,221	58.5	Dried potatoes, whether or not cut or sliced but not further prepared
D	0713-90-10	Chile	24,575	85.2	Seeds of leguminous vegetables nesi, of a kind used for sowing
D	0714-10-10	Costa Rica	5,964,805	88.8	Cassava (manioc), frozen, whether or not sliced or in the form of pellets
D	0714-10-20	Costa Rica	9,910,872	95.8	Cassava (manioc), fresh, chilled or dried, whether or not sliced or in the form of pellets
D	0714-20-10	Dominican Republic	33,165	55.5	Sweet potatoes, frozen, whether or not sliced or in the form of pellets
D	0714-20-20	Dominican Republic	1,732,976	91.0	Sweet potatoes, fresh, chilled or dried, whether or not sliced or in the form of pellets
	0714-90-20	Jamaica	8,744,775	43.0	Fresh or chilled yams, whether or not sliced or in the form of pellets
D	0714-90-40	Costa Rica	677,571	63.1	Fresh or chilled arrowroot, salep, Jerusalem artichokes and similar roots and tubers nesoi, whether or not sliced or in the form of pellets
D	0804-30-20	Costa Rica	782,279	53.8	Pineapples, fresh or dried, not reduced in size, in bulk
	0804-30-40	Costa Rica	155,729,428	87.3	Pineapples, fresh or dried, not reduced in size, in crates or other packages
D	0805-90-01	Jamaica	1,099,900	81.5	Citrus fruit, nesi, fresh or dried, including kumquats, citrons and bergamots
D	0809-40-40	Guatemala	120,148	75.3	Plums, prunes and sloes, fresh, if entered during the period from June 1 through December 31, inclusive
D	0811-90-10	Costa Rica	4,700,809	65.9	Bananas and plantains, frozen, in water or containing added sweetening
D	0811-90-40	Costa Rica	344,600	55.2	Papayas, frozen, in water or containing added sweetening
D	0811-90-50	Costa Rica	2,878,924	67.6	Pineapples, frozen, in water or containing added sweetening
D	0811-90-55	Guatemala	1,537,563	59.6	Melons, frozen, in water or containing added sweetening
D	0813-40-80	Thailand	782,587	48.9	Tamarinds, dried
	0904-20-76	India	8,142,285	51.1	Fruits of the genus capsicum, ground, nesoi
D	1106-30-20	Ecuador	66,034	67.4	Flour, meal and powder of banana and plantain
D	1509-90-40	Turkey	7,057,770	44.5	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container 18 kg or over
D	1515-90-60	Argent	957,940	52.4	Jojoba oil and its fractions, whether or not refined, not chemically modified
	1602-50-09	Brazil	13,447,984	81.4	Prepared or preserved meat of bovine animals, cured or pickled, not containing cereals or vegetables
D	1701-91-42	Colombia	24,042	64.6	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/65% by wt. sugar, descr. in Ch17 US note 2, subj. to gen nte 15
D	1702-30-22	Jamaica	54,227	100.0	Glucose & glucose syrup nt containing or containing in dry state less than 20% fructose; blended, see gen. note 15 of the schedule & prov.
D	1702-90-35	Guatemala	1,427,003	100.0	Invert molasses
D	1703-90-30	India	74,802	44.2	Molasses, other than cane, imported for (a) the commercial extraction of sugar or (b) human consumption

FLAGS: '1'=Excluded January/June; 'D'=De minimus

List II : Items Approaching Competitive Need Limits

2003 U.S. Imports - January through October

Flag	HTSUS	Partner	Imports	Share%	Article Description
	1703-90-50	Dominican Republic	10,324,145	54.3	Molasses nesi
D	1806-10-34	Colombia	233,128	87.8	Cocoa powder, sweetened, neosi, subject to add US note 1 to Ch. 18
D	1806-20-78	Chile	7,150	100.0	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, neosi
D	1806-32-55	Dominican Republic	62,160	60.5	Cocoa preps, not filled, in blocks, slabs or bars weighing 2 kg or less, subject to gen. note 15 of the HTS
D	1806-90-01	Chile	122,740	42.6	Cocoa preps, not in blocks/slabs/bars, subj. to gen. note 15 of the HTS
D	1806-90-15	Russia	19,036	72.7	Cocoa preps, o/5.5% butterfat by wt, not in blocks/slabs/bars, subj. to add US note 2 to Ch. 18, not GN15
D	1901-10-15	Colombia	4,860	68.4	Preps for infant use, infant formula containing oligossaccharides and > 10% milk solids, described in add'l U.S. note 2: provisional
D	1901-20-02	Argent	36,919	80.6	Mixes for bakers wares, o/25% butterfat, not retail, subject to gen. note 15 of the HTS
D	1901-20-30	Argent	12,271	100.0	Mixes for bakers wares, o/25% bf, not retail, descr in add US note 1 to Ch. 19: subj. to add. US nte 3 to Ch.19, not GN15
D	2001-90-45	India	210,312	50.5	Mangoes, prepared or preserved by vinegar or acetic acid
D	2004-10-40	Peru	22,933	89.4	Yellow (Solano) potatoes, prepared or preserved otherwise than by vinegar or acetic acid, frozen
D	2005-60-00	Peru	4,129,080	75.8	Asparagus, prepared or preserved otherwise than by vinegar or acetic acid, not frozen
D	2006-00-70	Thailand	1,725,878	44.5	Fruit nesi, and nuts, except mixtures, preserved by sugar (drained, glace or crystallized)
D	2007-10-00	Costa Rica	1,299,968	88.5	Homogenized cooked preparations of fruit put up for retail sale as infant food or for dietetic purposes, in cont. not over 250 grams, net
D	2008-99-13	Costa Rica	8,509,312	78.5	Banana pulp, otherwise prepared or preserved, nesi
D	2008-99-23	Dominican Republic	46,170	62.6	Cashew apples, mameyes colorados, sapodillas, soursops and sweetsops, otherwise prepared or preserved, nesi
D	2008-99-25	Guatemala	140,842	63.4	Dates, otherwise prepared or preserved, nesi
D	2101-12-32	Brazil	11,398	48.3	Preparations with a basis of extracts, essences or concentrates or with a basis of coffee, subject to general note 15 (outside quota)
D	2106-90-28	Costa Rica	142,982	84.3	Butter substitutes o/10% by wt of milk solids, n/o 45% butterfat, neosi
D	2106-90-83	Guatemala	2,180,577	63.4	Food preps, nesoi, n/o 10% by wt of milk solids, subject to gen. note 15 of the HTS
D	2202-90-36	Dominican Republic	412,593	61.1	Single fruit or vegetable juice (other than orange), fortified with vitamins or minerals, not concentrated
D	2207-10-30	Barbados	1,773,890	53.4	Undenatured ethyl alcohol of 80 percent vol. alcohol or higher, for beverage purposes
D	2401-10-63	Honduras	1,250,500	82.9	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, flue-cured burley, etc., described in addl US note 5 to chap 24
D	2401-30-27	Dominican Republic	548,159	74.7	Tobacco refuse, from other tobacco, other than for cigarettes,tother than tobacco stems
D	2401-30-37	Guatemala	40,152	69.7	Tobacco refuse, from other tobacco, for cigarettes, described in addl US note 5 to chap 24, not tobacco stems
D	2402-10-30	Dominican Republic	7,912,632	54.6	Cigars, cheroots and cigarillos containing tobacco, each valued less than 15 cents
D	2402-10-60	Dominican Republic	8,932,988	68.5	Cigars, cheroots and cigarillos containing tobacco, each valued 15 cents or over but less than 23 cents
	2402-10-80	Dominican Republic	141,466,396	69.3	Cigars, cheroots and cigarillos containing tobacco, each valued 23 cents or over
	2603-00-00	Chile	10,245,916	60.1	Copper ores and concentrates
	2819-10-00	Turkey	7,647,575	45.8	Chromium trioxide
D	2827-41-00	Chile	974,261	56.7	Chloride oxides and chloride hydroxides of copper
D	2903-69-08	Brazil	1,057,491	93.9	p-Chlorobenzotrifluoride; and 3,4-Dichlorobenzotrifluoride
D	2910-20-00	Brazil	1,237,937	73.4	Methyloxirane (Propylene oxide)
D	2914-29-10	Czech R	643,724	56.9	Isophorone
D	2915-12-00	Turkey	2,713,071	50.3	Salts of formic acid
D	2915-35-00	Brazil	54,830	59.0	2-Ethoxyethyl acetate (Ethylene glycol, monoethyl ether acetate)
D	2921-42-21	India	145,183	96.9	Metanilic acid
D	2921-42-65	India	772,574	57.8	Aniline derivatives and their salts of products in additional U.S. note 3 to section VI
D	2921-43-19	Hungary	4,538	44.6	alpha,alpha,alpha-Trifluoro-o-toluidine; alpha,alpha,alpha-trifluoro-6-chloro-m-toluidine
D	2922-22-50	India	711,131	51.4	Other anisidines, dianisidines, phenetidines, and their salts, nesoi
D	2928-00-10	Colombia	233,042	71.6	Methyl ethyl ketoxime
D	2933-71-00	Brazil	1,132,662	46.5	6-Hexanelactam (epsilon-Caprolactam)
D	2934-10-20	India	6,138,802	79.3	Aromatic or modified aromatic heterocyclic compounds, nesoi, containing an unfused thiazole ring
D	2934-99-18	Brazil	1,430,996	93.8	Aromatic or modified aromatic pesticides nesoi, of other heterocyclic compounds, nesoi
D	3603-00-30	Brazil	1,577,058	58.0	Safety fuses or detonating fuses
	3921-12-19	Colombia	24,631,710	47.9	Nonadhesive plates, sheets, film, foil and strip, cellular, of polymers of vinyl chloride, combined with textile materials, nesoi
D	3926-20-30	Indonesia	4,268,543	47.8	Gloves specially designed for use in sports, nesoi, of plastics
D	4012-11-80	India	160,559	64.3	Retreaded pnuematic tires (nonradials), of rubber, of a kind used on motor cars (including station wagons and racing cars)
D	4101-90-40	Argentina	7,057	90.2	Raw bovine hides and skins (other than whole), vegetable pretanned but not further prepared
D	4104-11-50	Brazil	1,929,321	60.3	Full grain unsplit/grain split bovine (except buffalo) nesoi and equine hides/skins, w/o hair, tanned not further prepared, in the wet state
D	4104-41-30	Brazil	119,700	46.2	Crust full grain unsplit or grain split buffalo hides and skins, surface area over 2.6 m2, without hair on, tanned but not further prepared
D	4106-21-10	Peru	27,822	76.5	Hides and skins of goats or kids, without hair on, tanned but not further prepared, wet blue

FLAGS: '1'=Excluded January/June; 'D'=De minimus

List II : Items Approaching Competitive Need Limits

2003 U.S. Imports - January through October

Flag	HTSUS	Partner	Imports	Share%	Article Description
D	4107-11-40	India	29,985	72.1	Full grain unsplit whole buffalo leather, without hair on, surface over 2.6 sq m, prepared after tanning or crusting, not heading 4114
	4107-11-80	Argentina	12,491,419	59.7	Full grain unsplit whole bovine (not buffalo) nesoi and equine leather nesoi, w/o hair, prepared after tanning or crusting, fancy, not 4114
D	4107-12-70	Dominican Republic	1,996,277	68.0	Grain split whole bovine (not buffalo) nesoi and equine nesoi leathers, w/o hair on, prepared after tanning or crusting, not fancy, not 4114
D	4107-92-40	India	41,882	65.8	Grain splits buffalo leather (not whole), without hair on, prepared after tanning or crusting, other than of heading 4114
D	4202-22-35	Phillipines	76,555	69.2	Handbags with or without shoulder strap or without handle, with outer surface of textile materials, wholly or in part of braid, of abaca
D	4202-92-04	Phillipines	574,153	87.4	Insulated beverage bags, outer surface of textile materials, interior only flexible plastic container store & dispense beverage thru tube
D	4412-13-25	Brazil	1,555,050	92.3	Plywood sheet n/o 6 mm thick,tropical hard wood outer ply, face ply of Spanish cedar or walnut, not surface-covered beyond clear/transparent
D	4412-13-60	Brazil	2,713,464	46.4	Plywood sheets n/o 6 mm thick, with certain specified tropical wood outer ply, surface covered beyond clear or transparent
D	4412-14-25	Brazil	2,366,616	78.7	Plywood sheet n/o 6 mm thick,outer ply of nontropical hardwood,face ply Spanish Cedar or walnut,not surface-covered beyond clear/transparent
D	4412-92-51	Guyana	179,423	73.6	Plywood nesoi,softwood outer plies, at least 1 ply trop. hardwood, no particle board, surface covered other than clear or transparent
D	4602-10-23	Phillipines	85,444	95.6	Articles of a kind normally carried in the pocket or in the handbag, of rattan or of palm leaf
D	4802-20-40	Indonesia	1,488,962	56.7	Uncoated paper and paperboard of a kind used for photo-sensitive/heat-sensitve/eletro-sensitive paper/paperboard, in rolls or sheets nesoi
D	4802-56-30	Egypt	2,400	100.0	India & bible paper, wt 40 g/m2-150 g/m2, n/o 10% by wt. total fiber content obtained by mechanical/chemi- process, in certain size sheets
D	4802-56-60	Colombia	16,810	100.0	Other basic paper be sensitized use in photography, wt. 40g/m2-150g/m2, n/o 10% total fiber by mechanical/chemi- process, other sized sheets
D	4802-69-10	Indonesia	654,181	42.7	Writing & cover paper, of which over 10% by weight total fiber content consists of fiber obtained by mechanical process, sheets nesoi
D	4810-29-50	Indonesia	27,997	44.9	Printed/embossed/perforated paper/paperboard for graphic, coated w/inorganic, > 10% fiber by mechanical/chemi- process, rolls/sheets nesoi
D	4816-20-00	Indonesia	8,205,132	65.1	Self-copy paper, nesi
D	5007-10-30	India	2,001,933	63.2	Woven fabrics of noil silk, containing 85 percent or more by weight of silk or silk waste
D	5702-99-20	India	8,208,982	81.0	Carpets & other textile floor coverings, not of pile construction, woven, made up, of other textile materials nesoi
D	6406-10-05	Dominican Republic	5,876,148	80.0	Formed uppers for footwear, of leather/composition leather, for men, youths and boys
D	6406-10-10	Dominican Republic	1,200,733	94.2	Formed uppers for footwear, of leather/composition leather, for women, misses, children and infants
	6802-91-25	Turkey	94,051,465	53.9	Monumental or building stone & arts. thereof, of travertine, further worked than dressed or polished, nesoi
D	7010-90-30	Panama	1,917,529	48.0	Glass containers for convey/pack perfume/toilet preps & containers with/designed for ground glass stopper, not made by automatic machine
	7113-19-25	Turkey	34,182,396	54.1	Gold mixed link necklaces and neck chains
	7202-41-00	Kazakhstan	66,100,762	46.0	Ferrochromium containing by weight more than 4 percent of carbon
D	7202-99-20	Brazil	745,496	44.8	Calcium silicon
D	7306-20-10	Colombia	3,888,938	68.5	Iron or nonalloy steel, seamed, w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind used in drill. oil/gas
D	7307-21-10	India	2,254,269	49.2	Stainless steel, flanges for tubes/pipes, forged, not machined, not tooled and not otherwise processed after forging
D	7403-12-00	Peru	93,932	94.2	Refined copper, wire bars
D	7407-21-70	Brazil	1,670,293	48.3	Copper-zinc base alloys (brass), bars & rods nesoi, having a rectangular cross section
D	7407-22-50	Russia	5,514,932	52.7	Copper-nickel base alloys (cupro-nickel) or copper-nickel-zinc base alloys (nickel silver), bars & rods
	7408-19-00	Brazil	30,051,962	52.2	Refined copper, wire, w/maximum cross-sectional dimension of 6 mm or less
D	8103-90-00	Kazakhstan	3,103,970	43.0	Tantalum, articles nesoi
D	8112-19-00	Kazakhstan	1,536,940	90.9	Beryllium, articles nesoi
D	8402-11-00	Peru	336,454	59.2	Watertube boilers with a steam production exceeding 45 tons per hour
D	8528-12-44	Thailand	39,775	78.4	High definition color television reception apparatus, nonprojection, with cathode-ray tube, incorporating a VCR or player
	9001-40-00	Indonesia	7,701,818	46.4	Spectacle lenses of glass, unmounted
D	9507-20-40	Phillipines	2,034,553	53.4	Fish hooks, snelled
D	9614-20-60	Turkey	115,879	88.3	Smoking pipes and bowls, wholly of clay, and other smoking pipes w/bowls wholly of clay

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List III : Possible de Minimis Items

2003 U.S. Imports - January through October

Flag	HTSUS	Partner	Imports	Share %	Article Description
D	0202-30-02	Costa Rica	30,080	100.0	High-qual. beef cuts, boneless, processed, frozen, descr in gen. note 15 of the HTS
D	0202-30-06	Uruguay	0	54.9	Bovine meat cuts, boneless, not processed, frozen, descr in gen. note 15 of the HTS
D	0208-50-00	Salvador	15,839	100.0	Meat and edible offal of reptiles, fresh, chilled or frozen
D	0302-69-10	Ecuador	772,357	52.1	Fish, nesi, excl. fillets, livers and roes, fresh or chilled, scaled, in immediate containers weighing with their contents 6.8 kg or less
D	0302-70-20	Russia	8,000	100.0	Sturgeon roe, fresh or chilled
D	0305-10-40	Thailand	13,962	68.7	Flours, meals and pellets of fish, fit for human consumption, other than in bulk or immediate containers weighing contents over 6.8 kg each
D	0305-69-40	Chile	0	61.2	Salmon, in brine or salted but not dried or smoked
D	0305-69-60	Phillipines	640,638	58.7	Fish, nesi, in brine or salted but not dried or smoked, other than in immediate containers weighing with their contents 6.8 kg or less each
D	0402-10-05	Guyana	0	100.0	Milk & cream, concen or sweetened, in powder, granules or other solid forms, w/fat content by weight not o/1.5%, subj to GN15
D	0402-21-02	Costa Rica	5,292	100.0	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/1.5% but not o/3%, subj to GN15
D	0402-21-05	Poland	0	58.6	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/1.5% but not o/3%, subj Ch4 US note 7
D	0402-21-75	Trinidad	42,600	62.0	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/35%, subject to add. US note 9 to Ch.4
D	0402-29-05	Colombia	133,627	87.3	Milk & cream, concen, sweetened, in powder, granules or other solid forms, w/fat content o/1.5%, subject to gen. note 15
D	0402-29-10	Costa Rica	8,663	100.0	Milk & cream, concen, sweetened, in powder, granules or other solid forms, w/fat content o/1.5%, subject to add. US note 10 to Ch.4
D	0402-91-03	Phillipines	0	86.5	Milk & cream, concen, in non-solid forms, not sweetened, in airtight containers, subject to gen. note 15 of the HTS
D	0402-99-06	Colombia	96,237	100.0	Condensed milk, sweetened, not in airtight containers, subject to gen. note 15 of the HTS
D	0402-99-10	Brazil	0	74.2	Condensed milk, sweetened, in airtight containers, subject to add. US note 11 to Ch.4
D	0403-10-05	Pakistan	0	100.0	Yogurt, in dry form, whether or not flavored or containing add fruit or cocoa, subject to gen. note 15 of the HTS
D	0403-90-61	Brazil	0	100.0	Sour cream, dried, o/35% but n/o 45% by wt. butterfat, subject to add. US note 9 to Ch. 4
D	0405-20-10	Honduras	172,480	83.9	Butter substitute dairy spreads, over 45% butterfat weight, subject to general note 15 (outside quota)
D	0405-20-80	Poland	72,460	74.7	Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional US note 1
D	0406-20-55	Jordan	0	57.5	Cheeses made from sheep's milk, including mixtures of such cheeses, grated or powdered
D	0406-20-69	Jamaica	518,525	63.6	Cheese containing or processed from american-type cheese (except cheddar), grated or powdered, subject to add US note 19 to Ch. 4
D	0406-20-77	Argentina	0	100.0	Cheese containing or processed from italian-type cheeses made from cow's milk, grated or powdered, subject to add US note 21 to Ch. 4
D	0406-20-95	Jordan	0	48.0	Cheese (including mixtures), nesoi, o/0.5% by wt of butterfat, not containing cow's milk, grated or powdered
D	0406-30-69	Jamaica	338,550	82.9	Processed cheese cont/procd fr american-type cheese (ex cheddar), not grated/powdered, subject to add US note 19 to Ch. 4, not GN15
D	0406-90-28	Jamaica	3,707	100.0	Goya cheese, nesoi, subject to gen. note 15 of the HTS
D	0406-90-38	Russia	0	100.0	Sbrinz cheese not from cow's milk, nesoi, not subject to gen. note 15 or to add. US note 21 to Ch. 4
D	0406-90-66	Argentina	0	60.2	Cheeses & subst. for cheese(incl. mixt.), nesoi, w/romano/reggiano/parmesan/provolone/etc, f/cow milk, subj. Ch4 US note 21, not GN15
D	0410-00-00	Indonesia	4,231,114	61.6	Edible products of animal origin, nesi
D	0703-10-30	Chile	19,440	61.4	Pearl onions not over 16 mm in diameter, fresh or chilled
D	0705-29-00	Chile	1,847,505	52.6	Chicory, other than witloof chicory, fresh or chilled
D	0708-10-20	Guatemala	1,564,903	51.9	Peas, fresh or chilled, shelled or unshelled, if entered July 1 to Sept. 30, inclusive, in any year
D	0708-90-30	Ecuador	249,229	91.7	Pigeon peas, fresh or chilled, shelled or unshelled, if entered Oct. 1 through the following June 30, inclusive
D	0709-20-10	Peru	14,178,443	94.9	Asparagus, fresh or chilled, not reduced in size, if entered September 15 to November 15, inclusive, and transported to the U.S. by air
D	0710-29-15	India	60,386	100.0	Lentils, uncooked or cooked by steaming or boiling in water, frozen
D	0710-29-30	Ecuador	397,872	72.6	Pigeon peas, uncooked or cooked by steaming or boiling in water, frozen, if entered Oct. 1 through the following June 30, inclusive
D	0710-80-40	Turkey	0	50.2	Tomatoes, uncooked or cooked by steaming or boiling in water, frozen, if entered Mar. 1 thru July 14, incl. or Sept. 1 thru Nov. 14, incl.
D	0710-80-45	Turkey	0	77.8	Tomatoes, uncooked or cooked by steaming or boiling in water, frozen, if entered July 15 through August 31, inclusive, in any year
D	0710-80-93	Guatemala	2,740,953	66.4	Okra, reduced in size, frozen
D	0711-40-00	India	2,899,919	77.7	Cucumbers including gherkins, provisionally preserved but unsuitable in that state for immediate consumption
D	0711-59-10	Indonesia	0	45.8	Mushrooms other than of the genus Agaricus, provisionally preserved but unsuitable in that state for immediate consumption
D	0712-90-20	Morocco	0	70.2	Dried olives, ripe
D	0712-90-30	Peru	74,221	58.5	Dried potatoes, whether or not cut or sliced but not further prepared
D	0712-90-70	Egypt	342,585	63.8	Dried fennel, marjoram, savory and tarragon nesi, whole, cut, sliced, broken or in powder, but not further prepared
D	0712-90-78	Turkey	0	61.5	Dried tomatoes, whole, cut, sliced, or broken, but not further prepared
D	0713-40-20	India	0	59.0	Dried lentils, shelled
D	0713-90-10	Chile	24,575	85.2	Seeds of leguminous vegetables nesi, of a kind used for sowing
D	0714-10-10	Costa Rica	5,964,805	88.8	Cassava (manioc), frozen, whether or not sliced or in the form of pellets
D	0714-10-20	Costa Rica	9,910,872	95.8	Cassava (manioc), fresh, chilled or dried, whether or not sliced or in the form of pellets

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List III : Possible de Minimis Items

2003 U.S. Imports - January through October

Flag	HTSUS	Partner	Imports	Share %	Article Description
D	0714-20-10	Dominican Republic	33,165	55.5	Sweet potatoes, frozen, whether or not sliced or in the form of pellets
D	0714-20-20	Dominican Republic	1,732,976	91.0	Sweet potatoes, fresh, chilled or dried, whether or not sliced or in the form of pellets
D	0714-90-40	Costa Rica	677,571	63.1	Fresh or chilled arrowroot, salep, Jerusalem artichokes and similar roots and tubers nesoi, whether or not sliced or in the form of pellets
D	0802-21-00	Turkey	0	66.8	Hazelnuts or filberts, fresh or dried, in shell
D	0802-22-00	Turkey	0	99.5	Hazelnuts or filberts, fresh or dried, shelled
D	0802-32-00	Brazil	0	52.7	Walnuts, fresh or dried, shelled
D	0802-50-20	Turkey	328,791	78.7	Pistachios, fresh or dried, in shell
D	0804-10-60	Pakistan	0	81.1	Dates, fresh or dried, whole, without pits, packed in units weighing over 4.6 kg
D	0804-20-40	Turkey	0	58.3	Figs, fresh or dried, whole, in units weighing more than 0.5 kg each
D	0804-20-80	Turkey	0	62.1	Figs, fresh or dried, other than whole (including fig paste)
D	0804-30-20	Costa Rica	782,279	53.8	Pineapples, fresh or dried, not reduced in size, in bulk
D	0804-30-60	Thailand	0	81.5	Pineapples, fresh or dried, reduced in size
D	0804-50-80	Phillipines	8,350,651	57.4	Guavas, mangoes, and mangosteens, dried
D	0805-50-20	Chile	0	65.9	Lemons, fresh or dried
D	0805-90-01	Jamaica	1,099,900	81.5	Citrus fruit, nesi, fresh or dried, including kumquats, citrons and bergamots
D	0806-20-10	Chile	0	63.7	Raisins, made from dried seedless grapes
D	0809-40-40	Guatemala	120,148	75.3	Plums, prunes and sloes, fresh, if entered during the period from June 1 through December 31, inclusive
D	0810-60-00	Thailand	795,657	100.0	Durians, fresh
D	0811-90-10	Costa Rica	4,700,809	65.9	Bananas and plantains, frozen, in water or containing added sweetening
D	0811-90-22	Chile	0	100.0	Boysenberries, frozen, in water or containing added sweetening
D	0811-90-40	Costa Rica	344,600	55.2	Papayas, frozen, in water or containing added sweetening
D	0811-90-50	Costa Rica	2,878,924	67.6	Pineapples, frozen, in water or containing added sweetening
D	0811-90-55	Guatemala	1,537,563	59.6	Melons, frozen, in water or containing added sweetening
D	0812-90-20	Morocco	0	100.0	Citrus fruit, provisionally preserved, but unsuitable in that state for immediate consumption
D	0812-90-40	Thailand	0	43.0	Pineapples, provisionally preserved, but unsuitable in that state for immediate consumption
D	0813-30-00	Chile	5,647,604	64.8	Apples, dried
D	0813-40-10	Thailand	1,952,512	96.9	Papayas, dried
D	0813-40-80	Thailand	782,587	48.9	Tamarinds, dried
D	0910-40-40	Turkey	0	93.2	Bay leaves, other than crude or not manufactured
D	1006-20-20	India	0	68.4	Basmati rice, husked
D	1006-20-40	Thailand	0	44.7	Husked (brown) rice, other than Basmati
D	1006-40-00	Thailand	0	73.9	Broken rice
D	1102-30-00	Thailand	1,851,594	48.4	Rice flour
D	1106-30-20	Ecuador	66,034	67.4	Flour, meal and powder of banana and plantain
D	1202-10-40	Egypt	0	100.0	Peanuts (ground-nuts), not roasted or cooked, in shell, subject to add. US note 2 to Ch.12
D	1202-20-40	Argentina	26,653	88.0	Peanuts (ground-nuts), not roasted or cooked, shelled, subject to add. US note 2 to Ch.12
D	1212-30-90	Turkey	0	43.5	Apricot, peach or plum stones and kernels
D	1509-90-40	Turkey	7,057,770	44.5	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container 18 kg or over
D	1512-29-00	Turkey	0	99.4	Cottonseed oil, other than crude, and its fractions, whether or not refined, but not chemically modified
D	1515-21-00	Argentina	0	98.4	Corn (maize) oil, crude, and its fractions, not chemically modified
D	1515-90-60	Argentina	957,940	52.4	Jojoba oil and its fractions, whether or not refined, not chemically modified
D	1601-00-40	Brazil	37,359	46.3	Sausages and similar products of beef, beef offal or blood; food preparations based on these products, in airtight containers
D	1604-11-20	Thailand	0	63.9	Prepared or preserved salmon, whole or in pieces, but not minced, in oil, in airtight containers
D	1604-13-30	Morocco	0	81.9	Sardines, sardinella, brisling or sprats, skinned or boned, in oil, in airtight containers
D	1604-14-22	Thailand	0	49.4	Tunas and skipjack, not in oil, in airtight cont., n/o 7 kg, not of U.S. possessions, product within quota
D	1604-15-00	Chile	6,514,159	52.1	Prepared or preserved mackerel, whole or in pieces, but not minced
D	1605-90-10	Thailand	3,062,154	47.8	Boiled clams in immediate airtight containers, the contents of which do not exceed 680 g gross weight
D	1605-90-55	Indonesia	736,842	43.9	Prepared or preserved snails, other than sea snails
D	1701-11-05	Brazil	0	100.0	Cane sugar, raw, in solid form, w/o added flavoring or coloring, subject to gen. note 15 of the HTS
D	1701-91-10	Phillipines	0	66.4	Cane/beet sugar & pure sucrose, refined, solid, w/added coloring but not flav., subject to add. US 5 to Ch.17

FLAGS: '1'=Excluded January/October; 'D'=De minimis

List III : Possible de Minimis Items

2003 U.S. Imports - January through October

Flag	HTSUS	Partner	Imports	Share %	Article Description
D	1701-91-42	Colombia	24,042	64.6	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/65% by wt. sugar, descr. in Ch17 US note 2, subj. to gen nte 15
D	1701-99-05	Brazil	0	59.7	Cane/beet sugar & pure sucrose, refined, solid, w/o added coloring or flavoring, subject to gen. note 15 of the HTS
D	1702-30-22	Jamaica	54,227	100.0	Glucose & glucose syrup nt containing or containing in dry state less than 20% fructose; blended, see gen. note 15 of the schedule & prov.
D	1702-90-35	Guatemala	1,427,003	100.0	Invert molasses
D	1703-90-30	India	74,802	44.2	Molasses, other than cane, imported for (a) the commercial extraction of sugar or (b) human consumption
D	1806-10-34	Colombia	233,128	87.8	Cocoa powder, sweetened, neosi, subject to add US note 1 to Ch. 18
D	1806-10-43	Brazil	36,853	100.0	Cocoa powder, o/90% by dry wt of sugar, subject to gen. note 15 of the HTS
D	1806-20-22	Brazil	0	100.0	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, subj. to gen. note 15 of the HTS
D	1806-20-78	Chile	7,150	100.0	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, neosi
D	1806-32-55	Dominican Republic	62,160	60.5	Cocoa preps, not filled, in blocks, slabs or bars weighing 2 kg or less, subject to gen. note 15 of the HTS
D	1806-90-01	Chile	122,740	42.6	Cocoa preps, not in blocks/slabs/bars, subj. to gen. note 15 of the HTS
D	1806-90-15	Russia	19,036	72.7	Cocoa preps, o/5.5% butterfat by wt, not in blocks/slabs/bars, subj. to add US note 2 to Ch. 18, not GN15
D	1901-10-15	Colombia	4,860	68.4	Preps for infant use, infant formula containing oligossaccharides and > 10% milk solids, described in add'l U.S. note 2: provisional
D	1901-20-02	Argentina	36,919	80.6	Mixes for bakers wares, o/25% butterfat, not retail, subject to gen. note 15 of the HTS
D	1901-20-30	Argentina	12,271	100.0	Mixes for bakers wares, o/25% bf, not retail, descr in add US note 1 to Ch. 19: subj. to add. US nte 3 to Ch.19, not GN15
D	1901-20-45	Argentina	0	100.0	Mixes for bakers wares (dairy prod. of Ch4 US note 1), n/o 25% bf, not retail, subj. to add. US nte 10 to Ch.4, not GN15
D	1901-90-20	Brazil	0	52.7	Malt extract, solid or condensed
D	1903-00-40	Thailand	0	70.6	Tapioca and substitutes, prepared from starch nesi, in the form of flakes, grains, pearls, siftings or in similar forms
D	2001-90-45	India	210,312	50.5	Mangoes, prepared or preserved by vinegar or acetic acid
D	2004-10-40	Peru	22,933	89.4	Yellow (Solano) potatoes, prepared or preserved otherwise than by vinegar or acetic acid, frozen
D	2005-60-00	Peru	4,129,080	75.8	Asparagus, prepared or preserved otherwise than by vinegar or acetic acid, not frozen
D	2006-00-40	Thailand	0	83.7	Pineapples, preserved by sugar (drained, glace or crystallized)
D	2006-00-70	Thailand	1,725,878	44.5	Fruit nesi, and nuts, except mixtures, preserved by sugar (drained, glace or crystallized)
D	2007-10-00	Costa Rica	1,299,968	88.5	Homogenized cooked preparations of fruit put up for retail sale as infant food or for dietetic purposes, in cont. not over 250 grams, net
D	2008-11-25	Argentina	2,707,270	52.2	Blanched peanuts, subject to add. US note 2 to Ch. 12, not GN15
D	2008-19-20	Turkey	0	83.2	Filberts, otherwise prepared or preserved, nesi
D	2008-19-30	Turkey	199,429	49.3	Pignolia and pistachio nuts, otherwise prepared or preserved, nesi
D	2008-30-66	India	0	42.1	Limes (other than peel or pulp), otherwise prepared or preserved, not elsewhere specified or included
D	2008-50-20	Argentina	0	50.7	Apricot pulp, otherwise prepared or preserved, nesi
D	2008-99-13	Costa Rica	8,509,312	78.5	Banana pulp, otherwise prepared or preserved, nesi
D	2008-99-23	Dominican Republic	46,170	62.6	Cashew apples, mameyes colorados, sapodillas, soursops and sweetsops, otherwise prepared or preserved, nesi
D	2008-99-25	Guatemala	140,842	63.4	Dates, otherwise prepared or preserved, nesi
D	2008-99-35	Thailand	3,015,153	83.5	Lychees and longans, otherwise prepared or preserved, nesi
D	2008-99-45	Phillipines	95,822	44.2	Papaya pulp, otherwise prepared or preserved, nesi
D	2008-99-50	Thailand	1,551,420	52.9	Papayas, other than pulp, otherwise prepared or preserved, nesi
D	2009-31-60	Argentina	0	48.6	Citrus juice of any single citrus fruit, Brix value not exceeding 20, nesoi, (including lemon), concentrated
D	2009-39-60	Argentina	0	66.7	Citrus juice of any single citrus fruit, Brix value exceeding 20, nesoi, (including lemon)
D	2009-41-20	Thailand	0	44.3	Pineapple juice, Brix value not exceeding 20, not concentrated, or not having a degree of concentration of more than 3.5 degrees
D	2009-61-00	Argentina	0	61.1	Grape juice (including grape must), Brix value not exceeding 30, concentrated or not concentrated
D	2009-80-40	Chile	0	86.1	Prune juice, concentrated or not concentrated
D	2101-12-32	Brazil	11,398	48.3	Preparations with a basis of extracts, essences or concentrates or with a basis of coffee, subject to general note 15 (outside quota)
D	2106-90-28	Costa Rica	142,982	84.3	Butter substitutes o/10% by wt of milk solids, n/o 45% butterfat, neosi
D	2106-90-83	Guatemala	2,180,577	63.4	Food preps, nesoi, n/o 10% by wt of milk solids, subject to gen. note 15 of the HTS
D	2106-90-95	Thailand	0	47.8	Food preps, nesoi, n/o 10% milk solids, o/10% sugar, descr. in add US note 3 to Ch.17, subject to add US note 8 to Ch. 17, not GN15
D	2202-90-36	Dominican Republic	412,593	61.1	Single fruit or vegetable juice (other than orange), fortified with vitamins or minerals, not concentrated
D	2207-10-30	Barbado	1,773,890	53.4	Undenatured ethyl alcohol of 80 percent vol. alcohol or higher, for beverage purposes
D	2305-00-00	Argentina	753,498	96.2	Oilcake and other solid residues, resulting from the extraction of peanut (ground-nut) oil
D	2306-30-00	Argentina	4,602,976	100.0	Oilcake and other solid residues, resulting from the extraction of vegetable fats or oils, of sunflower seeds
D	2401-10-61	Brazil	0	61.1	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, flue-cured burley etc, not for cigarettes
D	2401-10-63	Honduras	1,250,500	82.9	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, flue-cured burley, etc., described in addl US note 5 to chap 24

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List III : Possible de Minimis Items

2003 U.S. Imports - January through October

Flag	HTSUS	Partner	Imports	Share %	Article Description
D	2401-20-31	Argentina	0	61.2	Tobacco, partly or wholly stemmed/stripped, n/threshed or similarly proc., not or n/over 35% wrapper, flue-cured burley etc, not for cigaret
D	2401-30-27	Dominican Republic	548,159	74.7	Tobacco refuse, from other tobacco, other than for cigarettes,tother than tobacco stems
D	2401-30-37	Guatemala	40,152	69.7	Tobacco refuse, from other tobacco, for cigarettes, described in addl US note 5 to chap 24, not tobacco stems
D	2402-10-30	Dominican Republic	7,912,632	54.6	Cigars, cheroots and cigarillos containing tobacco, each valued less than 15 cents
D	2402-10-60	Dominican Republic	8,932,988	68.5	Cigars, cheroots and cigarillos containing tobacco, each valued 15 cents or over but less than 23 cents
D	2403-10-60	Brazil	0	69.3	Smoking tobacco, whether or not containing tobacco substitutes, other, to be used in cigarettes, described in addl US note 5 to chap 24
D	2403-91-43	Egypt	0	92.0	"Homogenized" or "reconstituted" tobacco, not suitable for use as wrapper tobacco, to be used in products other than cigarettes
D	2403-99-20	India	0	61.8	Other manufactured tobacco, tobacco substitutes, tobacco extracts or essences, prepared for marketing directly to consumer as packaged
D	2403-99-30	Jordan	0	72.3	Other manufactured tobacco, tobacco substitutes, tobacco extracts or essences, other, to be used in products other than cigarettes
D	2515-12-20	Turkey	773,680	71.1	Travertine, merely cut into blocks or slabs of a rectangular (including square) shape
D	2710-99-10	Venezuela	0	99.9	Wastes of distillate and residual fuel oil (including blends) derived from petroleum oil/bituminous minerals, testing 25 degrees A.P.I. or >
D	2804-29-00	Russia	6,772,562	66.3	Rare gases, other than argon
D	2805-19-90	Russia	0	67.6	Alkali metals, other than sodium
D	2827-41-00	Chile	974,261	56.7	Chloride oxides and chloride hydroxides of copper
D	2832-30-10	India	0	63.0	Sodium thiosulfate
D	2836-70-00	India	0	100.0	Lead carbonate
D	2836-91-00	Chile	10,598,359	74.3	Lithium carbonates
D	2840-11-00	Turkey	0	87.0	Anhydrous disodium tetraborate (refined borax)
D	2840-19-00	Turkey	3,889,379	95.6	Disodium tetraborate (refined borax) except anhydrous
D	2841-50-10	Kazakhstan	29,600	43.4	Potassium dichromate
D	2841-61-00	Czech Republic	1,437,333	58.7	Potassium permanganate
D	2841-70-10	Chile	5,582,698	63.8	Ammonium molybdate
D	2850-00-20	Russia	108,180	58.4	Hydride, nitride, azide, silicide and boride of vanadium
D	2903-51-00	Romania	427,500	83.9	1,2,3,4,5,6-Hexachlorocyclohexane
D	2903-61-10	India	0	87.1	Chlorobenzene
D	2903-62-00	India	0	100.0	Hexachlorobenzene and DDT (1,1,1-Trichloro-2,2-bis(p-chlorophenyl)ethane)
D	2903-69-08	Brazil	1,057,491	93.9	p-Chlorobenzotrifluoride; and 3,4-Dichlorobenzotrifluoride
D	2908-10-10	India	3,860	60.3	6-Chloro-m-cresol [OH=1]; m-chlorophenol; and chlorothymol
D	2909-50-40	Indonesia	3,008,610	64.1	Odoriferous or flavoring compounds of ether-phenols, ether-alcohol-phenols & their halogenated, sulfonated, nitrated, nitrosated derivatives
D	2910-20-00	Brazil	1,237,937	73.4	Methyloxirane (Propylene oxide)
D	2912-49-10	India	0	51.9	p-Anisaldehyde
D	2914-29-10	Czech Republic	643,724	56.9	Isophorone
D	2914-69-10	India	0	57.7	Photographic chemicals of quinones
D	2915-12-00	Turkey	2,713,071	50.3	Salts of formic acid
D	2915-35-00	Brazil	54,830	59.0	2-Ethoxyethyl acetate (Ethylene glycol, monoethyl ether acetate)
D	2916-39-15	India	0	93.1	Ibuprofen
D	2917-19-10	Hungary	1,385,554	76.9	Ferrous fumarate
D	2918-21-10	Brazil	1,975,270	46.2	Salicylic acid and its salts, suitable for medicinal use
D	2918-23-30	India	175,971	59.1	Esters of salicylic acid and their salts, described in additional U.S. note 3 to section VI
D	2918-90-05	India	0	83.3	p-Anisic acid; clofibrate; 1,6-hexanediol-bis(3,5-dibutyl-4-hydroxyphenyl)propionate; and 3-phenoxybenzoic acid
D	2921-42-10	Hungary	0	61.3	N,N-Dimethylaniline
D	2921-42-15	India	0	84.8	N-Ethylaniline and N,N-diethylaniline
D	2921-42-21	India	145,183	96.9	Metanilic acid
D	2921-42-23	India	0	94.5	3,4-Dichloroaniline
D	2921-42-55	India	0	99.1	Fast color bases of aniline derivatives and their salts
D	2921-42-65	India	772,574	57.8	Aniline derivatives and their salts of products in additional U.S. note 3 to section VI
D	2921-43-08	India	0	62.0	4-Chloro-o-toluidine hydrochloride; 5-chloro-o-o-toluidine; 6-chloro-2-toluidine-sulfonic acid; 4-chloro-a,a,a-trifluoro-o-toluidine;& other
D	2921-43-19	Hungary	4,538	44.6	alpha,alpha,alpha-Trifluoro-o-toluidine; alpha,alpha,alpha-trifluoro-6-chloro-m-toluidine
D	2922-21-10	India	1,482,056	45.1	1-Amino-8-hydroxy-3,6-naphthalenedisulfonic acid; and other specified aminohydroxynaphthalenesulfonic acids and their salts
D	2922-22-20	India	0	94.0	Anisidines, dianisidines, phenetidines, and their salts, described in additional U.S. note 3 to section VI

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List III : Possible de Minimis Items

2003 U.S. Imports - January through October

Flag	HTSUS	Partner	Imports	Share %	Article Description
D	2922-22-50	India	711,131	51.4	Other anisidines, dianisidines, phenetidines, and their salts, nesoi
D	2924-21-18	Hungary	0	100.0	sym-Diethyldiphenylurea
D	2926-90-08	India	0	72.7	Benzonitrile
D	2928-00-10	Colombia	233,042	71.6	Methyl ethyl ketoxime
D	2931-00-25	Brazil	523,917	100.0	Pesticides of aromatic organo-inorganic (except organo-sulfur) compounds
D	2932-19-10	Hungary	13,762	88.6	Aromatic heterocyclic compounds with oxygen hetero-atom(s) only, containing an unfused furan ring, nesoi
D	2932-21-00	India	0	46.3	Coumarin, methylcoumarins and ethylcoumarins
D	2933-54-00	India	0	98.7	Derivatives of malonylurea (barbituric acid); salts thereof
D	2933-71-00	Brazil	1,132,662	46.5	6-Hexanelactam (epsilon-Caprolactam)
D	2934-10-20	India	6,138,802	79.3	Aromatic or modified aromatic heterocyclic compounds, nesoi, containing an unfused thiazole ring
D	2934-99-18	Brazil	1,430,996	93.8	Aromatic or modified aromatic pesticides nesoi, of other heterocyclic compounds, nesoi
D	2935-00-15	Indonesia	0	60.7	o-Toluenesulfonamide
D	2935-00-32	Croatia	3,326,700	66.2	Acetylsulfisoxazole; sulfacetamide, sodium; and sulfamethazine, sodium
D	2938-10-00	Brazil	785,730	67.5	Rutoside (Rutin) and its derivatives
D	3204-14-25	India	0	46.2	Direct blue 86; direct red 83; direct yellow 28 dyes; and preparations based thereon
D	3204-15-20	India	0	52.0	Vat brown 3; vat orange 2, 7; and vat violet 9, 13 dyes and preparations based thereon
D	3204-15-35	India	0	100.0	Solubilized vat orange 3, vat blue 2, vat red 44; and vat yellow 4, 20 and preparations based thereon
D	3204-15-80	India	0	44.2	Vat dyes (including those usable in that state as pigments) and preparations based thereon, nesoi
D	3204-16-10	India	0	43.6	Reactive black 1; blue 1, 2, 4; orange 1; red 1, 2, 3, 5, 6; and yellow 1; and preparations based thereon
D	3204-16-50	India	0	60.2	Synthetic reactive dyes and preparations based thereon, nesoi
D	3301-24-00	India	0	77.1	Essential oils of peppermint (Mentha piperita)
D	3503-00-10	India	0	48.9	Fish glue
D	3603-00-30	Brazil	1,577,058	58.0	Safety fuses or detonating fuses
D	3902-20-50	Argentina	0	45.0	Polyisobutylene, other than elastomeric, in primary forms
D	3921-90-21	India	0	47.9	Nonadhesive plates, sheets, film, foil and strip, of noncellular plastics combined with cotton, over 1.492 kg/sq m
D	3926-20-30	Indonesia	4,268,543	47.8	Gloves specially designed for use in sports, nesoi, of plastics
D	4010-12-10	Hungary	746,781	59.7	Conveyor belts or belting of vulcanized rubber reinforced only with textile materials, in which vegetable fibers predominate ov other fibers
D	4010-34-30	Indonesia	0	52.7	Transmission V-belts of vulcanized rubber, not V-ribbed, circumference exceed 180 cm but not exceed 240 cm, combined with textile materials
D	4012-11-80	India	160,559	64.3	Retreaded pnuematic tires (nonradials), of rubber, of a kind used on motor cars (including station wagons and racing cars)
D	4101-90-40	Argentina	7,057	90.2	Raw bovine hides and skins (other than whole), vegetable pretanned but not further prepared
D	4104-11-50	Brazil	1,929,321	60.3	Full grain unsplit/grain split bovine (except buffalo) nesoi and equine hides/skins, w/o hair, tanned not further prepared, in the wet state
D	4104-41-30	Brazil	119,700	46.2	Crust full grain unsplit or grain split buffalo hides and skins, surface area over 2 6 m2, without hair on, tanned but not further prepared
D	4106-21-10	Peru	27,822	76.5	Hides and skins of goats or kids, without hair on, tanned but not further prepared, wet blue
D	4106-22-00	Pakistan	122,379	60.5	Hides and skins of goats or kids, without hair on, tanned but not further prepared, in the dry state (crust)
D	4107-11-40	India	29,985	72.1	Full grain unsplit whole buffalo leather, without hair on, surface over 2.6 sq m, prepared after tanning or crusting, not heading 4114
D	4107-11-60	Brazil	782,526	53.0	Full grain unsplit upper & sole leather of bovines (not buffalo) nesoi or equine, w/o hair on, prepared after tanning or crusting, not 4114
D	4107-12-70	Dominican Republic	1,996,277	68.0	Grain split whole bovine (not buffalo) nesoi and equine nesoi leathers, w/o hair on, prepared after tanning or crusting, not fancy, not 4114
D	4107-91-60	Costa Rica	700,885	46.1	Full grain unsplit upper & sole leather of bovines (not buffalo) or equines, not whole, w/o hair, prep. after tanning or crusting, not 4114
D	4107-92-40	India	41,882	65.8	Grain splits buffalo leather (not whole), without hair on, prepared after tanning or crusting, other than of heading 4114
D	4202-22-35	Phillipines	76,555	69.2	Handbags with or without shoulder strap or without handle, with outer surface of textile materials, wholly or in part of braid, of abaca
D	4202-92-04	Phillipines	574,153	87.4	Insulated beverage bags, outer surface of textile materials, interior only flexible plastic container store & dispense beverage thru tube
D	4412-13-25	Brazil	1,555,050	92.3	Plywood sheet n/o 6 mm thick,tropical hard wood outer ply, face ply of Spanish cedar or walnut, not surface-covered beyond clear/transparent
D	4412-13-60	Brazil	2,713,464	46.4	Plywood sheets n/o 6 mm thick, with certain specified tropical wood outer ply, surface covered beyond clear or transparent
D	4412-14-25	Brazil	2,366,616	78.7	Plywood sheet n/o 6 mm thick,outer ply of nontropical hardwood,face ply Spanish Cedar or walnut,not surface-covered beyond clear/transparent
D	4412-19-30	Russia	0	75.8	Plywood of wood sheets, n/o 6 mm thick each, with outer plies of coniferous wood, European red pine face ply, not or clear surface covered
D	4412-22-31	Indonesia	0	44.8	Plywood nesoi, least one hardwood outer ply, w/tropical hardwood ply, not surface-covered beyond clear/transparent, not w/face ply of birch
D	4412-92-51	Guyana	179,423	73.6	Plywood nesoi,softwood outer plies, at least 1 ply trop. hardwood, no particle board, surface covered other than clear or transparent
D	4601-99-90	India	0	50.0	Products nesi of plaiting materials, bound together in parallel strands or woven, in sheet form, nesi
D	4602-10-23	Phillipines	85,444	95.6	Articles of a kind normally carried in the pocket or in the handbag, of rattan or of palm leaf
D	4802-20-40	Indonesia	1,488,962	56.7	Uncoated paper and paperboard of a kind used for photo-sensitive/heat-sensitve/eletro-sensitive paper/paperboard, in rolls or sheets nesoi

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List III : Possible de Minimis Items

2003 U.S. Imports - January through October

Flag	HTSUS	Partner	Imports	Share %	Article Description
D	4802-54-10	Brazil	4,175,054	84.8	Writing paper, weigh < 40 g/m2, cont. n/o 10% total fiber content by a mechanical/chemi- process, in strip/roll ov 15 cm wide/certain sheets
D	4802-56-30	Egypt	2,400	100.0	India & bible paper, wt 40 g/m2-150 g/m2, n/o 10% by wt. total fiber content obtained by mechanical/chemi- process, in certain size sheets
D	4802-56-60	Colombia	16,810	100.0	Other basic paper be sensitized use in photography, wt. 40g/m2-150g/m2, n/o 10% total fiber by mechanical/chemi- process, other sized sheets
D	4802-69-10	Indonesia	654,181	42.7	Writing & cover paper, of which over 10% by weight total fiber content consists of fiber obtained by mechanical process, sheets nesoi
D	4810-29-50	Indonesia	27,997	44.9	Printed/embossed/perforated paper/paperboard for graphic, coated w/inorganic, > 10% fiber by mechanical/chemi- process, rolls/sheets nesoi
D	4816-20-00	Indonesia	8,205,132	65.1	Self-copy paper, nesi
D	4823-90-20	Phillipines	1,212,575	44.5	Articles of papier-mache, nesi
D	5007-10-30	India	2,001,933	63.2	Woven fabrics of noil silk, containing 85 percent or more by weight of silk or silk waste
D	5007-90-30	India	1,604,039	44.2	Woven silk fabrics, containing 85 percent or more by weight of silk or silk waste, nesoi
D	5208-31-20	India	187,137	89.3	Dyed plain weave certified hand-loomed fabrics of cotton, containing 85% or more cotton by weight, weighing not more than 100 g/m2
D	5208-32-10	India	80,544	60.4	Dyed plain weave certified hand-loomed fabrics of cotton, cont. 85% or more cotton by weight, weighing over 100 g/m2 but not over 200 g/m2
D	5208-41-20	India	87,389	99.1	Plain weave certified hand-loomed fabrics of cotton, 85% or more cotton by weight, weighing not over 100 g/m2, of yarns of different colors
D	5208-42-10	India	91,563	80.0	Plain weave certified hand-loomed fabrics of cotton, 85% or more cotton by weight, over 100 but n/o 200 g/m2, of yarns of different colors
D	5209-31-30	India	2,094,971	97.7	Dyed, plain weave certified hand-loomed fabrics of cotton, containing 85% or more cotton by weight, weighing more than 200 g/m2
D	5209-41-30	India	1,267,582	83.3	Plain weave certified hand-loomed fabrics of cotton, cont. 85% or more cotton by weight,weighing over 200 g/m2, of yarns of different colors
D	5607-90-35	Phillipines	2,205,619	53.0	Twine, cordage, rope & cables of abaca or other hard (leaf) fibers, other than stranded construction or stranded n/o 1.88 cm in diameter
D	5702-20-10	India	0	99.1	Floor coverings of coconut fibers (coir), woven, not tufted or flocked, with pile
D	5702-39-10	India	429,909	93.6	Carpets and other textile floor coverings of pile construction, woven, not tufted or flocked, not made up, of jute
D	5702-49-15	India	1,509,090	79.7	Carpets and other textile floor coverings of pile construction, woven, not tufted or flocked, made up, of jute
D	5702-99-20	India	8,208,982	81.0	Carpets & other textile floor coverings, not of pile construction, woven, made up, of other textile materials nesoi
D	6304-99-25	India	0	54.4	Wall hangings of jute, excluding those of heading 9404
D	6402-30-60	Thailand	0	47.2	Footwear w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued n/o $3/pair
D	6402-30-60	Dominican Republic	0	52.8	Footwear w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued n/o $3/pair
D	6402-30-70	Georgia	0	100.0	Footwear w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued over $3 but n/o $6.50/pair
D	6402-91-70	Indonesia	0	46.5	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, nesoi, valued over $3 but n/o $6.50/pair
D	6406-10-05	Dominican Republic	5,876,148	80.0	Formed uppers for footwear, of leather/composition leather, for men, youths and boys
D	6406-10-10	Dominican Republic	1,200,733	94.2	Formed uppers for footwear, of leather/composition leather, for women, misses, children and infants
D	6406-10-30	India	0	100.0	Formed uppers for footwear, of textile materials, nesoi, valued o/$3 but n/o $6.50/pr
D	6406-10-35	India	0	100.0	Formed uppers for footwear, of textile materials, nesoi, valued o/$6.50 but n/o $12/pr
D	6406-10-45	Phillipines	0	100.0	Formed upper for footwear, of materials other than leather/comp.leather or textile, w/over 90% of ext. surf. rub./plast. not for fw w/foxing
D	6406-10-72	Brazil	0	71.8	Uppers for footwear, nesoi, of cotton, w/external surface area less than 50% textile materials
D	7010-90-30	Panama	1,917,529	48.0	Glass containers for convey/pack perfume/toilet preps & containers with/designed for ground glass stopper, not made by automatic machine
D	7013-29-05	Turkey	0	52.8	Drinking glasses of pressed and toughened (specially tempered) glass
D	7013-32-30	Brazil	0	48.1	Glassware for table or kitchen purposes (o/than drinking glasses), of low coefficient of heat expansion glass, over $3 but n/o $5 each
D	7202-21-10	Brazil	0	45.0	Ferrosilicon containing by weight more than 55% but not more than 80% of silicon and more than 3% of calcium
D	7202-93-40	Brazil	0	53.1	Ferroniobium containing by weight less than 0.02 percent of phosphorus or sulfur or less than 0.4 percent of silicon
D	7202-99-10	Brazil	67,800	43.2	Ferrozirconium
D	7202-99-20	Brazil	745,496	44.8	Calcium silicon
D	7206-10-00	Brazil	0	98.3	Iron and nonalloy steel ingots
D	7208-40-60	Hungary	0	66.9	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/pattern in relief,not coils,w/thick < 4.75mm, not clad/plated/coated
D	7213-10-00	Egypt	0	76.9	Iron/nonalloy, concrete reinforcing bars and rods in irregularly wound coils, hot-rolled
D	7214-10-00	Poland	0	60.3	Iron/nonalloy steel, forged bars and rods, not in coils
D	7215-90-10	India	0	81.0	Iron/nonalloy steel, bars and rods, not cold-formed, plated or coated with metal
D	7216-22-00	Argentina	0	70.0	Iron/nonalloy steel, T-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height under 80 mm
D	7217-30-60	Czech Republic	0	61.5	Iron/nonalloy steel, wire (other than flat or round), <0.25% carbon, plated or coated with base metal other than zinc
D	7226-11-10	Russia	0	50.2	Alloy silicon electrical steel (grain-oriented), width 300mm+ but less th/600mm, flat-rolled products
D	7305-39-50	Brazil	0	75.7	Alloy steel, weld. o/than long. weld., w/circ. x-sect. & ext. diam. o/406.4mm, tubes and pipes, o/than used in oil/gas drill. or pipelines
D	7305-90-10	Romania	0	71.9	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, not welded, tubes and pipes, o/th used in oil/gas drill.etc
D	7306-20-10	Colombia	3,888,938	68.5	Iron or nonalloy steel, seamed, w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind used in drill. oil/gas
D	7307-21-10	India	2,254,269	49.2	Stainless steel, flanges for tubes/pipes, forged, not machined, not tooled and not otherwise processed after forging

FLAGS: '1'=Excluded January/October; 'D'=De minimis

List III : Possible de Minimis Items

2003 U.S. Imports - January through October

Flag	HTSUS	Partner	Imports	Share %	Article Description
D	7403-12-00	Peru	93,932	94.2	Refined copper, wire bars
D	7407-21-70	Brazil	1,670,293	48.3	Copper-zinc base alloys (brass), bars & rods nesoi, having a rectangular cross section
D	7407-22-50	Russia	5,514,932	52.7	Copper-nickel base alloys (cupro-nickel) or copper-nickel-zinc base alloys (nickel silver), bars & rods
D	7418-19-10	India	5,693,772	58.1	Copper, table, kitchen or other household articles and parts thereof, coated or plated w/precious metals
D	8103-90-00	Kazakhstan	3,103,970	43.0	Tantalum, articles nesoi
D	8112-19-00	Kazakhstan	1,536,940	90.9	Beryllium, articles nesoi
D	8112-92-40	Brazil	0	53.6	Niobium (columbium), unwrought; niobium powders
D	8112-92-50	Chile	12,341,254	96.9	Rhenium, unwrought; rhenium powders
D	8211-91-20	Brazil	0	73.2	Table knives w/fixed blades, w/stain. steel handles w/Ni or ov 10% by wt. of Mn, w/overall length 25.9cm or less & val. <than 25 cents ea
D	8215-99-01	Brazil	0	72.7	Base metal forks, w/stainless steel handles cont. Ni or o/10% by wt of Mn, w/overall length n/o 25.9cm, valued under 25cents ea
D	8402-11-00	Peru	336,454	59.2	Watertube boilers with a steam production exceeding 45 tons per hour
D	8415-10-60	Thailand	4,616,596	42.3	Window or wall type air conditioning machines, "split-system", incorporating a refrigerating unit & valve for reversal of cooling/heat cycle
D	8519-93-40	Thailand	3,749,179	46.0	Cassette players (non-recording) designed exclusively for motor-vehicle installation (non-recording)
D	8528-12-44	Thailand	39,775	78.4	High definition color television reception apparatus, nonprojection, with cathode-ray tube, incorporating a VCR or player
D	8540-81-00	Russia	0	42.3	Receiver or amplifier tubes
D	9102-29-35	Russia	0	100.0	Wrist watches nesoi, not electrically operated, n/autowinding, 8-17 jewel, mvmt n/o $15 & ov 15.2 mm, band of textile material or base metal
D	9507-20-40	Phillipines	2,034,553	53.4	Fish hooks, snelled
D	9614-20-60	Turkey	115,879	88.3	Smoking pipes and bowls, wholly of clay, and other smoking pipes w/bowls wholly of clay

FLAGS: '1'=Excluded January/October; 'D'=De minimis

List IV : Possible Redesignation Items

2003 U.S. Imports - January through October

Flags	HTSUS	PARTNER	IMPORTS	SHARE %	Article Description
D	0501-00-00	India	136,610	20.1	Human hair, unworked, whether or not washed and scoured; waste of human hair
D	0501-00-00	Indonesia	0	0.3	Human hair, unworked, whether or not washed and scoured; waste of human hair
D	0501-00-00	Russia	0	1.1	Human hair, unworked, whether or not washed and scoured; waste of human hair
D	0709-90-10	Costa Rica	5,054,646	73.7	Chayote, fresh or chilled
D	0709-90-10	Jamaica	28,125	0.4	Chayote, fresh or chilled
D	0709-90-10	Panama	37,712	0.5	Chayote, fresh or chilled
D	0712-90-15	Morocco	42,400	76.7	Dried olives, not ripe
D	0803-00-40	Costa Rica	19,375	77.8	Plantains, dried
D	0803-00-40	Ecuador	9,990	18.2	Plantains, dried
D	0803-00-40	Honduras	2,200	4	Plantains, dried
D	0807-19-50	Antigua	51,889	19.9	Ogen and Galia melons, fresh, if entered during the period from December 1, in any year, to the following May 31, inclusive
D	0807-19-50	Brazil	4,095	1.6	Ogen and Galia melons, fresh, if entered during the period from December 1, in any year, to the following May 31, inclusive
D	0807-19-50	Chile	2,125	0.8	Ogen and Galia melons, fresh, if entered during the period from December 1, in any year, to the following May 31, inclusive
D	0807-19-50	Dominican Rep	19,519	7.5	Ogen and Galia melons, fresh, if entered during the period from December 1, in any year, to the following May 31, inclusive
D	0807-19-50	Honduras	58,332	22.4	Ogen and Galia melons, fresh, if entered during the period from December 1, in any year, to the following May 31, inclusive
D	0807-19-50	Panama	9,520	3.7	Ogen and Galia melons, fresh, if entered during the period from December 1, in any year, to the following May 31, inclusive
D	0811-90-25	Costa Rica	15,435	2.8	Cashew apples, mameyes colorados, sapodillas, soursops and sweetsops, frozen, in water or containing added sweetening
D	0811-90-25	Colombia	21,403	3.9	Cashew apples, mameyes colorados, sapodillas, soursops and sweetsops, frozen, in water or containing added sweetening
D	0811-90-25	Dominican Rep	131,568	24	Cashew apples, mameyes colorados, sapodillas, soursops and sweetsops, frozen, in water or containing added sweetening
D	0811-90-25	Ecuador	175,498	32.1	Cashew apples, mameyes colorados, sapodillas, soursops and sweetsops, frozen, in water or containing added sweetening
D	0811-90-25	Guatemala	71,979	13.1	Cashew apples, mameyes colorados, sapodillas, soursops and sweetsops, frozen, in water or containing added sweetening
D	0811-90-25	Honduras	24,108	4.4	Cashew apples, mameyes colorados, sapodillas, soursops and sweetsops, frozen, in water or containing added sweetening
D	0811-90-25	El Salvador	81,527	14.9	Cashew apples, mameyes colorados, sapodillas, soursops and sweetsops, frozen, in water or containing added sweetening
D	0908-20-20	Grenada	0	7.6	Mace, bombay or wild, ground
D	0908-20-20	India	5,679	13	Mace, bombay or wild, ground
D	0908-20-20	Indonesia	4,904	11.3	Mace, bombay or wild, ground
D	0908-20-20	Peru	25,905	59.5	Mace, bombay or wild, ground
D	0908-20-20	Sri Lanka	3,750	8.6	Mace, bombay or wild, ground
D	1207-91-00	Czech Rep	38,806	5.2	Poppy seeds, whether or not broken
D	1207-91-00	India	67,615	2	Poppy seeds, whether or not broken
D	1207-91-00	Indonesia	0	0.4	Poppy seeds, whether or not broken
D	1207-91-00	Poland	8,232	0.2	Poppy seeds, whether or not broken
D	1207-91-00	Turkey	85,763	2.7	Poppy seeds, whether or not broken
D	1211-90-60	Egypt	2,517	14.5	Tonka beans, of a kind used in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes
D	1211-90-60	Peru	0	85.5	Tonka beans, of a kind used in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes
D	1302-12-00	India	18,000	0.4	Saps and extracts of licorice
D	1302-12-00	Pakistan	747,100	8.1	Saps and extracts of licorice
D	1302-12-00	Turkey	18,900	0.2	Saps and extracts of licorice
D	1302-12-00	Uzbekistan	990,900	10.7	Saps and extracts of licorice
D	1401-20-40	Morocco	15,594	1.2	Rattans, other than those in the rough or cut transversely into sections, of a kind used primarily for plaiting
D	1401-20-40	Phillipines	12,261	0.9	Rattans, other than those in the rough or cut transversely into sections, of a kind used primarily for plaiting
D	1515-50-00	Colombia	151,057	0.7	Sesame oil and its fractions, whether or not refined, not chemically modified
D	1515-50-00	Ecuador	88,000	0.4	Sesame oil and its fractions, whether or not refined, not chemically modified
D	1515-50-00	Guatemala	78,555	0.4	Sesame oil and its fractions, whether or not refined, not chemically modified
D	1515-50-00	India	91,311	0.5	Sesame oil and its fractions, whether or not refined, not chemically modified
D	1515-50-00	Lebanon	704,367	3.3	Sesame oil and its fractions, whether or not refined, not chemically modified
D	1515-50-00	Thailand	390,430	1.8	Sesame oil and its fractions, whether or not refined, not chemically modified
D	1904-30-00	Jordan	12,637	11.5	Bulgar wheat,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-30-00	Lebanon	3,190	6	Bulgar wheat,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-30-00	Turkey	2,677	2	Bulgar wheat,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	Brazil	91,579	0.2	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi

FLAGS: '*'=Excluded full year; '2'=Excluded July/december; 'D'=De minimis

List IV : Possible Redesignation Items

2003 U.S. Imports - January through October

D	1904-90-01	Colombia	2,522,463	5.3	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	Croatia	3,301	0	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	Ecuador	87,903	0.2	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	Fiji	16,175	0	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	Guatemala	5,649	0	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	India	307,536	0.6	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	Pakistan	7,787	0	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	Peru	6,032	0	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	Phillipines	50,903	0.1	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	Russia	3,679	0	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	El Salvador	51,600	0.1	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	1904-90-01	Thailand	1,817,207	3.8	Cereals,other than corn,in grain form or in form flakes or other worked grain (except flour & meal), pre-cooked or otherwise prepared, nesoi
D	2001-90-10	Bulgaria	0	0.1	Capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg
D	2001-90-10	Morocco	532,280	15.1	Capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg
D	2001-90-10	Peru	5,870	0.2	Capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg
D	2001-90-10	Turkey	1,705,753	47.7	Capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg
D	2001-90-50	Armenia	18,880	75.6	Walnuts, prepared or preserved by vinegar or acetic acid
D	2008-30-48	Colombia	2,001	0	Mandarins (other than satsuma), prepared or preserved, nesoi
D	2008-30-48	Peru	54,080	0.7	Mandarins (other than satsuma), prepared or preserved, nesoi
D	2008-91-00	Bolivia	96,825	1.1	Palm hearts, otherwise prepared or preserved, nesi
D	2008-91-00	Brazil	3,458,094	40.3	Palm hearts, otherwise prepared or preserved, nesi
D	2008-91-00	Costa Rica	3,350,224	40.2	Palm hearts, otherwise prepared or preserved, nesi
D	2008-91-00	Chile	52,870	0.6	Palm hearts, otherwise prepared or preserved, nesi
D	2008-91-00	Colombia	4,460	0.1	Palm hearts, otherwise prepared or preserved, nesi
D	2008-91-00	Ecuador	1,237,306	14.3	Palm hearts, otherwise prepared or preserved, nesi
D	2008-91-00	Guatemala	17,903	0.2	Palm hearts, otherwise prepared or preserved, nesi
D	2008-91-00	Guyana	28,750	0.3	Palm hearts, otherwise prepared or preserved, nesi
D	2008-91-00	Lebanon	0	0	Palm hearts, otherwise prepared or preserved, nesi
D	2008-91-00	Phillipines	32,183	0.4	Palm hearts, otherwise prepared or preserved, nesi
D	2008-91-00	Thailand	25,478	0.3	Palm hearts, otherwise prepared or preserved, nesi
D	2008-91-00	Venezuela	182,706	2.1	Palm hearts, otherwise prepared or preserved, nesi
D	2008-99-15	Costa Rica	706,792	9	Bananas, other than pulp, otherwise prepared or preserved, nesi
D	2008-99-15	Colombia	461,659	5.9	Bananas, other than pulp, otherwise prepared or preserved, nesi
D	2008-99-15	Dominican Rep	7,159	0.1	Bananas, other than pulp, otherwise prepared or preserved, nesi
D	2008-99-15	Ecuador	1,770,123	22.5	Bananas, other than pulp, otherwise prepared or preserved, nesi
D	2008-99-15	Honduras	1,053,109	13.8	Bananas, other than pulp, otherwise prepared or preserved, nesi
D	2008-99-15	India	5,681	0.1	Bananas, other than pulp, otherwise prepared or preserved, nesi
D	2008-99-15	Indonesia	9,817	0.1	Bananas, other than pulp, otherwise prepared or preserved, nesi
D	2008-99-15	Jamaica	152,458	1.9	Bananas, other than pulp, otherwise prepared or preserved, nesi
D	2008-99-15	Phillipines	3,486,164	44.8	Bananas, other than pulp, otherwise prepared or preserved, nesi
D	2008-99-15	Thailand	106,269	1.4	Bananas, other than pulp, otherwise prepared or preserved, nesi
D	2008-99-15	Venezuela	9,300	0.1	Bananas, other than pulp, otherwise prepared or preserved, nesi
D	2008-99-63	India	21,005	1	Sweet ginger, otherwise prepared or preserved, nesi
D	2008-99-63	Thailand	423,927	24.5	Sweet ginger, otherwise prepared or preserved, nesi
D	2008-99-65	Costa Rica	758,787	62	Yucca, otherwise prepared or preserved, nesi
D	2008-99-65	Colombia	236,600	19.3	Yucca, otherwise prepared or preserved, nesi
D	2008-99-65	Dominican Rep	9,526	0.8	Yucca, otherwise prepared or preserved, nesi
D	2008-99-65	Heard Is	3,960	0.3	Yucca, otherwise prepared or preserved, nesi
D	2008-99-65	Honduras	17,479	1.4	Yucca, otherwise prepared or preserved, nesi
D	2008-99-65	Jamaica	17,880	1.5	Yucca, otherwise prepared or preserved, nesi
D	2008-99-65	Phillipines	71,602	5.9	Yucca, otherwise prepared or preserved, nesi
D	2008-99-65	Venezuela	90,665	7.4	Yucca, otherwise prepared or preserved, nesi

FLAGS: '*'=Excluded full year; '2'=Excluded July/december; 'D'=De minimis

List IV : Possible Redesignation Items

2003 U.S. Imports - January through October

D		2402-20-10	India	4,200	0.1	Cigarettes containing tobacco and clove
D		2402-20-10	Indonesia	6,054,423	88.7	Cigarettes containing tobacco and clove
D		2402-20-90	India	151,699	85	Cigarettes containing tobacco, nesi
D	*	2908-20-15	India	18,036	17.2	1,8-Dihydroxynaphthalene-3,6-disulfonic acid and its sodium salt
D		3205-00-15	Argentina	8,274	0.5	Carmine color lakes and preparations as specified in note 3 to this chapter, nesoi
D		3205-00-15	Costa Rica	4,092	0.3	Carmine color lakes and preparations as specified in note 3 to this chapter, nesoi
D	*	3205-00-15	India	0	0.9	Carmine color lakes and preparations as specified in note 3 to this chapter, nesoi
D		3205-00-15	Peru	561,906	36.3	Carmine color lakes and preparations as specified in note 3 to this chapter, nesoi
D		3301-29-10	Brazil	446,003	13.5	Essential oils of eucalyptus
D		3301-29-10	Jamaica	20,006	0.5	Essential oils of eucalyptus
D		3806-20-00	Argentina	593,041	46.6	Salts of rosin or of resin acids
D		3808-10-10	Argentina	6,298	0.1	Fly ribbons (ribbon fly catchers), put up in packings for retail sale
D		3808-10-10	Hungary	0	0.6	Fly ribbons (ribbon fly catchers), put up in packings for retail sale
D		3808-10-10	Paraguay	22,715	0.5	Fly ribbons (ribbon fly catchers), put up in packings for retail sale
D		3808-10-10	Thailand	72,901	1.5	Fly ribbons (ribbon fly catchers), put up in packings for retail sale
D		3817-00-15	Indonesia	2,098,596	58.3	Mixed alkylbenzenes, except linear (other than those of heading 2707 or 2902)
D		3817-00-15	Venezuela	31,556	0.9	Mixed alkylbenzenes, except linear (other than those of heading 2707 or 2902)
D		3926-90-70	Macedonia	339	0.1	Clothespins, other than spring type, of plastics
D		3926-90-70	Pakistan	900	0.3	Clothespins, other than spring type, of plastics
D		3926-90-70	Panama	403	2.6	Clothespins, other than spring type, of plastics
D		4206-10-30	Brazil	642,216	5.4	Articles of catgut if imported for use in the manufacture of sterile surgical sutures
D		4206-10-30	Dominican Rep	0	14.6	Articles of catgut if imported for use in the manufacture of sterile surgical sutures
D		4602-10-09	Brazil	2,900	0	Baskets and bags of bamboo other than wickerwork
D		4602-10-09	India	3,061	0	Baskets and bags of bamboo other than wickerwork
D		4602-10-09	Indonesia	303,095	1.4	Baskets and bags of bamboo other than wickerwork
D		4602-10-09	Morocco	3,099	0	Baskets and bags of bamboo other than wickerwork
D		4602-10-09	Phillipines	696,469	3.3	Baskets and bags of bamboo other than wickerwork
D		4602-10-09	Thailand	104,081	0.5	Baskets and bags of bamboo other than wickerwork
D		4602-10-16	Colombia	10,151	0.1	Baskets and bags of rattan or palm leaf other than wickerwork
D		4602-10-16	India	20,903	0.1	Baskets and bags of rattan or palm leaf other than wickerwork
D		4602-10-16	Indonesia	2,567,653	14	Baskets and bags of rattan or palm leaf other than wickerwork
D		4602-10-16	Morocco	50,275	0.3	Baskets and bags of rattan or palm leaf other than wickerwork
D		4602-10-16	Pakistan	2,786	0	Baskets and bags of rattan or palm leaf other than wickerwork
D		4602-10-16	Panama	39,492	0.2	Baskets and bags of rattan or palm leaf other than wickerwork
D		4602-10-16	Phillipines	3,140,353	17.8	Baskets and bags of rattan or palm leaf other than wickerwork
D		4602-10-16	Thailand	43,821	0.6	Baskets and bags of rattan or palm leaf other than wickerwork
D		5701-10-13	Morocco	7,687	1.6	Carpet & other textile floor covering,hand-knotted/hand-inserted,w/ov 50% wt pile of fine animal hair,foregoing cert. hand-loomed & folklore
D	*	5701-10-13	Pakistan	0	9.7	Carpet & other textile floor covering,hand-knotted/hand-inserted,w/ov 50% wt pile of fine animal hair,foregoing cert. hand-loomed & folklore
D		5701-10-13	Peru	33,082	4.3	Carpet & other textile floor covering,hand-knotted/hand-inserted,w/ov 50% wt pile of fine animal hair,foregoing cert. hand-loomed & folklore
D		5701-10-13	Romania	0	0.3	Carpet & other textile floor covering,hand-knotted/hand-inserted,w/ov 50% wt pile of fine animal hair,foregoing cert. hand-loomed & folklore
D		5701-10-13	Thailand	7,740	1.3	Carpet & other textile floor covering,hand-knotted/hand-inserted,w/ov 50% wt pile of fine animal hair,foregoing cert. hand-loomed & folklore
D		5702-10-10	Egypt	7,957	1.8	Certified hand-loomed and folklore products being "Kelem", "Schumacks", "Karamanie" and similar hand-woven rugs
D		5702-10-10	Jordan	7,626	1.8	Certified hand-loomed and folklore products being "Kelem", "Schumacks", "Karamanie" and similar hand-woven rugs
D		5702-10-10	Morocco	52,619	15.6	Certified hand-loomed and folklore products being "Kelem", "Schumacks", "Karamanie" and similar hand-woven rugs
D		5702-10-10	Peru	57,831	13.5	Certified hand-loomed and folklore products being "Kelem", "Schumacks", "Karamanie" and similar hand-woven rugs
D		5702-10-10	Romania	5,234	1.2	Certified hand-loomed and folklore products being "Kelem", "Schumacks", "Karamanie" and similar hand-woven rugs
D		5702-10-10	Thailand	0	0.1	Certified hand-loomed and folklore products being "Kelem", "Schumacks", "Karamanie" and similar hand-woven rugs
D		5702-91-20	Morocco	0	0.2	Certified hand-loomed & folklore floor covering, woven not on power-driven loom,not of pile construction,made up,of wool or fine animal hair
D	*	5702-91-20	Pakistan	0	3.3	Certified hand-loomed & folklore floor covering, woven not on power-driven loom,not of pile construction,made up,of wool or fine animal hair
D		5702-91-20	Peru	10,710	9.3	Certified hand-loomed & folklore floor covering, woven not on power-driven loom,not of pile construction,made up,of wool or fine animal hair
D		5702-91-20	Uruguay	301	0.3	Certified hand-loomed & folklore floor covering, woven not on power-driven loom,not of pile construction,made up,of wool or fine animal hair
D		5805-00-20	Morocco	760	1.2	Certified hand-loomed and folklore hand-woven tapestries nesoi and needle-worked tapestries, of wool or fine animal hair

FLAGS: '*'=Excluded full year; '2'=Excluded July/december; 'D'=De minimis

List IV : Possible Redesignation Items

2003 U.S. Imports - January through October

D		5805-00-20	Peru	16,793	27.4	Certified hand-loomed and folklore hand-woven tapestries nesoi and needle-worked tapestries, of wool or fine animal hair
D		5805-00-20	Romania	1,700	7.2	Certified hand-loomed and folklore hand-woven tapestries nesoi and needle-worked tapestries, of wool or fine animal hair
D		5904-10-00	India	28,374	0.2	Linoleum, whether or not cut to shape
D	*	6304-99-10	Pakistan	0	24.7	Wall hangings, not knitted or crocheted, of wool or fine animal hair, the foregoing certified hand-loomed and folklore products
D		6304-99-10	Peru	34,687	74.6	Wall hangings, not knitted or crocheted, of wool or fine animal hair, the foregoing certified hand-loomed and folklore products
D	*	6304-99-40	Pakistan	0	11.6	Certified hand-loomed and folklore pillow covers of wool or fine animal hair, not knitted or crocheted
D		6304-99-40	Peru	617	80.2	Certified hand-loomed and folklore pillow covers of wool or fine animal hair, not knitted or crocheted
D		6802-91-30	Argentina	2,739	0.3	Monumental or building stone & arts. thereof, of alabaster, further worked than simply cut/sawn, nesoi
D		6802-91-30	Egypt	0	1.1	Monumental or building stone & arts. thereof, of alabaster, further worked than simply cut/sawn, nesoi
D		6802-91-30	India	3,659	0.4	Monumental or building stone & arts. thereof, of alabaster, further worked than simply cut/sawn, nesoi
D		6802-91-30	Indonesia	20,089	2.2	Monumental or building stone & arts. thereof, of alabaster, further worked than simply cut/sawn, nesoi
D		6802-91-30	Thailand	2,316	0.3	Monumental or building stone & arts. thereof, of alabaster, further worked than simply cut/sawn, nesoi
D		6802-91-30	Turkey	29,433	3.2	Monumental or building stone & arts. thereof, of alabaster, further worked than simply cut/sawn, nesoi
D		7004-90-50	Jordan	4,500	0.6	Drawn or blown glass, nesoi, in sheets (other than rectangular), nesoi
D		7004-90-50	Poland	41,014	6.5	Drawn or blown glass, nesoi, in sheets (other than rectangular), nesoi
D		7013-10-10	Colombia	0	1	Transparent glass-ceramic kitchenware 75% by vol. crystalline, of lithium aluminosilicate, w/low lin. coefficient of expansion
D		7013-10-10	Poland	0	1.1	Transparent glass-ceramic kitchenware 75% by vol. crystalline, of lithium aluminosilicate, w/low lin. coefficient of expansion
D		7016-10-00	Argentina	159,124	0.9	Glass cubes and other glass smallwares, whether or not on a backing, for mosaics or similar decorative purposes
D		7016-10-00	Brazil	81,433	0.5	Glass cubes and other glass smallwares, whether or not on a backing, for mosaics or similar decorative purposes
D		7016-10-00	Czech Rep	12,265	0.1	Glass cubes and other glass smallwares, whether or not on a backing, for mosaics or similar decorative purposes
D		7016-10-00	India	69,820	0.4	Glass cubes and other glass smallwares, whether or not on a backing, for mosaics or similar decorative purposes
D		7016-10-00	Phillipines	13,366	0.1	Glass cubes and other glass smallwares, whether or not on a backing, for mosaics or similar decorative purposes
D		7016-10-00	Thailand	3,846	0	Glass cubes and other glass smallwares, whether or not on a backing, for mosaics or similar decorative purposes
D		7103-10-40	Brazil	151,720	18	Precious stones (o/than diamonds) & semiprecious stones, simply sawn or roughly shaped
D		7103-10-40	Colombia	19,300	2.2	Precious stones (o/than diamonds) & semiprecious stones, simply sawn or roughly shaped
D		7103-10-40	India	334,003	39.9	Precious stones (o/than diamonds) & semiprecious stones, simply sawn or roughly shaped
D		7103-10-40	Pakistan	5,553	0.6	Precious stones (o/than diamonds) & semiprecious stones, simply sawn or roughly shaped
D		7103-10-40	Peru	28,550	3.3	Precious stones (o/than diamonds) & semiprecious stones, simply sawn or roughly shaped
D		7103-10-40	Russia	8,000	0.9	Precious stones (o/than diamonds) & semiprecious stones, simply sawn or roughly shaped
D		7103-10-40	Sri Lanka	0	1.9	Precious stones (o/than diamonds) & semiprecious stones, simply sawn or roughly shaped
D		7103-10-40	Thailand	21,243	4.8	Precious stones (o/than diamonds) & semiprecious stones, simply sawn or roughly shaped
D		7103-99-50	Bolivia	37,640	0.9	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
D		7103-99-50	Brazil	1,020,485	23.2	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
D		7103-99-50	Chile	77,117	1.7	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
D		7103-99-50	Colombia	8,427	0.2	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
D		7103-99-50	India	139,494	3.2	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
D		7103-99-50	Morocco	4,938	0.1	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
D		7103-99-50	Pakistan	158,012	3.6	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
D		7103-99-50	Peru	27,299	0.6	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
D		7103-99-50	Russia	4,739	0.1	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
D		7103-99-50	Sri Lanka	62,726	1.5	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
D		7103-99-50	Thailand	345,415	8.7	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
D		7104-10-00	Brazil	6,547	0.4	Piezo-electric quartz
D		7104-10-00	Phillipines	0	1	Piezo-electric quartz
D		7104-10-00	Romania	0	0.2	Piezo-electric quartz
D		7104-10-00	Russia	56,990	4.6	Piezo-electric quartz
D		7116-20-30	Brazil	2,480	0	Semiprecious stones (except rock crystal), graded and strung temporarily for convenience of transport
D		7116-20-30	Chile	2,114	0	Semiprecious stones (except rock crystal), graded and strung temporarily for convenience of transport
D		7116-20-30	India	4,214,130	18.2	Semiprecious stones (except rock crystal), graded and strung temporarily for convenience of transport
D		7116-20-30	Pakistan	0	0	Semiprecious stones (except rock crystal), graded and strung temporarily for convenience of transport
D		7116-20-30	Sri Lanka	86,246	0.3	Semiprecious stones (except rock crystal), graded and strung temporarily for convenience of transport
D		7116-20-30	Thailand	5,247	0.1	Semiprecious stones (except rock crystal), graded and strung temporarily for convenience of transport

FLAGS: '*'=Excluded full year; '2'=Excluded July/december; 'D'=De minimis

List IV : Possible Redesignation Items

2003 U.S. Imports - January through October

D	7116-20-35	Argentina	3,800	0.2	Semiprecious stone (except rock crystal) figurines
D	7116-20-35	Brazil	179,849	7.8	Semiprecious stone (except rock crystal) figurines
D	7116-20-35	Chile	15,419	0.6	Semiprecious stone (except rock crystal) figurines
D	7116-20-35	India	78,974	3.4	Semiprecious stone (except rock crystal) figurines
D	7116-20-35	Indonesia	4,772	0.2	Semiprecious stone (except rock crystal) figurines
D	7116-20-35	Lithuania	10,249	0.4	Semiprecious stone (except rock crystal) figurines
D	7116-20-35	Pakistan	47,564	2	Semiprecious stone (except rock crystal) figurines
D	7116-20-35	Peru	149,799	6.2	Semiprecious stone (except rock crystal) figurines
D	7116-20-35	Russia	2,449	0.1	Semiprecious stone (except rock crystal) figurines
D	7116-20-35	Thailand	7,077	0.3	Semiprecious stone (except rock crystal) figurines
D	7116-20-35	Zimbabwe	32,964	1.4	Semiprecious stone (except rock crystal) figurines
D	7116-20-40	Argentina	14,165	0.1	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Brazil	1,751,193	10	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Chile	6,480	0.1	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Colombia	0	0	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	India	657,618	3.9	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Indonesia	494,596	2.8	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Morocco	19,470	0.1	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Pakistan	403,338	2.3	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Peru	6,008	0	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Phillipines	25,084	0.1	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Russia	4,160	0	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Sri Lanka	2,043	0	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Thailand	0	0.3	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Turkey	13,097	0.1	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7116-20-40	Uruguay	5,900	0	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
D	7215-90-50	India	0	0.2	Iron/nonalloy steel, bars and rods, further worked than cold-formed or cold-finished, nesoi
D	7215-90-50	Venezuela	8,854	0.7	Iron/nonalloy steel, bars and rods, further worked than cold-formed or cold-finished, nesoi
D	7615-20-00	Egypt	8,777	0.3	Aluminum, sanitary ware and parts thereof
D	7615-20-00	India	364,310	10.8	Aluminum, sanitary ware and parts thereof
D	7615-20-00	Indonesia	64,244	1.9	Aluminum, sanitary ware and parts thereof
D	7615-20-00	Thailand	6,577	0.2	Aluminum, sanitary ware and parts thereof
D	7615-20-00	Venezuela	2,468	0.1	Aluminum, sanitary ware and parts thereof
D	9102-91-20	India	2,147	0	Watches (excl. wrist watches) nesoi, electrically operated, with opto-electronic display only
D	9102-91-20	Phillipines	0	0	Watches (excl. wrist watches) nesoi, electrically operated, with opto-electronic display only
D	9102-99-20	India	415	0	Watches (excl. wrist watches) nesoi, not electrically operated, with 0-7 jewels in the movement
D	9102-99-20	Russia	3,130	0.4	Watches (excl. wrist watches) nesoi, not electrically operated, with 0-7 jewels in the movement
D	9102-99-40	Russia	2,060	1	Watches (excl. wrist watches) nesoi, not electrically operated, with 8-17 jewels in movement, movement valued not over $15 each
D	9102-99-60	Argentina	1,000	0.3	Watches (excl. wrist watches) nesoi, not electrically operated, with 8-17 jewels in movement, movement valued over $15 each
D	9102-99-80	Russia	90,675	42.1	Watches (excl. wrist watches) nesoi, not electrically operated, having over 17 jewels in the movement
D	9202-90-20	Argentina	5,791	0	String musical instruments, o/than w/elect. sound or ampl., guitars, valued not over $100 each (excluding the value of the case)
D	9202-90-20	Czech Rep	82,864	0.2	String musical instruments, o/than w/elect. sound or ampl., guitars, valued not over $100 each (excluding the value of the case)
D	9202-90-20	India	10,338	0	String musical instruments, o/than w/elect. sound or ampl., guitars, valued not over $100 each (excluding the value of the case)
D	9202-90-20	Indonesia	6,903,775	14.9	String musical instruments, o/than w/elect. sound or ampl., guitars, valued not over $100 each (excluding the value of the case)
D	9202-90-20	Pakistan	8,447	0	String musical instruments, o/than w/elect. sound or ampl., guitars, valued not over $100 each (excluding the value of the case)
D	9202-90-20	Phillipines	97,667	0.2	String musical instruments, o/than w/elect. sound or ampl., guitars, valued not over $100 each (excluding the value of the case)
D	9202-90-20	Romania	235,671	0.4	String musical instruments, o/than w/elect. sound or ampl., guitars, valued not over $100 each (excluding the value of the case)
D	9202-90-20	Turkey	4,627	0	String musical instruments, o/than w/elect. sound or ampl., guitars, valued not over $100 each (excluding the value of the case)
D	9405-91-10	Czech Rep	25,697	11.8	Parts of lamps, lighting fittings, illuminated signs & the like, globes and shades, of lead crystal glass
D	9405-91-10	Slovakia	2,898	1.3	Parts of lamps, lighting fittings, illuminated signs & the like, globes and shades, of lead crystal glass
D	9617-00-40	Poland	451,300	3.9	Vacuum flasks and vessels, complete with cases, w/capacity o/2 liters

FLAGS: '*'=Excluded full year; '2'=Excluded July/december; 'D'=De minimis

[FR Doc. 04–4406 Filed 2–26–04; 8:45 am]
BILLING CODE 3190–W3–C

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments and Notice of Public Hearing Beginning on March 30, 2004 Concerning Proposed United States—Thailand Free Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of intent to initiate negotiations on a free trade agreement between the United States and Thailand, request for comments, and notice of public hearing.

SUMMARY: The United States intends to initiate negotiations with Thailand on a free trade agreement (FTA). The interagency Trade Policy Staff Committee (TPSC) will convene a public hearing and seek public comment to assist the United States Trade Representative (USTR) in amplifying and clarifying negotiating objectives for the proposed agreement and to provide advice on how specific goods and services and other matters should be treated under the proposed agreement.

DATES: Persons wishing to testify orally at the hearing must provide written notification of their intention, as well as their testimony, by March 19, 2004. A hearing will be held in Washington, DC, beginning on March 30, 2004, and will continue as necessary on subsequent days. Written comments are due by noon, April 8, 2004.

ADDRESSES: Submissions by electronic mail: *FR0415@ustr.gov* (notice of intent to testify and written testimony); *FR0416@ustr.gov* (written comments). Submissions by facsimile: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395–6143. The public is strongly encouraged to submit documents electronically rather than by facsimile. (*See* requirements for submissions below.)

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments or participation in the public hearing, contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395–3475. All other questions should be directed to Barbara Weisel, Deputy Assistant U.S. Trade Representative for Southeast Asia and Pacific Affairs, at (202) 395–6813.

SUPPLEMENTARY INFORMATION:

1. Background

Under section 2104 of the Bipartisan Trade Promotion Authority Act of 2002 (TPA Act) (19 U.S.C. 3804), for agreements that will be approved and implemented through TPA procedures, the President needs to provide the Congress with at least 90 days written notice of his intent to enter into negotiations and identify the specific objectives for the negotiations. Before and after the submission of this notice, the President is to consult with appropriate Congressional committees and the Congressional Oversight Group regarding the negotiations. Under the Trade Act of 1974, as amended, the President must (i) afford interested persons an opportunity to present their views regarding any matter relevant to any proposed agreement, (ii) designate an agency or inter-agency committee to hold a public hearing regarding any proposed agreement, and (iii) seek the advice of the U.S. International Trade Commission (ITC) regarding the probable economic effects on U.S. industries and consumers of the removal of tariffs and non-tariff barriers on imports pursuant to any proposed agreement.

On February 12, 2004, after consulting with relevant Congressional committees and the Congressional Oversight Group, the USTR notified the Congress that the President intends to initiate free trade agreement negotiations with Thailand and identified specific objectives for the negotiations. In addition, the USTR has requested the ITC's probable economic effects advice. The ITC intends to provide this advice by August 20, 2004. This notice solicits views from the public on these negotiations and provides information on a hearing, which will be conducted pursuant to the requirements of the Trade Act of 1974.

2. Public Comments and Testimony

To assist the Administration as it continues to develop its negotiating objectives for the proposed agreement, the Chairman of the TPSC invites written comments and/or oral testimony of interested persons at a public hearing. Comments and testimony may address the reduction or elimination of tariffs or non-tariff barriers on any articles provided for in the Harmonized Tariff Schedule of the United States (HTSUS) that are products of Thailand, any concession which should be sought by the United States, or any other matter relevant to the proposed agreement. The TPSC invites comments and testimony on all of these matters and, in particular, seeks comments and testimony addressed to:

(a) General and commodity-specific negotiating objectives for the proposed agreement.

(b) Economic costs and benefits to U.S. producers and consumers of removal of tariffs and non-tariff barriers to U.S.-Thailand trade.

(c) Treatment of specific goods (described by Harmonized System tariff numbers) under the proposed agreement, including comments on:

(1) Product-specific import or export interests or barriers,

(2) Experience with particular measures that should be addressed in the negotiations, and

(3) In the case of articles for which immediate elimination of tariffs is not appropriate, a recommended staging schedule for such elimination.

(d) Adequacy of existing customs measures to ensure Thai origin of imported goods, and appropriate rules of origin for goods entering the United States under the proposed agreement.

(e) Existing Thai sanitary and phytosanitary measures and technical barriers to trade.

(f) Existing barriers to trade in services between the United States and Thailand that should be addressed in the negotiations.

(g) Relevant electronic commerce issues that should be addressed in the negotiations.

(h) Relevant trade-related intellectual property rights issues that should be addressed in the negotiations.

(i) Relevant investment issues that should be addressed in the negotiations.

(j) Relevant competition-related matters that should be addressed in the negotiations.

(k) Relevant government procurement issues that should be addressed in the negotiations.

(l) Relevant environmental issues that should be addressed in the negotiations.

(m) Relevant labor issues that should be addressed in the negotiations.

Comments identifying as present or potential trade barriers laws or regulations that are not primarily trade-related should address the economic, political and social objectives of such laws or regulations and the degree to which they discriminate against producers of the other country. At a later date, the USTR, through the TPSC, will publish notice of reviews regarding (a) the possible environmental effects of the proposed agreement and the scope of the U.S. environmental review of the proposed agreement, and (b) the impact of the proposed agreement on U.S. employment and labor markets.

A hearing will be held beginning on March 30, 2004, in Rooms 1 and 2, 1724

F Street, NW., Washington, DC. If necessary, the hearing will continue on subsequent days. Persons wishing to testify at the hearing must provide written notification of their intention by March 19, 2004. The notification should include: (1) The name, address, and telephone number of the person presenting the testimony; and (2) a short (one or two paragraph) summary of the presentation, including the subject matter and, as applicable, the product(s) (with HTSUS numbers), service sector(s), or other subjects (such as investment, intellectual property and/or government procurement) to be discussed. A copy of the testimony must accompany the notification. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC. Persons with mobility impairments who will need special assistance in gaining access to the hearing should contact the TPSC Executive Secretary.

Interested persons, including persons who participate in the hearing, may submit written comments by noon, April 8, 2004. Written comments may include rebuttal points demonstrating errors of fact or analysis not pointed out in the hearing. All written comments must state clearly the position taken, describe with particularity the supporting rationale, and be in English. The first page of written comments must specify the subject matter, including, as applicable, the product(s) (with HTSUS numbers), service sector(s), or other subjects (such as investment, intellectual property and/or government procurement).

3. Requirements for Submissions

In order to facilitate prompt processing of submissions, the Office of the United States Trade Representative strongly urges and prefers electronic (e-mail) submissions in response to this notice. In the event that an e-mail submission is impossible, submissions should be made by facsimile.

Persons making submissions by e-mail should use the following subject line: "United States-Thailand Free Trade Agreement'' followed by (as appropriate) "Notice of Intent to Testify,'' "Testimony,'' or "Written Comments.'' Documents should be submitted as either WordPerfect, MSWord, or text (.TXT) files. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel. For any document containing business confidential information submitted electronically, the file name of the business confidential version should begin with the characters "BC–'', and the file name of the public version should begin with the characters "P–''. The "P–'' or "BC–'' should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. To the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Written comments, notice of testimony, and testimony will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except business confidential information exempt from public inspection in accordance with 15 CFR 2003.6. Business confidential information submitted in accordance with 15 CFR 2003.6 must be clearly marked "Business Confidential'' at the top of each page, including any cover letter or cover page, and must be accompanied by a nonconfidential summary of the confidential information. All public documents and nonconfidential summaries shall be available for public inspection in the USTR Reading Room. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the file must be scheduled at least 48 hours in advance and may be made by calling (202) 395–6186.

General information concerning the Office of the United States Trade Representative may be obtained by accessing its Internet Web site (*http://www.ustr.gov*).

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 04–4306 Filed 2–26–04; 8:45 am]

BILLING CODE 3190–W3–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Environmental Assessments for the Air Tour Management Plan Program at Haleakala National Park, Hawaii Volcanoes National Park, Puukohola Heiau National Historic Site, Kaloko-Honokohau National Historical Park, Kalaupapa National Historical Park, and Pu'uhonua O Honaunau National Historical Park

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent to prepare environmental assessments and notice of initiation of public scoping.

SUMMARY: The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), has initiated the development of Air Tour Management Plans (ATMPs) for Haleakala National Park, Hawaii Volcanoes National Park, Puukohola Heiau National Historic Site, Kaloko-Honokohau National Historical Park, Kalaupapa National Historical Park, and Pu'uhonua O Honaunau National Historical Park, pursuant to the National Parks Air Tour Management Act of 2000 (Public Law 106–181) and its implementing regulations contained in Title 14, Code of Federal Regulations, part 136, *National Parks Air Tour Management.* The objective of each ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural resources, cultural resources, and visitor experiences of the subject national park unit.

DATES:

Scoping Period: The 45-day scoping period will be initiated upon publication of this notice. Please submit any written response you may have within 45 days from the date of this Notice, or no later than Monday, April 12, 2004.

Scoping Meetings: Public scoping meetings have been scheduled for these projects as follows:

Subject park	Date	Time	Location
Puukohola Heiau National Historic Site	Wednesday, March 24, 2004.	4:30 p.m. to 7 p.m	Waimea Civic Center Conference Room, 67–5189 Kamamalu Street, Kamuela, Hawaii.
Hawaii Volcanoes National Park	Thursday, March 25, 2004.	6 p.m. to 8:30 p.m	King Kamehameha's Hotel, Kamakahonu Ballroom, 75–5660 Palani Road, Kailua-Kona, Hawaii.

Subject park	Date	Time	Location
Hawaii Volcanoes National Park	Friday, March 26, 2004.	6 p.m. to 8:30 p.m	University of Hawaii at Hilo, University Classroom, Building 301, Room 100, 200 West Kawili St., Hilo, Hawaii.
Pu'uhonua O Honaunau National Historical Park.	Thursday, March 25, 2004.	6 p.m. to 8:30 p.m	King Kamehameha's Hotel, Kamakahonu Ballroom, 75–5660 Palani Road, Kailua-Kona, Hawaii.
Kaloko-Honokohau National Historical Park	Thursday, March 25, 2004.	6 p.m. to 8:30 p.m	King Kamehameha's Hotel, Kamakahonu Ballroom, 75–5660 Palani Road, Kailua-Kona, Hawaii.
Kalaupapa National Historical Park	Saturday, March 27, 2004.	6 p.m. to 8:30 p.m	Kaunakakai Elementary School, 30 Ailo Street, Kaunakakai, Molokai.
Kalaupapa National Historical Park	Monday, March 29, 2004.	12 p.m. to 2:30 p.m	McVeigh Social Hall, Kalaupapa National Park, Kalaupapa, Molokai.
Haleakala National Park	Tuesday, March 30, 2004.	6 p.m. to 8:30 p.m	Hana Community Center (Old Hana School Cafeteria), 150 Uakea Road, Hana, Maui.
Haleakala National Park	Wednesday, March 31, 2004.	6 p.m. to 9:30 p.m	Mayor Hannibal Tavares Community Center, 91 Pukalani Street, Pukalani, Maui.

ADDRESSES: Please submit any written response you may have within 45 days from the date of this Notice, or no later than Monday, April 12, 2004. Address your comments to: Docket Management System, Doc No. FAA–2004–17174, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001.

You must identify the docket number FAA–2004–17174 at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard. You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing comments in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.* Additionally, comments will be received and recorded at the public scoping meetings.

FOR FURTHER INFORMATION CONTACT: Steve May, Air Tour Management Plan Program Manager, Executive Resource Staff, AWP–4, Federal Aviation Administration, Western-Pacific Region. Mailing address: P.O. Box 92007, Los Angeles, California 90009–2007. Telephone: (310) 725–3808. Street address: 15000 Aviation Boulevard, Lawndale, California 90261. e-mail: *Steve.May@faa.gov.*

SUPPLEMENTARY INFORMATION: In developing each ATMP and any associated rulemaking actions, the FAA is required to comply with the National Environmental Policy Act of 1969, which calls on Federal agencies to consider environmental issues as part of their decision making process. For the purposes of compliance with the National Environmental Policy Act, the FAA is the Lead Agency and the NPS is a Cooperating Agency. The FAA Air Tour Management Plan Program Office and the NPS Natural Sounds Program Office are responsible for the overall implementation of the ATMP Program.

Environmental Assessments are being prepared in accordance with FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts. The FAA is now inviting the public, agencies, and other interested parties to provide comments, suggestions, and input regarding: (1) The scope, issues, and concerns related to the development of each ATMP; (2) the scope of issues and the identification of significant issues regarding commercial air tours and their potential impacts to be addressed in the environmental process; (3) the potential effects of commercial air tours on cultural and historic resources; (4) past, present, and reasonably foreseeable future actions which, when considered with ATMP alternatives, may result in significant cumulative impacts; and (5) potential ATMP alternatives. The FAA requests that comments be as specific as possible in response to actions that are being proposed under this notice.

Public scoping meetings have been scheduled for this project. The purpose of these scoping meetings is to describe the ATMP development and environmental processes, obtain public input regarding the ATMP and potential environmental concerns that may be appropriate for consideration in the Environmental Assessment, and to identify alternatives to be considered. Both oral and written comments will be accepted during these meetings. Agency personnel will be available to record your spoken comments. All recorded and written comments become part of the official record. The public scoping meetings will consist of a presentation in which the National Parks Air Tour Management Act of 2000 is introduced, existing conditions at Haleakala National Park, Hawaii Volcanoes National Park, Puukohola Heiau National Historic Site, Kaloko-Honokohau National Historical Park, and Pu'uhonua O Honaunau National Historical Park are described and the ATMP development process at each park unit is explained. Following the presentation, the floor will be opened for public comments to be received.

Park-specific scoping documents that describe the project in greater detail are available at the following locations:

- Kalaupapa National Park Headquarters, Kalaupapa, Molokai
- Molokai Public Library, 15 Ala Malama, Kaunakakai, Molokai
- Haleakala National Park Headquarters, Mile Marker 11, Crater Road, Kula, Maui
- Hana Public and School Library, Hana, Maui
- Makawao Public Library, 1159 Makawao Avenue, Makawao, Maui
- Kahului Public Library in 90 School Street, Kahului, Maui
- Kalaupapa National Historic Park, P.O. Box 2222, Kalaupapa, Hawaii
- Kihei Public Library, 35 Waimahaihai Street, Kihei, Maui
- Lahaina Public Library, 680 Wharf Street, Lahaina, Maui
- Lana'i Public and School Library, 555 Fraser Avenue, Lana'i City, Maui
- Wailuku Public Library, 251 High Street, Wailuku, Maui
- Hawaii Volcanoes National Park Headquarters, 1 Crater Rim Drive, Hawaii Volcanoes, Hawaii
- Puukohola Heiau National Historic Site Headquarters, 62–3601 Kawaihai Road, Kawaihai, Hawaii
- Kaloko-Honokohau National Historical Park Headquarters, 73–4786

Kanalani Street, #14, Kailua-Kona, Hawaii
- Pu'uhonua O Honaunau National Historical Park, Highway 160, Honaunau, Hawaii
- Hilo Public Library, 300 Waianuenue Avenue, Hilo, Hawaii
- Kailua-Kona Public Library, 75–138 Hualalai Road, Kailua-Kona, Hawaii
- Naalehu Public Library, 95–5669 Mamalahoa Highway, Naalehu, Hawaii
- Pahala Public and School Library, 96–3150 Pikake Street, Pahala, Hawaii
- Hawaii State Library, 478 South King Street, Honolulu, Oahu
- FAA Air Tour Management Plan Program Web site, *http://www.atmp.faa.gov/*
- FAA Docket Management System Web site, *http://dms.dot.gov*

Issued in Washington, DC on February 23, 2004.

Ruth Leverenz,

Assistant Administrator for Region and Center Operations.

[FR Doc. 04–4397 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Meeting of the National Parks Overflights Advisory Group Aviation Rulemaking Committee

ACTION: Notice of meeting.

SUMMARY: The National Park Service (NPS) and Federal Aviation Administration (FAA), in accordance with the National Parks Air Tour Management Act of 2000, announce the next meeting of the National Parks Overflights Advisory Group Aviation Rulemaking Committee (NPOAG ARC). The meeting will take place on March 18, 2004, at the Hacienda Hotel in Boulder City, Nevada. This notice informs the public of the date, location, and agenda for the meeting.

DATES AND LOCATION: The NPOAG ARC will meet March 18, 2004, at the Hacienda Hotel (meeting room 256), Highway 93 (overlooking Lake Mead), Boulder City, Nevada 89005, telephone 702–293–5000. The meeting will begin at 8 a.m. on Thursday, March 18, 2004.

FOR FURTHER INFORMATION CONTACT: Barry Brayer, Manager, Executive Resource Staff, Western Pacific Region, Federal Aviation Administration, 15000 Aviation Blvd., Hawthorne, CA 90250, telephone: (310) 725–3800, or *Barry.Brayer@faa.gov,* or Karen Trevino, National Park Service, Natural Sounds Program, 1201 Oakridge Dr., Suite 350, Ft. Collins, CO, 80525, telephone (970) 225–3563, or *Karen_Trevino@nps.gov.*

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000, enacted on April 5, 2000, as Public Law 106–181 (Pub. L. 106–181), required the establishment of a National Parks Overflights Advisory Group within 1 year after its enactment. The NPOAG was to be a balanced group representative of general aviation, commercial air tour operations, environmental concerns, and Indian tribes. The duties of the NPOAG included providing advice, information, and recommendations to the Director, NPS, and to the Administrator, FAA, on the implementation of Public Law 106–181, on quiet aircraft technology, on other measures that might accommodate interests to visitors to national parks, and, at the request of the Director and Administrator, on safety, environmental, and other issues related to commercial air tour operations over national parks or tribal lands.

On March 12, 2001, the FAA and NPS announced the establishment of the NPOAG (48 FR 14429). The first meeting of the advisory group was held August 28–29, 2001, in Las Vegas, Nevada; the second meeting was held October 4–5, 2002, in Tusayan, Arizona; and the third meeting was held October 20–21, 2003 in Jackson, Wyoming.

On October 10, 2003, the Administrator signed Order No. 1110–138 establishing the NPOAG as an aviation rulemaking committee. Current members of the NPOAG ARC are Heidi Williams (general aviation), David Kennedy, Richard Larew, and Alan Stephen (commercial air tour operations), Chip Dennerlein, Charles Maynard, Steve Bosak, and Susan Gunn (environmental interests), and Germaine White and Richard Deertrack (Indian tribes).

Agenda for the March 18, 2004, Meeting

The NPOAG ARC will review tribal issues, prevention and mitigation of significant adverse environmental impacts, modifications to interim operating authority, new entrant operators and increased operations of existing operators, and quiet technology. A final agenda will be available the day of the meeting.

Attendance at the Meeting

Although this is not a public meeting, interested persons may attend. Because seating is limited, if you plan to attend, please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT** so that meeting space may accommodate your attendance.

Record of the Meeting

If you cannot attend the meeting, a summary record of the meeting will be made available by the Office of Rulemaking (ARM), 800 Independence Ave., SW., Washington, DC 20591. Contact is Linda Williams, (202) 267–9685, or *linda.l.williams@faa.gov.*

Issued in Washington, DC, on February 19, 2004.

James J. Ballough,

Director, Flight Standards Service.

[FR Doc. 04–4170 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

[Docket No.: MARAD 2004–17166]

Availability of a Draft Environmental Assessment

AGENCY: Department of Transportation, Maritime Administration.

ACTION: Notice of availability of draft environmental assessment.

SUMMARY: Notice is hereby given that the Maritime Administration (MARAD), of the U.S. Department of Transportation (US DOT) has made available for review and comment to interested parties the draft Environmental Assessment (EA) for the transfer and disposal of approximately nine obsolete vessels from the James River Reserve Fleet (JRRF) to the Able UK facility located in Teeside, United Kingdom. The EA studied potential environmental effects associated with the transfer of the obsolete vessels for disposal. The EA considered potential effects to the natural and manmade environments including: air quality; water quality; geology and soils; coastal resources; terrestrial resources; aquatic resources; navigation; hazardous materials; cultural and historic resources; visual and aesthetic resources, among other topics associated with the proposed action.

DATES: Comments on this EA must be received by March 29, 2004.

FOR FURTHER INFORMATION CONTACT: Deborah Aheron, U.S. DOT, Maritime Administration, 400 7th Street, SW., Washington, DC 20590, Tel: 202–366–8887/Fax: 202–366–6988, e-mail: *Deborah.Aheron@marad.dot.gov.*

ADDRESSES: Comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 4000 7th St., SW., Washington, DC 20590–0001. You may also send

comments electronically via the Internet at *http://dmses.dot.gov/submit/.*

SUPPLEMENTARY INFORMATION: Written comments should refer to docket number MARAD 2004–17166. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.* No comments will be accepted after the cut off date listed in the date section above. All written comments received during this review period will be taken into consideration by MARAD. Copies of the EA are available for public viewing on the MARAD Web site (*http://www.marad.dot.gov*) and at the following locations: Groninger Library, Army Transportation Center, Bldg. 1313, Ft. Eustis; Grissom Public Library, 366 DeShazor Dr., Newport News; Christopher Newport College Library, 1 University Pl., Newport News; Newport News Public Library, 110 Main St., Newport News; Pearl Bailey Branch Library, 2510 Wickham Ave., Newport News; West Avenue Library, 30th St. & West Ave., Newport News; Hampton Public Library, 4207 Victoria Blvd., Hampton; Hampton University Library, 130 E. Tyler St., Hampton; Thomas Nelson Community College Library, 99 Thomas Nelson Dr., Hampton; Earl Gregg Swem Library, College of William & Mary, Williamsburg; Henry Clay Hofheimer II Library, 1584 Wesleyan Dr., Norfolk; Little Creek Branch Library, 7853 Tarpon Pl., Norfolk; Blyden Branch Library, 879 East Princess Anne Rd., Norfolk; Kirn Memorial Main Library, 301 East City Hall Ave., Norfolk; Old Dominion University Library, 4427 Hampton Blvd., Norfolk; Norfolk State University Library, 700 Park Ave., Norfolk; Larchmont Branch Library, 6525 Hampton Blvd., Norfolk; Janaf Branch Library, 124 Janaf Shopping Center, Norfolk; Pretlow Branch Library, 9640 Granby St., Norfolk; Lafayette Branch Library, 1610 Cromwell Dr., Norfolk; Park Place Branch Library, 620 West 29th St., Norfolk; Van Wyck Branch Library, 1368 DeBree Ave., Norfolk; Virginia Beach Public Library, 4100 Virginia Beach Blvd., Virginia Beach.

(Authority: 49 CFR 1.66)

By Order of the Maritime Administrator.

Dated: February 24, 2004.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 04–4337 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2004–17179]

Notice of Receipt of Petition for Decision That Nonconforming 2000 Land Rover Discovery Multipurpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2000 Land Rover Discovery multipurpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2000 Land Rover Discovery MPVs that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is March 29, 2004.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.). 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) or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA, 202–366–3151.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle of the same model year that was originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and that the vehicle is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Eurosport Motorcars, Inc. of Cape Coral, Florida ("EMI") (Registered Importer 01–291) has petitioned NHTSA to decide whether 2000 Land Rover Discovery MPVs are eligible for importation into the United States. The vehicles that EMI believes are substantially similar are 2000 Land Rover Discovery MPVs that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 2000 Land Rover Discovery MPVs to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

EMI submitted information with its petition intended to demonstrate that non-U.S. certified 2000 Land Rover Discovery MPVs, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2000 Land Rover Discovery MPVs are identical to their U.S. certified counterparts with respect

to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic and Electric Brake Systems,* 106 *Brake Hoses,* 113 *Hood Latch Systems,* 114 *Theft Protection,* 119 *New Pneumatic Tires for Vehicles other than Passenger Cars,* 124 *Accelerator Control Systems,* 135 *Passenger Car Brake Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver from the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

Petitioner states that the vehicles are equipped with an anti-theft system that meets the requirements of the Theft Prevention Standard found in 49 CFR part 541.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* replacement of the speedometer with a U.S.-model component that reads in miles per hour or recalibration of the unit to read in miles per hour and placement of a label on the odometer face to indicate that it is calibrated in kilometers driven.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* replacement of the noncompliant headlamps, tail lamps, side markers, and reflectors with U.S.-model components.

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.-model component, or inscription of the required warning statement on the mirror's face.

Standard No. 116 *Motor Vehicle Brake Fluid:* replacement of the vehicle's brake fluid with fluid that is certified to meet the standard.

Standard No. 118 *Power Window Systems:* rewiring of the power window system so that the window transport will not operate when the ignition is switched to the "off'' position.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles other than Passenger Cars:* installation of a tire information placard.

Standard No. 208 *Occupant Crash Protection:* replacement of the seat belt warning indicator with a U.S.-model component. The petitioner states that the vehicle is equipped with U.S.-model seat belts and air bags.

Standard No. 214 *Side Impact Protection:* inspection of all vehicles and installation of U.S.-model door beams on vehicles that are not already so equipped.

Standard No. 225 *Child Restraint Anchorage Systems:* installation of U.S.-model tether anchorages.

Petitioner states that all vehicles must be inspected for compliance with the Bumper Standard found in 49 CFR part 581, and that reinforcements will be added to the bumpers of any vehicles that do not already so comply.

In addition, the petitioner states that a vehicle identification number (VIN) plate must be affixed to the driver's side dashboard, and a certification label must be affixed to the latch post nearest the driver to meet the requirements of 49 CFR part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.). It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 24, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 04–4398 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2004–17181]

Notice of Receipt of Petition for Decision That Nonconforming 2003 and 2004 Ferrari Enzo Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2003 and 2004 Ferrari Enzo passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2003 and 2004 Ferrari Enzo passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is March 29, 2004.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) 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), or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As

specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies of Baltimore, Maryland ("J.K.'') (Registered Importer 90–006) has petitioned NHTSA to decide whether 2003 and 2004 Ferrari Enzo passenger cars are eligible for importation into the United States. The vehicles that J.K. believes are substantially similar are 2003 and 2004 Ferrari Enzo passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 2003 and 2004 Ferrari Enzo passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

J.K. submitted information with its petition intended to demonstrate that non-U.S. certified 2003 and 2004 Ferrari Enzo passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2003 and 2004 Ferrari Enzo passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, 302 *Flammability of Interior Materials*, and 401 *Interior Trunk Release*.

With regard to the Bumper Standard found at 49 CFR part 581, petitioner states that the vehicles are equipped with bumpers and support structures that are identical to those found on their U.S.-certified counterparts, with the exception that front marker lights must be cut into appropriately marked castings on the front bumpers.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: reprogramming of the instrument cluster and replacement of several of the placards to comply with the requirements of this standard.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model headlamps and front sidemarker lights; (b) installation of U.S.-model taillamp assemblies, which incorporate rear sidemarker lights, or modification of the existing assemblies to meet the standard.

Standard No. 110 *Tire Selection and Rims*: installation of a tire information placard.

Standard No. 111 *Rearview Mirror*: inscription of the required warning statement on the passenger side rearview mirror, or replacement of that mirror with a U.S.-model component.

Standard No. 114 *Theft Protection*: programming of the vehicles to activate the key warning and seat belt warning systems.

Standard No. 118 *Power-Operated Window Systems*: programming of the vehicles so that they comply with the standard.

Standard No. 208 *Occupant Crash Protection*: (a) Programming of the vehicles to ensure that the seat belt warning system activates in the proper manner; (b) replacement of the seat belts with U.S.-model components. The petitioner states that the vehicles are equipped with a seat belt warning lamp that is identical to the component used on the vehicles' U.S.-certified counterparts. The petitioner further states that the vehicles are equipped with dual front air bags and that they should be equipped with combination lap and should belts at the front outboard seating positions that are self-tensioning and released by means of a single red push button.

Standard No. 209 *Seat Belt Assemblies*: replacement of the seat belts with U.S.-model components.

Standard No. 225 *Child Restraint Anchorage Systems*: installation of a child seat "bracket for belt coupler.''

The petitioner states that all vehicles must be inspected to ensure compliance with the Theft Prevention Standard at 49 CFR part 541, and that anti-thefts marking must be added to vehicles that are not already so marked.

The petitioner also states that a vehicle identification plate must be affixed to the vehicles near the left windshield post and a reference and certification label must be affixed in the area of the left front door post to meet the requirements of 49 CFR part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 24, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 04–4399 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel, E-Filing Issue Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the E-Filing Issue Committee of the Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Sunday, March 28, 2004, from 8 am to 4 pm Central Standard Time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or 414–297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel, E-Filing Issue Committee will be held Sunday, March 28, 2004, from 8 am to 4 pm Central standard time, at the Renaissance Dallas North Hotel, 4099 Valley View Lane, Dallas, TX, 75244. You can submit written comments to the panel by faxing to (414) 297–1623, or by mail to Taxpayer Advocacy Panel, Stop 1006–MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or you can contact us at *http://www.improveirs.org.* Public comments will also be welcome during the meeting.

The agenda will include the following: Various IRS issues.

Dated: February 23, 2004.

Bernard Coston,

Director, Taxpayer Advocacy Panel.

[FR Doc. 04–4403 Filed 2–26–04; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Friday,
February 27, 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–09]

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 7266, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY 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 has reviewed 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. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

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 Shirley Kramer, 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 properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register,** the landholding agency, and the property number.

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: *Air Force:* Mr. Albert F. Lowas, Jr., Air Force Real Property Agency, 1700 North Moore St., Suite 2300, Arlington, VA 22209–2802; (703) 696–5501; *COE:* Ms. Shirley Middleswarth, Army Corps of Engineers, Civil Division, Directorate of Real Estate, 441 G Street, NW, Washington, DC 20314–1000; (202) 761–7425; *Coast Guard:* Commandant, U.S. Coast Guard, Attn: Teresa Sheinberg, 2100 Second St., SW, Rm 6109, Washington, DC 20593–0001; (202) 267–6142; *Dot:* Mr. Rugene Spruill, DOT Headquarters Project Team, Department of Transportation, 400 7th Street, SW, Room 10314, Washington, DC 20590; (202) 366–4246; *Enery:* Mr. Tom Knox, Department of Energy, Office of Engineering & Construction Management, CR–80, Washington, DC 20585; (202) 586–8715; *Navy:* Mr. Charles C. Cocks, Director, Department of the 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; *Va:* Ms. Amelia E. McLellan, Director, Real Property Service (183C), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 419, Washington, DC 20420; (202) 565–5398; (These are not toll-free numbers).

Dated: February 19, 2004.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

Title V, Federal Surplus Property Program Federal Register Report for 2/27/04

Suitable/Available Properties

Buildings (by State)

Alaska

Bldg. 7525
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200230009
Status: Unutilized
Comment: 26,226 sq. ft., need rehab, possible asbestos/lead paint, most recent use—dormitory, off-site use only

Bldgs. 723, 724
Coast Guard ISC
Nemetz Housing
Kodiak Co: AK 99615–
Landholding Agency: Coast Guard
Property Number: 88200410001
Status: Excess
Comment: 5336 sq. ft. each, presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldgs. 726, 727
Coast Guard ISC
Nemetz Housing
Kodiak Co: AK 99615–
Landholding Agency: Coast Guard
Property Number: 88200410002
Status: Excess
Comment: 6912 sq. ft. each, presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldgs. 729, 730
Coast Guard ISC
Nemetz Housing

Kodiak Co: AK 99615–
Landholding Agency: Coast Guard
Property Number: 88200410003
Status: Excess
Comment: 6912 sq. ft. each, presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldg. 732
Coast Guard ISC
Nemetz Housing
Kodiak Co: AK 99615–
Landholding Agency: Coast Guard
Property Number: 88200410004
Status: Excess
Comment: 6912 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use

Bldg. 737
Coast Guard ISC
Nemetz Housing
Kodiak Co: AK 99614–
Landholding Agency: Coast Guard
Property Number: 88200410005
Status: Excess
Comment: 5336 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldg. 739
Coast Guard ISC
Nemetz Housing
Kodiak Co: AK 99614–
Landholding Agency: Coast Guard
Property Number: 88200410006
Status: Excess
Comment: 6912 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldg. 756
Coast Guard ISC
Nemetz Housing
Kodiak Co: AK 99615–
Landholding Agency: Coast Guard
Property Number: 88200410007
Status: Excess
Comment: 3840 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

Hawaii

Bldg. 849
Bellows AFS
Bellows AFS Co: HI
Landholding Agency: Air Force
Property Number: 18200330008
Status: Unutilized
Comment: 462 sq. ft., concrete storage facility

Bldg. 2600NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410009
Status: Unutilized
Comment: 841 sq. ft., concrete, possible lead based paint, off-site use only

Bldg. 2602
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410022
Status: Unutilized
Comment: 12,960 sq. ft. w/1372 sq. ft. addition, possible lead based paint, off-site use only

Bldg. 2613
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410023
Status: Unutilized
Comment: 3200 sq. ft., possible lead based paint

Idaho

Bldg. CF603
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200020004
Status: Excess
Comment: 15,005 sq ft. cinder block, presence of asbestos/lead paint, major rehab, off-site use only

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 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–
Landholding Agency: VA
Property Number: 97200310009
Status: Unutilized
Comment: 37,135 sq. ft., needs extensive repairs, presence of asbestos, most recent use—dining hall/kitchen

Kentucky

Green River Lock & Dam #3
Rochester Co: Butler KY 42273–
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Landholding Agency: COE
Property Number: 31199010022
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Missouri

Bldgs. 90A/B, 91A/B, 92A/B
Jefferson Barracks Housing
St. Louis Co: MO 63125–
Landholding Agency: Air Force
Property Number: 18200220002
Status: Excess
Comment: 6450 sq. ft., needs repair, includes 2 acres

Montana

Bldg. 1
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Landholding Agency: COE
Property Number: 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–
Landholding Agency: COE
Property Number: 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–
Landholding Agency: COE
Property Number: 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–
Landholding Agency: COE
Property Number: 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–
Landholding Agency: COE
Property Number: 31200040014
Status: Unutilized
Comment: 1286 sq. ft., most recent use—cold storage, off-site use only

New York

Lockport Comm. Facility
Shawnee Road
Lockport Co: Niagara NY
Landholding Agency: Air Force
Property Number: 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–
Landholding Agency: Air Force
Property Number: 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–
Landholding Agency: Air Force
Property Number: 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–
Landholding Agency: Air Force
Property Number: 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–
Landholding Agency: Air Force
Property Number: 18200340026
Status: Unutilized
Comment: 10288 sq. ft., presence of asbestos, most recent use—communications facility

North Dakota

Office Bldg.
Lake Oahe Project
3rd & Main
Ft. Yates Co: Sioux ND 58538–
Landholding Agency: COE
Property Number: 31200020001
Status: Unutilized
Comment: 1200 sq. ft., 2-story wood, off-site use only

Ohio

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Landholding Agency: COE
Property Number: 31199120018
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–
Landholding Agency: COE
Property Number: 31200210008
Status: Unutilized
Comment: 1200 sq. ft., needs repair, off-site use only

Pennsylvania

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242–
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: OE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 31199830003
Status: Excess
Comment: 1421 sq. ft., 2-story + basement, most recent use—residential

Residence A
2045 Pohopoco Drive
Lehighton Co: Carbon PA 18235–
Landholding Agency: COE
Property Number: 31200410007
Status: Unutilized
Comment: 1200 sq. ft., presence of asbestos, off-site use only

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 97199230012
Status: Underutilized
Comment: portion of bldg. (4046 sq. ft.), most recent use—storage, second floor—lacks elevator access

South Dakota

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage

110 Bldgs.
Ellsworth AFB
Capehart 220
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200410007
Status: Excess
Comment: military family housing, 3617 to 6055 sq. ft., limited access, off-site use only

208 Bldgs.
Ellsworth AFB
Capehart 500
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200410008
Status: Excess
Comment: military family housing, various sq. ft., limited access, off-site use only

Residence/Tract 143
Pierre Co: SD 57532–
Landholding Agency: COE
Property Number: 31200330008
Status: Excess
Comment: 960 sq. ft., off-site use only

Residence/Tract 420
Pierre Co: SD 57532–
Landholding Agency: COE
Property Number: 31200330012
Status: Excess
Comment: 1680 sq. ft., off-site use only

Virginia

Metal Bldg.
John H. Kerr Dam & Reservoir
Co: Boydton VA
Landholding Agency: COE
Property Number: 31199620009
Status: Excess
Comment: 800 sq. ft., most recent use—storage, off-site use only

Wisconsin

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 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–
Landholding Agency: COE
Property Number: 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–
Landholding Agency: COE
Property Number: 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–
Landholding Agency: COE
Property Number: 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–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road
Landholding Agency: COE
Property Number: 31199011533
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–
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway "D") and River Street
Landholding Agency: COE
Property Number: 31199011535
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–
Landholding Agency: COE
Property Number: 31199011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped

Arkansas

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010071
Status: Unutilized
Comment: 77.6 acres

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010072
Status: Unutilized
Comment: 198.5 acres

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010073
Status: Unutilized
Comment: 50.46 acres

Parcel 04

DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010074
Status: Unutilized
Comment: 236.37 acres

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010075
Status: Unutilized
Comment: 187.30 acres

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010076
Status: Unutilized
Comment: 13.0 acres

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010077
Status: Unutilized
Comment: 0.27 acres

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010078
Status: Unutilized
Comment: 14.6 acres

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010079
Status: Unutilized
Comment: 6.60 acres

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010080
Status: Unutilized
Comment: 4.5 acres

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010081
Status: Unutilized
Comment: 19.50 acres

Lake Greeson
Section 7, 8 and 18
Murfreesboro Co: Pike AR 71958–9720
Landholding Agency: COE
Property Number: 31199010083
Status: Unutilized
Comment: 46 acres

California

Land 4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area

Florida

Homestead Communications Annex
Homestead Co: Dare FL 33033–
Landholding Agency: Air Force
Property Number: 18200210015
Status: Excess
Comment: 20 acres w/concrete bldg., consist of wetlands/100 year floodplain, most recent use—high frequency regional broadcasting system

Iowa

40.66 acres
VA Medical Center 1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740002
Status: Unutilized
Comment: golf course, easement requirements

Kansas

Parcel 1
El Dorado Lake
Section 13, 24, and 18
(See County) Co: Butler KS
Landholding Agency: COE
Property Number: 31199010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation

Kentucky

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: Adjoining the village of Rockcastle
Landholding Agency: COE
Property Number: 31199010025
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–
Location: 2½ miles in a southerly direction from the village of Rockcastle
Landholding Agency: COE
Property Number: 31199010026
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–
Location: 2½ miles in a southerly direction from the village of Rockcastle
Landholding Agency: COE
Property Number: 31199010027
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle
Landholding Agency: COE
Property Number: 31199010028
Status: Excess
Comment: 5.44 acres; steep and wooded

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 6½ miles west of Cadiz
Landholding Agency: COE
Property Number: 31199010029
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 1 mile in a southerly direction from the village of Rockcastle
Landholding Agency: COE
Property Number: 31199010031
Status: Excess
Comment: 4.90 acres; wooded; no utilities

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek
Landholding Agency: COE
Property Number: 31199010032
Status: Excess
Comment: 8.24 acres; steep and wooded

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 3½ miles in a southerly direction from Canton, KY
Landholding Agency: COE
Property Number: 31199010033
Status: Excess
Comment: 4.26 acres; steep and wooded

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 5 miles south of Canton, KY
Landholding Agency: COE
Property Number: 31199010034
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY
Landholding Agency: COE
Property Number: 31199010035
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 6½ miles south of Canton, KY
Landholding Agency: COE
Property Number: 31199010036
Status: Excess
Comment: 1.75 acres; wooded

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: On the north side of the Illinois Central Railroad
Landholding Agency: COE
Property Number: 31199010042
Status: Excess
Comment: 5.80 acres; steep and wooded

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4 miles east of Eddyville, KY
Landholding Agency: COE

Property Number: 31199010044
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–
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Landholding Agency: COE
Property Number: 31199010045
Status: Excess
Comment: 8.71 cres; rolling steep and wooded; no utilities

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY
Landholding Agency: COE
Property Number: 31199010046
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY
Landholding Agency: COE
Property Number: 31199010047
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 5½ miles east of Eddyville, KY
Landholding Agency: COE
Property Number: 31199010048
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 7½ miles southeasterly of Eddyville, KY
Landholding Agency: COE
Property Number: 31199010049
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 7 miles southeasterly of Eddyville, KY
Landholding Agency: COE
Property Number: 31199010050
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 9 miles southeasterly of Eddyville, KY
Landholding Agency: COE
Property Number: 31199010051
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River
Landholding Agency: COE
Property Number: 31199010052
Status: Excess
Comment: 5.5 acres; wooded; no utilities

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 31199010053
Status: Excess
Comment: 1.40 acres; wooded; no utilities

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Landholding Agency: COE
Property Number: 31199010054
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–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek
Landholding Agency: COE
Property Number: 31199010055
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–
Location: 6 1/2 miles southeasterly of Eddyville, KY
Landholding Agency: COE
Property Number: 31199010056
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–
Location: Village of Linton, KY state highway 1254
Landholding Agency: COE
Property Number: 31199010058
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: 1 mile northwest of Linton, KY
Landholding Agency: COE
Property Number: 31199010059
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4 1/2 miles south from Canton, KY
Landholding Agency: COE
Property Number: 31199011621
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–
Location: 4 1/2 miles south from Canton, KY
Landholding Agency: COE
Property Number: 31199011622
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–
Location: 7 miles southeasterly from Eddyville, KY
Landholding Agency: COE
Property Number: 31199011623
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–
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Landholding Agency: COE
Property Number: 31199011624
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–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Landholding Agency: COE
Property Number: 31199011625
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–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 31199011626
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 31199011627
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–
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 31199320003
Status: Unutilized

Comment: approx. 3.5 acres (sloping), access monitored

Tract No. F–610
Buckhorn Lake Project
Buckhorn Co: KY 41721–
Landholding Agency: COE
Property Number: 31200240001
Status: Unutilized
Comment: 0.64 acres, encroachments, most recent use—flood control purposes

Louisiana

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Landholding Agency: COE
Property Number: 31199011009
Status: Unutilized
Comment: 10.81 acres; wildlife/forestry; no utilities

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo LA 71037–9707
Location: 35 miles Northeast of Shreveport, LA
Landholding Agency: COE
Property Number: 31199011010
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities

Mississippi

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 31199011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—ife and forestry management

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada Co: Grenada MS 28901–0903
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 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
Landholding Agency: COE
Property Number: 31199011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management

Missouri

Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355–
Location: Triangular shaped parcel southwest of access road "B'', part of Bledsoe
Ferry Park Tract 150
Landholding Agency: COE
Property Number: 31199030014
Status: Underutilized
Comment: 1.7 acres; potential utilities

Nebraska

Hastings Radar Bomb Scoring
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199810027
Status: Unutilized
Comment: 11 acres

Oklahoma

Pine Creek Lake
Section 27 (See County) Co: McCurtain OK
Landholding Agency: COE
Property Number: 31199010923
Status: Unutilized

Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3

Pennsylvania

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Location: Route 28 north to Belknap, Road #4
Landholding Agency: COE
Property Number: 31199010018
Status: Excess
Comment: 2.58 acres; steep and densely wooded

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue
Landholding Agency: COE
Property Number: 31199011001
Status: Excess
Comment: 24.09 acres; subject to flowage easement

Tracts L24, L26
Crooked Creek Lake
Co: Armstrong PA 03051–
Location: Left bank—55 miles downstream of dam
Landholding Agency: COE
Property Number: 31199011011
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–
Landholding Agency: COE
Property Number: 31199430012
Status: Unutilized
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights

South Dakota

S. Nike Ed. Annex Land
Ellsworth AFB
Pennington Co: SD 57706–
Landholding Agency: Air Force
Property Number: 18200220010
Status: Unutilized
Comment: 7 acres w/five foundations from demolished bldgs. remain on site; with a road and a parking lot

Tennessee

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2 ½ miles west of Dover, TN
Landholding Agency: COE
Property Number: 31199010927
Status: Excess
Comment: .57 acres; subject to existing easements

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3 ½ miles south of village of Tabaccoport
Landholding Agency: COE
Property Number: 31199010928
Status: Excess
Comment: 100.86 acres; subject to existing easements

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Location: ½ mile downstream from Cheatham Dam
Landholding Agency: COE
Property Number: 31199010929
Status: Excess
Comment: 26.25 acres; subject to existing easements

Tract 2319
J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130–
Location: West of Buckeye Bottom Road
Landholding Agency: COE
Property Number: 31199010930
Status: Excess
Comment: 14.48 acres; subject to existing easements

Tract 2227
J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130–
Location: Old Jefferson Pike
Landholding Agency: COE
Property Number: 31199010931
Status: Excess
Comment: 2.27 acres; subject to existing easements

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Across Fall Creek near Fall Creek camping area
Landholding Agency: COE
Property Number: 31199010932
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–
Location: TN Highway 56
Landholding Agency: COE
Property Number: 31199010933
Status: Unutilized
Comment: 11 acres; subject to existing easements

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: East of Lamar Road
Landholding Agency: COE
Property Number: 31199010934
Status: Excess
Comment: 6.92 acres; subject to existing easements

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles SE of Dover, TN
Landholding Agency: COE
Property Number: 31199010936
Status: Excess
Comment: 10.15 acres; subject to existing easements

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050–
Location: 1½ miles East of Cumberland City
Landholding Agency: COE
Property Number: 31199010937
Status: Excess
Comment: 96 acres; subject to existing easements

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050–
Location: 4 miles east of Cumberland City
Landholding Agency: COE
Property Number: 31199010938
Status: Excess
Comment: 7.7 acres; subject to existing easements

Tract 11503
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2 miles downstream from Cheatham Dam
Landholding Agency: COE
Property Number: 31199010939
Status: Excess
Comment: 1.1 acres; subject to existing easements

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2½ miles downstream from Cheatham Dam
Landholding Agency: COE
Property Number: 31199010940
Status: Excess
Comment: 19.5 acres; subject to existing easements

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028–
Location: 4½ miles SW. of Bumpus Mills
Landholding Agency: COE
Property Number: 31199010941
Status: Excess
Comment: 17 acres; subject to existing easements

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142–
Location: 3 miles NE of Palmyer, TN. Highway 149
Landholding Agency: COE
Property Number: 31199010943
Status: Excess
Comment: 6.6 acres; subject to existing easements

Tract 6949
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 1½ miles SE of Dover, TN
Landholding Agency: COE
Property Number: 31199010944
Status: Excess
Comment: 29.67 acres; subject to existing easements

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3 miles south of Village of Tobaccoport
Landholding Agency: COE
Property Number: 31199011173
Status: Excess
Comment: 5 acres; subject to existing easements

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074–
Landholding Agency: COE
Property Number: 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–
Landholding Agency: COE
Property Number: 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–
Landholding Agency: COE
Property Number: 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–
Landholding Agency: COE
Property Number: 31199140010
Status: Underutilized
Comment: 97 acres, most recent use—hunting, subject to existing easements

Texas

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities

Suitable/Unavailable Properties

Buildings (by State)

Colorado

Bldg. 100
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Landholding Agency: Air Force
Property Number: 18200230001
Status: Excess
Comment: 7760 sq. ft., most recent use—admin/electronic equip. maintenance

Bldg. 101
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Landholding Agency: Air Force
Property Number: 18200230002
Status: Excess
Comment: 336 sq. ft., most recent use—storage

Bldg. 102
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Landholding Agency: Air Force
Property Number: 18200230003
Status: Excess
Comment: 1056 sq. ft., most recent use—storage

Bldg. 103
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Landholding Agency: Air Force
Property Number: 18200230004
Status: Excess
Comment: 784 sq. ft., most recent use—storage

Bldg. 104
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Landholding Agency: Air Force
Property Number: 18200230005
Status: Excess
Comment: 312 sq. ft., most recent use—storage

Bldg. 106
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Landholding Agency: Air Force
Property Number: 18200230006
Status: Excess
Comment: 100 sq. ft., most recent use—storage

Hawaii

Bldg. 2601NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410010
Status: Unutilized
Comment: 275 sq. ft., concrete

Bldg. 2611NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410015
Status: Unutilized
Comment: 840 sq. ft., concrete, possible lead based paint

Bldg. 2638NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410016
Status: Unutilized
Comment: 2904 sq. ft., concrete

Bldg. 2643NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410017
Status: Unutilized
Comment: 1956 sq. ft., concrete

Bldg. 2644NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410018
Status: Unutilized
Comment: 2460 sq. ft., concrete

Bldg. 2645NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410019
Status: Unutilized
Comment: 2625 sq. ft., concrete

Bldg. 2647NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410020
Status: Unutilized
Comment: 2800 sq. ft., concrete

Bldg. 2650NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410021
Status: Unutilized
Comment: 2190 sq. ft., concrete

Idaho

Bldg. 224
Mountain Home Air Force
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840008
Status: Unutilized
Comment: 1890 sq. ft., no plumbing facilities, possible asbestos/ lead paint, most recent use—office

Bldg. CFA–613
Central Facilities Area
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199630001
Status: Unutilized
Comment: 1219 sq. ft., most recent use—sleeping quarters, presence of asbestos, off-site use only

Illinois

Bldg. 7
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010001
Status: Unutilized
Comment: 900 sq. ft.; 1 floor wood frame; most recent use—residence.

Bldg. 6
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010002
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 5
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010003
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 4
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010004
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence

Bldg. 3
Ohio River Locks & Dam No. 53

Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010005
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame

Bldg. 2
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010006
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence

Bldg. 1
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 31199010007
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence

Iowa

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310002
Status: Unutilized
Comment: 1113 sq. ft., 1-story concrete block bldg., contamination clean-up in process

Montana

VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301–
Landholding Agency: VA
Property Number: 97200030001
Status: Underutilized
Comment: 18 buildings, total sq. ft. = 123,851, presence of asbestos, most recent use—clinic/office/food production

New York

Bldg. 1225
Verona Text Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220014
Status: Unutilized
Comment: 3865 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—research lab

Bldg. 1226
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220015
Status: Unutilized
Comment: 7500 sq. ft., most recent use—storage

Bldg. 1227
Verona Text Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220016
Status: Unutilized
Comment: 1152 sq. ft., presence of asbestos/lead paint, most recent use—power station

Bldg. 1231
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220017
Status: Unutilized
Comment: 3865 sq. ft., presence of asbestos/lead paint/volatile organic compounds, access requirements, most recent use—research lab

Bldg. 1233
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220018
Status: Unutilized
Comment: 1152 sq. ft., needs repair, presence of asbestos/lead paint/volatile organic compounds, access requirements, most recent use—power station

Bldgs. 1235, 1239
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220019
Status: Unutilized
Comment: 144/825 sq. ft., need repairs, presence of lead paint, most recent use—electric switch station

Bldg. 1241
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220020
Status: Unutilized
Comment: 159 sq. ft., presence of lead paint, most recent use—sewage pump station

Bldg. 1243
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220021
Status: Unutilized
Comment: 25 sq. ft., most recent use—waste treatment

Bldg. 1245
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220022
Status: Unutilized
Comment: 3835 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—research lab

Bldg. 1247
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220023
Status: Unutilized
Comment: 576 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—power station

Bldg. 1250 + land
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220024
Status: Unutilized
Comment: 11,766 sq. ft. offices/lab with 495 acres, presence of asbestos/lead paint/wetlands

Bldg. 1253
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220025
Status: Unutilized
Comment: 3835 sq. ft., needs repair, presence of asbestos/lead paint/volatile organic compounds, access requirements, most recent use—research lab

Bldg. 1255
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220026
Status: Unutilized
Comment: 576 sq. ft., needs repair, presence of lead paint/volatile organic compounds, access requirement, most recent use—power station

Bldg. 1261
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220027
Status: Unutilized
Comment: 3835 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—research lab

Bldg. 1263
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220028
Status: Unutilized
Comment: 576 sq. ft. needs repair, presence of lead paint, most recent use—power station

Bldgs. 1266, 1269
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220029
Status: Unutilized
Comment: 3730/3865 sq. ft., need repairs, presence of asbestos/lead paint, most recent use—research lab

Bldg. 1271
Verona Test Annex
Verona Co: Oneida NY 13478—
Landholding Agency: Air Force
Property Number: 18200220030
Status: Unutilized
Comment: 1152 sq. ft., needs repair, presence of lead paint, most recent use—power station

Bldg. 1273
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220031
Status: Unutilized
Comment: 87 sq. ft., presence of asbestos, most recent use—sewage pump station

Bldg. 1277
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220032
Status: Unutilized
Comment: 3865 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—research lab

Bldg. 1279
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force

Property Number: 18200220033
Status: Unutilized
Comment: 1152 sq. ft., needs repair, presence of lead paint, most recent use—power station

Bldg. 1285
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220034
Status: Unutilized
Comment: 4690 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—research lab

Bldg. 1287
Verona Test Annex
Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18200220035
Status: Unutilized
Comment: 1152 sq. ft., needs repair, presence of lead paint, most recent use—power station

Ohio

Bldg.—Berlin Lake
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Landholding Agency: COE
Property Number: 31199640001
Status: Unutilized
Comment: 1420 sq. ft., 2-story brick w/garage and basement, most recent use—residential, secured w/alternate access

Pennsylvania

Bldg. 201
Pittsburgh IAP
Corapolis Co: Allegheny PA 15108–
Landholding Agency: Air Force
Property Number: 18200240014
Status: Excess
Comment: 310 sq. ft., most recent use—storage

Bldg. 203
Pittsburgh IAP
Corapolis Co: Allegheny PA 15108–
Landholding Agency: Air Force
Property Number: 18200240015
Status: Excess
Comment: 4163 sq. ft., most recent use—vehicle maint. shop

Bldg. 208
Pittsburgh IAP
Corapolis Co: Allegheny PA 15108–
Landholding Agency: Air Force
Property Number: 18200240016
Status: Excess
Comment: 144 sq. ft., most recent use—storage

Bldg. 210
Pittsburgh IAP
Corapolis Co: Allegheny PA 15108–
Landholding Agency: Air Force
Property Number: 18200240017
Status: Excess
Comment: 263 sq. ft., most recent use—storage

Bldg. 211
Pittsburgh IAP
Corapolis Co: Allegheny PA 15108–
Landholding Agency: Air Force
Property Number: 18200240018
Status: Excess
Comment: 1731 sq. ft., most recent use—office

Tract 403A
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430021
Status: Unutilized
Comment: 620 sq. ft., 2-story, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site

Tract 403B
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430022
Status: Unutilized
Comment: 1600 sq. ft., 2-story, brick structure, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site

Tract 403C
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430023
Status: Unutilized
Comment: 672 sq. ft., 2-story carriage house/stable barn type structure, needs repair, most recent use—storage/garage, if used for habitation must be flood proofed or removed

Wisconsin

Former Lockmaster's Dwelling
DePere Lock 100 James Street
De Pere Co: Brown WI 54115–
Landholding Agency: COE
Property Number: 31199011526
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access

Bldg. 2
VA Medical Center 5000 West National Ave.
Milwaukee WI 53295–
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comment: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

Land (by State)

Hawaii

Lots
Moanalua Prop/Naval Station
43B1, B3, C1, C4, 65A
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410008
Status: Unutilized
Comment: 18-acre site

Illinois

Lake Shelbyville
Shelbyville Co: Shelby & Moultrie IL 62565–9804
Landholding Agency: COE
Property Number: 31199240004
Status: Unutilized
Comment: 5 parcels of land equalling 0.70 acres, improved w/4 small equipment storage bldgs. and a small access road, easement restrictions

Iowa

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comment: golf course

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 97199010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased

Pennsylvania

East Branch Clarion River Lake
Wilcox Co: Elk PA
Location: Free camping area on the right bank off entrance roadway
Landholding Agency: COE
Property Number: 31199011012
Status: Underutilized
Comment: 1 acre; most recent use—free campground

Dashields Locks and Dam
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Landholding Agency: COE
Property Number: 31199210009
Status: Unutilized
Comment: 0.58 acres, most recent use—baseball field

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Comment: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comment: 34.16 acres, open field, most recent use—recreation/buffer

South Dakota

Tract 133
Ellsworth AFB
Box Elder Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18200310004
Status: Unutilized
Comment: 53.23 acres

Tract 67
Ellsworth AFB
Box Elder Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18200310005
Status: Unutilized
Comment: 121 acres, bentonite layer in soil, causes movement

Suitable/To Be Excessed

Buildings (by State)

Massachusetts

Cuttyhunk Boathouse
South Shore of Cuttyhunk Pond
Gosnold Co: Dukes MA 02713–
Landholding Agency: DOT
Property Number: 87199310001
Status: Unutilized
Comment: 2700 sq. ft., wood frame, one story, needs rehab, limited utilities, off-site use only

Nauset Beach Light
Nauset Beach Co: Barnstable MA
Landholding Agency: DOT
Property Number: 87199420001
Status: Unutilized
Comment: 48 foot tower, cylindrical cast iron, most recent use—aid to navigation

Light Tower, Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430005
Status: Excess
Comment: 66 ft. tower, 14′9″ diameter, brick structure, scheduled to be vacated 9/94

Keepers Dwelling
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430006
Status: Excess
Comment: 1160 sq. ft., 2-story wood frame, attached to light tower, scheduled to be vacated 9/94

Duplex Housing Unit
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430007
Status: Excess
Comment: 2 living units, 930 sq. ft. each, 1-story each, located on eroding ocean bluff, scheduled to be vacated 9/94

Nahant Towers
Nahant Co: Essex MA
Landholding Agency: DOT
Property Number: 87199530001
Status: Unutilized
Comment: 196 sq. ft., 8-story observation tower

Land (by State)

Georgia

Lake Sidney Lanier
Co: Forsyth GA 30130–
Location: Located on Two Mile Creek adj. to State Route 369
Landholding Agency: COE
Property Number: 31199440010
Status: Unutilized
Comment: 0.25 acres, endangered plant species

Lake Sidney Lanier-3 parcels
Gainesville Co: Hall GA 30503–
Location: Between Gainesville H.S. and State Route 53 By-Pass
Landholding Agency: COE
Property Number: 31199440011
Status: Unutilized
Comment: 3 parcels totalling 5.17 acres, most recent use—buffer zone, endangered plant species

Kansas

Parcel #1
Fall River Lake
Section 26
Co: Greenwood KS
Landholding Agency: COE
Property Number: 31199010065
Status: Unutilized
Comment: 126.69 acres; most recent use—recreation and leased cottage sites

Parcel No. 2, El Dorado Lake
Approx. 1 mi east of the town of El Dorado
Co: Butler KS
Landholding Agency: COE
Property Number: 31199210005
Status: Unutilized
Comment: 11 acres, part of a relocated railroad bed, rural area

Massachusetts

Buffumville Dam
Flood Control Project
Gale Road
Carlton Co: Worcester MA 01540–0155
Location: Portion of tracts B–200, B–248, B–251, B–204, B–247, B–200 and B–256
Landholding Agency: COE
Property Number: 31199010016
Status: Excess
Comment: 1.45 acres

Tennessee

Tract D–456
Cheatham Lock and Dam
Ashland Co: Cheatham TN 37015–
Location: Right downstream bank of Sycamore Creek
Landholding Agency: COE
Property Number: 31199010942
Status: Excess
Comment: 8.93 acres; subject to existing easements

Texas

Corpus Christi Ship Channel
Corpus Christi Co: Neuces TX
Location: East side of Carbon Plant Road, approx. 14 miles NW of downtown Corpus Christi
Landholding Agency: COE
Property Number: 31199240001
Status: Unutilized
Comment: 4.4 acres, most recent use—farm land

Unsuitable Properties

Buildings (by State)

Alabama

Dwelling A
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120001
Status: Excess
Reason: Floodway

Dwelling B
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120002
Status: Excess
Reason: Floodway

Oil House
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120003
Status: Excess
Reason: Floodway

Garage
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120004
Status: Excess
Reason: Floodway

Shop Building
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120005
Status: Excess
Reason: Floodway

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reason: Secured Area

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reason: Secured Area

Alaska

Bldg. 15532
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200220001
Status: Unutilized
Reasons: Within airport runway clear zone Secured Area

Bldg. 8354
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200240001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 11827
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200240002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 7537
Elmendorf Air Force Base
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200320001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9340
Elmendorf Air Force Base
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200320002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9342
Elmendorf Air Force Base
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200320003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 12737
Elmendorf Air Force Base
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200320004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 13251
Elmendorf Air Force Base
Elemendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200320005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 29453
Elmendorf Air Force Base
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200320006
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6527
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200330001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 12739
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200330002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 4314
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200340001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6527
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200340002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 7541
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200340003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 8111
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200340004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9489
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200340005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 10547
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200340006
Status: Unutilized
Reason: Extensive deterioration

Bldg. B001
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140003
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. B002
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140004
Status: Excess
Reasons: Secured Area,Extensive deterioration

Bldg. B003
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140005
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. B004
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140006
Status: Excess
Reason: Secured Area

Bldg. B006
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140007
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. B008
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140008
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. B009
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140009
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. B011
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140010
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. B012
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140011
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. B000
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140012
Status: Excess
Reason: Extensive deterioration

Bldg. B01
Coast Guard Cutter Sycamore
Cordova Co: AK 99574–
Landholding Agency: DOT
Property Number: 87200310001
Status: Unutilized
Reason: Extensive deterioration

Fuel Tank Facility
USCG LORAN Station
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200310008
Status: Unutilized
Reason: Extensive deterioration

Arkansas

Dwelling
Bull Shoals Lake/Dry Run Road
Oakland Co: Marion AR 72661–
Landholding Agency: COE
Property Number: 31199820001
Status: Unutilized
Reason: Extensive deterioration

Helena Casting Plant
Helena Co: Phillips AR 72342–
Landholding Agency: COE
Property Number: 31200220001
Status: Unutilized
Reason: Extensive deterioration

California

Bldg. 30101
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210019
Status: Unutilized
Reason: Secured Area

Bldgs. 30131, 30709

Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210020
Status: Unutilized
Reason: Secured Area

Bldgs. 30137, 30701
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210021
Status: Unutilized
Reason: Secured Area

Bldg. 30235
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210022
Status: Unutilized
Reason: Secured Area

Bldgs. 30238, 30446
Vandenberg AFB
Vandenberg Co: Santa Barbara CA
Landholding Agency: Air Force
Property Number: 18200210023
Status: Unutilized
Reason: Secured Area

Bldgs. 30239, 30444
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210024
Status: Unutilized
Reason: Secured Area

Bldgs. 30306, 30335, 30782
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210025
Status: Unutilized
Reason: Secured Area

Bldgs. 30339, 30340, 30341
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210026
Status: Unutilized
Reason: Secured Area

Bldg. 30447
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210027
Status: Unutilized
Reason: Secured Area

Bldg. 30524
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210028
Status: Unutilized
Reason: Secured Area

Bldg. 30647
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210029
Status: Unutilized
Reason: Secured Area

Bldgs. 30710, 30717
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210030
Status: Unutilized
Reason: Secured Area

Bldgs. 30718, 30607
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210031
Status: Unutilized
Reason: Secured Area

Bldgs. 30722, 30735
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210032
Status: Unutilized
Reason: Secured Area

Bldgs. 30775, 30777
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210033
Status: Unutilized
Reason: Secured Area

Bldgs. 30830, 30837
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210034
Status: Unutilized
Reason: Secured Area

Bldgs. 30839, 30844, 30854
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210035
Status: Unutilized
Reason: Secured Area

Bldg. 06522
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200330004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2411
Edwards AFB
Edwards AFB Co: Kern CA 93524–
Landholding Agency: Air Force
Property Number: 18200410001
Status: Unutilized
Reason: Secured Area

23 Bldgs.
Edwards AFB
Edwards AFB Co: Kern CA 93524–
Location: 7022–7037, 7039–7040, 7042, 7044, 7046–7048
Landholding Agency: Air Force
Property Number: 18200410002
Status: Unutilized
Reason: Secured Area

Soil & Materials Testing Lab
Sausalito Co: CA 00000–
Landholding Agency: COE
Property Number: 31199920002
Status: Excess
Reason: Contamination

Bldgs. M03, MO14, MO17
Sandia National Lab
Livermore Co: Alameda CA 94550–
Landholding Agency: Energy
Property Number: 41200220001
Status: Excess
Reason: Extensive deterioration

Bldg. 21595
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200410002
Status: Excess
Reason: Extensive deterioration

Bldg. 210583
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200410003
Status: Excess
Reason: Extensive deterioration

Bldg. 34
Coast Guard Integrated Support Command
Alameda Co: CA
Landholding Agency: DOT
Property Number: 87200240006
Status: Unutilized
Reason: Secured Area

Colorado

Bldg. 105
Peterson AFB
Colorado Springs Co: El Paso CO 80914–
Landholding Agency: Air Force
Property Number: 18200310003
Status: Underutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 106
Peterson AFB
Colorado Springs Co: El Paso CO 80914–8090
Landholding Agency: Air Force
Property Number: 18200340010
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 107
Peterson AFB
Colorado Springs Co: El Paso CO 80914–8090
Landholding Agency: Air Force
Property Number: 18200340011
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 108
Peterson AFB
Colorado Springs Co: El Paso CO 80914–8090
Landholding Agency: Air Force
Property Number: 18200340012
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 1166
Peterson AFB
Colorado Springs Co: El Paso CO 80914–1630
Landholding Agency: Air Force
Property Number: 18200410003
Status: Underutilized
Reason: Secured Area

Bldg. 34
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540001
Status: Underutilized
Reasons: Contamination, Secured Area

Bldg. 35

Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540002
Status: Underutilized
Reasons: Contamination, Secured Area

Bldg. 36
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540003
Status: Underutilized
Reasons: Contamination, Secured Area

Bldg. 2
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610039
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 7
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610040
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 31–A
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610041
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 33
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610042
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 727
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 729
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 779
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 780
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 780A
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 780B
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 782
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 783
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 784(A–D)
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 785
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 786
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 787(A–D)
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 875
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 880
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 886
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 308A
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 788
Rocky Flats Env. Tech. site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910017
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 888
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 714 A/B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930021
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 717
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930022
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 770
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930023
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 771
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930024
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 771B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930025

Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 771C
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930026
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 772–772A
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930027
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 773
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930028
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 774
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930029
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 776
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 777
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 778
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Structure 712–712A
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010004
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Structure 713–713A
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010005
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Structure 771 TUN
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010006
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Structure 776A–781
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010007
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 111, 111B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200030001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 125
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 333
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 762
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 762A
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120004
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 792
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120005
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 792A
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120006
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 124, 129
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 371, 374, 374A
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 376–378, 381
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220004
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 441–443, 452
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220005
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 557, 559
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220006
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 561, 562
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220007
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 564, 566/A, 569
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220008
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 662, 663
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220009
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 666, 681
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220010
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 701, 705–708
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy

Property Number: 41200220011
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 714, 715, 718
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220012
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 731, 732
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220013
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 750, 763–765
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220014
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 778, 790
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220015
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 850, 864–865
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220016
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 869, 879
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220017
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 881, 881F, 881H
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220018
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 883–885, 887
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220019
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 891
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220020
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 906, 991, 995
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200220021
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 112, 115
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 116, 119
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 120, 120B
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340004
Status: Excess
Reason: Secured Area

Bldgs. 121, 122, 122S
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340005
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 126, 127, 128
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340006
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 130, 131
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340007
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 223
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340008
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 302, 303
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340009
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 331, 331A
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340010
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 334, 335
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340011
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 427, 439, 440
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340012
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 444, 445
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340013
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 447, 448
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340014
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 450, 451, 455
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340015
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 460
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340016
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

6 Bldgs.
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Location: 549, 551, 552, 553, 554, 556
Landholding Agency: Energy
Property Number: 41200340017
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 664, 668
Rocky Flats Env Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340018
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 920, 920B
Rocky Flats Env Tech Site

Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200340019
Status: Excess
Reason: Secured Area

Alemeda Facility
350 S. Santa Fe Drive
Denver Co: Denver CO 80223–
Landholding Agency: DOT
Property Number: 87199010014
Status: Unutilized
Reason: Other environmental
Comment: contamination

Connecticut

Hezekiah S. Ramsdell Farm
West Thompson Lake
North Grosvenordale Co: Windham CT 06255–9801
Landholding Agency: COE
Property Number: 31199740001
Status: Unutilized
Reasons: Floodway, Extensive deterioration

Bldgs. 25 and 26
Prospect Hill Road
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199440003
Status: Excess
Reason: Secured Area

9 Bldgs.
Knolls Atomic Power Lab, Windsor Site
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199540004
Status: Excess
Reason: Secured Area

Bldg. 8, Windsor Site
Knolls Atomic Power Lab
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199830006
Status: Unutilized
Reason: Extensive deterioration

Falkner Island Light
U.S. Coast Guard
Guilford Co: New Haven CT 06512–
Landholding Agency: DOT
Property Number: 87199240031
Status: Unutilized
Reason: Floodway

Florida

Bldg. 1345
Cape Canaveral AFS
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18200210016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 24451
Cape Canaveral AFS
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18200210017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 55122
Cape Canaveral AFS
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18200210018
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1705
Cape Canaveral AFS
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18200330005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 55215
Cape Canaveral AFS
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18200330006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 607B
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200410004
Status: Unutilized
Reason: Secured Area

Bldg. #3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050–
Landholding Agency: DOT
Property Number: 87199210008
Status: Unutilized
Reasons: Floodway, Secured Area

Bldg. 103, Trumbo Point
Key West Co: Monroe FL 33040–
Landholding Agency: DOT
Property Number: 87199230001
Status: Unutilized
Reasons: Floodway, Secured Area

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 87199410004
Status: Unutilized
Reason: Floodway

9988 Keepers Quarters A
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440009
Status: Underutilized
Reasons: Floodway, Secured Area

9989 Keepers Quarters B
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440010
Status: Underutilized
Reasons: Floodway, Secured Area

9990 Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440011
Status: Underutilized
Reasons: Floodway Secured Area

9991 Plant Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440012
Status: Underutilized
Reasons: Floodway, Secured Area

9992 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440013
Status: Underutilized
Reasons: Floodway, Secured Area

9993 Admin. Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440014
Status: Underutilized
Reasons: Floodway, Secured Area

9994 Water Pump Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440015
Status: Underutilized
Reasons: Floodway, Secured Area

Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440016
Status: Underutilized
Reasons: Floodway, Secured Area

9999 Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440017
Status: Underutilized
Reasons: Floodway, Secured Area

3 Bldgs. and Land
Peanut Island Station
Riveria Beach Co: Palm Beach FL 33419–0909
Landholding Agency: DOT
Property Number: 87199510009
Status: Unutilized
Reasons: Floodway, Secured Area

Cape St. George Lighthouse
Co: Franklin FL 32328–
Landholding Agency: DOT
Property Number: 87199640002
Status: Unutilized
Reason: Extensive deterioration

Maint/Carpentry Shop
USCG Station
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 87200120001
Status: Excess
Reasons: Secured Area, Extensive deterioration

Georgia

Prop. ID HAR18015
Hartwell Project
Hartwell Co: GA 30643–
Landholding Agency: COE
Property Number: 31200310001
Status: Unutilized
Reason: Extensive deterioration

Prop. ID RBR17830
Russell Dam Dr.
Elberton Co: GA 30635–
Landholding Agency: COE
Property Number: 31200310002
Status: Unutilized
Reason: Secured Area

Prop. ID RBR17832
Russell Dam Drive

Elberton Co: GA 30635–
Landholding Agency: COE
Property Number: 31200310003
Status: Unutilized
Reason: Secured Area

Coast Guard Station
St. Simons Island
Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 87199540002
Status: Unutilized
Reason: Extensive deterioration

Hawaii

Bldg. 503
Bellows AFS
Bellows AFS Co: HI
Landholding Agency: Air Force
Property Number: 18200330007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 907
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 954
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 980
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330011
Status: Unutilized
Reason: Secured Area

Bldg. 992
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330012
Status: Unutilized
Reason: Secured Area

Bldg. 1035
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330013
Status: Unutilized
Reason: Secured Area

Bldgs. 1709, 1721
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2041
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2044
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2104
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330017
Status: Unutilized
Reason: Secured Area

Bldg. 3018
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3202
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330019
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldgs. 3338, 3356
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330020
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3432
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330021
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3375
Hickam AFB
Hickam AFB Co: HI
Landholding Agency: Air Force
Property Number: 18200330031
Status: Unutilized
Reason: Secured Area

Bldgs. 743, 1002, 6100
Johnston Atoll Airfield
Honolulu Co: HI
Landholding Agency: Air Force
Property Number: 18200340013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Extensive deterioration

Bldg. 2603NS
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2604NS
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410006
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2612NS
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410007
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2605NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410011
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2606NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410012
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 2608NS, 2609NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410013
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2610NS
Moanalua Prop/Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77200410014
Status: Unutilized
Reason: Extensive deterioration

Idaho

Bldg. 1328
Mountain Home AFB
Mountain Home Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18200240003
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. AFD0070
Albeni Falls Dam
Oldtown Co: Bonner ID 83822–
Landholding Agency: COE
Property Number: 31199910001
Status: Unutilized
Reason: Extensive deterioration

Bldg. PBF–621
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610001
Status: Unutilized
Reason: Secured Area

Bldg. CPP–691
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610003
Status: Unutilized
Reason: Secured Area

Bldg. CPP–650
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610005

Status: Unutilized
Reason: Secured Area

Bldg. CPP–608
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610006
Status: Unutilized
Reason: Secured Area

Bldg. TAN–636
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610008
Status: Unutilized
Reason: Secured Area

Bldg. TAN–670
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610010
Status: Unutilized
Reason: Secured Area

Bldg. TAN–657
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610012
Status: Unutilized
Reason: Secured Area

Bldg. TRA–669
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610013
Status: Unutilized
Reason: Secured Area

Bldg. TAN–637
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610014
Status: Unutilized
Reason: Secured Area

Bldg. TAN–635
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610015
Status: Unutilized
Reason: Secured Area

Bldg. TAN–638
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610016
Status: Unutilized
Reason: Secured Area

Bldg. TAN–651
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610017
Status: Unutilized
Reason: Secured Area

Bldg. TRA–673
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610018
Status: Unutilized
Reason: Secured Area

Bldg. PBF–620
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610019
Status: Unutilized
Reason: Secured Area

Bldg. PBF–616
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610020
Status: Unutilized
Reason: Secured Area

Bldg. PBF–617
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610021
Status: Unutilized
Reason: Secured Area

Bldg. PBF–619
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610022
Status: Unutilized
Reason: Secured Area

Bldg. PBF–624
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610023
Status: Unutilized
Reason: Secured Area

Bldg. PBF–625
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610024
Status: Unutilized
Reason: Secured Area

Bldg. PBF–629
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610025
Status: Unutilized
Reason: Secured Area

Bldg. PBF–604
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610026
Status: Unutilized
Reason: Secured Area

Bldg. TRA–641
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610034
Status: Unutilized
Reason: Secured Area

Bldg. CF–606
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610037
Status: Unutilized
Reason: Secured Area

8 Bldgs.
Idaho Natl Engineering & Environmental Lab
Test Reactor North
Scovile Co: Butte ID 83415–
Location: TRA 643, 644, 655, 660, 704–706, 755
Landholding Agency: Energy
Property Number: 41199830003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. TAN 616
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200320007
Status: Excess
Reason: contamination

Bldg. PBF601
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330005
Status: Excess
Reason: Secured Area

Bldg. PBF606
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330006
Status: Excess
Reason: Secured Area

Bldg. PBF626
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330007
Status: Excess
Reason: Secured Area

Bldg. PBF627
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330008
Status: Excess
Reason: Secured Area

Bldg. PBF634
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330009
Status: Excess
Reason: Secured Area

Bldg. PBF635
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330010
Status: Excess
Reason: Secured Area

Bldg. TAN604
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330012
Status: Excess
Reason: Secured Area

Bldg. TAN606
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330013
Status: Excess
Reason: Secured Area

Bldg. TAN647
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330014
Status: Excess

Reason: Secured Area

Bldg. TAN653
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330015
Status: Excess
Reason: Secured Area

Bldg. TAN667
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200330016
Status: Excess
Reason: Secured Area

Illinois

Bldg. 945
Fermi Natl Accelerator Lab
Batavia Co: DuPage IL 60510–
Landholding Agency: Energy
Property Number: 41200330004
Status: Excess
Reason: Extensive deterioration

Wings N & P
Bldg. 202
Argonne National Laboratory
Argonne Co: DuPage IL 60439–
Landholding Agency: Energy
Property Number: 41200340020
Status: Excess
Reason: Extensive deterioration

Bldgs. T032, T034
Fermi Natl Lab
Batavia Co: DuPage IL 60510–
Landholding Agency: Energy
Property Number: 41200410004
Status: Excess
Reason: Extensive deterioration

Calumet Harbor Station
U.S. Coast Guard
Chicago Co: Cook IL
Landholding Agency: DOT
Property Number: 87199310005
Status: Excess
Reason: Secured Area

Indiana

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230001
Status: Excess
Reason: Extensive deterioration

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230002
Status: Excess
Reason: Extensive deterioration

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reason: Extensive deterioration

Iowa

Treatment Plant
South Fork Park
Mystic Co: Appanoose IA 52574–
Landholding Agency: COE
Property Number: 31200220002
Status: Excess
Reason: Extensive deterioration

Storage Bldg.
Rathbun Project
Moravia Co: Appanoose IA 52571–
Landholding Agency: COE
Property Number: 31200330001
Status: Excess
Reason: Extensive deterioration

Bldg.
Island View Park
Rathbun Project
Centerville Co: Appanoose IA 52544–
Landholding Agency: COE
Property Number: 31200330002
Status: Excess
Reason: Extensive deterioration

Tract 137
Camp Dodge
Johnston Co: Polk IA 50131–1902
Landholding Agency: COE
Property Number: 31200410001
Status: Excess
Reason: Extensive deterioration

Kansas

No. 01017
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200210001
Status: Unutilized
Reason: Extensive deterioration

No. 01020
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200210002
Status: Unutilized
Reason: Extensive deterioration

No. 61001
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200210003
Status: Unutilized
Reason: Extensive deterioration

Bldg. #1
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200220003
Status: Excess
Reason: Extensive deterioration

Bldg. #2
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200220004
Status: Excess
Reason: Extensive deterioration

Bldg. #4
Kanopolis Project
Marquette Co: Ellsworth KS 67456–
Landholding Agency: COE
Property Number: 31200220005
Status: Excess
Reason: Extensive deterioration

Comfort Station
Clinton Lake Project
Lawrence Co: Douglas KS 66049–
Landholding Agency: COE
Property Number: 31200220006
Status: Excess
Reason: Extensive deterioration

Privie
Perry Lake
Perry Co: Jefferson KS 66074–
Landholding Agency: COE
Property Number: 31200310004
Status: Unutilized
Reason: Extensive deterioration

Shower
Perry Lake
Perry Co: Jefferson KS 66073–
Landholding Agency: COE
Property Number: 31200310005
Status: Unutilized
Reason: Extensive deterioration

Tool Shed
Perry Lake
Perry Co: Jefferson KS 66073–
Landholding Agency: COE
Property Number: 31200310006
Status: Unutilized
Reason: Extensive deterioration

Bldg. M37
Minooka Park
Sylvan Grove Co: Russell KS 67481–
Landholding Agency: COE
Property Number: 31200320002
Status: Excess
Reason: Extensive deterioration

Bldg. M38
Minooka Park
Sylvan Grove Co: Russell KS 67481–
Landholding Agency: COE
Property Number: 31200320003
Status: Excess
Reason: Extensive deterioration

Bldg. L19
Lucas Park
Sylvan Grove Co: Russell KS 67481–
Landholding Agency: COE
Property Number: 31200320004
Status: Unutilized
Reason: Extensive deterioration

2 Bldgs.
Tuttle Creek Lake
Near Shelters #3 & #4
Riley Co: KS 66502–
Landholding Agency: COE
Property Number: 31200330003
Status: Excess
Reason: Extensive deterioration

6 Bldgs.
Cottonwood Point/Hillsboro Cove
Marion Co: Coffey KS 66861–
Landholding Agency: COE
Property Number: 31200340001
Status: Excess
Reason: Extensive deterioration

20 Bldgs.
Riverside
Burlington Co: Coffey KS 66839–8911
Landholding Agency: COE
Property Number: 31200340002
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Canning Creek/Richey Cove
Council Grove Co: Morris KS 66846–9322
Landholding Agency: COE
Property Number: 31200340003
Status: Excess
Reason: Extensive deterioration

6 Bldgs.
Santa Fe Trail/Outlet Channel

Council Grove Co: Morris KS 66846–
Landholding Agency: COE
Property Number: 31200340004
Status: Excess
Reason: Extensive deterioration

Residence
Melvern Lake Project
Melvern Co: Osage KS 66510–
Landholding Agency: COE
Property Number: 31200340005
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Management Park
Vassar Co: KS 66543–
Landholding Agency: COE
Property Number: 31200340006
Status: Excess
Reason: Extensive deterioration

Bldg.
Hickory Campground
Lawrence Co: KS 66049–
Landholding Agency: COE
Property Number: 31200340007
Status: Excess
Reason: Extensive deterioration

Bldg.
Rockhaven Park Area
Lawrence Co: KS 66049–
Landholding Agency: COE
Property Number: 31200340008
Status: Excess
Reason: Extensive deterioration

Bldg.
Overlook Park Area
Lawrence Co: KS 66049–
Landholding Agency: COE
Property Number: 31200340009
Status: Excess
Reason: Extensive deterioration

Bldg.
Walnut Campground
Lawrence Co: KS 66049–
Landholding Agency: COE
Property Number: 31200340010
Status: Excess
Reason: Extensive deterioration

Bldg.
Cedar Ridge Campground
Lawrence Co: KS 66049–
Landholding Agency: COE
Property Number: 31200340011
Status: Excess
Reason: Extensive deterioration

Bldg.
Woodridge Park Area
Lawrence Co: KS 66049–
Landholding Agency: COE
Property Number: 31200340012
Status: Excess
Reason: Extensive deterioration

8 Bldgs.
Tuttle Cove Park
Manhattan Co: Riley KS 66502–
Landholding Agency: COE
Property Number: 31200410002
Status: Unutilized
Reason: Extensive deterioration

2 Bldgs.
Old Garrison Campground
Pottawatomie Co: KS
Landholding Agency: COE
Property Number: 31200410003
Status: Unutilized
Reason: Extensive deterioration

2 Bldgs.
School Creek ORV Area
Junction City Co: KS 66441–
Landholding Agency: COE
Property Number: 31200410004
Status: Excess
Reason: Extensive deterioration

Bldg.
Slough Creek Park
Perry Co: Jefferson KS 66073–
Landholding Agency: COE
Property Number: 31200410005
Status: Excess
Reason: Extensive deterioration

Kentucky

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton Co: Carroll KY 41008–
Landholding Agency: COE
Property Number: 21199040416
Status: Unutilized
Reason: Spring House

6-Room Dwelling
Green River Lock and Dam No. 3 Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120010
Status: Unutilized
Reason: Floodway

2-Car Garage
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120011
Status: Unutilized
Reason: Floodway

Office and Warehouse
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120012
Status: Unutilized
Reason: Floodway

2 Pit Toilets
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Landholding Agency: COE
Property Number: 31199120013
Status: Unutilized
Reason: Floodway

Dwelling
USCG Shoreside Detachment
Owensboro Co: Daviess KY
Landholding Agency: DOT
Property Number: 87200230010
Status: Unutilized
Reason: Extensive deterioration

Louisiana

Weeks Island Facility
New Iberia Co: Iberia Parish LA 70560–
Landholding Agency: Energy
Property Number: 41199610038
Status: Underutilized
Reason: Secured Area

Maine

Bldg. 499
Bangor IAP
Bangor Co: Penobscot ME 04401–
Landholding Agency: Air Force
Property Number: 18200320008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Supply Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240005
Status: Unutilized
Reason: Floodway

Base Exchange, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240006
Status: Unutilized
Reason: Floodway

Engineering Shop, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240007
Status: Unutilized
Reason: Floodway

Storage Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240008
Status: Unutilized
Reason: Floodway

Squirrel Point Light
U.S. Coast Guard
Phippsburg Co: Sayadahoc ME 04530–
Landholding Agency: DOT
Property Number: 87199240032
Status: Unutilized
Reason: Floodway

Keepers Dwelling
Heron Neck Light, U.S. Coast Guard
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 87199240035
Status: Unutilized
Reason: Extensive deterioration

Fort Popham Light
Phippsburg Co: Sagadahoc ME 04562–
Landholding Agency: DOT
Property Number: 87199320024
Status: Unutilized
Reason: Extensive deterioration

Nash Island Light
U.S. Coast Guard
Addison Co: Washington ME 04606–
Landholding Agency: DOT
Property Number: 87199420005
Status: Unutilized
Reason: Inaccessible

Bldg.—South Portland Base
U.S. Coast Guard
S. Portland Co: Cumberland ME 04106–
Landholding Agency: DOT
Property Number: 87199420006
Status: Unutilized

Reason: Secured Area

Garage—Boothbay Harbor Stat.
Boothbay Harbor Co: Lincoln ME 04538–
Landholding Agency: DOT
Property Number: 87199430001
Status: Unutilized
Reason: Secured Area

Maryland

Bldgs. 38–39, 41, 43–46, 56
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87199540005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 53
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87199540006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 6
U.S. Coast Guard Yard, 2401 Hawkins Point Rd.
Baltimore MD 21226–1797
Landholding Agency: DOT
Property Number: 87199620001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 59
U.S. Coast Guard Yard, 2401 Hawkins Point Rd.
Baltimore MD 21226–1797
Landholding Agency: DOT
Property Number: 87199620002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

5 Bldgs.
USCG Yard
#9, 21, 23, 52, 57
Baltimore Co: MD 21226–
Landholding Agency: DOT
Property Number: 87200120002
Status: Unutilized
Reason: Extensive deterioration

Bldg. #81
U.S. Coast Guard YARD
Baltimore Co: Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87200210001
Status: Underutilized
Reason: Secured Area

Bldg. #85
U.S. Coast Guard YARD
Baltimore Co: Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87200210002
Status: Underutilized
Reason: Secured Area

Bldg. #86
U.S. Coast Guard YARD
Baltimore Co: Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87200210003
Status: Underutilized
Reason: Secured Area

Bldg. #86D
U.S. Coast Guard YARD
Baltimore Co: Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87200210004
Status: Underutilized
Reason: Secured Area

Bldg. #149
U.S. Coast Guard YARD
Baltimore Co: Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87200210005
Status: Underutilized
Reason: Secured Area

Massachusetts

Bldg. 4, USCG Support Center
Commercial Street
Boston Co: Suffolk MA 02203–
Landholding Agency: DOT
Property Number: 87199240001
Status: Underutilized
Reason: Secured Area

Eastern Point Light
U.S. Coast Guard
Gloucester Co: Essex MA 01930–
Landholding Agency: DOT
Property Number: 87199240029
Status: Unutilized
Reasons: Floodway, Secured Area

Storage Shed
Highland Light
N. Truro Co: Barnstable MA 02652–
Location: DeSoto Johnson KS66018–
Landholding Agency: DOT
Property Number: 87199430004
Status: Unutilized
Reason: Extensive deterioration

Westview Street Wells
Lexington Co: MA 02173–
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reason: Extensive deterioration

Michigan

Bldg. 550
Selfridge Outer Marker Site
Selfridge ANGB Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18200230017
Status: Unutilized
Reason: Extensive deterioration

Facilities 90004, 911146
Selfridge Outer Marker Site
Selfridge ANGB Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18200230018
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18200230027
Status: Unutilized
Reason: Secured Area

Bldgs. 10, 15
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18200230028
Status: Unutilized
Reason: Secured Area

Bldgs. 31, 33, 38
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18200230029
Status: Unutilized
Reason: Secured Area

Bldg. 44
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18200230030
Status: Unutilized
Reason: Secured Area

Bldg. 53
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18200230031
Status: Unutilized
Reason: Secured Area

Bldg. 219
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18200230032
Status: Unutilized
Reason: Secured Area

Bldgs. 302, 304, 305
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18200230033
Status: Unutilized
Reason: Secured Area

Bldg. 321
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18200230034
Status: Unutilized
Reason: Secured Area

Bldgs. 330–333
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18200230035
Status: Unutilized
Reason: Secured Area

Bldgs. 402, 414
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18200230036
Status: Unutilized
Reason: Secured Area

Bldg. 4020
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18200230037
Status: Unutilized
Reason: Secured Area

Station Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120003
Status: Unutilized
Reasons: Floodway, Secured Area

Garage Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120004
Status: Unutilized

Reasons: Floodway, Secured Area

Shed/Pump Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120005
Status: Unutilized
Reasons: Floodway, Secured Area

Storage Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120006
Status: Unutilized
Reasons: Floodway, Secured Area

Station/boathouse Bldg.
USCG Harbor Beach Station
Harbor Beach Co: Huron MI 48441–
Landholding Agency: DOT
Property Number: 87200130001
Status: Unutilized
Reasons: Floodway, Extensive deterioration

Buoy Shed
U.S. Coast Guard Station
Sault Ste. Marie Co: Chippewa MI 49783–9501
Landholding Agency: DOT
Property Number: 87200320001
Status: Excess
Reason: Secured Area

Warehouse Bldg.
U.S. Coast Guard
Charlevoix Co: MI 49720–
Landholding Agency: DOT
Property Number: 87200320002
Status: Excess
Reason: Secured Area

Warehouse Bldg.
USCG Atwater Annex
Detroit Co: Wayne MI 49207–
Landholding Agency: Coast Guard
Property Number: 88200410008
Status: Excess
Reason: Secured Area

Garage
USCG Atwater Annex
Detroit Co: Wayne MI 49207–
Landholding Agency: Coast Guard
Property Number: 88200410009
Status: Excess
Reason: Secured Area

Mississippi

Natchez Moorings 82 L.E. Berry Road
Natchez Co: Adams MS 39121–
Landholding Agency: DOT
Property Number: 87199340002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reason: Floodway

Bldg. 67
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 68
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reason: Extensive deterioration

Missouri

Rec Office
Harry S. Truman Dam & Reservoir
Osceola Co: St. Clair MO 64776–
Landholding Agency: COE
Property Number: 31200110001
Status: Unutilized
Reason: Extensive deterioration

Privy/Nemo Park
Pomme de Terre Lake
Hermitage Co: MO 65668–
Landholding Agency: COE
Property Number: 31200120001
Status: Excess
Reason: Extensive deterioration

Privy No. 1/Bolivar Park
Pomme de Terre Lake
Hermitage Co: MO 65668–
Landholding Agency: COE
Property Number: 31200120002
Status: Excess
Reason: Extensive deterioration

Privy No. 2/Bolivar Park
Pomme de Terre Lake
Hermitage Co: MO 65668–
Landholding Agency: COE
Property Number: 31200120003
Status: Excess
Reason: Extensive deterioration

#07004, 60006, 60007
Crabtree Cove/Stockton Area
Stockton Co: MO 65785–
Landholding Agency: COE
Property Number: 31200220007
Status: Excess
Reason: Extensive deterioration

Bldg.
Old Mill Park Area
Stockton Co: MO 65785–
Landholding Agency: COE
Property Number: 31200310007
Status: Excess
Reason: Extensive deterioration

Stockton Lake Proj. Ofc.
Stockton Co: Cedar MO 65785–
Landholding Agency: COE
Property Number: 31200330004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3
VA Medical Center
Jefferson Barracks Division
St. Louis Co: MO 63125–
Landholding Agency: VA
Property Number: 97200340001
Status: Underutilized
Reason: Secured Area

Bldg. 4
VA Medical Center
Jefferson Barracks Division
St. Louis Co: MO
Landholding Agency: VA
Property Number: 97200340002
Status: Underutilized
Reason: Secured Area

Bldg. 27
VA Medical Center
Jefferson Barracks Division
St. Louis Co: MO 63125–
Landholding Agency: VA
Property Number: 97200340003
Status: Underutilized
Reason: Secured Area

Bldg. 28
VA Medical Center
Jefferson Barracks Division
St. Louis Co: MO 63125–
Landholding Agency: VA
Property Number: 97200340004
Status: Underutilized
Reason: Secured Area

Bldg. 29
VA Medical Center
Jefferson Barracks Division
St. Louis Co: MO 63125–
Landholding Agency: VA
Property Number: 97200340005
Status: Underutilized
Reason: Secured Area

Bldg. 50
VA Medical Center
Jefferson Barracks Division
St. Louis Co: MO 63125–
Landholding Agency: VA
Property Number: 97200340006
Status: Underutilized
Reason: Secured Area

Montana

Bldg. 347
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18200220011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3064
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18200220013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 547
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18200240004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1084
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18200240006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 2025
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18200240007
Status: Unutilized
Reason: Secured Area

Bldg. 1700
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force

Property Number: 18200330022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 771
Malmstrom AFB
Malmstrom AFB Co: MT 59402–
Landholding Agency: Air Force
Property Number: 18200410004
Status: Unutilized
Reason: Secured Area

Nebraska

Vault Toilets
Harlan County Project
Republican Co: NE 68971–
Landholding Agency: COE
Property Number: 31200210006
Status: Unutilized
Reason: Extensive deterioration

Patterson Treatment Plant
Harlan County Project
Republican Co: NE 68971–
Landholding Agency: COE
Property Number: 31200210007
Status: Unutilized
Reason: Extensive deterioration

#30004
Harlan County Project
Republican Co: Harlan NE 68971–
Landholding Agency: COE
Property Number: 31200220008
Status: Unutilized
Reason: Extensive deterioration

#3005, 3006
Harlan County Project
Republican Co: Harlan NE 68971–
Landholding Agency: COE
Property Number: 31200220009
Status: Unutilized
Reason: Extensive deterioration

Nevada

28 Facilities
Nevada Test Site
Mercury Co: Nye NV 89023–
Landholding Agency: Energy
Property Number: 41200310018
Status: Excess
Reasons: contamination Secured Area

31 Bldgs./Facilities
Nellis AFB
Tonopah Test Range
Tonopah Co: Nye NV 89049–
Landholding Agency: Energy
Property Number: 41200330003
Status: Unutilized
Reason: Secured Area

Air Traffic Control Tower
Perimeter Road
Las Vegas Co: NV
Landholding Agency: DOT
Property Number: 87200310002
Status: Unutilized
Reason: Within airport runway clear zone

New Jersey

Piers and Wharf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 87199240009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Chapel Hill Front Range Light Tower
Middletown Co: Monmouth NJ 07748–
Landholding Agency: DOT
Property Number: 87199440002
Status: Unutilized
Reason: Skeletal tower

Bldg. 103
U.S. Coast Guard Station Sandy Hook
Middleton Co: Monmouth NJ 07737–
Landholding Agency: DOT
Property Number: 87199610002
Status: Unutilized
Reason: Secured Area

Ship Stg. Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110018
Status: Excess
Reason: Secured Area

Exchange Whse
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110019
Status: Excess
Reason: Secured Area

Patrol Boat Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110020
Status: Excess
Reason: Secured Area

Station Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110021
Status: Excess
Reason: Secured Area

ANT Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110022
Status: Excess
Reason: Secured Area

Quarters C
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200120012
Status: Excess
Reason: Secured Area

Central Heating Plant
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200120013
Status: Excess
Reason: Secured Area

Hangar/Shop
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200120014
Status: Excess
Reason: Secured Area

Bldg. 195
U.S. Coast Guard
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200220001
Status: Excess
Reason: Secured Area

Bldg. 204
U.S. Coast Guard
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200220002
Status: Excess
Reason: Secured Area

Bldg. 208
U.S. Coast Guard
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200220003
Status: Excess
Reason: Secured Area

Bldg. 209
U.S. Coast Guard
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200220004
Status: Excess
Reason: Secured Area

Sheds OV1, OV2, OV3
U.S. Coast Guard
Shark River
Avon by the Sea Co: Monmouth NJ 13640–
Landholding Agency: DOT
Property Number: 87200240001
Status: Unutilized
Reason: Secured Area

Unit 13
USCG Station Barnegat Light
Station Barnegat Co: Ocean NJ
Landholding Agency: DOT
Property Number: 87200240002
Status: Unutilized
Reason: Secured Area

Units 9–12
USCG Station Barnegat Light
Station Barnegat Co: Ocean NJ
Landholding Agency: DOT
Property Number: 87200240003
Status: Unutilized
Reason: Secured Area

Bldg. 019
Coast Guard Training Center
Cape May Co: NJ 08204–
Landholding Agency: DOT
Property Number: 87200310003
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 022
Coast Guard Training Center
Cape May Co: NJ 08204–
Landholding Agency: DOT
Property Number: 87200310004
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 192
Coast Guard Training Center
Cape May Co: NJ 08204–
Landholding Agency: DOT
Property Number: 87200310005
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 193
Coast Guard Training Center
Cape May Co: NJ 08204–
Landholding Agency: DOT
Property Number: 87200310006

Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 207
Coast Guard Training Center
Cape May Co: NJ 08204–
Landholding Agency: DOT
Property Number: 87200310007
Status: Excess
Reasons: Secured Area, Extensive deterioration

New Mexico

Bldg. 14170
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230010
Status: Unutilized
Reason: Secured Area

Bldg. 14240
Cannon AFB
Cannon AFB Co: NM
Landholding Agency: Air Force
Property Number: 18200230011
Status: Unutilized
Reason: Secured Area

Bldg. 14270
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230012
Status: Unutilized
Reason: Secured Area

Bldg. 14330
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230013
Status: Unutilized
Reason: Secured Area

Bldg. 14350
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230014
Status: Unutilized
Reason: Secured Area

Bldg. 14370
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230015
Status: Unutilized
Reason: Secured Area

Bldg. 14390
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230016
Status: Unutilized
Reason: Secured Area

Bldg. 524
Holloman AFB
Otero Co: NM 88330–
Landholding Agency: Air Force
Property Number: 18200330024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1076
Holloman AFB
Otero Co: NM 88330–
Landholding Agency: Air Force
Property Number: 18200330025
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1190
Holloman AFB
Otero Co: NM 88330–
Landholding Agency: Air Force
Property Number: 18200330026
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1264
Holloman AFB
Otero Co: NM 88330–
Landholding Agency: Air Force
Property Number: 18200330027
Status: Unutilized
Reason: Secured Area

Bldg. 5001
Holloman AFB
Otero Co: NM 88330–
Landholding Agency: Air Force
Property Number: 18200330028
Status: Unutilized
Reason: Secured Area

Bldg. 5012
Holloman AFB
Otero Co: NM 88330–
Landholding Agency: Air Force
Property Number: 18200330029
Status: Unutilized
Reason: Secured Area

Bldg. 615
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117–5663
Landholding Agency: Air Force
Property Number: 18200340014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 736
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117–5663
Landholding Agency: Air Force
Property Number: 18200340015
Status: Unutilized
Reason: Secured Area

Bldg. 1013
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117–5663
Landholding Agency: Air Force
Property Number: 18200340016
Status: Unutilized
Reason: Secured Area

Bldg. 20419
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117–5663
Landholding Agency: Air Force
Property Number: 18200340017
Status: Unutilized
Reason: Secured Area

Bldgs. 29014, 29016, 29017
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117–5663
Landholding Agency: Air Force
Property Number: 18200340018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 30102
Kirtland AFAB
Kirtland AFB Co: Bernalillo NM 87117–5663
Landholding Agency: Air Force
Property Number: 18200340019
Status: Unutilized
Reason: Secured Area

Bldgs. 37532, 37534
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117–5663
Landholding Agency: Air Force
Property Number: 18200340020
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 57005
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117–5663
Landholding Agency: Air Force
Property Number: 18200340021
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 57006, 57013
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117–5663
Landholding Agency: Air Force
Property Number: 18200340022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 10, 11
Holloman AFB
Holloman Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18200410005
Status: Unutilized
Reason: Secured Area

Bldgs. 9252, 9268
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 41199430002
Status: Unutilized
Reason: Extensive deterioration

Tech Area II
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87105–
Landholding Agency: Energy
Property Number: 41199630004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 24, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 26, TA–33

Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 86, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 88, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 89, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810008
Status: Underutilized
Reason: Secured Area

Bldg. 5, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810011
Status: Unutilized
Reason: Secured Area

Bldg. 21, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810012
Status: Unutilized
Reason: Secured Area

Bldg. 116, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810013
Status: Unutilized
Reason: Secured Area

Bldg. 212, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810014
Status: Unutilized
Reason: Secured Area

Bldg. 228, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810015
Status: Unutilized
Reason: Secured Area

Bldg. 286, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810016
Status: Unutilized
Reason: Secured Area

Bldg. 63, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810019
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Extensive deterioration

Bldg. 515, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 516, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 517, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 518, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 519, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 520, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810025
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 18, TA–16
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199840001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 31
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 4, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930004
Status: Unutilized
Reason: Secured Area

Bldg. 50, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930005
Status: Unutilized
Reason: Secured Area

Bldg. 88, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930006
Status: Unutilized
Reason: Secured Area

Bldg. 89, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930007
Status: Unutilized
Reason: Secured Area

Bldg. 21, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940001
Status: Unutilized
Reason: Secured Area

Bldg. 57, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940002
Status: Unutilized
Reason: Secured Area

Bldg. 28, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940003
Status: Unutilized
Reason: Secured Area

Bldg. 38, TA–14
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 8, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940006
Status: Unutilized
Reason: Secured Area

Bldg. 22, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940007
Status: Unutilized
Reason: Secured Area

Bldg. 141, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940008
Status: Unutilized
Reason: Secured Area

Bldg. 44, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940009
Status: Unutilized
Reason: Secured Area

Bldg. 2, TA–18
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 5, TA–18
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 186, TA–18
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 188, TA–18
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 254, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 44, TA–36
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 45, TA–36
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 19, TA–40
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 43, TA–40
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 258, TA–46
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–2, Bldg. 1
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010008
Status: Unutilized
Reason: Secured Area

TA–2, Bldg. 44
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–3, Bldg. 208
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 1
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 3
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 5
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 6
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010015
Status: Unutilized
Reason: Secured Area

TA–6, Bldg. 7
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010016
Status: Unutilized
Reason: Secured Area

TA–6, Bldg. 8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 9
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010018
Status: Unutilized
Reason: Secured Area

TA–14, Bldg. 5
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010019
Status: Unutilized
Reason: Secured Area

TA–21, Bldg. 150
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010020
Status: Unutilized
Reason: Secured Area

Bldg. 149, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010024
Status: Unutilized
Reason: Secured Area

Bldg. 312, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010025
Status: Unutilized
Reason: Secured Area

Bldg. 313, TA–21
Los Alamos National Lab

Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010026
Status: Unutilized
Reason: Secured Area

Bldg. 314, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010027
Status: Unutilized
Reason: Secured Area

Bldg. 315, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010028
Status: Unutilized
Reason: Secured Area

Bldg. 1, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010029
Status: Unutilized
Reason: Secured Area

Bldg. 2, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 51, TA–9
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020002
Status: Unutilized
Reason: Secured Area

Bldg. 30, TA–14
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020003
Status: Unutilized
Reason: Secured Area

Bldg. 16, TA–3
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020009
Status: Unutilized
Reason: Secured Area

Bldg. 339, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020010
Status: Unutilized
Reason: Secured Area

Bldg. 340, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020011
Status: Unutilized
Reason: Secured Area

Bldg. 341, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020012
Status: Unutilized
Reason: Secured Area

Bldg. 342, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020013
Status: Unutilized
Reason: Secured Area

Bldg. 343, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020014
Status: Unutilized
Reason: Secured Area

Bldg. 345, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020015
Status: Unutilized
Reason: Secured Area

Bldg. 16, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020016
Status: Unutilized
Reason: Secured Area

Bldg. 48, TA–55
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020017
Status: Unutilized
Reason: Secured Area

Bldg. 125, TA–55
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020018
Status: Unutilized
Reason: Secured Area

Bldg. 162, TA–55
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020019
Status: Unutilized
Reason: Secured Area

Bldg. 22, TA–33
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 23, TA–49
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020023
Status: Unutilized
Reason: Secured Area

Bldg. 37, TA–53
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020024
Status: Unutilized
Reason: Secured Area

Bldg. 121, TA–49
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020025
Status: Unutilized
Reason: Secured Area

Bldg. 30, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200040001
Status: Unutilized
Reason: Secured Area

Bldg. 152 TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200040002
Status: Unutilized
Reason: Secured Area

Bldg. 105, TA–3
Los Alamos Natl Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200120007
Status: Excess
Reason: Secured Area

Bldg. 452, TA–3
Los Alamos Natl Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200120008
Status: Excess
Reason: Secured Area

5 Bldgs.
Kirtland AFB
Sandia Natl Lab
Albuquerque Co: Bernalillo NM 87185–
Location: 9927, 9970, 6730, 6731, 6555
Landholding Agency: Energy
Property Number: 41200210014
Status: Excess
Reason: Extensive deterioration

6 Bldgs.
Kirtland AFB
Sandia Natl Lab
Albuquerque Co: Bernalillo NM 87185–
Location: 6725, 841, 884, 892, 893, 9800
Landholding Agency: Energy
Property Number: 41200210015
Status: Excess
Reason: Extensive deterioration

TA–53, Bldg. 61
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200220023
Status: Unutilized
Reason: Extensive deterioration

TA–53, Bldg. 63
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200220024
Status: Unutilized
Reason: Extensive deterioration

TA–53, Bldg. 65
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200220025
Status: Unutilized
Reason: Extensive deterioration

Bldg. B117
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117–
Landholding Agency: Energy
Property Number: 41200220032
Status: Excess
Reason: Extensive deterioration

Bldg. B118
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117–
Landholding Agency: Energy
Property Number: 41200220033
Status: Excess
Reason: Extensive deterioration

Bldg. B119
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117–
Landholding Agency: Energy
Property Number: 41200220034
Status: Excess
Reason: Extensive deterioration

Bldg. 6721
Kirtland AFB
Albuquerque Co: Bernalillo NM 87185-
Landholding Agency: Energy
Property Number: 41200220042
Status: Unutilized
Reason: Extensive deterioration

6 Bldgs.
Kirtland Air Force Base
#852, 874, 9939A, 6536, 6636, 833A
Albuquerque Co: NM 87185–
Landholding Agency: Energy
Property Number: 41200230001
Status: Excess
Reason: Secured Area

Bldg. 805
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 41200240001
Status: Unutilized
Reason: Secured Area

Bldg. 8898
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 41200240002
Status: Unutilized
Reason: Secured Area

8 Bldgs., TA–16
Los Alamos National Lab
195, 220–226
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200240003
Status: Unutilized
Reason: Secured Area

Bldg. 2, TA–11
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200240004
Status: Unutilized
Reason: Secured Area

Bldg. 4, TA–41
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200240005
Status: Unutilized
Reason: Secured Area

Bldg. 16, TA–41
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200240006
Status: Unutilized
Reason: Secured Area

Bldg. 30, TA–41
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200240007
Status: Unutilized
Reason: Secured Area

Bldg. 53, TA–41
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200240008
Status: Unutilized
Reason: Secured Area

Bldg. 2, TA–33
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200310001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 228, 286, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200310002
Status: Unutilized
Reason: Secured Area

Bldg. 116, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200310003
Status: Unutilized
Reason: Secured Area

Bldgs. 1, 2, 3, 4, 5, TA–28
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200310004
Status: Unutilized
Reason: Secured Area

New York

6 UG Missle Silos
Youngstown Test Annex
Porter Co: Niagara NY
Landholding Agency: Air Force
Property Number: 18200220003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 100
Youngstown Test Annex
Porter Co: Niagara NY
Landholding Agency: Air Force
Property Number: 18200220004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 101
Youngstown Test Annex
Porter Co: Niagara NY
Landholding Agency: Air Force
Property Number: 18200220005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 104
Youngstown Test Annex
Porter Co: Niagara NY
Landholding Agency: Air Force
Property Number: 18200220006
Status: Unutilized
Reason: Extensive deterioration

Bldg. 107
Youngstown Test Annex
Porter Co: Niagara NY
Landholding Agency: Air Force
Property Number: 18200220007
Status: Unutilized
Reason: Extensive deterioration

Bldg. 109
Youngstown Test Annex
Porter Co: Niagara NY
Landholding Agency: Air Force
Property Number: 18200220008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 116
Youngstown Test Annex
Porter Co: Niagara NY
Landholding Agency: Air Force
Property Number: 18200220009
Status: Unutilized
Reason: Extensive deterioration

Warehouse
Whitney Lake Project
Whitney Point Co: Broome NY 13862–0706
Landholding Agency: COE
Property Number: 31199630007
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0088
Brookhaven Natl Laboratory
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200410005
Status: Excess
Reason: Extensive deterioration

Bldg. 0207
Brookhaven Natl Laboratory
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200410006
Status: Excess
Reason: Extensive deterioration

Bldgs. 0457, 0458
Brookhaven Natl Laboratory
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200410007
Status: Excess
Reason: Extensive deterioration

2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477–
Landholding Agency: DOT
Property Number: 87199230005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 606, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240020
Status: Unutilized
Reason: Secured Area

Bldg. 607, Fort Totten
New York Co: Queens NY 11359–

Landholding Agency: DOT
Property Number: 87199240021
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 605, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240022
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743–
Landholding Agency: DOT
Property Number: 87199310003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 517, USCG Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199320025
Status: Unutilized
Reason: Secured Area

Bldg. 138
U.S. Coast Guard Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199410003
Status: Unutilized
Reason: Secured Area

Bldg. 830
U.S. Coast Guard
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199420004
Status: Unutilized
Reason: Secured Area

Bldg. 8
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530009
Status: Unutilized
Reason: Secured Area

Bldg. 7
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 222
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620003
Status: Unutilized
Reason: Secured Area

Bldg. 223
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620004
Status: Unutilized
Reason: Secured Area

Bldg. 205
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620005
Status: Unutilized
Reason: Secured Area

Bldg. 9
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630027
Status: Excess
Reason: Secured Area

Bldg. 10
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630028
Status: Excess
Reason: Secured Area

Bldg. 206, Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630029
Status: Excess
Reason: Secured Area

Bldg. OG2
Coast Guard Station
Alexandria Bay Co: Jefferson NY 13640–
Landholding Agency: DOT
Property Number: 87200210021
Status: Unutilized
Reason: Secured Area

North Carolina

Prop. ID WKS20350
Scott Reservoir Project
Wilkesboro Co: NC 28697–7462
Landholding Agency: COE
Property Number: 31200310008
Status: Unutilized
Reason: Extensive deterioration

Prop. ID WKS18652
Scott Reservoir Project
Wilkesboro Co: NC 28697–7462
Landholding Agency: COE
Property Number: 31200310009
Status: Unutilized
Reason: Extensive deterioration

10 Facilities
Wilkes County Recreation Area
Wilkesboro Co: NC
Landholding Agency: COE
Property Number: 31200320001
Status: Unutilized
Reason: Extensive deterioration

Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199240018
Status: Unutilized
Reason: Secured Area

Group Cape Hatteras
Bowling Alley
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199240019
Status: Unutilized
Reason: Secured Area

Bldg. 54
Group Cape Hatteras
Buston Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340004
Status: Unutilized
Reason: Secured Area

Bldg. 83
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340005
Status: Unutilized
Reason: Secured Area

Water Tanks
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340006
Status: Unutilized
Reason: Secured Area

USCG Gentian (WLB 290)
Fort Macon State Park
Atlantic Beach Co: Carteret NC 27601–
Landholding Agency: DOT
Property Number: 87199420007
Status: Excess
Reason: Secured Area

Unit #71
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530011
Status: Unutilized
Reason: Floodway

Unit #72
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530012
Status: Unutilized
Reason: Floodway

Unit #73
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530013
Status: Unutilized
Reason: Floodway

Unit #74
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530014
Status: Unutilized
Reason: Floodway

Unit #75
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530015
Status: Unutilized
Reason: Floodway

Unit #63
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530016
Status: Unutilized
Reason: Floodway

Unit #64
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530017
Status: Unutilized
Reason: Floodway

Unit #76
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530018

Status: Unutilized
Reason: Floodway

Unit #68
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530019
Status: Unutilized
Reason: Floodway

Unit #69
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530020
Status: Unutilized
Reason: Floodway

Unit #70
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530021
Status: Unutilized
Reason: Floodway

Unit #77
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530022
Status: Unutilized
Reason: Floodway

Unit #78
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530023
Status: Unutilized
Reason: Floodway

Bldg. 53
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630022
Status: Unutilized
Reason: Secured Area

Bldg. OV1 (033)
USCG Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87200210012
Status: Underutilized
Reason: Secured Area

Storage Bldg.
USCG Loran Station
Carolina Beach Co: New Hanover NC
Landholding Agency: DOT
Property Number: 87200210013
Status: Underutilized
Reason: Secured Area.

Frying Pan Schoals Light
USCG
Cape Fear Co: NC
Landholding Agency: DOT
Property Number: 87200240004
Status: Unutilized
Reason: Secured Area

Diamond Shoals Light
USCG
Cape Hatteras Co: NC
Landholding Agency: DOT
Property Number: 87200240005
Status: Unutilized
Reason: Secured Area

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reason: Extensive deterioration

Ohio

Bldg. 77
Fernald Environmental Management Project
Fernald Co: Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41199840003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 82A
Fernald Environmental Mgmt Project
Fernald Co: Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41199910018
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 16
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930016
Status: Unutilized
Reason: Secured Area

Bldg. 22B
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–9402
Landholding Agency: Energy
Property Number: 41200020026
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 53A
Fernald Env. Mgmt. Project
Fernald Co: Hamilton OH 45013–9402
Landholding Agency: Energy
Property Number: 41200120009
Status: Excess
Reason: Secured Area

Bldg. 8G
Fernald Environmental Mgmt Project
Hamilton Co: OH 45013–
Landholding Agency: Energy
Property Number: 41200210003
Status: Excess
Reason: Secured Area

Bldg. 8H
Fernald Environmental Mgmt Project
Hamilton Co: OH 45013–
Landholding Agency: Energy
Property Number: 41200210004
Status: Excess
Reason: Secured Area

Bldg. 94A
Fernald Environmental Mgmt Project
Hamilton Co: 45013–
Landholding Agency: Energy
Property Number: 41200210005
Status: Excess
Reason: Secured Area

Bldg. 11
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–
Landholding Agency: Energy
Property Number: 41200220026
Status: Excess
Reason: Secured Area

Bldg. 14A
Fernald Env. Mgmt. Proj
Hamilton Co: OH 45013–
Landholding Agency: Energy
Property Number: 41200220027
Status: Excess
Reason: Secured Area

Bldg. 15A
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–
Landholding Agency: Energy
Property Number: 41200220028
Status: Excess
Reason: Secured Area

Bldg. 15C
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–
Landholding Agency: Energy
Property Number: 41200220029
Status: Excess
Reason: Secured Area

Bldg. 20K
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–
Landholding Agency: Energy
Property Number: 41200220030
Status: Excess
Reason: Secured Area

Bldg. 53B
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–
Landholding Agency: Energy
Property Number: 41200220031
Status: Excess
Reason: Secured Area

Modular Ofc. Bldg.
RMI
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41200310008
Status: Excess
Reason: contamination

Modular Lab Bldg.
RMI
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41200310009
Status: Excess
Reason: contamination

Soil Storage Bldg.
RMI
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41200310010
Status: Excess
Reason: contamination

Soil Washing Bldg.
RMI
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41200310011
Status: Excess
Reason: contamination

Bldg. 16B
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310012
Status: Excess
Reasons: contamination, Secured Area

Bldg. 24C
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy

Property Number: 41200310013
Status: Excess
Reasons: contamination, Secured Area

Bldg. 25K
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310014
Status: Excess
Reasons: contamination, Secured Area

Bldg. 50
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310015
Status: Excess
Reasons: contamination, Secured Area

Bldg. 52A
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310016
Status: Excess
Reasons: contamination, Secured Area

Bldg. 52B
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310017
Status: Excess
Reasons: contamination, Secured Area

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 402
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reason: Extensive deterioration

Oklahoma

Comfort Station
LeFlore Landing PUA
Sallisaw Co: LeFlore OK 74955–9445
Landholding Agency: COE
Property Number: 31200240008
Status: Excess
Reason: Extensive deterioration

Comfort Station
Braden Bend PUA
Sallisaw Co: LeFlore OK 74955–9445
Landholding Agency: COE
Property Number: 31200240009
Status: Excess
Reason: Extensive deterioration

Water Treatment Plant
Salt Creek Cove
Sawyer Co: Choctaw OK 74756–0099
Landholding Agency: COE
Property Number: 31200240010
Status: Excess
Reason: Extensive deterioration

Water Treatment Plant
Wilson Point
Sawyer Co: Choctaw OK 74756–0099
Landholding Agency: COE
Property Number: 31200240011
Status: Excess
Reason: Extensive deterioration

2 Comfort Stations
Landing PUA/Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240012
Status: Excess
Reason: Extensive deterioration

Filter Plant/Pumphouse
South PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240013
Status: Excess
Reason: Extensive deterioration

Filter Plant/Pumphouse
North PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240014
Status: Excess
Reason: Extensive deterioration

Filter Plant/Pumphouse
Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240015
Status: Excess
Reason: Extensive deterioration

Comfort Station
Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240016
Status: Excess
Reason: Extensive deterioration

Comfort Station
Brooken Cove PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240017
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Outlet Channel/Walker Creek
Waurika Co: OK 73573–0029
Landholding Agency: COE
Property Number: 31200340013
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Damsite South
Stigler Co: OK 74462–9440
Landholding Agency: COE
Property Number: 31200340014
Status: Excess
Reason: Extensive deterioration

19 Bldgs.
Kaw Lake
Ponca City Co: OK 74601–9962
Landholding Agency: COE
Property Number: 31200340015
Status: Excess
Reason: Extensive deterioration

30 Bldgs.
Keystone Lake
Sand Springs Co: OK 74063–9338
Landholding Agency: COE
Property Number: 31200340016
Status: Excess
Reason: Extensive deterioration

13 Bldgs.
Oologah Lake
Oologah Co: OK 74053–0700
Landholding Agency: COE
Property Number: 31200340017
Status: Excess
Reason: Extensive deterioration

14 Bldgs.
Pine Creek Lake
Valliant Co: OK 74764–9801
Landholding Agency: COE
Property Number: 31200340018
Status: Excess
Reason: Extensive deterioration

6 Bldgs.
Sardis Lake
Clayton Co: OK 74536–9729
Landholding Agency: COE
Property Number: 31200340019
Status: Excess
Reason: Extensive deterioration

24 Bldgs.
Skiatook Lake
Skiatook Co: OK 74070–9803
Landholding Agency: COE
Property Number: 31200340020
Status: Excess
Reason: Extensive deterioration

40 Bldgs.
Eufaula Lake
Stigler Co: OK 74462–5135
Landholding Agency: COE
Property Number: 31200340021
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Holiday Cove
Stigler Co: OK 74462–5135
Landholding Agency: COE
Property Number: 31200340022
Status: Excess
Reason: Extensive deterioration

18 Bldgs.
Fort Gibson
Ft. Gibson Co: Wagoner OK 74434–0370
Landholding Agency: COE
Property Number: 31200340023
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Fort Supply
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 31200340024
Status: Excess
Reason: Extensive deterioration

Game Bird House
Fort Supply Lake
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 31200340025
Status: Excess
Reason: Extensive deterioration

11 Bldgs.
Hugo Lake
Sawyer Co: OK 74756–0099
Landholding Agency: COE
Property Number: 31200340026
Status: Excess
Reason: Extensive deterioration

5 Bldgs.

Birch Cove/Twin Cove
Skiatook Co: OK 74070–9803
Landholding Agency: COE
Property Number: 31200340027
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Fairview Group Camp
Canton Co: OK 73724–0069
Landholding Agency: COE
Property Number: 31200340028
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Chouteau & D Bluff
Gore Co: Wagoner OK 74935–9404
Landholding Agency: COE
Property Number: 31200340029
Status: Excess
Reason: Extensive deterioration

2 Bldgs.
Newt Graham L&D
Gore Co: OK 74935–9404
Landholding Agency: COE
Property Number: 31200340030
Status: Excess
Reason: Extensive deterioration

6 Bldgs.
Damsite/Fisherman's Landing
Sallisaw Co: OK 74955–9445
Landholding Agency: COE
Property Number: 31200340031
Status: Excess
Reason: Extensive deterioration

10 Bldgs.
Webbers Falls Lake
Gore Co: OK 74435–5541
Landholding Agency: COE
Property Number: 31200340032
Status: Excess
Reason: Extensive deterioration

14 Bldgs.
Copan Lake
Copan Co: OK 74022–9762
Landholding Agency: COE
Property Number: 31200340033
Status: Excess
Reason: Extensive deterioration

Pennsylvania

Z–Bldg.
Bettis Atomic Power Lab
West Mifflin Co: Allegheny PA 15122–0109
Landholding Agency: Energy
Property Number: 41199720002
Status: Excess
Reason: Extensive deterioration

Puerto Rico

NAFA Warehouse
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199310011
Status: Unutilized
Reason: Secured Area

Storage Equipment Bldg.
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199330001
Status: Unutilized
Reason: Secured Area

Bldg. 115
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510001
Status: Unutilized
Reason: Secured Area

Bldg. 117
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510002
Status: Unutilized
Reason: Secured Area

Bldg. 118
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510003
Status: Unutilized
Reason: Secured Area

Bldg. 119
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510004
Status: Unutilized
Reason: Secured Area

Bldg. 120
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510005
Status: Unutilized
Reason: Secured Area

Bldg. 122
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510006
Status: Unutilized
Reason: Secured Area

Bldg. 128
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510007
Status: Unutilized
Reason: Secured Area

Bldg. 129
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510008
Status: Unutilized
Reason: Secured Area

Rhode Island

Facility 6
Quonset State Airport
N. Kingstown Co: RI 02852–7545
Landholding Agency: Air Force
Property Number: 18200240008
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Facility 16
Quonset State Airport
N. Kingstown Co: RI 02852–7545
Landholding Agency: Air Force
Property Number: 18200240009
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Station Point Judith Pier
Narranganset Co: Washington RI 02882–
Landholding Agency: DOT
Property Number: 87199310002
Status: Unutilized
Reason: Extensive deterioration

South Carolina

Prop. ID JST18895
Thurmond Project
Clarks Hill Co: McCormick SC–
Landholding Agency: COE
Property Number: 31200310010
Status: Unutilized
Reason: Extensive deterioration

5 Bldgs.
Thurmond Project
Clarks Hill Co: McCormick SC–
Location: JST15781, JST15784, JST15864, JST15866, TST15868
Landholding Agency: COE
Property Number: 31200310011
Status: Unutilized
Reason: Extensive deterioration

Prop. ID JST17133
Thurmond Project
Clarks Hill Co: McCormick SC–
Landholding Agency: COE
Property Number: 31200310012
Status: Unutilized
Reason: Extensive deterioration

Prop. ID JST18428
Thurmond Project
Clarks Hill Co: McCormick SC–
Landholding Agency: COE
Property Number: 31200310013
Status: Unutilized
Reason: Extensive deterioration

Bldg.
Fishing Creek/Deer Run
Clarks Hill Co: SC 29821–0010
Landholding Agency: COE
Property Number: 31200340034
Status: Excess
Reason: Extensive deterioration

South Dakota

Mobile Home
Tract L–1295
Oahe Dam
Potter Co: SD 00000–
Landholding Agency: COE
Property Number: 31200030001
Status: Excess
Reason: Extensive deterioration

Tennessee

Bldg. 204
Cordell Hull Lake and Dam Project.
Defeated Creek Recreation Area
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 31199011499
Status: Unutilized
Reason: Floodway

Tract 2618 (Portion)
Cordell Hull Lake and Dam Project
Roaring River Recreation Area
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 135
Landholding Agency: COE
Property Number: 31199011503
Status: Underutilized
Reason: Floodway

Water Treatment Plant
Dale Hollow Lake & Dam Project
Obey River Park, State Hwy 42
Livingston Co: Clay TN 38351–

Landholding Agency: COE
Property Number: 31199140011
Status: Excess
Reason: water treatment plant

Water Treatment Plant
Dale Hollow Lake & Dam Project
Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 31199140012
Status: Excess
Reason: water treatment plant

Water Treatment Plant
Dale Hollow Lake & Dam Project
Willow Grove Recreational Area, Hwy No. 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 31199140013
Status: Excess
Reason: water treatment plant

Bldg. 3004
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199710002
Status: Unutilized
Reasons: Secured Area Extensive deterioration

Bldg. 3004
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199720001
Status: Excess
Reason: Extensive deterioration

Bldgs. 9714–3, 9714–4, 9983–AY
Y–12 Pistol Range
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199720004
Status: Unutilized
Reason: Secured Area

5 Bldgs.
K–724, K–725, K–1031, K–1131, K–1410
East Tennessee Technology Park
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199730001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9418–1
Y–12 Plant
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199810026
Status: Unutilized
Reasons: Secured Area Extensive deterioration

Bldg. 9825
Y–12 Plant
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199810027
Status: Unutilized
Reason: Secured Area

Bldg. 3026
Oak Ridge Natl Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199830001
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 3505
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199940020
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
E. Tennessee Tech Park
Oak Ridge Co: Roane TN 37831–
Location: K–1001, K–1301, K–1302, K–1303, K–1404, K–1405–6, K–1407, K–1408A, K–1413
Landholding Agency: Energy
Property Number: 41200010023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9723–16
National Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200120010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

5 Bldgs.
Oak Ridge National Lab
#7811, 7819, 7833, 7852, 7860
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41200130001
Status: Unutilized
Reasons: contamination, Secured Area, Extensive deterioration

Bldg. 81–22
Y–12 National Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200140001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9409–26
Y–12 National Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200140002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9723–4
Y–12 National Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200140003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9733–4
Y–12 National Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200140004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

4 Bldgs.
Y–12 National Security Complex
#9929–1, 9823, 9827 & shed
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200140005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9949–1
Y–12 National Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200140006
Status: Unutilized
Reason: Secured Area

Bldg. 9949–31
Y–12 Natl Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200210001
Status: Unutilized
Reason: Secured Area

Bldg. SC–14
ORISE Scarboro Operations Site
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200210002
Status: Excess
Reason: Secured Area

Bldg. 9723–18
Y–12 National Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200210006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9728
Y–12 National Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200210007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9404–03
Y–12 Natl Security Complex
Oak Ridge Co: Anderson TN 39831–
Landholding Agency: Energy
Property Number: 41200220035
Status: Unutilized
Reason: Secured Area

Bldg. 9404–07
Y–12 Natl Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200220036
Status: Unutilized
Reason: Secured Area

Bldg. 9404–08
Y–12 Natl Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200220037
Status: Unutilized
Reason: Secured Area

4 Bldgs.
Y–12 Natl Security Complex 9418–4, 9418–5, 9418–6, 9418–9
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200220038
Status: Unutilized
Reason: Secured Area

Bldg. 9620–2
Y–12 Natl Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200220039
Status: Unutilized

Reasons: Secured Area, Extensive deterioration

Bldgs. 9769, 9770–3
Y–12 Natl Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200220040
Status: Unutilized
Reason: Secured Area

Bldgs. 9720–1, 9720–2
Y–12 Natl Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200220041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9723–21
Y–12 Natl Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200220043
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 9205, 9208
Y–12 Natl Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200220059
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 2013, 2506, 6003
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41200220060
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9720–14
Y–12 National Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200230002
Status: Excess
Reason: Secured Area

6 Bldgs.
Y–12 National Security Complex
Oak Ridge Co: Anderson TN 37831–
Location: 9983–62, 9983–63, 9983–64, 9983–65, 9983–71, 9983–72
Landholding Agency: Energy
Property Number: 41200230003
Status: Excess
Reason: Secured Area

17 Bldgs.
Oak Ridge Tech Park
Oak Ridge Co: Roane TN 37831–
Location: K–801, A–D, H, K–891, K–892, K1025A–E, K–1064B–E, H, K, L, K1206–E
Landholding Agency: Energy
Property Number: 41200310007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

4 Bldgs.
Oak Ridge National Lab 0954, 0961, 2093, 3013
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41200310019
Status: Unutilized
Reason: Secured Area

Bldg. SC–3
ORISE
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200340001
Status: Unutilized
Reasons: Secured Area
Extensive deterioration

Texas

6 Bldgs.
Ellington Field 1277, 1381, 1385, 1386, 1388, 1249
Houston Co: Harris TX 77034–5586
Landholding Agency: Air Force
Property Number: 18200240010
Status: Excess
Reason: Extensive deterioration

Bldg. 1307
Hensley Field ANG Station
Dallas Co: TX 75211–9820
Landholding Agency: Air Force
Property Number: 18200330030
Status: Excess
Reason: Extensive deterioration

Comfort Station
Overlook PUA
Powderly Co: Lamar TX 75473–9801
Landholding Agency: COE
Property Number: 31200240018
Status: Excess
Reason: Extensive deterioration

58 Bldgs.
Texoma Lake
Denison Co: TX 75020–6425
Landholding Agency: COE
Property Number: 31200340035
Status: Excess
Reason: Extensive deterioration

Zone 5, Bldg. FS–18
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220044
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 11, Bldg. 11–001
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220045
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 11, 3 Bldgs.
11–015, 11–015B, 11–046
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220046
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 11, Bldg. 11–041
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220047
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 11, Bldg. 11–044
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220048
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 12, Bldg. 12–003P
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220049
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 12, Bldg. 12–05G1
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220050
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 12, 11 Bldgs.
Pantex Plant
Amarillo Co: Carson TX 79120–
Location: 12–010, 12–010V1, 12–010V2, 12–010L, 12–R–010, 12–012, 12–R–012, 12–012V, 12–R–013, 12–R–013RR, 12–13V
Landholding Agency: Energy
Property Number: 41200220051
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 12, Bldg. 12–017C
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220052
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 12, Bldg. 12–20
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220053
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 12, 8 Bldgs.
Pantex Plant
Amarillo Co: Carson TX 79120–
Location: 12–024, 12–024A, 12–02455, 12–025, 12–R–025, 12–030, 12–043, 12–043A
Landholding Agency: Energy
Property Number: 41200220054
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 12, Bldg. 12–27
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220055
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 12, Bldg. 12–038
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200220056
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Zone 12, 2 Bldgs.
Pantex Plant
Amarillo Co: Carson TX 79120–
Location: 12–076, 12–076A
Landholding Agency: Energy
Property Number: 41200220057
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Zone 13, 6 Bldgs.
Pantex Plant
Amarillo Co: Carson TX 79120–
Location: 13–041, 13–042, 13–043, 13–044, 13–045, 13–046
Landholding Agency: Energy
Property Number: 41200220058
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

10 Bldgs.
DOE Pantex Plant
Amarillo Co: Carson TX 79120–
Location: 11–023, 024, 034, 036, 036SS, 039, 039SS, 11–R–014, 11–R–020, 11–R–039
Landholding Agency: Energy
Property Number: 41200310020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

5 Bldgs.
Pantex Plant
Amarillo Co: Carson TX 79120–
Location: 12–091, 15–023, 15–023A, 16–006, FS–008
Landholding Agency: Energy
Property Number: 41200310021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

6 Bldgs.
Pantex Plant
Amarillo Co: Carson TX 79120–
Location: 12–008, 12–R–008, 12–059, 12–059E, 12–059V, 12–R–059
Landholding Agency: Energy
Property Number: 41200320009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 12–017E, 12–019E
Pantex Plant
Amarillo Co: Carson TX 79120–
Landholding Agency: Energy
Property Number: 41200320010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Old Exchange Bldg.
U.S. Coast Guard
Galveston Co: Galveston TX 77553–3001
Landholding Agency: DOT
Property Number: 87199310012
Status: Unutilized
Reason: Secured Area

WPB Building
Station Port Isabel
Coast Guard Station
South Padre Island Co: Cameron TX 78597–6497
Landholding Agency: DOT
Property Number: 87199530002
Status: Unutilized
Reason: Floodway

Aton Shops Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

WPB Storage Shed
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Flammable Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655-Landholding Agency: DOT
Property Number: 87199530005
Status: Unutilized
Reasons:
Within 2000 ft. of flammable or explosive material, Secured Area

Battery Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Boat House
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Small Boat Pier
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 108
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 87199630008
Status: Unutilized
Reason: Extensive deterioration

Vermont

Depot Street
Downtown at the Waterfront
Burlington Co: Chittenden VT 05401–5226
Landholding Agency: DOT
Property Number: 87199220003
Status: Excess
Reason: Floodway

Virginia

Bldg. 417
Camp Pendleton
Virginia Beach Co: VA 23451–
Landholding Agency: Air Force
Property Number: 18200240011
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bayview Tower
Langley AFB
Langley AFB Co: VA 23665–
Landholding Agency: Air Force
Property Number: 18200240012
Status: Unutilized
Reason: Floodway

Bldg. 943/Storage Units
Langley AFB
Langley AFB Co: VA 23665–
Landholding Agency: Air Force
Property Number: 18200410006
Status: Unutilized
Reason: Secured Area

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York VA 23690–
Landholding Agency: DOT
Property Number: 87199230004
Status: Excess
Reason: Secured Area

Admin. Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 87199240014
Status: Unutilized
Reason: Secured Area

Little Creek Station
Navamphib Base, West Annex, U.S. Coast Guard
Norfolk Co: Princess Anne VA 23520–
Landholding Agency: DOT
Property Number: 87199310004
Status: Unutilized
Reason: Secured Area

Operations Bldg.
U.S. Coast Guard Group Hampton Roads
Portsmouth VA 23703–
Landholding Agency: DOT
Property Number: 87199710003
Status: Unutilized
Reason: Secured Area

Bldgs. 63, 115
USCG Training Center
Yorktown Co: York VA 23690–5000
Landholding Agency: DOT
Property Number: 87200110037
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 156
USCG Training Center Yorktown
Yorktown Co: York VA 23690–5000
Landholding Agency: DOT
Property Number: 87200120015
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 002
USCG Eastern Shore
Chincoteague Co: Accomak VA 23336–
Landholding Agency: DOT
Property Number: 87200220007
Status: Excess
Reason: Secured Area

Washington

Rec Storage Bldg.
Richland Parks
Richland Co: Benton WA 99352–
Landholding Agency: COE
Property Number: 31200240019
Status: Unutilized

Reason: Extensive deterioration

Railroad Club Bldg.
McNary Lock & Dam Proj
Richland Co: Benton WA 99352–
Landholding Agency: COE
Property Number: 31200410006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Wisconsin

Rawley Point Light
Two Rivers Co: Manitowoc WI
Landholding Agency: DOT
Property Number: 87199540004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Wyoming

Bldg. 360
F. E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18200240013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Land (by State)

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reason: Floodway

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630002
Status: Underutilized
Reason: Floodway

Florida

Land—approx. 220 acres
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440018
Status: Underutilized
Reasons: Floodway, Secured Area

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reason: Inaccessible

Kentucky

Tract 4626
Barkley, Lake, Kentucky and Tennessee
Donaldson Creek Launching Area
Cadiz Co: Trigg KY 42211–
Location: 14 miles from U.S. Highway 68.
Landholding Agency: COE
Property Number: 31199010030
Status: Underutilized
Reason: Floodway

Tract AA–2747
Wolf Creek Dam and Lake Cumberland
US HWY. 27 to Blue John Road
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 31199010038
Status: Underutilized
Reason: Floodway

Tract AA–2726
Wolf Creek Dam and Lake Cumberland
KY HWY. 80 to Route 769
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 31199010039
Status: Underutilized
Reason: Floodway

Tract 1358
Barkley Lake, Kentucky and Tennessee
Eddyville Recreation Area
Eddyville Co: Lyon KY 42038–
Location: US Highway 62 to state highway 93.
Landholding Agency: COE
Property Number: 31199010043
Status: Excess
Reason: Floodway

Red River Lake Project
Stanton Co: Powell KY 40380–
Location: Exit Mr. Parkway at the Stanton and Slade Interchange, then take SR Hand 15 north to SR 613.
Landholding Agency: COE
Property Number: 31199011684
Status: Unutilized
Reason: Floodway

Barren River Lock & Dam No. 1
Richardsville Co: Warren KY 42270–
Landholding Agency: COE
Property Number: 31199120008
Status: Unutilized
Reason: Floodway

Green River Lock & Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy. 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 31199120009
Status: Unutilized
Reason: Floodway

Green River Lock & Dam No. 4
Woodbury Co: Butler KY 42288–
Location: Off State Hwy 403, which is off State Hwy 231
Landholding Agency: COE
Property Number: 31199120014
Status: Underutilized
Reason: Floodway

Green River Lock & Dam No. 5
Readville Co: Butler KY 42275–
Location: Off State Highway 185
Landholding Agency: COE
Property Number: 31199120015
Status: Unutilized
Reason: Floodway

Green River Lock & Dam No. 6
Brownsville Co: Edmonson KY 42210–
Location: Off State Highway 259
Landholding Agency: COE
Property Number: 31199120016
Status: Underutilized
Reason: Floodway

Vacant land west of locksite
Greenup Locks and Dam
5121 New Dam Road
Rural Co: Greenup KY 41144–
Landholding Agency: COE
Property Number: 31199120017
Status: Unutilized
Reason: Floodway

Maryland

Tract 131R
Youghiogheny River Lake, Rt. 2, Box 100
Friendsville Co: Garrett MD
Landholding Agency: COE
Property Number: 31199240007
Status: Underutilized
Reason: Floodway

Michigan

Middle Marker Facility
Yipsilanti Co: Washtenaw MI 48198–
Location: 549 ft. north of intersection of Coolidge and Bradley Ave. on East side of street
Landholding Agency: DOT
Property Number: 87199120006
Status: Unutilized
Reason: Within airport runway clear zone

Minnesota

3.85 acres (Area #2)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reason: landlocked

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reason: Secured Area

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 31199011018
Status: Underutilized
Reason: Within airport runway clear zone

Missouri

Ditch 19, Item 2, Tract No. 230
St. Francis Basin Project
2½ miles west of Malden
Co: Dunklin MO
Landholding Agency: COE
Property Number: 31199130001
Status: Unutilized
Reason: Floodway

Montana

Sewage Lagoons/40 acres
VA Center
Ft. Harrison Co: MT 59639–
Landholding Agency: VA
Property Number: 97200340007
Status: Excess
Reason: Floodway

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA

Property Number: 97199010011
Status: Unutilized
Reason: Secured Area

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Reason: Secured Area

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Reason: Secured Area

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010014
Status: Unutilized
Reason: Secured Area

Ohio

Mosquito Creek Lake
Everett Hull Road Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440007
Status: Underutilized
Reason: Floodway

Mosquito Creek Lake
Housel—Craft Rd., Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440008
Status: Underutilized
Reason: Floodway

36 Site Campground
German Church Campground
Berlin Center Co: Portage OH 44401–9707
Landholding Agency: COE
Property Number: 31199810001
Status: Unutilized
Reason: Floodway

Pennsylvania

Lock and Dam #7
Monongahela River
Greensboro Co: Greene PA
Location: Left hand side of entrance roadway to project
Landholding Agency: COE
Property Number: 31199011564
Status: Unutilized
Reason: Floodway

Mercer Recreation Area
Shenango Lake
Transfer Co: Mercer PA 16154–
Landholding Agency: COE
Property Number: 31199810002
Status: Unutilized
Reason: Floodway

Tract No. B–212C
Upstream from Gen. Jadwin Dam & Reservoir
Honesdale Co: Wayne PA 18431–
Landholding Agency: COE
Property Number: 31200020005
Status: Unutilized
Reason: Floodway

Tennessee

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro Co: Jackson TN 38562–
Location: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Landholding Agency: COE
Property Number: 21199040413
Status: Underutilized
Reason: Floodway

Cheatham Lock and Dam
Highway 12
Ashland City Co: Cheatham TN 37015–
Location: Tracts E–513, E–512–1 and E–512–2
Landholding Agency: COE
Property Number: 21199040415
Status: Underutilized
Reason: Floodway

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: South of Old Jefferson Pike
Landholding Agency: COE
Property Number: 31199010935
Status: Excess
Reason: Landlocked

Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Stewart TN 37058–
Location: U.S. Highway 79/TN Highway 761
Landholding Agency: COE
Property Number: 31199011478
Status: Underutilized
Reason: Floodway

Tracts 3102, 3105, and 3106
Brimstone Launching Area
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 31199011479
Status: Excess
Reason: Floodway

Tract 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 52
Landholding Agency: COE
Property Number: 31199011480
Status: Unutilized
Reason: Floodway

Tract 3721
Obey
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 31199011481
Status: Unutilized
Reason: Floodway

Tracts 608, 609, 611 and 612
Sullivan Bend Launching Area
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 31199011482
Status: Underutilized
Reason: Floodway

Tract 920
Indian Creek Camping Area
Cordell Hull Lake and Dam Project
Granville Co: Smith TN 38564–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 31199011483
Status: Underutilized
Reason: Floodway

Tracts 1710, 1716 and 1703
Flynns Lick Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Whites Bend Road
Landholding Agency: COE
Property Number: 31199011484
Status: Underutilized
Reason: Floodway

Tract 1810
Wartrace Creek Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 31199011485
Status: Underutilized
Reason: Floodway

Tract 2524
Jennings Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 31199011486
Status: Unutilized
Reason: Floodway

Tracts 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 31199011487
Status: Unutilized
Reason: Floodway

Tracts 2200 and 2201
Gainesboro Airport
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 31199011488
Status: Underutilized
Reasons: Within airport runway clear zone, Floodway

Tracts 710C and 712C
Sullivan Island
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 31199011489
Status: Unutilized
Reason: Floodway

Tract 2403, Hensley Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 31199011490
Status: Unutilized
Reason: Floodway

Tracts 2117C, 2118 and 2120
Cordell Hull Lake and Dam Project
Trace Creek
Gainesboro Co: Jackson TN 38562–
Location: Brooks Ferry Road
Landholding Agency: COE
Property Number: 31199011491
Status: Unutilized
Reason: Floodway

Tracts 424, 425 and 426
Cordell Hull Lake and Dam Project
Stone Bridge
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 31199011492
Status: Unutilized
Reason: Floodway

Tract 517
J. Percy Priest Dam and Reservoir
Suggs Creek Embayment
Nashville Co: Davidson TN 37214–
Location: Interstate 40 to S. Mount Juliet Road.
Landholding Agency: COE
Property Number: 31199011493
Status: Underutilized
Reason: Floodway

Tract 1811
West Fork Launching Area
Smyrna Co: Rutherford TN 37167–
Location: Florence road near Enon Springs Road
Landholding Agency: COE
Property Number: 31199011494
Status: Underutilized
Reason: Floodway

Tract 1504
J. Perry Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford TN 37167–
Location: Lamon Road
Landholding Agency: COE
Property Number: 31199011495
Status: Underutilized
Reason: Floodway

Tract 1500
J. Perry Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford TN 37167–
Location: Jones Mill Road
Landholding Agency: COE
Property Number: 31199011496
Status: Underutilized
Reason: Floodway

Tracts 245, 257, and 256
J. Perry Priest Dam and Reservoir
Cook Recreation Area
Nashville Co: Davidson TN 37214–
Location: 2.2 miles south of Interstate 40 near Saunders Ferry Pike.
Landholding Agency: COE
Property Number: 31199011497
Status: Underutilized
Reason: Floodway

Tracts 107, 109 and 110
Cordell Hull Lake and Dam Project
Two Prong
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 31199011498
Status: Unutilized
Reason: Floodway

Tracts 2919 and 2929
Cordell Hull Lake and Dam Project
Sugar Creek
Gainesboro Co: Jackson TN 38562–
Location: Sugar Creek Road
Landholding Agency: COE
Property Number: 31199011500
Status: Unutilized
Reason: Floodway

Tracts 1218 and 1204
Cordell Hull Lake and Dam Project
Granville—Alvin Yourk Road
Granville Co: Jackson TN 38564–
Landholding Agency: COE
Property Number: 31199011501
Status: Unutilized
Reason: Floodway

Tract 2100
Cordell Hull Lake and Dam Project
Galbreaths Branch
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 31199011502
Status: Unutilized
Reason: Floodway

Tract 104 et. al.
Cordell Hull Lake and Dam Project
Horshoe Bend Launching Area
Carthage Co: Smith TN 37030–
Location: Highway 70 N
Landholding Agency: COE
Property Number: 31199011504
Status: Underutilized
Reason: Floodway

Tracts 510, 511, 513 and 514
J. Percy Priest Dam and Reservoir Project
Lebanon Co: Wilson TN 37087–
Location: Vivrett Creek Launching Area, Alvin Sperry Road
Landholding Agency: COE
Property Number: 31199120007
Status: Underutilized
Reason: Floodway

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson TN 37138–
Landholding Agency: COE
Property Number: 31199130008
Status: Underutilized
Reason: Floodway

Tract D, 7 acres
Cheatham Lock & Dam
Nashville Co: Davidson TN 37207–
Landholding Agency: COE
Property Number: 31200020006
Status: Underutilized
Reason: Floodway

Texas

Tracts 104, 105–1, 105–2 & 118
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010397
Status: Underutilized
Reason: Floodway

Part of Tract 201–3
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010398
Status: Underutilized
Reason: Floodway

Part of Tract 323
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010399
Status: Underutilized
Reason: Floodway

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010401
Status: Unutilized
Reason: Floodway

Tract 706
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010402
Status: Unutilized
Reason: Floodway

Washington

2.8 acres
Tract P–1003
Kennewick Co: Benton WA 99336–
Landholding Agency: COE
Property Number: 31200240020
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

West Virginia

Morgantown Lock and Dam
Box 3 RD # 2
Morgantown Co: Monongahelia WV 26505–
Landholding Agency: COE
Property Number: 31199011530
Status: Unutilized
Reason: Floodway

London Lock and Dam
Route 60 East
Rural Co: Kanawha WV 25126–
Location: 20 miles east of Charleston, W. Virginia.
Landholding Agency: COE
Property Number: 31199011690
Status: Unutilized
Reason: .03 acres; very narrow strip of land

Portion of Tract #101
Buckeye Creek
Sutton Co: Braxton WV 26601–
Landholding Agency: COE
Property Number: 31199810006
Status: Excess
Reason: inaccessible

[FR Doc. 04–4050 Filed 2–26–04; 8:45 am]

BILLING CODE 4210–29–P

Federal Register

Friday,
February 27, 2004

Part III

Department of Transportation

Federal Highway Administration

23 CFR Parts 970, 971 et al.

Federal Lands Highway Program; Management Systems Pertaining to the National Park Service and the Park Roads and Parkways Program; Management Systems Pertaining to the Forest Service and the Forest Highway Program; Management Systems Pertaining to the Fish and Wildlife Service and the Refuge Roads Program; Management Systems Pertaining to the Bureau of Indian Affairs and the Indian Reservation Roads Program; Final Rules

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 970

[FHWA Docket No. FHWA–99–4967]

FHWA RIN 2125–AE52

Federal Lands Highway Program; Management Systems Pertaining to the National Park Service and the Park Roads and Parkways Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This final rule provides for the development and implementation of safety, bridge, pavement, and congestion management systems for transportation facilities under National Park Service (NPS) jurisdiction and funded under the Federal Lands Highway Program (FLHP) as required by the Transportation Equity Act for the 21st Century (TEA–21). The roads funded under the FLHP include Park Roads and Parkways, Forest Highways, Refuge Roads, Indian Reservation Roads, and Public Lands Highways. These management systems provide a strategic approach to transportation planning, program development, and project selection.

EFFECTIVE DATE: March 29, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Bini, Federal Lands Highway, HFPD–2, (202) 366–6799, FHWA, 400 Seventh Street, SW., Washington, DC 20590; office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays. For legal questions, Ms. Vivian Philbin, HFL–16, (303) 716–2122, FHWA, 555 Zang Street, Lakewood, CO 80228. Office hours are from 7:45 a.m. to 4:15 p.m., m.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule, the ANPRM, the NPRM, and all comments received by the U.S. Docket Facility, Room PL–401, may be viewed through the Docket Management System (DMS) at *http://dms.dot.gov.* The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of this Web site.

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.access.gpo.gov/nara.*

Background

Section 1115(d) of the TEA–21 (Pub. L. 105–178, 112 Stat 107, 156 (1998)) amended 23 U.S.C. 204 to require the Secretary of Transportation and the Secretary of each appropriate Federal land management agency, to the extent appropriate, to develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the FLHP. The roads funded under the FLHP include, but are not limited to, Park Roads and Parkways (PRP), Forest Highways (FH), Refuge Roads (RR), Indian Reservation Roads (IRR), and Public Lands Highways. The Secretary of Transportation delegated to the FHWA the authority to serve as the lead agency within the U.S. Department of Transportation to administer the FLHP (see 49 CFR 1.48 (b)(29)). This rulemaking action addresses the management systems for the NPS and the PRP program. Separate final rules on management systems have also been developed for the Fish and Wildlife Service (FWS) and the RR program, the Forest Service (FS) and the FH program, and the Bureau of Indian Affairs (BIA) and the IRR program. The other three related final rules are published elsewhere in today's **Federal Register**.

The requirements in the TEA–21 are not intended in any way to interfere with any portion of the National Park Service Organic Act, 16 U.S.C. 1 *et seq.*, which established the NPS. The four management systems serve to guide the NPS in making resource allocation decisions for the PRP transportation improvement programs (PRPTIPs) and help the NPS implement the purpose of the Organic Act, which is to promote and regulate the use of the lands managed by the NPS.

On September 1, 1999, the FHWA issued an advance notice of proposed rulemaking (ANPRM) to solicit public comments concerning development of this proposed rule pertaining to the NPS and the PRP program (64 FR 47749). The ANPRM requested comments on the feasibility of developing a rule to meet both the transportation planning and management systems requirements of the TEA–21. A management system is a process for collecting, organizing, and analyzing data to provide a strategic approach to transportation planning, program development, and project selection. Subsequently, the FHWA decided to issue a separate rulemaking document for the management systems and address transportation planning at a later date.

On January 8, 2003 (68 FR 1080), the FHWA issued the notice of proposed rulemaking (NPRM) seeking comments on the proposal to develop and implement management systems. These comments are summarized in the "Summary of Comments'' section. Based on the comments received to the docket, the FHWA has developed this final rule to provide for the development and implementation of pavement, bridge, safety, and congestion management systems for roads under NPS jurisdiction and funded under the FLHP. There are instances where reference is made to transportation planning because the management systems serve as a guide to planning activities; however, this final rule only implements the development of management systems.

During the rulemaking process, the FHWA considered other elements for their relationship to the management systems. Among these was the need for an environmental management system (EMS). The FHWA is currently supporting and participating in the development of the American Association of Highway and Transportation Officials' Center for Environmental Excellence in which EMSs, as they relate to transportation, are a major component. This is consistent with the FHWA's priority on environmental stewardship and streamlining. The FHWA continues to demonstrate environmental stewardship by promoting the use of EMSs in the construction, operation, and maintenance of transportation facilities. As implementation plans are developed for the management systems, the FHWA will promote coordination of the transportation management systems with individual agency plans to implement an EMS. At a minimum, this would provide an opportunity to link existing environmental data to the transportation management systems using a common geographic information system. The FHWA decided not to address EMS as part of this rulemaking action, but recognizing the importance of EMS initiatives, the FHWA believes that EMSs are most appropriately pursued as part of sound business planning of each individual agency.

Summary of Comments

The FHWA received three comments to the docket on the NPRM. Of these three, one was from a five-State coalition of State Departments of Transportation (State DOTs), comprised of the State DOTs of Idaho, Montana, North Dakota, South Dakota and

Wyoming (the State DOT coalition), and the other two were from the California (Caltrans) and Washington (WSDOT) State DOTs. The following discussion summarizes the specific comments received on the NPRM and the FHWA's response to the comments.

Rule Development

Comment: The WSDOT and Caltrans provided supportive comments. WSDOT stated the application of management systems for transportation facilities on Federal lands was a good business practice, and the agency offered to provide technical assistance to the Federal land management agencies (FLMAs).

Caltrans indicated general support for the FHWA's efforts to develop management systems for transportation facilities on Federal lands.

Response: The FHWA supports efforts by the WSDOT to provide technical assistance in the development of the management systems, and encourages all State DOTs to provide technical assistance, if requested. In addition, the FHWA appreciates recognition by Caltrans and the WSDOT of the importance of the management systems to the FLMAs.

Implementation—Process and Coordination Issues

Comments: Caltrans and the State DOT coalition suggested Federal agencies should use existing systems to avoid redundancy and assure compatibility with existing State systems.

The State DOT coalition further suggested that two options to achieve this are coordinating with the State DOTs that currently have management systems in place to assure compatibility, and/or pooling resources with other Federal land management agencies. The State DOT coalition also indicated management systems should be implemented efficiently to control costs, including limiting the data collected to the minimum necessary to achieve goals and objectives for the PRP program. The State DOT coalition further indicated that judicious determination of the extent of the requirements for the new management systems could preserve program funds for actual projects. In addition, the State DOT coalition suggested including a provision in the rule that excludes from the management systems any roads that are already the responsibility of a State.

Response: Section 970.204 of the final rule, entitled "Management systems requirements,'' includes a requirement for the NPS and the FHWA to develop an implementation plan for each of the management systems. The plans will include, but are not limited to: Overall goals and policies concerning the management systems, each agency's responsibilities for developing and implementing the management systems, implementation schedule, data sources, and cost estimate. Other process issues, such as avoiding redundancy, coordination for data sharing, compatibility of data and systems, and specific data required to support the management systems can also be addressed in the implementation plans.

The implementation plans will also provide an opportunity to clarify roles and responsibilities. Nothing in the rule is intended to affect a State's or MPO's role in providing accident or congestion data for its facilities covered by the management systems. The plans are intended to develop effective means of collecting and using information to improve decision-making for the PRP program, and to promote data sharing. Inclusion of State or MPO data in the management systems does not assume that the NPS would duplicate the data collection effort already undertaken by a State or MPO. Emphasis is on the importance of cooperation and coordination in understanding responsibilities, and sharing data.

While the FHWA has acknowledged that part of the data collection burden may be a State responsibility, minimizing that burden is a responsibility of the NPS in their role of establishing and maintaining the management systems. States will have the opportunity to help determine how the information is collected and used during the development of the implementation plans. One important component of the management systems will be compatibility with existing State systems, as a means to minimize any additional data collection burden or duplication of effort.

Implementation: Management System Structure and Data Standards

Comment: The NPS indicated the desire and need for some flexibility in designing the management systems to meet the goals, policies and needs of the PRP program consistent with the intent and requirements of the proposed rule.

Response: The FHWA agrees with the NPS comment, and has revised § 970.204(a) to provide for professional engineering and planning judgment in determining the nature and extent of the required management systems coverage.

Comment: The State DOT coalition indicated it might be unduly costly to develop a pavement management system for all roads by including unpaved roads.

Response: For clarification, the NPS pavement management system already limits coverage to paved park roads and parkways, parking areas, and other associated facilities.

Section-by-Section Analysis

After careful consideration of the comments received, the FHWA has modified the final rule to address the NPS concern over the need for flexibility in meeting the intent and requirements of the rule. This section-by-section analysis describes the change.

Section 970.204 Management System Requirements

Comment: The NPS indicated a need and desire for flexibility in determining how to best structure the management systems to meet the intent and requirements of the rule, yet implement the systems in a cost effective and efficient manner.

Response: The FHWA supports the NPS need and desire for flexibility in developing and implementing procedures for the development, establishment, implementation and operation of the management systems. To provide the necessary flexibility, the FHWA has modified the second sentence of § 970.204(a) by inserting the following after the word needs, "* * * using professional engineering and planning judgment to determine the required nature and extent of systems coverage consistent with the intent and requirements of this rule.''

Conclusion

The FHWA anticipated public interest in this rulemaking. The comments to the docket have helped to raise awareness about roles and responsibilities of all entities involved in the implementation of the final rule that will be important to consider in the development of the implementation plans. These implementation plans can be an effective tool in avoiding duplication and redundancy, minimizing the burden on States and other non-Federal entities, and determining the required extent of management systems coverage. The FHWA believes that the resulting changes in the final rule address the flexibility concerns of the NPS and will yield enhanced cooperation and coordination with the State DOTs in its implementation.

Rulemaking Analyses and Notices

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

The FHWA has determined that this final rule is a significant regulatory

action within the meaning of Executive Order 12866, and under the regulatory policies and procedures of the U.S. Department of Transportation because of the substantial public interest in the transportation facilities of the National Parks. The Office of Management and Budget has reviewed this document under E.O. 12866. The FHWA anticipates that the economic impact of any action taken in this rulemaking process will be minimal. The FHWA anticipates the final rule will not adversely affect any sector of the economy in a material way. Though this action will impact the NPS, it will not likely interfere with any action taken or planned by the NPS or another agency, or materially alter the budgetary impact of any entitlement, grants, user fees, or loan programs.

The FHWA has considered the costs and benefits associated with this rulemaking and the information provided in response to the proposed rule, and believes the benefits outweigh the costs. Information provided by the management systems will enhance transportation investment decisions for the PRP program, and improve the overall efficiency of the NPS transportation system. In addition, the management systems will assist the FHWA in its stewardship and oversight roles. The benefits of the management system information will be significant in relationship to the costs of implementation.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this action on small entities and has determined that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This final rule will not impose a mandate that requires further analysis under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995; 109 Stat. 48). This final rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (2 U.S.C. 1532). This final rule provides for the development and implementation of pavement, bridge, safety, and congestion management systems for transportation facilities under the NPS jurisdiction that are funded under the FLHP, therefore, this action is not considered an unfunded mandate.

Executive Order 13132 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999. The FHWA has determined that this action will not have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA has also determined that this final action will not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

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.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The FHWA has determined that this final rule contains a requirement for data and information to be collected and maintained in the four management systems that are to be developed. In order to streamline the process, the FHWA requested that the OMB approve a single information collection clearance for all of the data in the four management systems at the time the final rule is published. The FHWA is sponsoring this clearance on behalf of the National Park Service.

The FHWA estimates that a total of 4,100 burden hours per year would be imposed on non-Federal entities to provide the required information for the NPS management systems. Respondents to this information collection include State transportation departments, Metropolitan Planning Organizations (MPOs), regional transportation planning agencies, and county and local governments.

A measurable level of effort may be required of non-Federal entities to provide management system information for the safety and congestion management systems. A similar level of effort is not anticipated for the pavement and bridge management systems, since the entire PRP system is under the jurisdiction of the NPS. The burden on States and MPOs will be at a level commensurate with the relatively substantial extent of the PRP system. For estimating purposes, each State has been assigned 34 hours of burden for the safety management system (SMS). Thus, the annual burden estimate for the NPS SMS is 1,700 hours. The level of burden on non-Federal entities will be relatively modest since the NPS will incorporate existing State and local data into the management systems, where feasible.

For the congestion management system (CMS), the non-Federal burden, if applicable, would likely fall to the MPOs, and represents the need for the NPS to coordinate its management system with the MPOs, for that portion of its transportation system that is within an MPO area. This results in a total annual burden estimate of 2,400 hours per year for the NPS CMS.

The State DOT coalition provided comments on the proposed data collection indicating that the management systems should be implemented in a way that does not burden States or adversely affect the funding or other resources available for the State programs. The State DOT coalition's comments encouraged a cooperative process using approaches that would avoid redundancy and duplication in implementing the management systems.

The FHWA anticipated some burden on States and MPOs in the burden estimates prepared as part of the rulemaking. The State DOT coalition did not question the need for management systems or the FHWA's burden estimates. The FHWA believes that the value of the management systems information for transportation decision-making outweighs the burden of collecting it. The FHWA has tried to keep the data collection burden to the lowest level possible, while providing for the necessary data, and believes the burden estimates to be fair and equitable. The NPS has responsibility to develop the management systems in a manner that would incorporate any existing data in the most efficient way and without additional burdens to the public.

National Environmental Policy Act

The FHWA analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this final rule will not have any effect on the quality of the environment.

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this action under Executive Order 13175, dated November 6, 2000, and concluded that this final rule will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal government, and will not preempt tribal law. The requirements set forth in the final rule do not directly affect one or more Indian tribes. Therefore, a tribal summary impact statement is not required.

Executive Order 12988 (Civil Justice Reform)

This final rule meets applicable standards in section 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)

Under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, this final rule is not economically significant and does not involve an environmental risk to health and safety that may disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

This final rule will not effect 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 13211 (Energy Effects)

This final rule has been analyzed under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The FHWA has determined that it is not a significant energy action under that order because, although it is a significant regulatory action under Executive Order 12866, the final rule is not likely to have a significant adverse effect on the supply, distribution or use of energy.

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. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 970

Bridges, Congestion management, Grant program—transportation, Highways and roads, Management systems, National parks, Pavement management, Public lands, Safety management, Transportation.

For reasons set forth in the preamble, the Federal Highway Administration amends chapter I of title 23, Code of Federal Regulations, as set forth below.

Issued on: February 18, 2004.

Mary E. Peters,

Federal Highway Administrator.

■ 1. Add a new subchapter L, consisting of part 970 to read as follows:

SUBCHAPTER L—FEDERAL LANDS HIGHWAYS

PART 970—NATIONAL PARK SERVICE MANAGEMENT SYSTEMS

Subpart A—Definitions

Sec.
970.100 Purpose.
970.102 Applicability.
970.104 Definitions.

Subpart B—National Park Service Management Systems

970.200 Purpose.
970.202 Applicability.
970.204 Management systems requirements.
970.206 Funds for establishment, development and implementation of the systems.
970.208 Federal lands pavement management system (PMS).
970.210 Federal lands bridge management system (BMS).
970.212 Federal lands safety management system (SMS).
970.214 Federal lands congestion management system (CMS).

Authority: 23 U.S.C. 204 and 315; 42 U.S.C. 7410 *et seq.*; 49 CFR 1.48.

Subpart A—Definitions

§ 970.100 Purpose.

The purpose of this subpart is to provide definitions for terms used in this part.

§ 970.102 Applicability.

The definitions in this subpart are applicable to this part, except as otherwise provided.

§ 970.104 Definitions.

Alternative transportation systems means modes of transportation other than private vehicles, including methods to improve system performance such as transportation demand management, congestion management, and intelligent transportation systems. These mechanisms help reduce the use of private vehicles and thus improve overall efficiency of transportation systems and facilities.

Elements means the components of a bridge important from a structural, user, or cost standpoint. Examples are decks, joints, bearings, girders, abutments, and piers.

Federal lands bridge management system (BMS) means a systematic process used by the Forest Service (FS), the Fish and Wildlife Service (FWS) and the National Park Service (NPS) for collecting and analyzing bridge data to make forecasts and recommendations, and provides the means by which bridge maintenance, rehabilitation, and replacement programs and policies may be efficiently and effectively considered.

Federal lands congestion management system (CMS) means a systematic process used by the NPS, the FWS and the FS for managing congestion that provides information on transportation system performance, and alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet Federal, State and local needs.

Federal Lands Highway program (FLHP) means a federally funded program established in 23 U.S.C. 204 to address transportation needs of Federal and Indian lands.

Federal lands pavement management system (PMS) means a systematic process used by the NPS, the FWS and the FS that provides information for use in implementing cost-effective pavement reconstruction, rehabilitation, and preventive maintenance programs and policies, and that results in pavement designed to accommodate current and forecasted traffic in a safe, durable, and cost-effective manner.

Federal lands safety management system (SMS) means a systematic process used by the NPS, the FWS and the FS with the goal of reducing the number and severity of traffic accidents by ensuring that all opportunities to improve roadway safety are identified, considered, implemented, and evaluated, as appropriate, during all phases of highway planning, design, construction, operation and maintenance, by providing information for selecting and implementing effective highway safety strategies and projects.

Highway safety means the reduction of traffic accidents on public roads, including reductions in deaths, injuries, and property damage.

Intelligent transportation system (ITS) means electronics, communications, or information processing used singly or in combination to improve the efficiency

and safety of a surface transportation system.

Life-cycle cost analysis means an evaluation of costs incurred over the life of a project allowing a comparative analysis between or among various alternatives. Life-cycle cost analysis promotes consideration of total cost, including maintenance and operation expenditures. Comprehensive life-cycle cost analysis includes all economic variables essential to the evaluation, including user costs such as delay, safety costs associated with maintenance and rehabilitation projects, agency capital costs, and life-cycle maintenance costs.

Metropolitan planning area means the geographic area in which the metropolitan transportation planning process required by 23 U.S.C. 134 and 49 U.S.C. 5303–5306 must be carried out.

Metropolitan planning organization (MPO) means the forum for cooperative transportation decision-making for the metropolitan planning area pursuant to 23 U.S.C. 134 and 49 U.S.C. 5303.

National Park Service transportation plan means an official NPS multimodal transportation plan that is developed through the NPS transportation planning process pursuant to 23 U.S.C. 204.

Operations means those activities associated with managing, controlling, and regulating highway and pedestrian traffic.

Park road means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

Park Road Program transportation improvement program (PRPTIP) means a staged, multi-year, multimodal program of NPS transportation projects in a State area. The PRPTIP is consistent with the NPS transportation plan and developed through the NPS planning processes pursuant to 23 U.S.C. 204.

Park Roads and Parkways program means a program that is authorized in 23 U.S.C. 204 with funds allocated to the NPS by the Federal Highway Administration (FHWA) for each fiscal year as provided in 23 U.S.C. 202(c) and 23 U.S.C. 204.

Parkway means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

Secretary means the Secretary of Transportation.

Serviceability means the degree to which a bridge provides satisfactory service from the point of view of its users.

State means any one of the fifty States, the District of Columbia, or Puerto Rico.

Transportation facilities means roads, streets, bridges, parking areas, transit vehicles, and other related transportation infrastructure.

Transportation Management Area (TMA) means an urbanized area with a population over 200,000 (as determined by the latest decennial census) or other area when TMA designation is requested by the Governor and the MPO (or affected local officials), and officially designated by the Administrators of the FHWA and the Federal Transit Administration (FTA). The TMA designation applies to the entire metropolitan planning area(s).

Subpart B—National Park Service Management Systems

§ 970.200 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 204, which requires the Secretary and the Secretary of each appropriate Federal land management agency, to the extent appropriate, to develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the FLHP. These management systems serve to guide the National Park Service (NPS) in developing transportation plans and making resource allocation decisions for the PRPTIP.

§ 970.202 Applicability.

The provisions in this subpart are applicable to the NPS and the Federal Highway Administration (FHWA) that are responsible for satisfying these requirements for management systems pursuant to 23 U.S.C. 204.

§ 970.204 Management systems requirements.

(a) The NPS shall develop, establish and implement the management systems as described in this subpart. The NPS may tailor all management systems to meet the NPS goals, policies, and needs using professional engineering and planning judgment to determine the required nature and extent of systems coverage consistent with the intent and requirements of this rule. The management systems also shall be developed so they assist in meeting the goals and measures that were jointly developed by the FHWA and the NPS in response to the Government Performance and Results Act of 1993 (Pub. L. 103–62, 107 Stat. 285).

(b) The NPS and the FHWA shall develop an implementation plan for each of the management systems. These plans will include, but are not limited to, the following: Overall goals and policies concerning the management systems, each agency's responsibilities for developing and implementing the management systems, implementation schedule, data sources, and cost estimate. The FHWA will provide the NPS ongoing technical engineering support for the development, implementation, and maintenance of the management systems.

(c) The NPS shall develop and implement procedures for the development, establishment, implementation and operation of management systems. The procedures shall include:

(1) A process for ensuring the outputs of the management systems are considered in the development of NPS transportation plans and PRPTIPs and in making project selection decisions under 23 U.S.C. 204;

(2) A process for the analysis and coordination of all management system outputs to systematically operate, maintain, and upgrade existing transportation assets cost-effectively;

(3) A description of each management system;

(4) A process to operate and maintain the management systems and their associated databases; and

(5) A process for data collection, processing, analysis and updating for each management system.

(d) All management systems will use databases with a geographical reference system that can be used to geolocate all database information.

(e) Existing data sources may be used by the NPS to the maximum extent possible to meet the management system requirements.

(f) The NPS shall develop an appropriate means to evaluate the effectiveness of the management systems in enhancing transportation investment decision-making and improving the overall efficiency of the affected transportation systems and facilities. This evaluation is to be conducted periodically, preferably as part of the NPS planning process.

(g) The management systems shall be operated so investment decisions based on management system outputs can be considered at the national, regional, and park levels.

§ 970.206 Funds for establishment, development, and implementation of the systems.

The Park Roads and Parkways program funds may be used for

development, establishment, and implementation of the management systems. These funds are to be administered in accordance with the procedures and requirements applicable to the funds.

§ 970.208 Federal lands pavement management system (PMS).

In addition to the requirements provided in § 970.204, the PMS must meet the following requirements:

(a) The NPS shall have PMS coverage of all paved park roads, parkways, parking areas and other associated facilities, as appropriate, that are funded under the FLHP.

(b) The PMS may be utilized at various levels of technical complexity depending on the nature of the transportation network. These different levels may depend on mileage, functional classes, volumes, loading, usage, surface type, or other criteria the NPS deems appropriate.

(c) The PMS shall be designed to fit the NPS goals, policies, criteria, and needs using the following components, at a minimum, as a basic framework for a PMS:

(1) A database and an ongoing program for the collection and maintenance of the inventory, inspection, cost, and supplemental data needed to support the PMS. The minimum PMS database shall include:

(i) An inventory of the physical pavement features including the number of lanes, length, width, surface type, functional classification, and shoulder information;

(ii) A history of project dates and types of construction, reconstruction, rehabilitation, and preventive maintenance. If some of the inventory or historic data is difficult to establish, it may be collected when preservation or reconstruction work is performed;

(iii) Condition data that includes roughness, distress, rutting, and surface friction (as appropriate);

(iv) Traffic information including volumes and vehicle classification (as appropriate); and

(v) Data for estimating the costs of actions.

(2) A system for applying network level analytical procedures that are capable of analyzing data for all park roads, parkways and other appropriate associated facilities in the inventory or any subset. The minimum analyses shall include:

(i) A pavement condition analysis that includes roughness, distress, rutting, and surface friction (as appropriate);

(ii) A pavement performance analysis that includes present and predicted performance and an estimate of the remaining service life (performance and remaining service life to be developed with time); and

(iii) An investment analysis that:

(A) Identifies alternative strategies to improve pavement conditions;

(B) Estimates costs of any pavement improvement strategy;

(C) Determines maintenance, repair, and rehabilitation strategies for pavements using life-cycle cost analysis or a comparable procedure;

(D) Provides for short and long term budget forecasting; and

(E) Recommends optimal allocation of limited funds by developing a prioritized list of candidate projects over a predefined planning horizon (both short and long term).

(e) For any park roads, parkways and other appropriate associated facilities in the inventory or subset thereof, PMS reporting requirements shall include, but are not limited to, percentage of roads in good, fair, and poor condition.

§ 970.210 Federal lands bridge management system (BMS).

In addition to the requirements provided in § 970.204, the BMS must meet the following requirements:

(a) The NPS shall have a BMS for the bridges which are under the NPS jurisdiction, funded under the FLHP, and required to be inventoried and inspected as prescribed by 23 U.S.C. 144.

(b) The BMS shall be designed to fit the NPS goals, policies, criteria, and needs using, as a minimum, the following components:

(1) A database and an ongoing program for the collection and maintenance of the inventory, inspection, cost, and supplemental data needed to support the BMS. The minimum BMS database shall include:

(i) Data described by the inventory section of the National Bridge Inspection Standards (23 CFR part 650, subpart C);

(ii) Data characterizing the severity and extent of deterioration of bridge elements;

(iii) Data for estimating the cost of improvement actions;

(iv) Traffic information including volumes and other pertinent information; and

(v) A history of conditions and actions taken on each bridge, excluding minor or incidental maintenance.

(2) A system for applying network level analytical procedures that are capable of analyzing data for all bridges in the inventory or any subset. The minimum analyses shall include:

(i) A prediction of performance and estimate of the remaining service life of structural and other key elements of each bridge, both with and without intervening actions; and

(ii) A recommendation for optimal allocation of limited funds through development of a prioritized list of candidate projects over predefined short and long term planning horizons.

(c) The BMS may include the capability to perform an investment analysis as appropriate, considering size of structure, traffic volume, and structural condition. The investment analysis may:

(1) Identify alternative strategies to improve bridge condition, safety and serviceability;

(2) Estimate the costs of any strategies ranging from maintenance of individual elements to full bridge replacement;

(3) Determine maintenance, repair, and rehabilitation strategies for bridge elements using life cycle cost analysis or a comparable procedure;

(4) Provide short and long term budget forecasting; and

(5) Evaluate the cultural and historical values of the structure.

(d) For any bridge in the inventory or subset thereof, BMS reporting requirements shall include, but are not limited to, percentage of non-deficient bridges.

§ 970.212 Federal lands safety management system (SMS).

In addition to the requirements provided in § 970.204, the SMS must meet the following requirements:

(a) The NPS shall have an SMS for all transportation systems serving NPS facilities, as appropriate, funded under the FLHP.

(b) The NPS shall use the SMS to ensure that safety is considered and implemented, as appropriate, in all phases of transportation system planning, design, construction, maintenance, and operations.

(c) The SMS shall be designed to fit the NPS goals, policies, criteria, and needs and shall contain the following components: (1) An ongoing program for the collection, maintenance and reporting of a data base that includes:

(i) Accident records with details for analysis such as accident type, using standard reporting descriptions (*e.g.*, right-angle, rear-end, head-on, pedestrian-related), location, description of event, severity, weather and cause;

(ii) An inventory of safety appurtenances such as signs, delineators, and guardrails (including terminals);

(iii) Traffic information including volume, speed, and vehicle classification, as appropriate.

(iv) Accident rates by customary criteria such as location, roadway classification, and vehicle miles of travel.

(2) Development, establishment, and implementation of procedures for:

(i) Routinely maintaining and upgrading safety appurtenances including highway-rail crossing warning devices, signs, highway elements, and operational features, where appropriate;

(ii) Identifying and investigating hazardous or potentially hazardous transportation elements and systems, transit vehicles and facilities, roadway locations and features;

(iii) Establishing countermeasures and setting priorities to address identified needs.

(3) A process for communication, coordination, and cooperation among the organizations responsible for the roadway, human, and vehicle safety elements;

(d) While the SMS applies to appropriate transportation systems serving NPS facilities funded under the FLHP, the extent of system requirements (*e.g.*, data collection, analyses, and standards) for low volume roads may be tailored to be consistent with the functional classification of the road and number and types of transit and other vehicles operated by the NPS.

§ 970.214 Federal lands congestion management system (CMS).

(a) For purposes of this section, congestion means the level at which transportation system performance is no longer acceptable due to traffic interference. For portions of the NPS transportation system outside the boundaries of TMAs, the NPS shall:

(1) Develop criteria to determine when a CMS is to be implemented for a specific transportation system; and

(2) Have CMS coverage for all transportation systems serving NPS facilities that meet minimum CMS needs criteria, as appropriate, funded through the FLHP.

(b) The NPS shall consider the results of the CMS when selecting congestion mitigation strategies that are the most time efficient and cost effective and that add value (protection/rejuvenation of resources, improved visitor experience) to the park and adjacent communities.

(c) In addition to the requirements provided in § 970.204, the CMS must meet the following requirements:

(1) For those NPS transportation systems that require a CMS, in both metropolitan and non-metropolitan areas, consideration shall be given to strategies that promote alternative transportation systems, reduce private automobile travel, and best integrate private automobile travel with other transportation modes.

(2) For portions of the NPS transportation system within transportation management areas (TMAs), the NPS transportation planning process shall include a CMS that meets the requirements of this section. By agreement between the TMA and the NPS, the TMA's CMS coverage may include the transportation systems serving NPS facilities, as appropriate. Through this agreement(s), the NPS may meet the requirements of this section.

(3) If congestion exists at a NPS facility within the boundaries of a TMA, and the TMA's CMS does not provide coverage of the portions of the NPS transportation facilities experiencing congestion, the NPS shall develop a separate CMS to cover those facilities. Approaches may include the use of alternate mode studies and implementation plans as components of the CMS.

(4) A CMS will:

(i) Identify and document measures for congestion (*e.g.*, level of service);

(ii) Identify the causes of congestion;

(iii) Include processes for evaluating the cost and effectiveness of alternative strategies;

(iv) Identify the anticipated benefits of appropriate alternative traditional and nontraditional congestion management strategies;

(v) Determine methods to monitor and evaluate the performance of the multi-modal transportation system; and

(vi) Appropriately consider strategies, or combinations of strategies for each area, such as:

(A) Transportation demand management measures;

(B) Traffic operational improvements;

(C) Public transportation improvements;

(D) ITS technologies; and

(E) Additional system capacity.

[FR Doc. 04–4052 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 971

[FHWA Docket No. FHWA–99–4969]

FHWA RIN 2125–AE55

Federal Lands Highway Program; Management Systems Pertaining to the Forest Service and the Forest Highway Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This final rule provides for the development and implementation of safety, bridge, pavement, and congestion management systems for transportation facilities providing access to and within the National Forests and Grasslands and funded under the Federal Lands Highway Program (FLHP) as required by the Transportation Equity Act for the 21st Century (TEA–21). The roads funded under the FLHP include Park Roads and Parkways, Forest Highways, Refuge Roads, Indian Reservation Roads, and Public Lands Highways. These management systems provide a strategic approach to transportation planning, program development, and project selection.

EFFECTIVE DATE: March 29, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Bini, Federal Lands Highway, HFPD–2, (202) 366–6799, FHWA, 400 Seventh Street, SW., Washington, DC 20590; office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays. For legal questions, Ms. Vivian Philbin, HFL–16, (303) 716–2122, FHWA, 555 Zang Street, Lakewood, CO 80228. Office hours are from 7:45 a.m. to 4:15 p.m., m.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule, the ANPRM, the NPRM, and all comments received by the U.S. Docket Facility, Room PL–401, may be viewed through the Docket Management System (DMS) at *http://dms.dot.gov*. The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of this Web site.

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.access.gpo.gov/nara*.

Background

Section 1115(d) of the TEA–21 (Pub. L. 105–178, 112 Stat. 107, 156 (1998), amended 23 U.S.C. 204, to require the Secretary of Transportation and the Secretary of each appropriate Federal land management agency, to the extent appropriate, to develop by rule safety, bridge, pavement, and congestion management systems for roads funded

under the FLHP. The roads funded under the FLHP include, but are not limited to, Park Roads and Parkways, Forest Highways, Refuge Roads, Indian Reservation Roads, and Public Lands Highways. The Secretary of Transportation delegated to the FHWA the authority to serve as the lead agency within the U.S. Department of Transportation to administer the FLHP (see 49 CFR 1.48 (b)(29)). This rulemaking action addresses the management systems for the Forest Service (FS) and the Forest Highway (FH) program. Separate final rules on management systems have also been developed for the Fish and Wildlife Service (FWS) and the Refuge Roads program, the National Park Service (NPS) and the Park Roads and Parkways program, and the Bureau of Indian Affairs (BIA) and the Indian Reservation Roads program. The other three related final rules are published elsewhere in today's **Federal Register**.

On September 1, 1999, the FHWA issued an advance notice of proposed rulemaking (ANPRM) to solicit public comments concerning development of this proposed regulation pertaining to the FS and the FH program (64 FR 47744). The ANPRM requested comments on the feasibility of developing a rule to meet both the transportation planning and management systems requirements of the TEA–21. A management system is a process for collecting, organizing, and analyzing data to provide a strategic approach to transportation planning, program development, and project selection. Subsequently, the FHWA decided to publish a separate rule for the management systems, and address transportation planning at a later date.

On January 8, 2003 (68 FR 1088), the FHWA issued the notice of proposed rulemaking (NPRM) seeking comments on its proposal to develop and implement management systems. These comments are summarized in the "Summary of Comments'' section. Based on the comments received to the docket, the FHWA has developed this final rule to provide for the development and implementation of pavement, bridge, safety, and congestion management systems for transportation systems providing access to and within the National Forests and Grasslands, which are funded under the FLHP. There are instances where reference is made to transportation planning because the management systems serve as a guide to planning activities; however, this final rule only implements the development of management systems.

During the rulemaking process, other elements were considered because of their relationship to the management systems, including the need for an environmental management system (EMS). The FHWA is supporting and participating in the development of the American Association of State Highway and Transportation Officials' Center for Environmental Excellence in which EMSs, particularly as they relate to transportation, are a major component. This is consistent with the FHWA's priority on environmental stewardship and streamlining. The FHWA continues to demonstrate environmental stewardship by promoting the use of EMSs in the construction, operation, and maintenance of transportation facilities. As implementation plans are developed for the management systems, the FHWA will promote coordination of the transportation management systems with individual agency plans to implement an EMS. At a minimum, this would provide an opportunity to link existing environmental data to the transportation management systems using a common geographic information system. The FHWA decided not to address EMSs as part of this rulemaking action, but recognizing the importance of EMS initiatives, the FHWA believes EMSs are most appropriately pursued as part of sound business planning of each individual agency.

Summary of Comments

The FHWA received three comments to the docket on the NPRM. Of these three, two were individual submissions from the California (Caltrans) and Wyoming (WYDOT) State Departments of Transportation (State DOTs). The other was from a five-State coalition that included the State DOTs from Idaho, Montana, North Dakota, South Dakota and Wyoming (the State DOT coalition). The following discussion summarizes the specific comments received on the NPRM and the FHWA's response to the comments.

Rule Development

Comment: Caltrans, the WYDOT, and the State DOT coalition provided supportive comments. Caltrans supports the FHWA's efforts to develop management systems for transportation facilities on Federal lands.

WYDOT proposed that State DOTs serve as advisors in the development and implementation of the database that will support the management systems.

The State DOT coalition expressed support for the use of the existing tri-party partnership, consisting of the Forest Service, the FHWA, and the applicable State DOT, for the development and implementation of the management systems. The State DOT coalition specifically requested that the final rulemaking notice confirm that the States have such a role in implementing the rule.

Response: The FHWA is committed to the continued success of the tri-party partnership in delivering the FH program and to the use of the partnership in determining how the management systems will be developed and implemented. The tri-party partnership is specifically defined in the rule. Section 971.204 of the final rule, entitled "Management system requirements,'' delegates several responsibilities for the implementation of the management systems to the tri-party partnership. The States are given an integral role in the implementation of the management systems as reinforced in 23 CFR 660(b), which indicates that a State's existing management systems shall fulfill the requirements of this rule, to the extent that they are applicable. The FHWA also supports efforts of State DOTs to serve as advisors to the process and encourages all State DOTs to provide assistance, if requested.

Implementation—Process and Coordination Issues

Comment: Caltrans and the State DOT coalition suggested that Federal agencies should use existing systems to avoid redundancy and assure compatibility with existing State systems.

The WYDOT expressed concern that the proposed rule did not clearly identify the role of each tri-party agency in developing and implementing the management systems. The WYDOT also suggested that the FS maintain and update the database, and have personnel, as required, to oversee the data to make the management system a viable decision-making tool.

The State DOT coalition further suggested options to achieve this by either coordinating with the State DOTs that currently have management systems in place or pooling resources with other Federal land management agencies. The State DOT coalition also indicated that management systems should be implemented efficiently to control costs. This could include limiting the data collected to the minimum amount necessary to achieve the goals and objectives of the FH program. They further noted that the judicious determination of the extent of the requirements for the new management systems could preserve program funds for actual projects. Additionally, the State DOT coalition suggested including a provision in the rule that excludes from the management

system any roads that are already the responsibility of a State.

Response: Section 971.204 of the final rule, entitled "Management system requirements,'' calls for the tri-party partnership to develop implementation procedures for each of the management systems. In addition, flexibility is provided in the final rule to determine criteria for the need and applicability of each of the management systems. These implementation plans will provide the opportunity to relate the FH management systems to systems already implemented by States and local agencies. It will also allow the management systems to be tailored to fit a broad range of local conditions, and to avoid inefficient duplication of management systems already in use by the States.

Development of the implementation procedures and resulting management systems will provide an opportunity to strengthen the working relationship of the tri-party partnership, as well as define the roles for each agency and the responsibilities for data. The tri-party partnership is responsible for determining an appropriate role for the FS in maintaining and updating the databases, and assuring that they are used as effective tools to improve the FH program. The results of this process can then be used to update existing memorandums of understanding that govern the tri-party process for administering the FH program in each State. This process will provide States with the ability to directly influence how the final rule is implemented, and avoid undue burden.

Implementation—Management System Structure and Data Standards

Comment: The WYDOT expressed concern that the proposed rulemaking is more prescriptive than 23 CFR Part 500, Subpart F in terms of the guidance under which the WYDOT is presently operating its management systems. Other concerns expressed by the WYDOT included uncertainty about the accuracy and completeness of bridge data currently collected by the Federal land management agencies, uncertainty about the number of additional bridges to be inventoried, and difficulty in coordinating databases due to dissimilar formats. Because of this, the WYDOT suggested that the Federal Lands bridge management system should be operated completely independently of State systems.

The State DOT coalition indicated that the inclusion of unpaved roads might make the development of a pavement management system for all roads too costly.

Response: The definitions of management systems in the final rule mirror very closely the definitions of management systems in 23 CFR Part 500. In addition, the management system requirements in the rule further enumerate the types of information and processes necessary to create effective management systems as anticipated by 23 CFR Part 500, consistent with FHWA and AASHTO guidelines. The tri-party partnership has considerable latitude to tailor the management systems to meet FH program goals, policies, and needs under the rule, by using professional engineering and planning judgment in determining the required nature and extent of the management systems. In that regard, concerns over the accuracy and completeness of Federal land management agency data, problems with data format, and the effective interface between systems can be resolved through the cooperative development of the management system implementation processes and procedures by the tri-party partnership.

The rule anticipates that, by definition, all paved roads would be included in the pavement management system. The choice of including unpaved roads in the system for future planning purposes would be at the option of the tri-party partnership.

Section-by-Section Analysis

After careful consideration of the comments received, the FHWA has modified the final rule to address the concerns of the commenting States for flexibility in implementation of the management systems. This section-by-section analysis describes the change.

Section 971.204

Comment: The WYDOT and the State DOT coalition indicated a need for the tri-party partnership to have flexibility in determining how to best structure the management systems to meet the intent and requirements of the rule, yet implement the systems in a cost effective and efficient manner. In addition, the WYDOT and the State DOT coalition expressed uncertainty regarding the data requirements for the management systems and the roles of the tri-party partnership agencies in implementing the management systems.

Response: The FHWA supports the need for the tri-party partnership to have flexibility in developing and implementing procedures for the development, establishment, implementation and operation of the management systems. In addition, the FHWA has attempted to clarify and reinforce the role of the States in developing, implementing and operating management systems as a member of the tri-party partnership. To do this, the FHWA has amended § 971.204(a) by adding a new sentence that reads, "If a State has established a management system for FH that fulfills the requirements in 23 U.S.C. 303, that management system, to the extent applicable, can be used to meet the requirements of this subpart consistent with 23 CFR 660.105(b). In addition, to provide the necessary flexibility for the tri-party partnership in implementing the management systems, the FHWA has modified the third sentence of § 971.204(a) by inserting the following after the word needs "* * * using professional engineering and planning judgment to determine the required nature and extent of systems coverage consistent with the intent and requirements of this rule.''

Additionally, the FHWA is revising the definition of "Forest highway'' to be consistent with definition of Forest highway in 23 U.S.C. 101. The definition in the NPRM was drafted to recognize the substantial role of the States in developing, establishing, and implementing the Forest highway program management systems and in the designation of Forest highways. Although the definition in the NPRM was accurate, the FHWA reconsidered the use of a definition of "Forest highway'' that was different from the statutory definition. To avoid confusion and for consistency, the definition of "Forest highway'' is changed to the definition that appears in 23 U.S.C. 101.

Conclusion

The FHWA anticipated public interest in this rulemaking and the comments to the docket have helped raise awareness about the roles and responsibilities of all of the entities involved in the implementation of the final rule, which will be important to consider in the development of the implementation procedures by the tri-party partnership. These implementation procedures can be an effective tool in avoiding duplication and redundancy, minimizing the burden on States and other non-Federal entities, and determining the required extent of management systems coverage. The FHWA believes that the resulting change in the final rule addresses the commenting States' concerns, as members of the tri-party partnership, for flexibility and will yield enhanced cooperation and coordination in its implementation.

Rulemaking Analyses and Notices

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

The FHWA has determined that this final rule is a significant regulatory action within the meaning of Executive Order 12866 and under the regulatory policies and procedures of the U.S. Department of Transportation, because of the substantial public interest in the transportation facilities of the National Forests and Grasslands. The FHWA anticipates that the economic impact of any action taken in this rulemaking process will be minimal, and that the final rule will not adversely affect any sector of the economy in a material way. Though this action will impact the FS, it is unlikely that it will interfere with any action, taken or planned, by the FS or another agency, or materially alter the budgetary impact of any entitlement, grants, user fees, or loan programs.

The FHWA has considered the costs and benefits associated with this rulemaking and the information provided in response to the proposed rule and believes that the benefits outweigh the costs. Information provided by the management systems will enhance transportation investment decisions for the FH program and improve the overall efficiency of the FS transportation system. In addition, management system information will assist the FHWA in its stewardship and oversight roles. The benefits of this information will be significant in relationship to the costs of implementation.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this proposed action on small entities and has determined that the proposed action would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This final rule will not impose a mandate that requires further analysis under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). This final rule will not result in the expenditure by State, local, and Indian Tribal Governments, in the aggregate, or by the private sector, of $100 million or more in any one year (2 U.S.C. 1532). This final rule provides for the development and implementation of pavement, bridge, safety, and congestion management systems for transportation systems providing access to and within the National Forests and Grasslands that are funded under the FLHP. Therefore, this action is not considered an unfunded mandate.

Executive Order 13132 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999. The FHWA has determined that this action will not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. The FHWA has also determined that this final action will not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

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.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The FHWA has determined that this final rule contains a requirement for data and information to be collected and maintained in the four management systems that are to be developed. In order to streamline the process, the FHWA requested that the OMB approve a single information collection clearance for all of the data in the four management systems at the time the final rule is published. The FHWA is sponsoring this clearance on behalf of the Forest Service.

The FHWA estimates that a total of 8,900 burden hours would be imposed on non-Federal entities to provide the required information for the FS management systems. Respondents to this information collection include State Transportation Departments, Metropolitan Planning Organizations (MPOs), regional transportation planning agencies, and county and local governments. The tri-party partnership has a responsibility to develop the management systems in a manner that would incorporate any existing data in the most efficient way and without additional burdens to the public. The estimates here only include burdens on the respondents to provide information that is not usually and customarily collected.

Where a substantial level of effort may be required for non-Federal entities to provide management system information, the effort has been benchmarked to the number of miles of State or locally owned roads or the number of State or locally owned bridges within the jurisdiction of the FS. This approach has been applied to the pavement management system (PMS), bridge management system (BMS), and safety management system (SMS). Since a substantial portion of the FS system is State or locally owned roads, considerable effort may be required of States, and county and local governments in providing pavement, bridge, and safety information. The total annual burden estimate for these three systems is 6,100 hours. Burden estimates are 2,200 hours per year for the PMS; 1,700 hours per year for the BMS; and 2,200 hours per year for the SMS.

For implementation of the congestion management system (CMS), the non-Federal burden, if applicable, would likely fall to the MPOs. The burden represents the need for the FS to coordinate its management systems with the MPOs for that portion of its transportation system within an MPO area. This results in a total annual burden estimate of 2,800 hours for the FS CMS.

The State DOT coalition and WYDOT provided comments on the proposed data collection indicating that the management systems should be implemented in a way that does not burden States or adversely affect the funding or other resources available for the State programs. The State DOT coalition's comments encouraged a cooperative process using approaches that would avoid redundancy and duplication in implementing the management systems.

WYDOT also expressed concern about the uncertainty of the number of additional bridges to be inventoried due to previous problems in effectively including federally owned bridges in the WYDOT bridge inventory system.

The FHWA anticipated some burden on States and MPOs in the burden estimates prepared as part of the rulemaking. The State DOT coalition or WYDOT did not question the need for management systems or the FHWA's burden estimates. The FHWA believes that the value of the management systems information for transportation decision-making outweighs the burden of collecting it. The FHWA has tried to

keep the data collection burden to the lowest level possible, while providing for the necessary data and the FHWA believes the burden estimates to be fair and equitable. The tri-party partnership has the responsibility to develop the management systems in a manner that would incorporate any existing data in the most efficient way and without additional burdens to the public.

National Environmental Policy Act

The FHWA has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this final rule will not have any effect on the quality of the environment. An environmental impact statement is therefore, not required.

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this action under Executive Order 13175, dated November 6, 2000, and concluded that this final rule will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal government; and will not preempt tribal law. The requirements set forth in the final rule do not directly affect one or more Indian tribes. Therefore, a tribal summary impact statement is not required.

Executive Order 12988 (Civil Justice Reform)

This final rule meets applicable standards in section 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)

Under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, this final rule is not economically significant and does not involve an environmental risk to health and safety that may disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

This final rule will not affect 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 13211 (Energy Effects)

This final rule has been analyzed under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The FHWA has determined that it is not a significant energy action under that order because, although this proposed action is considered a significant regulatory action under Executive Order 12866, the final rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

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. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 971

Bridges, Congestion management, Grant program—transportation, Highways and roads, Management systems, National forests, Pavement management, Public lands, Safety management, Transportation.

■ For reasons set forth in the preamble, the Federal Highway Administration amends chapter I of title 23, Code of Federal Regulations, as set forth below.

Issued on: February 18, 2004.

Mary E. Peters,

Federal Highway Administrator.

■ 1. Add a new part 971 to subchapter L to read as follows:

PART 971—FOREST SERVICE MANAGEMENT SYSTEMS

Subpart A—Definitions

Sec.
971.100 Purpose.
971.102 Applicability.
971.104 Definitions.

Subpart B—Forest Highway Program Management Systems

971.200 Purpose.
971.202 Applicability.
971.204 Management systems requirements.
971.206 Funds for establishment, development and implementation of the systems.
971.208 Federal lands pavement management system (PMS).
971.210 Federal lands bridge management system (BMS).
971.212 Federal lands safety management system (SMS).
971.214 Federal lands congestion management system (CMS).

Authority: 23 U.S.C. 204, 315; 42 U.S.C. 7410 *et seq.*; 49 CFR 1.48.

Subpart A—Definitions

§ 971.100 Purpose.

The purpose of this subpart is to provide definitions for terms used in this part.

§ 971.102 Applicability.

The definitions in this subpart are applicable to this part, except as otherwise provided.

§ 971.104 Definitions.

Alternative transportation systems means modes of transportation other than private vehicles, including methods to improve system performance such as transportation demand management, congestion management, and intelligent transportation systems. These mechanisms help reduce the use of private vehicles and thus, improve overall efficiency of transportation systems and facilities.

Elements mean the components of a bridge that are important from a structural, user, or cost standpoint. Examples are decks, joints, bearings, girders, abutments, and piers.

Federal lands bridge management system (BMS) means a systematic process used by the Forest Service (FS), the Fish and Wildlife Service (FWS), and the National Park Service (NPS) for collecting and analyzing bridge data to make forecasts and recommendations, and that provides the means by which bridge maintenance, rehabilitation, and replacement programs and policies may be efficiently and effectively considered.

Federal lands congestion management system (CMS) means a systematic process used by the FS, FWS, and NPS for managing congestion that provides information on transportation system performance, and alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet Federal, State, and local needs.

Federal Lands Highway program (FLHP) means a federally funded program established in 23 U.S.C. 204 to address transportation needs of Federal and Indian lands.

Federal lands pavement management system (PMS) means a systematic process used by the FS, FWS, and NPS that provides information for use in implementing cost-effective pavement reconstruction, rehabilitation, and preventive maintenance programs and policies, and that results in pavement designed to accommodate current and forecasted traffic in a safe, durable, and cost-effective manner.

Federal lands safety management system (SMS) means a systematic

process used by the FS, FWS, and NPS with the goal of reducing the number and severity of traffic accidents by ensuring that all opportunities to improve roadway safety are identified, considered, implemented, and evaluated as appropriate, during all phases of highway planning, design, construction, operation and maintenance, by providing information for selecting and implementing effective highway safety strategies and projects.

Forest highway (FH) means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

Forest Highway program means the public lands highway funds allocated each fiscal year, as is provided in 23 U.S.C. 202, for projects that provide access to and within the National Forest system, as described in 23 U.S.C. 202(b) and 23 U.S.C. 204.

Forest Highway program transportation improvement program (FHTIP) means a staged, multiyear, multimodal program of transportation projects in a State area consistent with the FH transportation plan and developed through the tri-party FH planning processes pursuant to 23 U.S.C. 204, and 23 CFR 660 subpart A.

Forest Service transportation plan means the official FH multimodal, transportation plan that is developed through the tri-party FH transportation planning process pursuant to 23 U.S.C. 204.

Highway safety means the reduction of traffic accidents on public roads, including reductions in deaths, injuries, and property damage.

Intelligent transportation system (ITS) means electronics, communications, or information processing, used singly or in combination, to improve the efficiency and safety of a surface transportation system.

Life-cycle cost analysis means an evaluation of costs incurred over the life of a project allowing a comparative analysis between or among various alternatives. Life-cycle cost analysis promotes consideration of total cost, including maintenance and operation expenditures. Comprehensive life-cycle cost analysis includes all economic variables essential to the evaluation including user costs such as delay, safety costs associated with maintenance and rehabilitation projects, agency capital costs, and life-cycle maintenance costs.

Metropolitan planning area means the geographic area in which the metropolitan transportation planning process, required by 23 U.S.C. 134 and 49 U.S.C. 5303–5306, must be carried out.

Metropolitan planning organization (MPO) means the forum for cooperative transportation decision-making for the metropolitan planning area pursuant to 23 U.S.C. 134 and 49 U.S.C. 5303.

National Forest System means all the lands and waters reported by the FS as being part of the National Forest System, including those generally known as National Forests and National Grasslands.

Operations means those activities associated with managing, controlling, and regulating highway traffic.

Secretary means the Secretary of Transportation.

Serviceability means the degree to which a bridge provides satisfactory service from the point of view of its users.

State means any one of the 50 States, the District of Columbia, or Puerto Rico.

Transportation facilities mean roads, streets, bridges, parking areas, transit vehicles, and other related transportation infrastructure.

Transportation Management Area (TMA) means an urbanized area with a population over 200,000 (as determined by the latest decennial census) or other area when TMA designation is requested by the Governor and the MPO (or affected local officials). It also must be officially designated by the Administrators of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The TMA designation applies to the entire metropolitan planning area(s).

Tri-party means the joint, cooperative, shared partnership among the Federal Lands Highway Division (FLHD), State Department of Transportation (State DOT), and the FS to carry out the FH program.

Subpart B—Forest Highway Program Management Systems

§ 971.200 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 204, which requires the Secretary and the Secretary of each appropriate Federal land management agency, to the extent appropriate, to develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the FLHP.

§ 971.202 Applicability.

The provisions in this subpart are applicable to the FS, the Federal Highway Administration, and the State DOTs that are responsible for satisfying these requirements for management systems pursuant to 23 U.S.C. 204.

§ 971.204 Management systems requirements.

(a) The tri-party partnership shall develop, establish, and implement the management systems as described in this subpart. If the State has established a management system for FH that fulfills the requirements in 23 U.S.C. 303, that management system, to the extent applicable, can be used to meet the requirements of this subpart consistent with 23 CFR 660.105(b). The management systems may be tailored to meet the FH program goals, policies, and needs using professional engineering and planning judgment to determine the nature and extent of systems coverage consistent with the intent and requirements of this rule.

(b) The tri-party partnership shall develop and implement procedures for the acceptance of the existing, or the development, establishment, implementation, and operation of new management systems. The procedures shall include:

(1) A process for ensuring the output of the management systems is considered in the development of the FH program transportation plans and transportation improvement programs, and in making project selection decisions under 23 U.S.C. 204;

(2) A process for the analyses and coordination of all management systems outputs to systematically operate, maintain, and upgrade existing transportation assets cost-effectively;

(3) A description of each management system;

(4) A process to operate and maintain the management systems and their associated databases; and

(5) A process for data collection, processing, analysis, and updating for each management system.

(c) All management systems will use databases with a common or coordinated reference system, that can be used to geolocate all database information, to ensure that data across management systems are comparable.

(d) Existing data sources may be used by the tri-party partnership to meet the management system requirements.

(e) The tri-party partnership shall develop an appropriate means to evaluate the effectiveness of the management systems in enhancing transportation investment decision-making and improving the overall efficiency of the affected transportation systems and facilities. This evaluation is to be conducted periodically, preferably as part of the FS planning process.

(f) The management systems shall be operated so investment decisions based on management system outputs can be accomplished at the State level.

§ 971.206 Funds for establishment, development, and implementation of the systems.

The FH program funds may be used for development, establishment, and implementation of the management systems. These funds are to be administered in accordance with the procedures and requirements applicable to the funds.

§ 971.208 Federal lands pavement management system (PMS).

In addition to the requirements provided in § 971.204, the PMS must meet the following requirements:

(a) The tri-party partnership shall have PMS coverage of all FHs and other associated facilities, as appropriate, funded under the FLHP.

(b) The PMS may be based on the concepts described in the AASHTO's "Pavement Management Guide.'' [1]

(c) The PMS may be utilized at various levels of technical complexity depending on the nature of the transportation network. These different levels may depend on mileage, functional classes, volumes, loading, usage, surface type, or other criteria the tri-party partnership deems appropriate.

(d) The PMS shall be designed to fit the FH program goals, policies, criteria, and needs using the following components, at a minimum, as a basic framework for a PMS:

(1) A database and an ongoing program for the collection and maintenance of the inventory, inspection, cost, and supplemental data needed to support the PMS. The minimum PMS database shall include:

(i) An inventory of the physical pavement features including the number of lanes, length, width, surface type, functional classification, and shoulder information;

(ii) A history of project dates and types of construction, reconstruction, rehabilitation, and preventive maintenance. If some of the inventory or historic data is difficult to establish, it may be collected when preservation or reconstruction work is performed;

(iii) A condition survey that includes ride, distress, rutting, and surface friction (as appropriate);

(iv) Traffic information including volumes and vehicle classification (as appropriate); and

(v) Data for estimating the costs of actions.

(2) A system for applying network level analytical procedures that are capable of analyzing data for all FHs and other appropriate associated facilities in the inventory or any subset. The minimum analyses shall include:

(i) A pavement condition analysis that includes ride, distress, rutting, and surface friction (as appropriate);

(ii) A pavement performance analysis that includes present and predicted performance and an estimate of the remaining service life. Performance and remaining service life may be developed with time; and

(iii) An investment analysis that:

(A) Identifies alternative strategies to improve pavement conditions;

(B) Estimates costs of any pavement improvement strategy;

(C) Determines maintenance, repair, and rehabilitation strategies for pavements using life cycle cost analysis or a comparable procedure;

(D) Provides for short and long term budget forecasting; and

(E) Recommends optimal allocation of limited funds by developing a prioritized list of candidate projects over a predefined planning horizon (both short and long term).

(e) For any FHs and other appropriate associated facilities in the inventory or subset thereof, PMS reporting requirements shall include, but are not limited to, percentage of roads in good, fair, and poor condition.

§ 971.210 Federal lands bridge management system (BMS).

In addition to the requirements provided in § 971.204, the BMS must meet the following requirements:

(a) The tri-party partnership shall have a BMS for the FH bridges funded under the FLHP and required to be inventoried and inspected under 23 CFR 650, subpart C, National Bridge Inspection Standards (NBIS).

(b) The BMS may be based on the concepts described in the AASHTO's "Guidelines for Bridge Management Systems.'' [2]

(c) The BMS shall be designed to fit the FH program goals, policies, criteria, and needs using the following components, as a minimum, as a basic framework for a BMS:

(1) A database and an ongoing program for the collection and maintenance of the inventory, inspection, cost, and supplemental data needed to support the BMS. The minimum BMS database shall include:

(i) The inventory data required by the NBIS (23 CFR 650, subpart C);

(ii) Data characterizing the severity and extent of deterioration of bridge elements;

(iii) Data for estimating the cost of improvement actions;

(iv) Traffic information including volumes and vehicle classification (as appropriate); and

(v) A history of conditions and actions taken on each bridge, excluding minor or incidental maintenance.

(2) A system for applying network level analytical procedures at the State or local area level, as appropriate, and capable of analyzing data for all bridges in the inventory or any subset. The minimum analyses shall include:

(i) A prediction of performance and estimate of the remaining service life of structural and other key elements of each bridge, both with and without intervening actions; and

(ii) A recommendation for optimal allocation of limited funds through development of a prioritized list of candidate projects over predefined short and long-term planning horizons.

(d) The BMS may include the capability to perform an investment analysis, as appropriate, considering size of structure, traffic volume, and structural condition. The investment analysis may:

(1) Identify alternative strategies to improve bridge condition, safety, and serviceability;

(2) Estimate the costs of any strategies ranging from maintenance of individual elements to full bridge replacement;

(3) Determine maintenance, repair, and rehabilitation strategies for bridge elements using life cycle cost analysis or a comparable procedure; and

(4) Provide short and long-term budget forecasting.

(e) For any bridge in the inventory or subset thereof, BMS reporting requirements shall include, but are not limited to, percentage of non-deficient bridges.

§ 971.212 Federal lands safety management system (SMS).

In addition to the requirements provided in § 971.204, the SMS must meet the following requirements:

(a) The tri-party partnership shall have an SMS for transportation systems providing access to and within National Forests and Grasslands, and funded under the FLHP.

(b) The SMS may be based on the guidance in "Safety Management

[1] "Pavement Management Guide,'' AASHTO, 2001, is available for inspection as prescribed at 49 CFR part 7. It is also available from the American Association of State Highway and Transportation Officials (AASHTO), Publication Order Dept., P.O. Box 96716, Washington, DC 20090–6716 or online at *http://www.transportation.org/publications/bookstore.nsf.*

[2] "Guidelines for Bridge Management Systems,'' AASHTO, 1993, is available for inspection as prescribed at 49 CFR part 7. It is also available from the American Association of State Highway and Transportation Officials (AASHTO), Publication Order Dept., P.O. Box 96716, Washington, DC 20090–6716 or online at *http://www.transportation.org/publications/bookstore.nsf.*

Systems: Good Practices for Development and Implementation.''[3]

(c) The tri-party partnership shall utilize SMS to ensure that safety is considered and implemented, as appropriate, in all phases of transportation system planning, design, construction, maintenance, and operations.

(d) The SMS may be utilized at various levels of complexity depending on the nature of the facility and/or network involved.

(e) The SMS shall be designed to fit the FH program goals, policies, criteria, and needs and shall contain the following components:

(1) An ongoing program for the collection, maintenance, and reporting of a database that includes:

(i) Accident records with detail for analysis such as accident type using standard reporting descriptions (*e.g.*, right-angle, rear-end, head-on, pedestrian-related, etc.), location, description of event, severity, weather, and cause;

(ii) An inventory of safety appurtenances such as signs, delineators, and guardrails (including terminals);

(iii) Traffic information including volume and vehicle classification (as appropriate); and

(iv) Accident rates by customary criteria such as location, roadway classification, and vehicle miles of travel.

(2) Development, establishment, and implementation of procedures for:

(i) Where appropriate, routine maintenance and upgrading of safety appurtenances including highway rail crossing safety devices, signs, highway elements, and operational features,

(ii) Identifying, investigating, and analyzing hazardous or potentially hazardous transportation system safety problems, roadway locations, and features;

(iii) Establishing countermeasures and setting priorities to correct the identified hazards and potential hazards.

(3) Identification of focal points for all contacts at State, regional, tribal, and local levels to coordinate, develop, establish, and implement the SMS among the agencies.

(f) While the SMS applies to appropriate transportation systems providing access to and within National Forests and Grasslands funded under the FLHP, the extent of system requirements (*e.g.,* data collection, analyses, and standards) for low volume roads may be tailored to be consistent with the functional classification of the roads. However, adequate requirements should be included for each roadway to provide for effective inclusion of safety decisions in the administration of the FH program.

§ 971.214 Federal lands congestion management system (CMS).

(a) For purposes of this section, congestion means the level at which transportation system performance is no longer acceptable due to traffic interference. For portions of the FH network outside the boundaries of TMAs, the tri-party partnership shall:

(1) Develop criteria to determine when a CMS is to be implemented for a specific FH; and

(2) Have CMS coverage for the transportation systems providing access to and within National Forests, as appropriate, that meet minimum CMS criteria.

(b) The tri-party partnership shall consider the results of the CMS when selecting the implementation of strategies that provide the most efficient and effective use of existing and future transportation facilities.

(c) In addition to the requirements provided in § 971.204, the CMS must meet the following requirements:

(1) For those FH transportation systems that require a CMS, in both metropolitan and non-metropolitan areas, consideration shall be given to strategies that reduce private automobile travel and improve existing transportation efficiency. Approaches may include the use of alternative mode studies and implementation plans as components of the CMS.

(2) A CMS will:

(i) Identify and document measures for congestion (*e.g.,* level of service);

(ii) Identify the causes of congestion;

(iii) Include processes for evaluating the cost and effectiveness of alternative strategies to manage congestion;

(iv) Identify the anticipated benefits of appropriate alternative traditional and nontraditional congestion management strategies;

(v) Determine methods to monitor and evaluate the performance of the multi-modal transportation system; and

(vi) Appropriately consider the following example categories of strategies, or combinations of strategies for each area:

(A) Transportation demand management measures;

(B) Traffic operational improvements;

(C) Public transportation improvements;

(D) ITS technologies; and

(E) Additional system capacity.

[FR Doc. 04–4053 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–22–U

[3] "Safety Management Systems: Good Practices for Development and Implementation,'' FHWA and NHTSA, May 1996, may be obtained at the FHWA, Office of Safety, Room 3407, 400 Seventh St., SW., Washington, DC 20590, or electronically at *http://safety.fhwa.dot.gov/media/documents.htm.* It is available for inspection and copying as prescribed at 49 CFR part 7.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 972

[FHWA Docket No. FHWA–99–4970]

FHWA RIN 2125–AE54

Federal Lands Highway Program; Management Systems Pertaining to the Fish and Wildlife Service and the Refuge Roads Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This final rule provides for the development and implementation of safety, bridge, pavement and congestion management systems for transportation facilities serving the National Wildlife Refuge System (Refuge System) funded under the Federal Lands Highway Program (FLHP) as required by the Transportation Equity Act for the 21st Century (TEA–21). The roads funded under the FLHP include Park Roads and Parkways, Forest Highways, Refuge Roads, Indian Reservation Roads, and Public Lands Highways. These management systems will provide a strategic approach to transportation planning, program development, and project selection.

EFFECTIVE DATE: March 29, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Bini, Federal Lands Highway, HFPD–2, (202) 366–6799, FHWA, 400 Seventh Street, SW., Washington, DC 20590; office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays. For legal questions, Ms. Vivian Philbin, HFL–16, (303) 716–2122, FHWA, 555 Zang Street, Lakewood, CO 80228. Office hours are from 7:45 a.m. to 4:15 p.m., m.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule, the ANPRM, the NPRM, and all comments received by the U.S. Docket Facility, Room PL–401, may be viewed through the Docket Management System (DMS) at *http://dms.dot.gov.* The DMS is available 24 hours each day, 365 days each year.

Electronic submission and retrieval help and guidelines are available under the help section of this Web site.

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.access.gpo.gov/nara*.

Background

Section 1115(d) of the TEA–21 (Pub. L. 105–178, 112 Stat. 107,156 (1998)) amended 23 U.S.C. 204 to require the Secretary of Transportation and the Secretary of each appropriate Federal land management agency, to the extent appropriate, to develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the FLHP. The roads funded under the FLHP include, but are not limited to, Park Roads and Parkways, Forest Highways, Refuge Roads, Indian Reservation Roads, and Public Lands Highways. The Secretary of Transportation delegated to the FHWA the authority to serve as the lead agency within the U.S. Department of Transportation to administer the FLHP (see 49 CFR 1.48 (b) (29)). This rulemaking action addresses the management systems for the Fish and Wildlife Service (FWS) and the Refuge Roads program. Separate final rules on management systems have also been developed for the National Park Service (NPS) and the Park Roads and Parkways program, the Forest Service (FS) and the Forest Highway program, and the Bureau of Indian Affairs (BIA) and the Indian Reservation Roads program. The other three related final rules are published elsewhere in today's **Federal Register**.

On September 1, 1999, the FHWA issued an advance notice of proposed rulemaking (ANPRM) to solicit public comments concerning development of a proposed rule pertaining to the FWS and the Refuge Roads program (64 FR 47741). The ANPRM requested comments on the feasibility of developing a rule to meet both the transportation planning and management systems requirements of the TEA–21. A management system is a process for collecting, organizing and analyzing data to provide a strategic approach to transportation planning, program development, and project selection. Subsequently, the FHWA decided to issue a separate rulemaking document for the management systems and address the planning systems at a later date.

On January 8, 2003, (68 FR 1096) the FHWA issued the notice of proposed rulemaking (NPRM) seeking comments on the proposal to implement management systems. These comments are summarized in the "Summary of Comments'' section. Based on the comments received to the docket, the FHWA has developed this final rule to provide for the development and implementation of pavement, bridge, safety, and congestion management systems for transportation facilities providing access to the Refuge System and funded under the FLHP. There are instances where reference is made to transportation planning because the management systems serve as a guide to planning activities; however, this final rule only implements the development of management systems.

During the rulemaking process, the FHWA considered other elements for their relationship to the management systems. Among these was the need for an environmental management system (EMS). The FHWA is currently supporting and participating in the development of the American Association of State Highway and Transportation Officials' Center for Environmental Excellence in which EMSs, as they relate to transportation, are a major component. This is consistent with the FHWA's priority on environmental stewardship and streamlining. The FHWA continues to demonstrate environmental stewardship by promoting the use of EMSs in the construction, operation, and maintenance of transportation facilities. As implementation plans are developed for the management systems, the FHWA will promote coordination of the transportation management systems with individual agency plans to implement an EMS. At a minimum, this would provide an opportunity to link existing environmental data to the transportation management systems using a common geographic information system. The FHWA decided not to address EMS as part of this rulemaking action, but recognizing the importance of EMS initiatives, the FHWA believes that EMSs are most appropriately pursued as part of sound business planning of each individual agency.

Summary of Comments

The FHWA received three comments to the docket on the NPRM. Of these three, one was from a five-State coalition of State Departments of Transportation (State DOTs), comprised of the State DOTs of Idaho, Montana, North Dakota, South Dakota and Wyoming (the State DOT coalition), and the other two were from the California (Caltrans) and Washington (WSDOT) State DOTs. The following discussion summarizes the specific comments received and the FHWA's response to the comments.

Rule Development

Comment: Caltrans and the WSDOT provided supportive comments. Caltrans indicated general support for the FHWA's efforts to develop management systems for transportation facilities on Federal lands.

The WSDOT stated the application of management systems for transportation facilities on Federal lands was a good business practice, and the agency offered to provide technical assistance to the Federal land management agencies (FLMAs).

Response: The FHWA supports efforts by the WSDOT to provide technical assistance in the development of the management systems, and encourages all State DOTs to provide technical assistance, if requested. In addition, the FHWA appreciates recognition by Caltrans and the WSDOT of the importance of the management systems to the FLMAs.

Comment: The FWS inquired about the feasibility of broadening the definition of the term Refuge road to include National Fish Hatchery roads, to allow for any future expansion in eligibility in the event that the Congress should add this category of roads to the Refuge Road program.

Response: The FHWA believes that it would be speculative to attempt to draft a definition broad enough to cover the addition of this category of roads, and any details that may accompany such a change, until the Congress takes such action. However, the FWS can elect to collect data for National Fish Hatchery Roads for inclusion in the management systems using their own funds. The FHWA would support such an effort as useful to overall system management in the future.

Implementation—Process and Coordination Issues

Comments: The State DOT coalition and Caltrans suggested Federal agencies should use existing systems to avoid redundancy and assure compatibility with existing State systems.

The State DOT coalition further suggested that two methods to achieve this are coordinating with the State DOTs that currently have management systems in place to assure compatibility, or pooling resources with other Federal land management agencies. The State DOT coalition also indicated

management systems should be implemented efficiently to control costs, by limiting the data collected to the minimum necessary to achieve goals and objectives for the Refuge Road program. The State DOT coalition further indicated that judicious determination of the extent of the requirements for the new management systems could preserve program funds for actual projects. The State DOT coalition suggested including a provision in the rule that excludes from the management systems any roads that are already the responsibility of a State.

Response: Section 972.204(b) of the final rule, "Management systems requirements,'' includes a requirement for the FWS and the FHWA to develop an implementation plan for each of the management systems. The plans will include, but are not limited to: Overall goals and policies concerning the management systems; each agency's responsibilities for developing and implementing the management systems; implementation schedule; data sources; and cost estimate. Other process issues, such as avoiding redundancy, coordination for data sharing, compatibility of data and systems, and specific data required to support the management systems can also be addressed in the implementation plans.

The implementation plans will also provide an opportunity to clarify the roles and responsibilities of the FWS, the FHWA and the States. Nothing in the rule is intended to affect a State's or MPO's role in providing accident or congestion data for its facilities covered by the management systems. The plans are intended to develop effective means of collecting and using information to improve decision-making for the Refuge Road program, and to promote data sharing. Inclusion of State or MPO data in the management systems does not assume that the FWS would duplicate the data collection effort already undertaken by a State or MPO. Emphasis is on the importance of cooperation and coordination in understanding responsibilities, and sharing data.

While the FHWA has acknowledged part of the data collection burden will be a State responsibility, minimizing that burden is a responsibility of the FWS in its role of establishing and maintaining the management systems. States will have the opportunity to help determine how the information is collected and used during the development of the implementation plans. One important component of the management systems will be compatibility with existing State systems, as a means to minimize any additional data collection burden or duplication of effort.

Implementation—Management System Structure and Data Standards

Comment: The FWS requested clarification of the meaning of the term, "as appropriate'' in § 972.212(c) regarding the consideration and implementation of safety in development and application of the management systems. The FWS interpretation of the term would provide for some flexibility in judgment for designing the management systems to meet the goals, policies and needs of the Refuge Road program consistent with the intent and requirements of the proposed rule, as opposed to a rigid application of a one-size-fits-all approach.

Response: The FHWA agrees with the FWS comment about the need to clarify the meaning of the term, "as appropriate'' as applied in the rule, since it appears numerous times in the rule, in addition to the section referenced by the FWS. The term, "as appropriate'' is intended to provide a certain amount of flexibility for the FWS and the FHWA to plan for management systems that meet program needs, but also are cost effective and efficient to implement. To reinforce the need for such flexibility, the FHWA has revised § 972.204(a) to provide for professional engineering and planning judgment in determining the nature and extent of the required management systems coverage.

Comment: The State DOT coalition indicated that it might be unduly costly to develop a pavement management system for all roads by including unpaved roads.

Response: For clarification, the FWS pavement management system limits coverage to paved RR and other associated transportation facilities.

Section-by-Section Analysis

After careful consideration of the comments received, the FHWA has modified the final rule to address the FWS concern over the term "as appropriate'' in meeting the intent and requirements of the rule. This section-by-section analysis describes the change.

Section 972.204—Management System Requirements

Comment: The FWS inquired about the intended meaning of the term, "as appropriate'' as applied in § 972.212(c), since the term was seemingly applied to this management system, but not all of the others.

Response: The FHWA supports the need to clarify the intended meaning of the term, "as appropriate'' as applied, not only in § 972.212(c), but also throughout the FWS management system final rule, since the term does appear in numerous subsections of the rule. The term allows some flexibility in designing the management systems to meet the goals, policies and needs of the FWS for the Refuge Road program. In addition, the FHWA supports the need and desire for flexibility in developing and implementing the management systems. To provide the necessary flexibility, the FHWA has modified the second sentence of § 972.204(a) by inserting the following after the word "needs,'' "* * * using professional engineering and planning judgment to determine the required nature and extent of systems coverage consistent with the intent and requirements of this rule.''

Conclusion

The FHWA anticipated public interest in this rulemaking and the comments to the docket have helped to raise awareness about roles and responsibilities of all entities involved in the implementation of this rule that will be important to consider in the development of the implementation plans and the resulting management systems. These implementation plans can be an effective tool in avoiding duplication and redundancy, minimizing the burden on States and other non-Federal entities, and determining the required extent of management systems coverage. The FHWA believes that the resulting changes in the final rule address the questions raised by the FWS and the States, and will yield enhanced cooperation and coordination in its implementation.

Rulemaking Analyses and Notices

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

The FHWA has determined this final rule is a significant regulatory action within the meaning of Executive Order 12866 and under the regulatory policies and procedures of the U.S. Department of Transportation because of the substantial public interest anticipated in the transportation facilities of the Refuges. The Office of Management and Budget has reviewed this document under E.O. 12866. The FHWA anticipates that the economic impact of any action taken in this rulemaking process will be minimal. The FHWA anticipates that this final rule will not adversely affect any sector of the economy in a material way. Though this

final action will impact the FWS, it will not likely interfere with any action taken or planned by the FWS or another agency, or materially alter the budgetary impact of any entitlement, grants, user fees, or loan programs.

The FHWA has considered the costs and benefits associated with this rulemaking and the information provided in response to the proposed rule, and believes the benefits outweigh the costs. Information provided by the management systems will enhance transportation investment decisions for the Refuge Road program, and improve the overall efficiency of the FWS transportation system. In addition, the management systems will assist the FHWA in its stewardship and oversight roles. The benefits of the management system information will be significant in relationship to the costs of implementation.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this action on small entities and has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This final rule will not impose a mandate that requires further analysis under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). This final rule will not result in the expenditure by State, local and Tribal Governments, in the aggregate, or by the private sector, of $100 million or more in any one year (2 U.S.C. 1532). This final rule provides for the development and implementation of pavement, bridge, safety, and congestion management systems for transportation facilities serving the Refuge System roads that are funded under the FLHP, therefore, this action is not considered an unfunded mandate.

Executive Order 13132 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999. The FHWA has determined that this action will not have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA has also determined that this final action will not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

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.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The FHWA has determined that this final rule contains a requirement for data and information to be collected and maintained in the four management systems that are to be developed. In order to streamline the process, the FHWA requested that the OMB approve a single information collection clearance for all of the data in the four management systems at the time the final rule is published. The FHWA is sponsoring this clearance on behalf of the Fish and Wildlife Service.

The FHWA estimates that a total of 3,700 burden hours will be imposed on non-Federal entities to provide some of the required safety and congestion management information. Respondents to this information collection may include State transportation departments, Metropolitan Planning Organizations (MPOs), regional transportation planning agencies, and county and local governments.

A measurable level of effort may be required of non-Federal entities to provide management system information for the safety and congestion management systems. A similar level of effort is not anticipated for the pavement and bridge management systems, since the entire RR system is under the jurisdiction of the FWS. The burden on States will be measurable at a level commensurate with the relatively modest extent of the RR system. For estimating purposes, each State has been assigned 26 hours of burden in providing safety information. Thus, the total annual burden estimate for the safety management system is 1,300 hours.

For implementation of the congestion management system (CMS), the non-Federal burden, if applicable, would likely fall to the MPOs, and represents the need for the FLMAs to coordinate their management systems with the MPOs for that portion of their transportation system that is within the MPO area. This results in a total annual burden estimate of 2,400 hours for the FWS CMS.

The State DOT coalition provided comments on the proposed data collection indicating that the management systems should be implemented in a way that does not burden States or adversely affect the funding or other resources available for the State programs. The State DOT coalition's comments encouraged a cooperative process using approaches that would avoid redundancy and duplication in implementing the management systems.

The FHWA anticipated some burden on States and MPOs in the burden estimates prepared as part of the rulemaking. The State DOT coalition did not question the need for management systems or the FHWA's burden estimates. The FHWA believes that the value of the management systems information for transportation decision-making outweighs the burden of collecting it. The FHWA has tried to keep the data collection burden to the lowest level possible, while still providing for the necessary data, and believes the burden estimates to be fair and equitable. The Fish and Wildlife Service has responsibility to develop the management systems in a manner that would incorporate any existing data in the most efficient way and without additional burdens to the public.

National Environmental Policy Act

The FHWA has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this final rule will not have any effect on the quality of the environment.

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this action under Executive Order 13175, dated November 6, 2000, and concluded that the final rule will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal government, and will not preempt tribal law. The requirements set forth in this rule do not directly affect one or more Indian tribes. Therefore, a tribal summary impact statement is not required.

Executive Order 12988 (Civil Justice Reform)

This final rule meets applicable standards in section 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)

Under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This final rule is not economically significant and does not involve an environmental risk to health and safety that may disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

This final rule will not affect 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 13211 (Energy Effects)

This final rule has been analyzed under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distributions, or Use. The FHWA has determined that it is not a significant energy action under that order because, although this final rule is considered to be a significant regulatory action under Executive Order 12866, it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

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. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 972

Bridges, Congestion management, Grant program—transportation, Highways and roads, Management systems, Pavement management, Public lands, Safety management, Transportation, Wildlife Refuge roads.

For reasons set forth in the preamble, the Federal Highway Administration amends chapter I of title 23, Code of Federal Regulations, as set forth below.

Issued on: February 18, 2004.

Mary E. Peters,

Federal Highway Administrator.

1. Add a new part 972 to subchapter L to read as follows:

PART 972—FISH AND WILDLIFE SERVICE MANAGEMENT SYSTEMS

Subpart A—Definitions

Sec.
972.100 Purpose.
972.102 Applicability.
972.104 Definitions.

Subpart B—Fish and Wildlife Service Management Systems

972.200 Purpose.
972.202 Applicability.
972.204 Management systems requirements.
972.206 Funds for establishment, development and implementation of the systems.
972.208 Federal lands Pavement Management System (PMS).
972.210 Federal lands Bridge Management System (BMS).
972.212 Federal lands Safety Management System (SMS).
972.214 Federal lands Congestion Management System (CMS).

Authority: 23 U.S.C. 204, 315; 42 U.S.C. 7410 *et seq.*; 49 CFR 1.48.

Subpart A—Definitions

§ 972.100 Purpose.

The purpose of this subpart is to provide definitions for terms used in this part.

§ 972.102 Applicability.

The definitions in this subpart are applicable to this part, except as otherwise provided.

§ 972.104 Definitions.

Alternative transportation systems means modes of transportation other than private vehicles, including methods to improve system performance such as transportation demand management, congestion management, and intelligent transportation systems. These mechanisms help reduce the use of private vehicles and thus improve overall efficiency of transportation systems and facilities.

Elements mean the components of a bridge important from a structural, user, or cost standpoint. Examples are decks, joints, bearings, girders, abutments, and piers.

Federal lands bridge management system (BMS) means a systematic process used by the Forest Service (FS), the Fish and Wildlife Service (FWS) and the National Park Service (NPS) for analyzing bridge data to make forecasts and recommendations, and provides the means by which bridge maintenance, rehabilitation, and replacement programs and policies may be effectively considered.

Federal lands congestion management system (CMS) means a systematic process used by the FS, FWS and NPS for managing congestion that provides information on transportation system performance and alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet Federal, State and local needs.

Federal Lands Highway program (FLHP) means a federally funded program established in 23 U.S.C. 204 to address transportation needs of Federal and Indian lands.

Federal lands pavement management system (PMS) means a systematic process used by the FS, FWS and NPS that provides information for use in implementing cost-effective pavement reconstruction, rehabilitation, and preventive maintenance programs and policies and that results in pavement designed to accommodate current and forecasted traffic in a safe, durable, and cost-effective manner.

Federal lands safety management system (SMS) means a systematic process used by the FS, FWS and NPS with the goal of reducing the number and severity of traffic accidents by ensuring that all opportunities to improve roadway safety are identified, considered, implemented and evaluated as appropriate, during all phases of highway planning, design, construction, operation and maintenance, by providing information for selecting and implementing effective highway safety strategies and projects.

Fish and Wildlife Service transportation plan means the official Fish and Wildlife Service-wide multimodal transportation plan that is developed through the Fish and Wildlife Service transportation planning process pursuant to 23 U.S.C. 204.

Highway safety means the reduction of traffic accidents, and deaths, injuries, and property damage resulting therefrom, on public roads.

Intelligent transportation system (ITS) means electronics, communications, or information processing used singly or in combination to improve the efficiency and safety of a surface transportation system.

Life-cycle cost analysis means an evaluation of costs incurred over the life of a project allowing a comparative analysis between or among various alternatives. Life-cycle cost analysis promotes consideration of total cost, to include maintenance and operation expenditures. Comprehensive life-cycle costs analysis includes all economic variables essential to the evaluation: User costs such as delay and safety costs associated with maintenance and rehabilitation projects, agency capital cost, and life-cycle maintenance costs.

Metropolitan planning area means the geographic area in which the metropolitan transportation planning process required by 23 U.S.C. 134 and 49 U.S.C. 5303–5306 must be carried out.

Metropolitan planning organization (MPO) means the forum for cooperative transportation decision-making for the metropolitan planning area pursuant to 23 U.S.C. 134 and 49 U.S.C. 5303.

National Wildlife Refuge System (Refuge System) means all the lands and waters reported by the FWS as being part of the National Wildlife Refuge System in the annual "Report of Lands Under Control of the U.S. FWS."[1] Included in the Refuge System are those lands that are generally known as refuges, waterfowl production areas, wetland management districts, and coordination areas.

Operations means those activities associated with managing, controlling, and regulating highway traffic.

Refuge road means a public road that provides access to or is located within a unit of the National Wildlife Refuge System and for which title and maintenance responsibilities are vested in the United States Government.

Refuge Roads program means the funds allocated each fiscal year, as described in 23 U.S.C. 202(e) and 23 U.S.C. 204(k).

Refuge Roads transportation improvement program (RRTIP) means a staged, multiyear, multimodal program of transportation projects for the Refuge Roads Program consistent with the Fish and Wildlife Service transportation plan and planning processes pursuant to 23 U.S.C. 204(a) and (k).

Secretary means the Secretary of Transportation.

State means any one of the fifty States, the District of Columbia, or Puerto Rico.

Transportation facilities means roads, streets, bridges, parking areas, transit vehicles, and other related transportation infrastructure.

Transportation Management Area (TMA) means an urbanized area with a population over 200,000 (as determined by the latest decennial census) or other area when TMA designation is requested by the Governor and the MPO (or affected local officials), and officially designated by the Administrators of the Federal Highway Administration and the Federal Transit Administration. The TMA designation applies to the entire metropolitan planning area(s).

Subpart B—Fish and Wildlife Service Management Systems

§ 972.200 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 204 which requires the Secretary and the Secretary of each appropriate Federal land management agency, to the extent appropriate, to develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the FLHP.

§ 972.202 Applicability.

The provisions in this subpart are applicable to the Fish and Wildlife Service (FWS) and the Federal Highway Administration (FHWA) that are responsible for satisfying these requirements for management systems pursuant to 23 U.S.C. 204.

§ 972.204 Management systems requirements.

(a) The FWS shall develop, establish and implement the management systems as described in this subpart. The FWS may tailor the management systems to meet the FWS goals, policies, and needs using professional engineering and planning judgment to determine the required nature and extent of systems coverage consistent with the intent and requirements of this rule.

(b) The FWS and the FHWA shall develop an implementation plan for each of the management systems. These plans will include, but are not limited to, the following: Overall goals and policies concerning the management systems, each agency's responsibilities for developing and implementing the management systems, implementation schedule, data sources, and cost estimate. The FHWA will provide the FWS ongoing technical engineering support for the development, implementation, and maintenance of the management systems.

(c) The FWS shall develop and implement procedures for the development, establishment, implementation and operation of management systems. The procedures shall include:

(1) A process for ensuring the results of any of the management systems are considered in the development of FWS transportation plans and transportation improvement programs and in making project selection decisions under 23 U.S.C. 204;

(2) A process for the analyses and coordination of all management system outputs to systematically operate, maintain, and upgrade existing transportation assets cost-effectively;

(3) A description of each management system;

(4) A process to operate and maintain the management systems and their associated databases; and

(5) A process for data collection, processing, analysis and updating for each management system.

(d) All management systems will use databases with a geographical reference system that can be used to geolocate all database information.

(e) Existing data sources may be used by the FWS to the maximum extent possible to meet the management system requirements.

(f) The FWS shall develop an appropriate means to evaluate the effectiveness of the management systems in enhancing transportation decision-making and improving the overall efficiency of the affected federally owned transportation systems and facilities. This evaluation is to be conducted periodically, preferably as part of the comprehensive resource conservation planning process.

(g) The management systems shall be operated so investment decisions based on management system outputs can be accomplished at the regional level.

§ 972.206 Funds for establishment, development, and implementation of the systems.

The Refuge Roads program funds may be used for development, establishment, and implementation of the management systems. These funds are to be administered in accordance with the procedures and requirements applicable to the funds.

§ 972.208 Federal lands pavement management system (PMS).

In addition to the requirements provided in § 972.204, the PMS must meet the following requirements:

(a) The FWS shall, at a minimum, have PMS coverage of all paved refuge roads and other associated facilities, as appropriate, funded under the FLHP.

(b) The PMS may be based on the concepts described in the AASHTO's "Pavement Management Guide."[2]

(c) The PMS may be utilized at various levels of technical complexity depending on the nature of the pavement network. These different levels may depend on mileages,

[1] "Report of Lands under Control of the U.S. FWS," U.S. FWS, (published annually on September 30). A free copy is available from the U.S. FWS, Division of Realty, 4401 N. Fairfax Drive, Suite 622, Arlington, VA 22203; telephone: (703) 358–1713.

[2] "Pavement Management Guide," AASHTO, 2001, is available for inspection as prescribed at 49 CFR part 7. It is also available from the American Association of State Highway and Transportation Officials (AASHTO), Publication Order Dept., P.O. Box 96716, Washington, DC 20090–6716 or online at *http://www.transportation.org/publications/bookstore.nsf.*

functional classes, volumes, loadings, usage, surface type, or other criteria the FWS deems appropriate.

(d) The PMS shall be designed to fit the FWS goals, policies, criteria, and needs using the following components, at a minimum, as a basic framework for a PMS:

(1) A database and an ongoing program for the collection and maintenance of the inventory, inspection, cost, and supplemental data needed to support the PMS. The minimum PMS database shall include:

(i) An inventory of the physical pavement features including the number of lanes, length, width, surface type, functional classification, and shoulder information;

(ii) A history of project dates and types of construction, reconstruction, rehabilitation, and preventive maintenance. If some of the inventory or historic data are difficult to establish, it may be collected when preservation or reconstruction work is performed;

(iii) A condition survey that includes ride, distress, rutting, and surface friction (as appropriate);

(iv) Traffic information including volumes and vehicle classification (as appropriate); and

(v) Data for estimating the costs of actions.

(2) A system for applying network level analytical procedures that are capable of analyzing data for all FWS managed transportation facilities in the inventory or any subset. The minimum analyses shall include:

(i) A pavement condition analysis that includes ride, distress, rutting, and surface friction (as appropriate);

(ii) A pavement performance analysis that includes present and predicted performance and an estimate of the remaining service life (performance and remaining service life to be developed with time); and

(iii) An investment analysis that:

(A) Identifies alternative strategies to improve pavement conditions;

(B) Estimates costs of any pavement improvement strategy;

(C) Determines maintenance, repair, and rehabilitation strategies for pavements using life-cycle cost analysis or a comparable procedure;

(D) Provides short and long term budget forecasting; and

(E) Recommends optimal allocation of limited funds by developing a prioritized list of candidate projects over a predefined planning horizon (both short and long term).

(e) For any FWS managed transportation facilities in the inventory or subset thereof, PMS reporting requirements shall include, but are not limited to, percentage of roads in good, fair, and poor condition.

§ 972.210 Federal lands bridge management system (BMS).

In addition to the requirements provided in § 972.204, the BMS must meet the following requirements:

(a) The FWS shall have a BMS for bridges which are under the FWS jurisdiction, funded under the FLHP, and required to be inventoried and inspected under 23 CFR 650, subpart C, National Bridge Inspection Standards (NBIS).

(b) The BMS shall be designed to fit the FWS goals, policies, criteria, and needs using the following components, as a minimum, as a basic framework for a BMS:

(1) A database and an ongoing program for the collection and maintenance of the inventory, inspection, cost, and supplemental data needed to support the BMS. The minimum BMS database shall include:

(i) The inventory data required by the NBIS (23 CFR 650, subpart C);

(ii) Data characterizing the severity and extent of deterioration of bridge elements;

(iii) Data for estimating the cost of improvement actions;

(iv) Traffic information including volumes and vehicle classification (as appropriate); and

(v) A history of conditions and actions taken on each bridge, excluding minor or incidental maintenance.

(2) Analytical procedures that are capable of analyzing data for all bridges in the inventory or any subset. These procedures include, as appropriate, such factors as bridge condition, recommended repairs/replacement and estimated costs, prediction of the estimated remaining life of the bridge, development of a prioritized list of candidate projects over a specified planning horizon, and budget forecasting.

(c) For any bridge in the inventory or subset thereof, BMS reporting requirements shall include, but are not limited to, percentage of non-deficient bridges.

§ 972.212 Federal lands safety management system (SMS).

In addition to the requirements provided in § 972.204, the SMS must meet the following requirements:

(a) The FWS shall have an SMS for all transportation facilities serving the Refuge System, as appropriate, funded under the FLHP.

(b) The FWS SMS may be based on the guidance in "Safety Management Systems: Good Practices for Development and Implementation."[3]

(c) The FWS shall utilize the SMS to ensure that safety is considered and implemented as appropriate in all phases of transportation system planning, design, construction, maintenance, and operations.

(d) The SMS may be utilized at various levels of complexity depending on the nature of the transportation facility involved.

(e) The SMS shall be designed to fit the FWS goals, policies, criteria, and needs using, as a minimum, the following components as a basic framework for a SMS:

(1) An ongoing program for the collection, maintenance and reporting of a database that includes:

(i) Accident records with sufficient detail for analysis such as accident type using standard reporting descriptions (e.g., right-angle, rear-end, head-on, pedestrian-related, etc.), location, description of event, severity, weather and cause;

(ii) An inventory of safety appurtenances such as signs, delineators, and guardrails (including terminals);

(iii) Traffic information including volumes and vehicle classification (as appropriate); and

(iv) Accident rates by customary criteria such as location, roadway classification, and vehicle miles of travel.

(2) Development, establishment and implementation of procedures for:

(i) Routinely maintaining and upgrading safety appurtenances including highway-rail crossing warning devices, signs, highway elements, and operational features where appropriate; and

(ii) Identifying and investigating hazardous or potentially hazardous transportation system safety problems, roadway locations and features, then establishing countermeasures and setting priorities to correct the identified hazards and potential hazards.

(3) A process for communication, coordination, and cooperation among the organizations responsible for the roadway, human, and vehicle safety elements; and

(4) Development and implementation of public information and education activities on safety needs, programs, and

[3] "Safety Management Systems: Good Practices for Development and Implementation," FHWA and NHTSA, May 1996, may be obtained at the FHWA, Office of Safety, Room 3407, 400 Seventh St., SW., Washington, DC 20590, or electronically at *http://safety.fhwa.dot.gov/media/documents.htm.* It is available for inspection and copying as prescribed at 49 CFR part 7.

countermeasures which affect safety on the FWS transportation systems.

(f) While the SMS applies to appropriate transportation facilities serving the Refuge System funded under the FLHP, the extent of system requirements (e.g., data collection, analyses, and standards) for low volume roads may be tailored to be consistent with the functional classification of the roads. However, sufficient detail should be included for each functional classification to provide adequate information for use in making safety decisions in the RR program.

§ 972. 214 Federal lands congestion management system (CMS).

(a) For purposes of this section, congestion means the level at which transportation system performance is no longer acceptable due to traffic interference. For those FWS transportation systems that require a CMS, in both metropolitan and non-metropolitan areas, consideration shall be given to strategies that reduce private automobile travel and improve existing transportation system efficiency. Approaches may include the use of alternate mode studies and implementation plans as components of the CMS. The FWS shall consider the results of the CMS when selecting the implementation of strategies that provide the most efficient and effective use of existing and future transportation facilities, and alleviate congestion.

(b) In addition to the requirements provided in § 972.204, the CMS must meet the following requirements:

(1) For portions of the FWS transportation system within TMAs, the FWS transportation planning process shall include a CMS that meets the requirements of this section. By agreement between the TMA and the FWS, the TMA's CMS coverage may include the transportation facilities serving the Refuge System, as appropriate. Through this agreement(s), the FWS may meet the requirements of this section.

(2) If congestion exists at a FWS facility within the boundaries of a TMA, and the TMA's CMS does not provide coverage of the portions of the FWS transportation facilities experiencing congestion, the FWS shall develop a separate CMS to cover those facilities.

(3) For portions of the FWS transportation system outside the boundaries of TMAs, the FWS shall:

(i) Develop criteria to determine when a CMS is to be implemented for a specific transportation system; and

(ii) Have CMS coverage for all transportation facilities serving the Refuge System, as appropriate, funded through the FLHP that meet minimum CMS needs criteria.

(4) A CMS will:

(i) Identify and document measures for congestion (e.g., level of service);

(ii) Identify the causes of congestion;

(iii) Include processes for evaluating the cost and effectiveness of alternative strategies to manage congestion;

(iv) Identify the anticipated benefits of appropriate alternative traditional and nontraditional congestion management strategies;

(v) Determine methods to monitor and evaluate the performance of the multi-modal transportation system;

(vi) Appropriately consider the following example categories of strategies, or combinations of strategies for each area:

(A) Transportation demand management measures;

(B) Traffic operational improvements;

(C) Public transportation improvements;

(D) ITS technologies;

(E) Additional system capacity; and

(vii) Provide information supporting the implementation of actions.

[FR Doc. 04–4054 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–22–U

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 973

[FHWA Docket No. FHWA–99–4968]

FHWA RIN 2125-AE53

Federal Lands Highway Program; Management Systems Pertaining to the Bureau of Indian Affairs and the Indian Reservation Roads Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This final rule provides for the development and implementation of pavement, bridge, safety, and congestion management systems for transportation facilities providing access to Indian lands and funded under the Federal Lands Highway Program (FLHP) as required by the Transportation Equity Act for the 21st Century (TEA–21). The roads funded under the FLHP include Park Roads and Parkways, Forest Highways, Refuge Roads, Indian Reservation Roads, and Public Lands Highways. These management systems will provide a strategic approach to transportation planning, program development, and project selection.

EFFECTIVE DATE: March 29, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Bini, Federal Lands Highway, HFPD–2, (202) 366–6799, FHWA, 400 Seventh Street, SW., Washington, DC 20590; office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays. For legal questions, Ms. Vivian Philbin, HFL–16, (303) 716–2122, FHWA, 555 Zang Street, Lakewood, CO 80228. Office hours are from 7:45 a.m. to 4:15 p.m., m.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule, the ANPRM, the NPRM, and all comments received by the U.S. Docket Facility, Room PL–401, may be viewed through the Docket Management System (DMS) at *http://dms.dot.gov.* The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of this Web site.

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.access.gpo.gov/nara.*

Background

Section 1115(d) of the TEA–21 (Pub. L. 105–178, 112 Stat. 107, 156 (1998)) amended 23 U.S.C. 204 to require the Secretary of Transportation and the Secretary of each appropriate Federal land management agency, to the extent appropriate, to develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the FLHP. The roads funded under the FLHP include, but are not limited to, Park Roads and Parkways, Forest Highways, Refuge Roads, Indian Reservation Roads, and Public Lands Highways. The Secretary of Transportation delegated to the FHWA the authority to serve as the lead agency within the U.S. Department of Transportation (USDOT) to administer the FLHP (*see* 49 CFR 1.48 (b)(29)). This rulemaking action addresses the management systems for the Bureau of Indian Affairs (BIA) and the Indian Reservation Roads (IRR) program. Separate final rules on management systems have also been developed for the National Park Service (NPS) and the Park Roads and Parkways program, the Fish and Wildlife Service (FWS) and the

Refuge Roads program, and the Forest Service (FS) and the Forest Highway program. The other three related final rules are published elsewhere in today's **Federal Register**.

On September 1, 1999, the FHWA issued an advance notice of proposed rulemaking (ANPRM) to solicit public comments concerning development of this proposed rule pertaining to the BIA and the IRR program (64 FR 47746). The ANPRM requested comments on the feasibility of developing a rule to meet both the transportation planning and management systems requirements of the TEA–21. A management system is a process for collecting, organizing, and analyzing data to provide a strategic approach to transportation planning, program development, and project selection. Subsequently, the FHWA decided to issue a separate rulemaking document for the management systems. Additionally, transportation planning is also being addressed under U.S. Department of the Interior rulemaking for the IRR program, and a notice of proposed rulemaking (NPRM) was published on August 7, 2002 (67 FR 51328).

On January 8, 2003 (68 FR 1105), the FHWA issued a NPRM seeking comments on the proposal to develop and implement management systems. These comments are summarized in the "Summary of Comments'' section. Based on the comments received to the docket and during the consultation with the Indian Tribal Governments (ITGs), the FHWA developed this final rule to provide for the development and implementation of pavement, bridge, safety, and congestion management systems for transportation facilities providing access to Indian lands and funded under the FLHP. There are instances where reference is made to transportation planning because the management systems serve as a guide to planning activities, however, this final rule only implements the development of management systems.

During the rulemaking process, the FHWA considered other elements for their relationship to the management systems. Among these was the need for an environmental management system (EMS). The FHWA is supporting and participating in the development of the American Association of State Highway and Transportation Officials' Center for Environmental Excellence in which EMSs, as they relate to transportation, are a major component. This is consistent with the FHWA's priority on environmental stewardship and streamlining. In addition, the FHWA continues to demonstrate environmental stewardship by promoting the use of EMSs in the construction, operation, and maintenance of transportation facilities. As implementation plans are developed for the management systems, the FHWA will promote coordination of the transportation management systems with individual agency plans to implement an EMS. At a minimum, this would provide an opportunity to link existing environmental data to the transportation management systems using a common geographic information system. The FHWA decided not to address EMS as part of this rulemaking action, but recognizing the importance of EMS initiatives, the FHWA believes that EMSs are most appropriately pursued as part of sound business planning of each individual agency.

Summary of Comments

The FHWA received fifteen comments to the docket. Of these, ten were from ITGs, tribal councils or tribal associations, including the Asa'carsarmiut Tribe, the Assiniboine and Sioux Tribes of the Ft. Peck Reservation (the Ft. Peck Tribes), the Cherokee Nation of Oklahoma, the Chickasaw Nation of Oklahoma, the Confederated Tribes of the Colville Reservation (the Colville Tribes), the Craig Community Association and Organized Village of Kasaan, Kawerak, Inc., the Standing Rock Sioux Tribe, the United South and Eastern Tribes (the USET), and the Washoe Tribe of Nevada and California (the Washoe Tribe). Three State Departments of Transportation (State DOTs) submitted comments individually, including California (Caltrans), Washington (WSDOT), and Wyoming (WYDOT). A coalition of five State DOTs, including the State DOTs from Idaho, Montana, North Dakota, South Dakota and Wyoming (the State DOT coalition) submitted a collective comment. The remaining comment was from the Great Plains Regional Office of the U.S. Department of the Interior, Bureau of Indian Affairs.

Consultation/Participation

Comments: Five commenters, including Caltrans, the Colville Tribes, the Fort Peck Tribes, Kawerak, Inc., and the Standing Rock Sioux Tribe recommended providing additional opportunities for tribal consultation before the rulemaking was finalized, as detailed below.

Caltrans suggested the tribal consultation component of the rulemaking process was weak, due to the fact that all of the consultation meetings were held outside of California.

The Colville Tribes, the Fort Peck Tribes, and the Standing Rock Sioux Tribe proposed that the management systems for the Indian Reservation Roads (IRR) program should be considered only after full government-to-government consultation.

Kawerak, Inc., a regional non-profit organization providing services to 20 Alaska Native Villages in the Bering Strait region, suggested that the rule be issued as an interim final rule to permit review and revision through consultation with ITGs and any future IRR Program coordinating committee (a committee recommended to be established in the proposed IRR program NPRM, developed pursuant to 23 U.S.C. 202 (d), that provides input and recommendations to the BIA and the FHWA.)

Response: The FHWA hosted seven public information and consultation meetings with numerous representatives of ITGs throughout the country. The purpose of these sessions was to explain the FHWA's intent in developing this rule and to seek input and feedback. These meetings also provided the FHWA an opportunity to highlight the importance of public comment, and describe how to submit comments to the docket.

All of these meetings were announced in the **Federal Register** and were held in Albuquerque, NM; Fairbanks, AK; Fort Snelling, MN (Minneapolis, MN area); Nashville, TN; Portland, OR; Las Vegas, NV; and Tulsa, OK. The Las Vegas meeting was held in conjunction with a previously scheduled meeting of the Indian Reservation Roads Program Negotiated Rulemaking Committee.[1] Tribal representatives from 74 federally recognized ITGs, tribal councils, or tribal associations attended these seven public information and consultation meetings, and provided suggestions and comments. Additionally, the FHWA made a presentation in February 2003 at the Northern Plains Tribal Transportation Planning meeting in Billings, Montana. Tribal representatives from 13 reservations, three of which have two or more tribes, Bureau of Indian Affairs staff, tribal

[1] The Committee was authorized by Congress in 23 U.S.C. 202 (d), and formed to conduct negotiated rulemaking (5 U.S.C. 565) for the purposes of recommending program policy, uniform and consistent rules, and a funding formula for the Department of Interior in implementing the IRR program. These proposed regulations will be prepared and issued by the Secretary of the Interior with the active participation of the designated tribal representatives as well as the designated Federal representatives, three of which were from the USDOT.

consultants and staff from the Montana State DOT attended this meeting.

It was determined most practical that the method of consultation for this rulemaking was through the nationwide or regional informational sessions and attempts to coordinate these sessions with other tribal transportation meetings. Therefore, the FHWA determined that sufficient consultation with ITGs and representatives has occurred in the development of this final rule. In developing this final rule, the FHWA has carefully reviewed and analyzed the comments provided from ITGs, as well as the concerns raised at the seven public information and consultation meetings. The comments have directly resulted in several changes to the rule that are discussed in the Section-by-Section analysis. In that regard, the FHWA believes the rule adequately addresses the concerns of the ITGs, and in particular, provides additional opportunities for tribal consultation in the implementation of the rule.

Relationship to the Negotiated Rulemaking

Comment: Five ITGs or tribal associations, including the Cherokee Nation of Oklahoma, the Chickasaw Nation of Oklahoma, the Colville Tribes, the Fort Peck Tribes and the Standing Rock Sioux Tribe submitted comments regarding the relationship of this rule to the proposed rulemaking action by the Department of the Interior (DOI) to establish policy and procedures governing the IRR program, and to establish a funding formula.[2]

The Cherokee Nation of Oklahoma commented that earlier requests (at the ANPRM and NPRM phases) to have this rule included in the development of the DOI's IRR program rule were ignored, and reiterated the point that this rule should not be developed without tribal consultation and participation.

The Chickasaw Nation of Oklahoma identified the importance of having the DOI's final rule for the IRR program, based on the recommendation of the Negotiated Rulemaking Committee, in place prior to development of the management systems under this rule. This point was emphasized because the management systems will be dependent on the BIA's IRR inventory, which will be a key product of the DOI's rule.

Further, the Colville Tribes, the Fort Peck Tribes and the Standing Rock Sioux Tribe were concerned about possible inconsistencies between the two rules, because the DOI's proposed rule contains a provision permitting Indian tribes to develop management systems.

Response: Section 1115(b) of the TEA–21 requires the Secretary of the Interior, not the Secretary of Transportation, to issue regulations governing the IRR program, and establish a funding formula. The TEA–21 further required that the IRR regulation be established using a negotiated rulemaking committee. In contrast, this rulemaking is required by section 1115(d) of the TEA–21, and is a separate rulemaking requirement not tied to the negotiated rulemaking committee's efforts to recommend regulations governing the IRR Program, and to establish the funding formula for that program. The FHWA understands the relationship between specific products of the IRR program such as the BIA's IRR inventory and the management systems required by this final rule, and agrees that the implementation plan for the BIA/IRR management systems must adequately define the relationship between the data from the BIA's IRR inventory and the management systems.

The FHWA concurs with the importance of continued consultation with ITGs, and this rule includes a process for developing the implementation plans for the management systems that specifically calls for tribal consultation in developing details of each of the mandated nationwide management systems. This process will provide opportunity for further tribal consultation related to such issues as overall goals, policies, agency responsibilities, an implementation schedule, possible data sources, including the need to accommodate State and local data, and costs.

Self-Determination

Comment: The Colville Tribes, the Fort Peck Tribes, and the Standing Rock Sioux Tribe commented that the NPRM "deprives Indian tribes the ability and flexibility to craft the IRR Program and tribally-driven management systems unique to the needs and limited resources of each tribe.'' In a related issue they expressed concern over the lack of ability to determine whether a mandate to include data provided by State and local governments would benefit the tribal program.

Response: This final rule on management systems will govern how the management systems will be implemented. The rule does not mandate management systems for ITGs, recognizing the limited resources that are available to ITGs for their transportation programs. The responsibility for the nationwide management systems lies with the BIA. In the interest of overall compatibility and functionality, this rule triggers compliance for tribes only if an ITG specifically decides to implement management systems. In that context, an ITG retains the ability and flexibility to tailor the management systems to its needs and resources, once having made the specific commitment to implement management systems. Further, § 973.204(e) has been changed to provide for the BIA, in consultation with the tribes, or the tribes under a self-determination contract or self-governance agreement, to make the determination on including data provided by States and local governments in the management systems. The FHWA encourages those States and local governments having implemented management systems meeting the requirements of 23 U.S.C. 303, that include information on State, county or local IRRs, to share the management systems information with the BIA and ITGs. State and local governments not having management systems are also encouraged to share existing information with the BIA and ITGs.

Implementation—Process and Coordination Issues

Comment: Nine comments were received concerning procedural and coordination issues in the implementation of the management systems, including comments from Caltrans, the Cherokee Nation of Oklahoma, the Chickasaw Nation of Oklahoma, the Colville Tribes, the Fort Peck Tribes, the Standing Rock Sioux Tribe, the State DOT coalition, the USET, and the WYDOT. The comments, detailed below, identify issues such as the relationship of the management systems to other applicable statutes and regulations; expected results; coordination with States, regional and local governments, and tribes; compatibility and communication among systems; use of the systems; and the impact on tribal decisionmaking.

Caltrans expressed a need for coordination of the data required for the management systems with data requirements that may result from the DOI's rule for the IRR program, as well

[2] Section 1115(b) of TEA–21 requires the Secretary of the Interior to establish a negotiated rulemaking committee to make recommendations to the Secretary of the Interior on establishing these regulations. On August 7, 2002 (67 FR 51328), the BIA issued an NPRM proposing to establish policy, procedures and a funding formula governing the IRR program. As of the date of issuance of this final rule, the BIA has not yet issued a final rule for the IRR Program.

as transportation planning requirements under 23 U.S.C. 134 and 135.

The Cherokee Nation of Oklahoma expressed concern about how these systems will be used. They view management system information as one of many planning factors to be considered, rather than solely a means for justifying future projects.

The Chickasaw Nation of Oklahoma commented about the important need for an effective communication process among tribes, cities, counties and States.

The Colville Tribes, the Fort Peck Tribes, and the Standing Rock Sioux Tribe reiterated the need for coordination with the DOI's rule for the IRR program for both transportation planning and management systems.

The State DOT coalition urged efficient implementation of the management systems as a means of controlling costs, minimizing the burden on States, and avoiding adverse effects on funding or other resources available for State programs. To help control costs, the State DOT coalition recommended the rule be revised to exclude State roads from the management systems. The State DOT coalition also suggested providing the Federal land management agencies the flexibility to pool resources to implement the management systems, and to set up systems compatible with existing State systems, whenever appropriate. For the State DOT coalition, an important component of strengthening the cooperative relationships with ITGs includes providing States access to accident data, within the limits of properly defined confidentiality parameters.

The USET expressed the need for a clear understanding of the products that will result from the system. In addition, it noted a difficulty in coordinating implementation plans among numerous tribes, and expressed concern for tribal officials being able to coordinate on an equal footing with State and local governments.

WYDOT emphasized the need for State DOTs to maintain sovereignty over roads under State DOT ownership, and advised caution that the use of management systems not alter decision-making processes for State roads.

Response: Section 973.204 of this final rule, entitled "Management systems requirements,'' includes a requirement for the BIA and the FHWA, in consultation with the Tribes, to develop an implementation plan for each of the nationwide management systems. These implementation plans will provide an opportunity for consultation and collaboration in the development of each of the nationwide management systems. The plans will include, but are not limited to: Overall goals and policies concerning the nationwide management systems, each agency's responsibilities for developing and implementing the nationwide management systems, an implementation schedule, data sources, including the need to accommodate State and local data, and cost estimate.

In the public informational meetings, the FHWA emphasized that the required implementation plans for the nationwide management systems will address the types of issues raised by the commenters regarding coordination among agencies and the implementation process. Establishing goals and objectives for the nationwide management systems through a collaborative process provides a means to assure the data requirements are adequately coordinated with the DOI's proposed IRR program rule, and the transportation planning requirements of 23 U.S.C. 134 and 135 for Metropolitan and Statewide planning. This process will provide an opportunity to use the data needs and outputs of the management systems to best meet the combined needs and responsibilities of the BIA, FHWA, ITGs, States, and regional and local agencies. As highlighted by the comments, implementing some aspects of the management systems will require cooperation among entities that may not have previously worked together to provide information. The guidelines and expectations for this cooperative effort will be an important component of the implementation plans.

Implementation plans will also provide an opportunity to clarify other issues of responsibility. Nothing in the rule is intended to affect current responsibility for facilities covered by the management systems. The plans are intended to develop effective means of collecting and using information to improve decisionmaking for the IRR program, and to promote data sharing. Inclusion of State and local roads in the management systems does not assume that the BIA or ITGs would duplicate the data collection effort already undertaken by a State or local government. Rather, the emphasis is on the importance of cooperation and coordination in sharing data. While the FHWA has acknowledged part of the data collection burden may be a State responsibility, minimizing that burden is the BIA's responsibility in its role of establishing and maintaining the nationwide management systems. States and tribes will have the opportunity to help determine how the information is collected and used during the development of the implementation plans. One important component of the management systems will be compatibility with existing State systems, as a means to minimize any additional data collection burden or duplication of effort.

Management systems are a tool for improving the efficiency and effectiveness of the IRR program. The FHWA agrees with the Cherokee Nation of Oklahoma that the output of the management systems is one of many factors to be considered by tribal officials in making transportation decisions. This goal is set forth in § 973.204(k), which states, in part: "The management systems shall be operated so investment decisions based on management system outputs * * * can be utilized throughout the planning process.'' Overcoming longstanding, difficult problems, such as developing a data sharing protocol for confidential accident data, is an example of a significant process issue to be addressed in the implementation plans.

Implementation—Management System Structure and Data Standards

Comment: The FHWA received five comments regarding management system elements from the Cherokee Nation of Oklahoma, the Chickasaw Nation of Oklahoma, Kawerak, Inc., the State DOT coalition, and the USET covering the structure of the management systems, software and data standards, the relationship to existing data collection activities, and the extent of management system coverage of various transportation system components.

The Cherokee Nation of Oklahoma expressed concern about compatibility with other management systems and the level of data necessary to adequately serve the needs of the BIA and the tribes. This was similar to the State DOT coalition statement that data collection costs for the management systems would take resources away from projects.

The Chickasaw Nation of Oklahoma questioned whether current data collection for the IRR inventory was duplicative of information that would be collected for the pavement, bridge and safety management systems, and indicated that data would need to be collected annually. The Chickasaw Nation of Oklahoma also stressed the need for common safety management system requirements among State, tribal and local DOTs, including geo-referencing requirements for accurate spatial correlation of information.

Kawerak, Inc., made a similar comment in stating the need to

coordinate the pavement management system database with the IRR inventory.

The USET expressed concern that no software had been identified as a standard.

The State DOT coalition indicated that unpaved roads might not warrant inclusion in the management system due to the undue cost in acquiring and maintaining data for that portion of the system.

Response: The FHWA agrees there are a number of elements that must be evaluated as the management systems are implemented. Section 973.204 of the final rule establishes the context for evaluating these elements by providing the BIA with the latitude to tailor the nationwide management systems to meet the agency's goals, policies and needs using professional engineering and planning judgment to determine the required nature and extent of systems coverage consistent with the intent and requirements of this rule. By definition, the pavement management system (PMS) is intended to provide coverage for all paved roads in the IRR inventory since its purpose specifically refers to effective strategies for the reconstruction, rehabilitation and preventive maintenance of pavements. The BIA may choose to include all roads in the IRR inventory in the PMS for future planning purposes, but this rule does not require it. For clarification, the FHWA has added reference to the applicability of § 973.208 to only federally and tribally owned, paved IRRs.

Compatibility with other management systems, the level of data necessary to effectively support the BIA's objectives for the management systems, the frequency of data collection, the relationship to other transportation system data already being collected, and the selection of computer software, if any, to manage the data are all legitimate issues to be addressed by the BIA and the FHWA, in consultation with the tribes, as the implementation plans are developed. Rather than collect all data annually, § 973.204(f) of the final rule provides for the BIA, in consultation with the tribes, to select a process for operating and maintaining the databases needed to support the management systems. The key is that the information be collected periodically on a regularly recurring cycle, but not necessarily annually.

Funding

Comment: Next to comments requesting substantive changes to the proposed rule, funding for implementation of the management systems generated the greatest number of comments from the States and tribal governments. Twelve comments were received regarding funding, including comments from the Asa'carsarmiut Tribe, Caltrans, the Cherokee Nation of Oklahoma, the Chickasaw Nation of Oklahoma, the Colville Tribes, the Craig Community Association and Organized Village of Kasaan, the Fort Peck Tribes, Kawerak, Inc., the Standing Rock Sioux Tribe, the USET, the Washoe Tribes, and the WYDOT. The comments generally focused on three issues, namely, the inadequacy of current IRR program funds; additional financial burden on the States; and, the need for a dedicated source of funds for the management systems, as detailed below.

Caltrans and WYDOT commented on the potential additional financial burden on the States since the current level of IRR funding was not adequate to meet all of the competing needs for program funding.

Seven ITGs or tribal associations, including the Asa'carsarmiut Tribe, the Colville Tribes, the Craig Community Association and Organized Village of Kasaan, the Fort Peck Tribes, Kawerak Inc., the Standing Rock Sioux Tribe, and the Washoe Tribes commented that the IRR two percent planning and construction funds are currently inadequate to support an additional activity.

In addition, the Cherokee Nation of Oklahoma, Kawerak, Inc., and the USET, commented about the need for a dedicated source of funds for the management systems.

On a separate issue, the Chickasaw Nation of Oklahoma expressed concern for the costs to the BIA associated with conducting life-cycle cost analysis.

Response: No dedicated source of funds exists for implementation of the management systems. Title 23, United States Code, section 204(a) requires the FLMAs, including the BIA, to develop and implement nationwide management systems. The source of funds identified for this activity is IRR program funds, which includes program management costs. Since specific management systems for the tribes are optional, development and implementation of tribal management systems are an appropriate use of the IRR two percent planning and construction funds.

Additional Comments

Comments: The Cherokee Nation of Oklahoma, the Craig Community Association and Organized Village of Kasaan, and the USET offered comments in support of the management systems citing the need for information on regional transportation conditions, their value as a planning and programming tool, and the value to ITGs for improving their transportation systems.

In addition, the WSDOT supported management systems as a good business practice and offered technical assistance for their development.

Response: The FHWA supports efforts by WSDOT to provide technical assistance in the development of the management systems, and encourages all State DOTs to provide technical assistance, if requested. In addition, the FHWA appreciates identification by the Cherokee Nation of Oklahoma, the Craig Community Association and Organized Village of Kasaan, and the USET of the value of the management systems in supporting their transportation planning programs, and tribal transportation decisionmaking.

Section-by-Section Analysis

Comments and responses have been provided for those sections for which specific suggestions for change were received. Seven commenters, including the Chickasaw Nation of Oklahoma, the Colville Tribes, the Craig Community Association and Organized Village of Kasaan, Kawerak, Inc., the Fort Peck Tribes, the Great Plains Regional Office of the Bureau of Indian Affairs, and the Standing Rock Sioux Tribe suggested changes to specific sections of the rule. The FHWA has evaluated the suggested changes and has included several changes to improve the flexibility of the BIA and ITGs to develop and implement management systems, and add opportunities for consultation.

Subpart A

Section 973.104 Definitions

Comment: The Colville Tribes, the Fort Peck Tribes, and the Standing Rock Sioux Tribe recommended the addition of definitions for the words "Indian tribe'' and "Intelligent Transportation Systems (ITS).''

Response: The FHWA agrees with the need to add these two definitions, and the final rule has been modified to reflect these two terms.

Subpart B

Section 973.202 Applicability

Comment: Kawerak, Inc., recommended inserting "Federal Highway Administration and* * *'' prior to "the Bureau of Indian Affairs.'' Kawerak, Inc. indicated that the tribes, in general, are not content with the BIA administration of the IRR Program, and desire more involvement by the FHWA.

Response: The BIA and the FHWA jointly administer the IRR program and, as such, the FHWA has a very active

role in this program. While the BIA is principally responsible for implementing this rule, the ITGs will be actively involved in the development of implementation plans for the management systems that support tribal transportation infrastructure. The FHWA has revised the language in § 973.202 to include applicability to the FHWA, since the FHWA will continue to carry out its roles of stewardship and oversight of the IRR program, and will participate with the BIA and the tribes in the development and implementation of the management systems.

Section 973.204 Management Systems Requirements

Section 973.204(a)

Comment: The Chickasaw Nation of Oklahoma suggested the need to add "after consultation with the tribes'' to the end of § 973.204(a).

Response: The FHWA agrees with the principal of the comment. Therefore, to emphasize the need for consultation with the tribes and to address concerns for flexibility in developing and implementing the management systems, the following language has been inserted at the end of the paragraph, "after considering the input from the tribes, and using professional engineering and planning judgment to determine the required nature and extent of systems coverage consistent with the intent and requirements of this rule.'' This phrase strengthens the language in the rule that requires the BIA to consult with the tribes throughout the process by putting emphasis on the results of the consultation. In addition, it emphasizes the need for engineering and planning judgment in making decisions about the details of the management systems.

Comment: Kawerak, Inc., recommended deleting the phrase "in consultation with the tribes'' from § 973.204 and replacing it with "FHWA and the IRR Coordinating Committee.'' Further, it recommends that §§ 973.204(i) and (j) be modified in a similar fashion. In addition, it recommends that all other references to "in consultation with the tribes'' throughout the rule be replaced with the "IRR Coordinating Committee.''

Response: The FHWA disagrees with the recommended changes. Executive Order 13175 requires tribal consultation on policies with tribal implications. The language in the rule provides the broadest opportunity for tribal consultation. The FHWA agrees that any future IRR program coordinating committee could be asked to provide recommendations.

Section 973.204(b)

Comment: The Chickasaw Nation of Oklahoma requested the following be added to § 973.204(b) of the rule: "The requirements under these regulations shall be suspended until such time that 25 CFR part 170, Rules for Indian Reservation Roads are finalized.'' This requested change referenced the close relationship between the BIA's IRR inventory data, that would be governed by the proposed IRR program rule, and the management systems.

Response: The FHWA recognizes the close relationship between the BIA's IRR inventory data and the management systems. However, the statutory mandate for the management systems rules is completely separate from the DOI's proposed IRR program rule. The FHWA agrees with the intent of the requested change, but does not agree it is necessary to change the rule language to reach the intended objective. In the Background section, we have referenced the need for close coordination in the development of the implementation plans for the management systems with the IRR program rule. The BIA, the FHWA and the tribes will all have involvement in the development of the implementation plans. This consultative process will provide for effective coordination between the two rules.

Section 973.204(c)

Comment: For consistency with § 973.204(a) and to provide the tribes flexibility in developing tribal management systems, the FHWA has determined that the following phrase should be added to the end of § 973.204(c) "* * * using professional engineering and planning judgment to determine the required nature and extent of systems coverage consistent with the intent and requirements of this rule.''

Response: The FHWA has modified § 973.204(c) to reflect this change.

Section 973.204(d)

Comment: The Colville Tribes, the Fort Peck Tribes, and the Standing Rock Sioux Tribe objected to the language in § 973.204(d) that provides for the BIA, in consultation with the tribes, to develop criteria for cases in which tribal management systems are not appropriate. In their view, this provision provides the BIA with "unfettered discretion'' that limits the flexibility of ITGs to tailor management systems to meet their individual needs. They recommend that this provision be deleted.

Response: The FHWA disagrees with the need to delete this provision, and has retained the original language. Section 973.204(d) requires that the BIA consult with the tribes in developing the criteria for cases in which tribal management systems are not appropriate. This provision affords ITGs restraint from the BIA unilaterally making decisions that would compromise the rights or abilities of the tribes to tailor management systems to their needs. The FHWA envisions that this provision of the rule may help to preserve the limited resources of the tribes in cases where the limited nature and extent of the tribal transportation system does not justify a substantial investment in tribal management systems. In these cases, the nationwide management systems would be sufficient.

Section 973.204(i)

Comment: The Colville Tribes, the Fort Peck Tribes, and the Standing Rock Sioux Tribe commented that § 973.204(i) was inconsistent with § 973.214(a) regarding tribal consultation. Section 973.214(a) includes a requirement for tribal consultation, and § 973.204(i) does not, even though both sections provide the criteria for determining when congestion management systems need to be implemented.

Response: Section 973.214(a) references tribal consultation in conjunction with criteria for congestion management systems for a specific federally or tribally owned IRR transportation system experiencing congestion, while § 973.204(i) focuses on criteria for generally determining when congestion management systems are required. For internal consistency among paragraphs of the rule, the FHWA agrees with the suggested change and § 973.204(i) has been modified to insert "in consultation with the tribes,'' after "The BIA and the FHWA * * *.''

For additional comment and response concerning § 973.204(i), see § 973.204(a) in the section-by-section analysis.

Section 973.204(j)

Comment: The Colville Tribes, the Fort Peck Tribes and the Standing Rock Sioux Tribe indicated that § 973.204(j) makes no allowance for tribal input into the evaluation of the effectiveness of the management systems.

Response: The FHWA agrees with the need to allow for tribal input into the evaluation of the effectiveness of the management systems and has modified the section by inserting "nationwide'' before "management systems''; and, at the end of the paragraph adding "to assist the FHWA in evaluating the efficiency and effectiveness of the

management systems as a component of the IRR program, and may include consultation with the tribes, as appropriate.''

For additional comment and response concerning § 973.204(j), see § 973.204(a) in the section-by-section analysis.

Section 973.206 Funds for Establishment, Development, and Implementation of the Systems

Comment: The Chickasaw Nation of Oklahoma recommended changing the word "may'' to "shall'' in the first sentence of this section, as recognition of the potential costs involved in implementing the management systems, and assuring that sufficient funds would be available.

Response: The FHWA disagrees with the need for this change. As stated above, responsibility for implementing the nationwide management systems lies with the BIA. Development and implementation of the management systems is an appropriate use of IRR program funds, and this paragraph provides the option for the BIA to use those funds rather than mandating use of those funds.

Section 973.208 Indian Lands Pavement Management System (PMS)

Comment: The Great Plains Regional Office of the Bureau of Indian Affairs recommended adding the words "paved surface'' between "owned'' and "IRRs'' in § 973.208(a).

Response: This recommendation reiterates a comment addressed above in the section entitled, "Implementation—Management System Structure and Data Standards.'' By definition, the pavement management system (PMS) is intended to provide coverage for all paved roads in the IRR inventory since its purpose refers to effective strategies for the reconstruction, rehabilitation and preventive maintenance of pavements. However, to provide clarity, the FHWA has added the word paved between "owned'' and "IRRs'' in § 973.208(a).

Comment: The Craig Community Association and Organized Village of Kasaan specifically opposed having the BIA, Branch of Roads carry out the requirements of §§ 973.208, 973.210, 973.212 and 973.214.

Response: The emphasis in this rulemaking is on the development of nationwide management systems. As joint administrator of the IRR program, the BIA is the most appropriate entity to develop, establish and maintain the IRR management systems.

Section 973.212 Indian Lands Safety Management System (SMS)

Comment: Kawerak, Inc. recommended deleting the words "federally and tribally owned'' from § 973.212(a), citing the need for the tribes to have a safety management system that covers all IRR roads, not only those that are federally or tribally owned.

Response: The language in the final rule gives responsibility to the BIA for developing management systems for facilities within its purview, as prescribed in 23 U.S.C. 204(a). Similarly, many States have chosen to take responsibility for developing management systems for roads under their ownership. The need to provide ITGs with information on all IRRs reinforces the importance of coordination between the agencies and the States for data sharing. In addition, it points out the distinction between responsibility for collecting and maintaining the data for certain portions of the system, and sharing and using the data for decisionmaking. These are critical issues to be addressed in the development of the implementation plans, but do not require a change in the rule language regarding management system coverage and responsibility. Rather, the FHWA encourages a cooperative relationship among the BIA, ITGs, States, and local governments and to share the information they may collect.

Conclusion

The FHWA anticipated substantial interest in this rulemaking and undertook a specific public information and consultation effort with the ITGs. As a result, the NPRM generated a significant number of comments from State DOTs and ITGs. These comments resulted in several changes to the final rule that responded directly to tribal and State DOT concerns, as described above. The majority of the changes respond to tribal concerns about consultation in the rulemaking process and implementation of the management systems following publication of the final rule, by providing additional opportunity for consultation with the tribes in the development, establishment and implementation of the management systems. In addition, the comments have helped to raise awareness about coordination of roles and responsibilities of all entities involved in the development of the implementation plans. The FHWA believes that the resulting changes have made improvements to the final rule that meet the needs of the ITGs and the State DOTs, and will yield enhanced cooperation and consultation in the implementation of the final rule.

Rulemaking Analyses and Notices

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

The FHWA has determined that this rule is a significant regulatory action within the meaning of Executive Order 12866 and under the regulatory policies and procedures of the U.S. Department of Transportation because of the substantial public interest in the transportation facilities serving Indian lands. The Office of Management and Budget has reviewed this document under E.O. 12866. The FHWA anticipates that the economic impact of any action taken in this rulemaking process will be minimal. The FHWA anticipates that the rule will not adversely affect any sector of the economy in a material way. This rule will impact the BIA, however, it will not likely interfere with any action taken or planned by the BIA or another agency, or materially alter the budgetary impact of any entitlement, grants, user fees, or loan programs.

The FHWA has considered the costs and benefits associated with this rulemaking and the information provided in response to the NPRM, and believes that the benefits outweigh the costs of acquiring the management system information. Information provided by the management systems will enhance transportation investment decisions for the IRR program and improve the overall efficiency of the IRR transportation system. In addition, the management system information will assist the FHWA in its stewardship and oversight roles. The benefits of the management system information will be significant in relationship to the costs of implementation.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this action on small entities. Title 23, U.S.C. requires that the FLMAs implement nationwide management systems for roads funded under the FLHP. The BIA, as joint administrator of the IRR program, has the responsibility for developing and implementing the management systems. The FHWA has acknowledged a possible role for States and Metropolitan Planning Organizations (MPOs) in collecting data for the management systems; however, this role is not anticipated to include small entities. In addition, the BIA bears

the burden of implementing the management systems in a manner that will minimize the impact on non-Federal entities, including small entities. Due to the limited expectation that small entities will have any role in implementing the management systems, the FHWA has determined that this action will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This final rule will not impose a mandate that requires further analysis under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). This action will not result in the expenditure by State, local and ITGs, in the aggregate, or by the private sector, of $100 million or more in any one year (2 U.S.C. 1532). This rulemaking provides for the development and implementation of pavement, bridge, safety, and congestion management systems for transportation systems providing access to and within Indian lands. These roads are funded under the FLHP; therefore, this action is not considered an unfunded mandate.

Executive Order 13132 (Federalism)

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999. The FHWA has determined that this action will not have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA has also determined that this action will not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

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.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The FHWA determined that this rule contains a requirement for data and information to be collected and maintained in the four management systems that are to be developed. In order to streamline the process, the FHWA requested OMB approval for a single information collection clearance for all of the data in the four management systems at the time the final rule is published. The FHWA is sponsoring this proposed clearance on behalf of the BIA.

The FHWA estimates that a total of 5,600 burden hours per year would be imposed on non-Federal entities to provide the required information for the BIA management systems. Respondents to this information collection include State DOTs, Metropolitan Planning Organizations (MPOs), Tribal governments, regional transportation planning agencies, and county and local governments. The BIA bears the burden of developing the management systems in a manner that would incorporate any existing data in the most efficient way and without additional burdens to the public. These estimates only include burdens on the respondents to provide information that is not usually and customarily collected.

Where a substantial level of effort may be required of non-Federal entities to provide BIA management system information, the effort has been benchmarked to the number of miles of State, local or tribally owned roads or the number of State, local or tribally owned bridges within the IRR system. This approach has been applied to the pavement management system (PMS), the bridge management system (BMS), and the safety management system (SMS). For BIA implementation of the PMS, BMS, and SMS, the total annual burden estimate is 3,600 of the 5,600 hours per year. The level of burden on non-Federal entities for these management systems is modest since the agency will incorporate existing data into the system. Of these three systems, the most substantial burden is associated with the collection of data to implement the BMS. The BMS burden is estimated at 1,400 hours per year. The PMS and SMS burdens are estimated at 1,100 hours per year for each of these management systems.

For the congestion management system (CMS), the non-Federal burden, if applicable, will likely fall to the MPOs, and represents the need for the BIA to coordinate its management system with the MPOs, for those limited instances when a portion of its transportation system is within an MPO area. This results in a total annual burden estimate of 2000 hours for the IRR CMS.

Comments regarding the proposed information collection were received from the State DOT coalition, and Caltrans. The State DOT coalition and Caltrans acknowledged States would be requested to provide information, and indicated such activities would represent a burden. The detailed extent of the burden would depend on the specific information requested and the process used to implement the management systems. The State DOT coalition encouraged a cooperative process using approaches that would avoid redundancy and duplication in implementing the management systems. The State DOT coalition also indicated that management systems should be implemented efficiently to control costs, by limiting the data collected to the minimum necessary to achieve IRR program goals.

The FHWA anticipated some burden on States and MPOs in the burden estimates prepared as part of the rulemaking. The State DOT coalition and Caltrans did not question the need for management systems or the FHWA's burden estimates. The FHWA believes that the value of the management systems information for transportation decisionmaking outweighs the burden of collecting it. Information provided by the management systems will enhance transportation investment decisions for the IRR program, improve the overall efficiency of the IRR transportation system, and provide information to be used in the new IRR program funding distribution formula. In addition, it will assist the FHWA in its stewardship and oversight roles. The FHWA has tried to keep the data collection burden to the lowest level possible, while still providing for the necessary data. In that regard, the FHWA believes the burden estimates to be fair and equitable. The BIA has the responsibility to develop the management systems in a manner that would incorporate any existing data in the most efficient way, and without additional burden to the public.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this action will not have any effect on the quality of the environment. An environmental impact statement is, therefore, not required.

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this action under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000, and believes that this action will have substantial direct effects on one or more Indian tribes.

Section 5 (b) of Executive Order 13175 states:

To the extent practicable and permitted by law, no agency shall promulgate any regulation that has Tribal implications, that imposes substantial direct compliance costs on Indian Tribal governments, and that is not required by statute, unless:

(1) Funds necessary to pay the direct costs incurred by the Indian Tribal government or the Tribe in complying with the regulation are provided by the Federal Government; or

(2) The agency, prior to formal promulgation of the regulation,

(A) Consulted with Tribal officials early in the process of developing the proposed regulation.

The Executive Order states similar requirements for any regulation that has tribal implications and preempts tribal law.

As stated previously, this rulemaking is statutorily required under section 1115(d) of the TEA–21. While there are no specific additional dedicated funds for implementing this regulation, funds already available under the IRR program can be used for the development, establishment, and implementation of the management systems. The FHWA used a series of public information and consultation meetings (described in the section entitled, "Summary of Comments'') and tribal transportation meetings to consult and coordinate with ITGs on this rulemaking, since its inception. At these meetings, the FHWA advised the tribes of the ANPRM and the NRPM, and encouraged them to submit comments and suggestions to the docket.

Tribal Summary Impact Statement

On January 8, 2003 (68 FR 1105), the FHWA published the NPRM, to solicit public comments concerning development of this proposed rule. Among the comments the FHWA received are the comments from ten ITGs, intertribal councils or tribal associations. These comments are summarized in the section entitled "Summary of Comments.'' Specific comments may be obtained by reviewing the materials in the docket at *http://dms.dot.gov.*

Pursuant to Executive Order 13175, during the development process for this final rule, the FHWA participated in a number of public information and consultation sessions with numerous representatives of ITGs throughout the country. The purpose of these sessions was to provide an overview of the rulemaking process and explain the FHWA's purpose and intent in developing the rule. These discussions were scheduled meetings with time and location published in the **Federal Register** on January 30, 2003 (68 FR 4744). In addition, the FHWA made a presentation at the February 2003 Tribal Transportation Planning meeting in Billings, Montana.

Tribal comments and concerns raised at these meetings reflected the comments to the docket. They included lack of a dedicated source of funding, the relationship of the rulemaking to the DOI's negotiated rulemaking for the IRR program, lack of implementation details, concerns over cooperation and data sharing, the need to avoid duplication, and the functionality of nationwide management systems for use at the BIA regional or tribal level. These comments are addressed below.

Under this rule, responsibility for implementation of the nationwide management systems lies with the BIA, as the joint administrator of the IRR program. The rule also provides for the BIA to use IRR program funds to develop, maintain and operate the nationwide management systems. Tribal governments are not required to collect information or implement management systems, but have the option to do so. The development, maintenance and operation of management systems are an appropriate use of the IRR two percent planning and construction funds if an ITG has made the decision to implement tribal management systems.

Implementation of the nationwide management systems is mandated by the TEA–21 for the FLMAs, including the BIA, by the TEA–21. This requirement is completely separate and unrelated to the negotiated rulemaking required by section 202(d) of title 23, U.S.C., for the development of policy, procedures and a funding distribution formula for the IRR program. The FHWA has proceeded with this rule to satisfy the specific requirement of the TEA–21 for the development and implementation of management systems for transportation facilities funded under the FLHP.

Section 973.204(b) provides for the BIA and FHWA, in consultation with the Tribes, to develop implementation plans for each of the nationwide management systems. The implementation plans will include specific details regarding implementation of the nationwide management systems such as, but not limited to, overall goals and policies governing the management systems, each agency's responsibilities for developing and implementing the nationwide management systems, the implementation schedule, proposed data sources, and a cost estimate for implementing and operating the management systems. Development of the implementation plans will also provide an opportunity to address ongoing cooperation and data sharing, and ways to avoid duplication with other FLMAs, States and MPOs. Additionally, as the implementation plans are developed, goals, policies and strategies can be formulated to assure that the nationwide management systems have the required levels of functionality for use at both the BIA and tribal levels.

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in section 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 action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This final rule is not economically significant and does not concern an environmental risk to health and safety that may disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

This final rule will not affect 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 13211 (Energy Effects)

The FHWA has analyzed this action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a significant energy action under that order because, although this action is considered to be a significant regulatory action under Executive Order 12866, it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

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. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 973

Bridges, Congestion management, Grant program—transportation, Highways and roads, Indian Reservation roads, Management systems, Pavement management, Public lands, Safety management, Transportation.

■ For reasons set forth in the preamble, the Federal Highway Administration amends chapter I of title 23, Code of Federal Regulations, as set forth below.

Issued on: February 18, 2004.

Mary E. Peters,

Federal Highway Administrator.

■ 1. Add a new part 973 to subchapter L to read as follows:

PART 973—MANAGEMENT SYSTEMS PERTAINING TO THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN RESERVATION ROADS PROGRAM

Subpart A—Definitions

Sec.
973.100 Purpose.
973.102 Applicability.
973.104 Definitions.

Subpart B—Bureau of Indian Affairs Management Systems

973.200 Purpose.
973.202 Applicability.
973.204 Management systems requirements.
973.206 Funds for establishment, development and implementation of the systems.
973.208 Indian lands pavement management system (PMS).
973.210 Indian lands bridge management system (BMS).
973.212 Indian lands safety management system (SMS).
973.214 Indian lands congestion management system (CMS).

Authority: 23 U.S.C. 204, 315, 42 U.S.C. 7410 *et seq.*; 49 CFR 1.48.

Subpart A—Definitions

§ 973.100 Purpose.

The purpose of this subpart is to provide definitions for terms used in this part.

§ 973.102 Applicability.

The definitions in this subpart are applicable to this part, except as otherwise provided.

§ 973.104 Definitions.

Alternative transportation systems means modes of transportation other than private vehicles, including methods to improve system performance such as transportation demand management, congestion management, and intelligent transportation systems. These mechanisms help reduce the use of private vehicles and thus improve overall efficiency of transportation systems and facilities.

Elements means the components of a bridge important from a structural, user, or cost standpoint. Examples are decks, joints, bearings, girders, abutments, and piers.

Federal Lands Highway program (FLHP) means a federally funded program established in 23 U.S.C. 204 to address transportation needs of Federal and Indian lands.

Indian lands bridge management system (BMS) means a systematic process used by the Bureau of Indian Affairs (BIA) or Indian Tribal Governments (ITGs) for analyzing bridge data to make forecasts and recommendations, and provides the means by which bridge maintenance, rehabilitation, and replacement programs and policies may be efficiently considered.

Indian lands congestion management system (CMS) means a systematic process used by the BIA or ITGs for managing congestion that provides information on transportation system performance and alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet Federal, State and local needs.

Indian lands pavement management system (PMS) means a systematic process used by the BIA or ITGs that provides information for use in implementing cost-effective pavement reconstruction, rehabilitation, and preventive maintenance programs and policies, and that results in pavement designed to accommodate current and forecasted traffic in a safe, durable, and cost-effective manner.

Indian lands safety management system (SMS) means a systematic process used by the BIA or ITGs with the goal of reducing the number and severity of traffic accidents by ensuring that all opportunities to improve roadway safety are identified, considered, implemented and evaluated, as appropriate, during all phases of highway planning, design, construction, operation and maintenance by providing information for selecting and implementing effective highway safety strategies and projects.

Indian reservation road (IRR) means a public road that is located within or provides access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

Indian Reservation Roads (IRR) program means a part of the FLHP established in 23 U.S.C. 204 to address the transportation needs of federally recognized ITGs.

Indian Reservation Roads transportation improvement program (IRRTIP) means a multi-year, financially constrained list by year, State, and tribe of IRR-funded projects selected by ITGs that are programmed for construction in the next 3 to 5 years.

Indian Reservation Roads transportation plan means a document setting out a tribe's long-range transportation priorities and needs. The IRR transportation plan, which can be developed by either the tribe or the BIA on behalf of that tribe, is developed through the IRR transportation planning process pursuant to 23 U.S.C. 204 and 25 CFR part 170.

Indian Tribal Government (ITG) means a duly formed governing body of an Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village, or Community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

Indian tribe (tribe) means any Indian tribe, nation, band, pueblo, rancheria, colony, or community, including any Alaska Native Village, or regional or village corporation as defined or established under the Alaska Native Claims Settlement Act which is federally recognized by the U.S. government for special programs and services provided by the Secretary of the Interior to Indians because of their status as Indians.

Intelligent transportation system (ITS) means electronics, communications, or information processing used singly or in combination to improve the efficiency and safety of a surface transportation system.

Life-cycle cost analysis means an evaluation of costs incurred over the life of a project allowing a comparative analysis between or among various alternatives. Life-cycle cost analysis promotes consideration of total cost, to include maintenance and operation expenditures. Comprehensive life-cycle cost analysis includes all economic variables essential to the evaluation: Safety costs associated with maintenance and rehabilitation projects, agency capital cost, and life-cycle maintenance costs.

Operations means those activities associated with managing, controlling, and regulating highway traffic.

Secretary means the Secretary of Transportation.

Serviceability means the degree to which a bridge provides satisfactory service from the point of view of its users.

State means any one of the fifty States, the District of Columbia, or Puerto Rico.

Transportation facilities means roads, streets, bridges, parking areas, transit vehicles, and other related transportation infrastructure.

Subpart B—Bureau of Indian Affairs Management Systems

§ 973.200 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 204 which requires the Secretary and the Secretary of each appropriate Federal land management agency to the extent appropriate, to develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the FLHP.

§ 973.202 Applicability.

The provisions in this subpart are applicable to the Bureau of Indian Affairs (BIA), the Federal Highway Administration (FHWA), and the Indian Tribal Governments (ITGs) that are responsible for satisfying these requirements for management systems pursuant to 23 U.S.C. 204.

§ 973.204 Management systems requirements.

(a) The BIA, in consultation with the tribes, shall develop, establish and implement nationwide pavement, bridge, and safety management systems for federally and tribally owned IRRs. The BIA may tailor the nationwide management systems to meet the agency's goals, policies, and needs, after considering the input from the tribes, and using professional engineering and planning judgment to determine the required nature and extent of systems coverage consistent with the intent and requirements of this rule.

(b) The BIA and the FHWA, in consultation with the tribes, shall develop an implementation plan for each of the nationwide management systems. These plans will include, but are not limited to, the following: Overall goals and policies concerning the nationwide management systems, each agency's responsibilities for developing and implementing the nationwide management systems, implementation schedule, data sources, including the need to accommodate State and local data, and cost estimate.

(c) Indian tribes may develop, establish, and implement tribal management systems under a self-determination contract or self-governance annual funding agreement. The tribe may tailor the management systems to meet its goals, policies, and needs, using professional engineering and planning judgment to determine the required nature and extent of systems coverage consistent with the intent and requirements of this rule.

(d) The BIA, in consultation with the tribes, shall develop criteria for cases in which tribal management systems are not appropriate.

(e) The BIA, in consultation with the tribes, or the tribes under a self-determination contract or self-governance annual funding agreement, may incorporate data provided by States and local governments into the nationwide or tribal management systems, as appropriate, for State and locally owned IRRs.

(f) The BIA, in consultation with the tribes, shall develop and implement procedures for the development, establishment, implementation and operation of nationwide management systems. If a tribe develops tribal management systems, the tribe shall develop and implement procedures for the development, establishment, implementation and operation of tribal management systems. The procedures shall include:

(1) A description of each management system;

(2) A process to operate and maintain the management systems and their associated databases;

(3) A process for data collection, processing, analysis and updating for each management system;

(4) A process for ensuring the results of the management systems are considered in the development of IRR transportation plans and transportation improvement programs and in making project selection decisions under 23 U.S.C. 204; and

(5) A process for the analysis and coordination of all management systems outputs to systematically operate, maintain, and upgrade existing transportation assets cost-effectively;

(g) All management systems shall use databases with a common or coordinated reference system that can be used to geolocate all database information.

(h) Existing data sources may be used by the BIA and the tribes to the maximum extent possible to meet the management system requirements.

(i) A nationwide congestion management system is not required. The BIA and the FHWA, in consultation with the tribes, shall develop criteria for determining when congestion management systems are required for BIA or tribal transportation facilities providing access to and within the Indian reservations. Either the tribes or the BIA, in consultation with the tribes, shall develop, establish and implement congestion management systems for the transportation facilities that meet the criteria.

(j) The BIA shall develop an appropriate means to evaluate the effectiveness of the nationwide management systems in enhancing transportation investment decisions and improving the overall efficiency of the affected transportation systems and facilities. This evaluation is to be conducted periodically, preferably as part of the BIA planning process to assist the FHWA in evaluating the efficiency and effectiveness of the management systems as a component of the IRR program, and may include consultation with the tribes, as appropriate.

(k) The management systems shall be operated so investment decisions based on management system outputs can be accomplished at the BIA region and tribal level and can be utilized throughout the transportation planning process.

§ 973.206 Funds for establishment, development, and implementation of the systems.

The IRR program management funds may be used to accomplish nationwide management system activities. For tribal management system activities, the IRR two percent tribal transportation planning or construction funds may be used. (Refer to 23 U.S.C. 204(b) and 204(j)). These funds are to be administered in accordance with the procedures and requirements applicable to the funds.

§ 973.208 Indian lands pavement management system (PMS).

In addition to the requirements provided in § 973.204, the PMS must meet the following requirements:

(a) The BIA shall have PMS coverage for all federally and tribally owned, paved IRRs included in the IRR inventory.

(b) Where a tribe collects data for the tribe's PMS, the tribe shall provide the data to the BIA to be used in the nationwide PMS.

(c) The nationwide and tribal PMSs may be based on the concepts described in the AASHTO's "Pavement Management Guide.'' [1]

[1] "Pavement Management Guide,'' AASHTO, 2001, is available for inspection as prescribed at 49 CFR part 7. It is also available from the American Association of State Highway and Transportation

(d) The nationwide and tribal PMSs may be utilized at various levels of technical complexity depending on the nature of the pavement network. These different levels may depend on mileage, functional classes, volumes, loading, usage, surface type, or other criteria the BIA and ITGs deem appropriate.

(e) A PMS shall be designed to fit the BIA's or tribes' goals, policies, criteria, and needs using the following components, at a minimum, as a basic framework for a PMS:

(1) A database and an ongoing program for the collection and maintenance of the inventory, inspection, cost, and supplemental data needed to support the PMS. The minimum PMS database shall include:

(i) An inventory of the physical pavement features including the number of lanes, length, width, surface type, functional classification, and shoulder information;

(ii) A history of project dates and types of construction, reconstruction, rehabilitation, and preventive maintenance. If some of the inventory or historic data is difficult to establish, it may be collected when preservation or reconstruction work is performed;

(iii) A condition survey that includes ride, distress, rutting, and surface friction (as appropriate);

(iv) Traffic information including volumes and vehicle classification (as appropriate); and

(v) Data for estimating the costs of actions.

(2) A system for applying network level analytical procedures that are capable of analyzing data for all federally and tribally owned IRR in the inventory or any subset. The minimum analyses shall include:

(i) A pavement condition analysis that includes ride, distress, rutting, and surface friction (as appropriate);

(ii) A pavement performance analysis that includes present and predicted performance and an estimate of the remaining service life (performance and remaining service life to be developed with time); and

(iii) An investment analysis that:

(A) Identifies alternative strategies to improve pavement conditions;

(B) Estimates costs of any pavement improvement strategy;

(C) Determines maintenance, repair, and rehabilitation strategies for pavements using life cycle cost analysis or a comparable procedure;

(D) Performs short and long term budget forecasting; and

(E) Recommends optimal allocation of limited funds by developing a prioritized list of candidate projects over a predefined planning horizon (both short and long term).

(f) For any roads in the inventory or subset thereof, PMS reporting requirements shall include, but are not limited to, percentage of roads in good, fair, and poor condition.

§ 973.210 Indian lands bridge management system (BMS).

In addition to the requirements provided in § 973.204, the BMS must meet the following requirements:

(a) The BIA shall have a nationwide BMS for the federally and tribally owned IRR bridges that are funded under the FLHP and required to be inventoried and inspected under 23 CFR 650, subpart C, National Bridge Inspection Standards (NBIS).

(b) Where a tribe collects data for the tribe's BMS, the tribe shall provide the data to the BIA to be used in the nationwide BMS.

(c) The nationwide and tribal BMSs may be based on the concepts described in the AASHTO's "Guidelines for Bridge Management Systems." [2]

(d) A BMS shall be designed to fit the BIA's or tribe's goals, policies, criteria, and needs using the following components, as a minimum, as a basic framework for a BMS:

(1) A database and an ongoing program for the collection and maintenance of the inventory, inspection, cost, and supplemental data needed to support the BMS. The minimum BMS database shall include:

(i) The inventory data described by the NBIS (23 CFR part 650, subpart C);

(ii) Data characterizing the severity and extent of deterioration of bridge components;

(iii) Data for estimating the cost of improvement actions;

(iv) Traffic information including volumes and vehicle classification (as appropriate); and

(v) A history of conditions and actions taken on each bridge, excluding minor or incidental maintenance.

(2) A systematic procedure for applying network level analytical procedures that are capable of analyzing data for all bridges in the inventory or any subset. The minimum analyses shall include:

(i) A prediction of performance and estimate of the remaining service life of structural and other key elements of each bridge, both with and without intervening actions; and

(ii) A recommendation for optimal allocation of limited funds by developing a prioritized list of candidate projects over a predefined planning horizon (both short and long term).

(e) The BMS may include the capability to perform an investment analysis (as appropriate, considering size of structure, traffic volume, and structural condition). The investment analysis may include the ability to:

(1) Identify alternative strategies to improve bridge condition, safety and serviceability;

(2) Estimate the costs of any strategies ranging from maintenance of individual elements to full bridge replacement;

(3) Determine maintenance, repair, and rehabilitation strategies for bridge elements using life cycle cost analysis or a comparable procedure; and

(4) Perform short and long term budget forecasting.

(f) For any bridge in the inventory or subset thereof, BMS reporting requirements shall include, but are not limited to, percentage of non-deficient bridges.

§ 973.212 Indian lands safety management system (SMS).

In addition to the requirements provided in § 973.204, the SMS must meet the following requirements:

(a) The BIA shall have a nationwide SMS for all federally and tribally owned IRR and public transit facilities included in the IRR inventory.

(b) Where a tribe collects data for the tribe's SMS, the tribe shall provide the data to the BIA to be used in the nationwide SMS.

(c) The nationwide and tribal SMS may be based on the guidance in "Safety Management Systems: Good Practices for Development and Implementation." [3]

(d) The BIA and ITGs shall utilize the SMSs to ensure that safety is considered and implemented as appropriate in all phases of transportation system planning, design, construction, maintenance, and operations.

(e) The nationwide and tribal SMSs may be utilized at various levels of

Officials (AASHTO), Publication Order Dept., P.O. Box 96716, Washington, DC 20090–6716 or online at *http://www.transportation.org/publications/bookstore.nsf.*

[2] "Guidelines for Bridge Management Systems," AASHTO, 1993, is available for inspection as prescribed at 49 CFR part 7. It is also available from the American Association of State Highway and Transportation Officials (AASHTO), Publication Order Dept., P.O. Box 96716, Washington, DC 20090–6716 or online at *http://www.transportation.org/publications/bookstore.nsf.*

[3] "Safety Management Systems: Good Practices for Development and Implementation," FHWA and NHTSA, May 1996, may be obtained at the FHWA, Office of Safety, Room 3407, 400 Seventh St., SW., Washington, DC 20590, or electronically at *http://safety.fhwa.dot.gov/media/documents.htm.* It is available for inspection and copying as prescribed at 49 CFR part 7.

complexity depending on the nature of the IRR facility involved.

(f) An SMS shall be designed to fit the BIA's or ITG's goals, policies, criteria, and needs using, as a minimum, the following components as a basic framework for an SMS:

(1) A database and an ongoing program for the collection and maintenance of the inventory, inspection, cost, and supplemental data needed to support the SMS. The minimum SMS database shall include:

(i) Accident records;

(ii) An inventory of safety hardware including signs, guardrails, and lighting appurtenances (including terminals); and

(iii) Traffic information including volume and vehicle classification (as appropriate).

(2) Development, establishment and implementation of procedures for:

(i) Routinely maintaining and upgrading safety appurtenances including highway-rail crossing warning devices, signs, highway elements, and operational features where appropriate;

(ii) Routinely maintaining and upgrading safety features of transit facilities;

(iii) Identifying and investigating hazardous or potentially hazardous transportation system safety problems, roadway locations and features; and

(iv) Establishing countermeasures and setting priorities to correct the identified hazards and potential hazards.

(3) A process for communication, coordination, and cooperation among the organizations responsible for the roadway, human, and vehicle safety elements;

(4) Development and implementation of public information and education activities on safety needs, programs, and countermeasures which affect safety on the BIA's and ITG's transportation systems; and

(5) Identification of skills, resources and training needs to implement safety programs for highway and transit facilities and the development of a program to carry out necessary training.

(g) While the SMS applies to all federally and tribally owned IRRs in the IRR inventory, the extent of system requirements (*e.g.*, data collection, analyses, and standards) for low volume roads may be tailored to be consistent with the functional classification of the roads. However, adequate requirements should be included for each BIA functional classification to provide for effective inclusion of safety decisions in the administration of transportation by the BIA and ITGs.

(h) For any transportation facilities in the IRR inventory or subset thereof, SMS reporting requirements shall include, but are not limited to, the following:

(1) Accident types such as right-angle, rear-end, left turn, head-on, sideswipe, pedestrian-related, run-off-road, fixed object, and parked vehicle;

(2) Accident severity per year measured as number of accidents with fatalities, injuries, and property damage only; and

(3) Accident rates measured as number of accidents (fatalities, injuries, and property damage only) per 100 million vehicle miles of travel, number of accidents (fatalities, injuries, and property damage only) per 1000 vehicles, or number of accidents (fatalities, injuries, and property damage only) per mile.

§ 973.214 Indian lands congestion management system (CMS).

(a) For purposes of this section, congestion means the level at which transportation system performance is no longer acceptable due to traffic interference. The BIA and the FHWA, in consultation with the tribes, shall develop criteria to determine when a CMS is to be implemented for a specific federally or tribally owned IRR transportation system that is experiencing congestion. Either the tribe or the BIA, in consultation with the tribe, shall consider the results of the CMS in the development of the IRR transportation plan and the IRRTIP, when selecting strategies for implementation that provide the most efficient and effective use of existing and future transportation facilities to alleviate congestion and enhance mobility.

(b) In addition to the requirements provided in § 973.204, the CMS must meet the following requirements:

(1) For those BIA or tribal transportation systems that require a CMS, consideration shall be given to strategies that reduce private automobile travel and improve existing transportation system efficiency. Approaches may include the use of alternate mode studies and implementation plans as components of the CMS.

(2) A CMS will:

(i) Identify and document measures for congestion (*e.g.*, level of service);

(ii) Identify the causes of congestion;

(iii) Include processes for evaluating the cost and effectiveness of alternative strategies;

(iv) Identify the anticipated benefits of appropriate alternative traditional and nontraditional congestion management strategies;

(v) Determine methods to monitor and evaluate the performance of the multi-modal transportation system; and

(vi) Appropriately consider the following example categories of strategies, or combinations of strategies for each area:

(A) Transportation demand management measures;

(B) Traffic operational improvements;

(C) Public transportation improvements;

(D) ITS technologies; and

(E) Additional system capacity.

[FR Doc. 04–4055 Filed 2–26–04; 8:45 am]

BILLING CODE 4910–22–U

Federal Register

Friday,
February 27, 2004

Part IV

Department of Labor

Office of Disability Employment Policy

Solicitation of Nominations for the Secretary of Labor's New Freedom Initiative Award; Notice

DEPARTMENT OF LABOR

Office of Disability Employment Policy

[OMB Number 1230–0002]

Solicitation of Nominations for the Secretary of Labor's New Freedom Initiative Award

The Secretary of Labor's New Freedom Initiative Award presented by Secretary Elaine L. Chao, United States Department of Labor, 200 Constitution Avenue, NW., Washington DC 20210:

1. *Subject:* The Secretary of Labor's New Freedom Initiative Award(s).

2. *Purpose:* To outline the eligibility criteria, the nomination process and the administrative procedures for the New Freedom Initiative Award(s), and to solicit the Secretary of Labor's New Freedom Initiative Award(s) nominations.

3. *Originator:* Office of Disability Employment Policy (ODEP).

4. *Background:* To encourage the use of public-private partnerships, the Secretary of Labor will present the Secretary of Labor's New Freedom Initiative Award(s). Initiated in 2002, this award is made annually to individual(s), non-profit organization(s), or business(es) that have, through programs or activities, demonstrated exemplary and innovative efforts in furthering the employment objectives of President George W. Bush's New Freedom Initiative. See *http://www.whitehouse.gov/news/freedominitiative/freedominitiative.htm.*

By increasing access to assistive technologies, and by utilizing innovative training, hiring, and retention strategies, the recipient(s) will have established and instituted comprehensive strategies to enhance the ability of Americans with disabilities to enter and advance within the 21st Century workforce and to participate in daily community life.

5. *Eligibility Criteria:* The following criteria apply to the New Freedom Initiative Award Nominees:

A. The nominees must be individuals, businesses, or non-profit organizations whose activities exemplify the goals of President George W. Bush's New Freedom Initiative, which include the Office of Disability Employment Policy's mission of increasing employment opportunities for youth and adults with disabilities. Nominations may be submitted by other persons and entities with the knowledge and permission of the nominee. Self-nomination is also encouraged.

B. Nominees must have developed and implemented a multi-faceted program directed toward increasing employment opportunities for people with disabilities through increased access to assistive technologies, and use of innovative training, hiring, and retention techniques.

C. Nominees must report any unresolved violations of state or Federal law, as determined by compliance evaluations, complaint investigations, or other Federal inspections and investigations. In addition, the nominee must report any pending Federal or state enforcement actions, and any corrective actions or consent decrees that have resulted from litigation under laws enforced by the Department of Labor (DOL).

6. *Nomination Submission Requirements:*

A. The single program or multiple programs for which the individual or company is being nominated must demonstrate a commitment to people with disabilities, and clearly show measurable results in terms of significantly enhancing employment opportunities for people with disabilities. The programs or activities may also address such issues as the widening skills gap among persons with disabilities, a diversified 21st Century workforce, and discrimination based on disability.

B. The nomination packages should be limited to only that information relevant to the nominee's program(s). Nomination packages should be no longer than twenty (20) typed pages double-spaced. A page is 8.5″ x 11″ (on one side only) with one-inch margins (top, bottom, and sides).

C. Nomination packages must include the following for consideration:

1. The nomination package should include an executive summary prepared by or on behalf of the nominee, which clearly identifies the specific program(s) under nomination and fully describes the results achieved.

2. The specific activities, program(s), or establishment for which the nomination is being submitted.

3. Specific data on training, placements, resources expended and other relevant information that will facilitate evaluation of the nominee's submission.

4. A description of how the program(s) and/or activities that are the subject of the nomination have had a positive and measurable impact on the employment of people with disabilities.

5. A data summary on the nominee. See Section 6(D).

D. A data summary on the Nominee will include the following:

1. Name(s) of the individual, organization or business being nominated.

2. Full street address, telephone number and e-mail address where applicable.

3. Name of highest ranking official(s) (where appropriate).

4. Name of executive(s) responsible for human resources, equal employment opportunity, and/or disability awareness at nominee's establishment and/or corporate office (where appropriate).

5. Name of parent company (where appropriate).

6. Name, street address, telephone number and e-mail address of CEO or President of parent company (where appropriate).

7. Name, title, street address, telephone number and e-mail address of a contact person.

8. Number of employees at the establishment or business being nominated (where appropriate).

9. Name and description of principal program(s) or service(s).

7. *Timing and Acceptable Methods of Submission of Nominations:*

Nomination packages must be submitted to the Office of Disability Employment Policy, Room S–1303, 200 Constitution Avenue, NW., Washington DC 20210 by May 21, 2004. Any application received after 4:45 p.m. EDT on May 21, 2004, will not be considered unless it was received before the award is made and:

A. It was sent by registered or certified mail no later than May 16, 2004.

B. It is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the U.S. Department of Labor at the address indicated; or

C. It was sent by U.S. Postal Service Express Mail Next Day Service—Post Office to Addressee, not later than 5 p.m. at the place of mailing May 19, 2004.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date will be processed as if mailed late. ''Postmark'' means a printed, stamped, or otherwise placed impression (not a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore, applicants should request that the postal clerk place a legible hand cancellation

''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at the U.S. Department of Labor is the date/time stamp of the Office of Disability Employment Policy on the application wrapper or other documentary evidence or receipt maintained by that office.

Applications sent by other delivery services, such as Federal Express, UPS, etc., will also be accepted; however, the applicant bears the responsibility of timely submission.

Confirmation of receipt of your application can be made by contacting Dina Dorich of the Office of Disability Employment Policy, telephone (202) 693–7880; TTY (202) 693–4920 (these are not toll-free numbers), prior to the closing deadline.

8. *The Administrative Review Process:*

A. The ODEP Steering Committee will perform preliminary administrative review to determine the sufficiency of all submitted application packages.

B. An Executive Evaluation Committee made up of representatives appointed by the Secretary of Labor from Department of Labor employees will perform secondary review.

C. The Secretary of Labor will conduct the final review and selections.

9. Other Factors to be Considered During the Administrative Review Process:

A. If a nominee merges with another company during the evaluation process, only that information relative to the nominated company will be evaluated, and the award, if any, will be limited to the nominated company.

B. Prior receipt of this award will not preclude a nominee from being considered for the New Freedom Initiative Award in subsequent years. Programs and activities serving as the basis of a prior award, however, may not be considered as the basis for a subsequent award application.

10. *Procedures Following Selection:*

A. Awardees will be notified of their selection via the contact person identified in the application package at least six weeks prior to the awards ceremony. Non-selected nominees will also be notified within 45 days of the selection of the awardees.

B. As a precondition to acceptance of the award, the nominee agrees to perform two out of three of the following activities:

1. Submit to ODEP for review a two-minute video of the program(s) or activity(ies) for which it is being recognized within 30 days of notification of award selection;

2. Display an exhibit or showcase of the program(s)/activity(ies) for which it is being recognized at the awards ceremony, with contents of the Display submitted to ODEP for review within 30 days of notification of award selection;

3. Participate in any New Freedom Initiative workshops hosted by ODEP in conjunction with the awards ceremony.

C. Materials developed by the awardees in conjunction with Section 10(B) will be subject to legal review at the Department of Labor to ensure compliance with applicable ethics standards.

11. Location: The awards ceremony will generally be held during the month of October at a location to be determined by the Secretary of Labor.

Paperwork Reduction Act Notice (Pub. L. 104–13): Persons are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This collection of information is approved under OMB Number 1230–0002 (Expiration Date: 12/31/05). The obligation to respond to this information collection is voluntary; however, only nominations that follow the nomination procedures outlined in this notice will receive consideration. The average time to respond to this information of collection is estimated to be 10 hours per response; including the time for reviewing instructions, researching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Submit comments regarding this estimate; including suggestions for reducing response time to the U.S. Department of Labor, Office of Disability Employment Policy, Room S–1303, 200 Constitution Avenue NW, Washington DC 20210. Please reference OMB Number 1230–0002.

We are very interested in your thoughts and suggestions about your experience in preparing and filing this nomination packet for the Secretary of Labor's New Freedom Initiative Award. Your comments will be very useful to the Office of Disability Employment Policy in making improvements in our solicitation for nominations for this award in subsequent years. All comments are strictly voluntary and strictly private. We would appreciate your taking a few minutes to tell us—for example, whether you thought the instructions were sufficiently clear; what you liked or disliked; what worked or didn't work; whether it satisfied your need for information or if it didn't, or anything else that you think is important for us to know. Your comments will be most helpful if you can be very specific in relating your experience.

We value your comments, and would really like to hear from you. Please send any comments you have to Dina Dorich at *dorich.bernadine@dol.gov* or via mail to the Office of Disability Employment Policy, Room S–1303, 200 Constitution Avenue NW., Washington DC 20210. Thank you.

Signed at Washington, DC, this 23rd day of February, 2004.

W. Roy Grizzard,

Assistant Secretary, Office of Disability Employment Policy.

[FR Doc. 04–4365 Filed 2–26–04; 8:45 am]

BILLING CODE 4510–CX–P

Federal Register

Friday,
February 27, 2004

Part V

The President

Memorandum of February 23, 2004—Delegation of Certain Authority Under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003

Federal Register
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Friday, February 27, 2004

Presidential Documents

Title 3—

The President

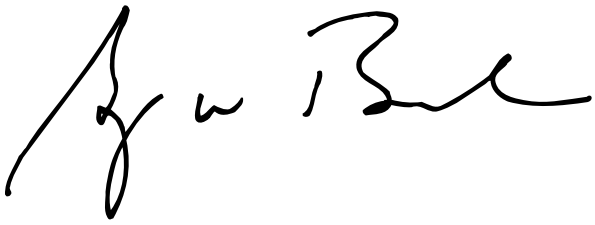
Memorandum of February 23, 2004

Delegation of Certain Authority Under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority conferred upon the President by sections 202(c), 305, and 313 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), to provide the specified reports to the Congress. In addition, I delegate to you the authority vested in the President by section 101 of Public Law 108–25 to establish a comprehensive, integrated, 5-year strategy to combat global HIV/AIDS and to submit to the appropriate congressional committees a report setting forth the strategy.

You are authorized and directed to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,
Washington, February 23, 2004.

[FR Doc. 04–4458
Filed 2–26–04; 9:20 am]
Billing code 4710–10–P

Federal Register

Friday,
February 27, 2004

Part VI

The President

Notice of February 26, 2004—Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

Federal Register
Vol. 69, No. 39
Friday, February 27, 2004

Presidential Documents

Title 3—

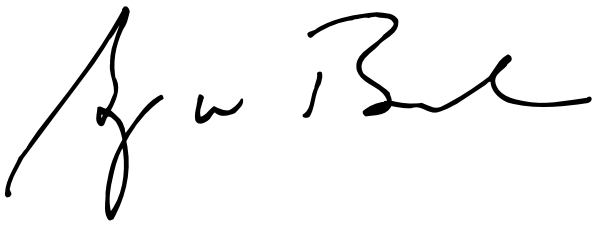
The President

Notice of February 26, 2004

Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

On March 1, 1996, by Proclamation 6867, a national emergency was declared to address the disturbance or threatened disturbance of international relations caused by the February 24, 1996, destruction by the Cuban government of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba. In July 1996 and on subsequent occasions, the Cuban Government stated its intent to forcefully defend its sovereignty against any U.S.-registered vessels or aircraft that might enter Cuban territorial waters or airspace while involved in a flotilla or peaceful protest. Since these events, the Cuban government has not demonstrated that it will refrain from the future use of reckless and excessive force against U.S. vessels or aircraft that may engage in memorial activities or peaceful protest north of Cuba. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Cuba and the emergency authority relating to the regulation of the anchorage and movement of vessels set out in Proclamation 6867.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
February 26, 2004.

[FR Doc. 04–4567
Filed 2–26–04; 11:26 am]
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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.

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LIST OF PUBLIC LAWS

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text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

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