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# Presidential Documents

**Title 3—**

## The President

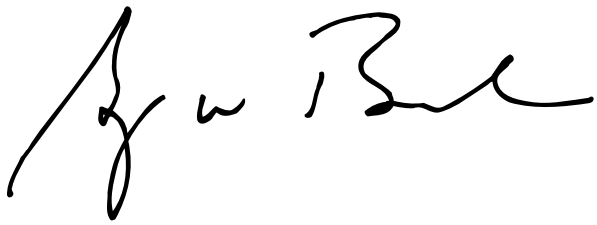
**Memorandum of March 18, 2004**

## Delegation of Certain Authority Under the National Defense Authorization Act for Fiscal Year 2004, Public Law 108–136

**Memorandum for the Secretary of Homeland Security**

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 section 1034 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) to provide the specified report to the Congress. In addition, I direct you to coordinate with the Secretary of Defense and the Secretary of Transportation regarding the contents of this report.

You are authorized and directed to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,
*Washington, March 18, 2004.*

[FR Doc. 04–6477
Filed 3–19–04; 8:45 am]
Billing code 4410–10–M

# Rules and Regulations

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

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 985

**[Docket No. FV04–985–1 FR]**

### Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2004–2005 Marketing Year

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle for, producers during the 2004–2005 marketing year, which begins on June 1, 2004. This rule establishes salable quantities and allotment percentages for Class 1 (Scotch) spearmint oil of 766,880 pounds and 40 percent, respectively, and for Class 3 (Native) spearmint oil of 773,474 pounds and 36 percent, respectively. The Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West, recommended these limitations for the purpose of avoiding extreme fluctuations in supplies and prices and to help maintain stability in the spearmint oil market.

**EFFECTIVE DATE:** June 1, 2004, through May 31, 2005.

**FOR FURTHER INFORMATION CONTACT:** Susan M. Hiller, Northwest Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, Oregon 97204; telephone: (503) 326–2724; Fax: (503) 326–7440; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491; Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Order No. 985 (7 CFR part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This rule establishes the quantity of spearmint oil produced in the Far West, by class, which may be purchased from or handled for producers by handlers during the 2004–2005 marketing year, which begins on June 1, 2004. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to authority in §§ 985.50, 985.51, and 985.52 of the order, the Committee, with all of its eight members present, met on October 8, 2003, and recommended salable quantities and allotment percentages for both classes of oil for the 2004–2005 marketing year. The Committee unanimously recommended the establishment of a salable quantity and allotment percentage for Scotch spearmint oil of 766,880 pounds and 40 percent, respectively. For Native spearmint oil, with six members in favor, one opposed, and one abstention, the Committee recommended the establishment of a salable quantity and allotment percentage of 773,474 pounds and 36 percent, respectively.

This final rule limits the amount of spearmint oil that handlers may purchase from, or handle for, producers during the 2004–2005 marketing year, which begins on June 1, 2004. Salable quantities and allotment percentages have been placed into effect each season since the order's inception in 1980.

The U.S. production of Scotch spearmint oil is concentrated in the Far West, which includes Washington, Idaho, and Oregon and a portion of Nevada and Utah. Scotch spearmint oil is also produced in the Midwest states of Indiana, Michigan, and Wisconsin, as well as in the states of Montana, South Dakota, North Dakota, and Minnesota. The production area covered by the marketing order currently accounts for approximately 65 percent of the annual U.S. sales of Scotch spearmint oil.

When the order became effective in 1980, the United States produced nearly 100 percent of the world's supply of Scotch spearmint oil, of which approximately 72 percent was sales from the regulated production area in the Far West. During the period from 1981 to 1990 the Far West sales declined to an average of 67 percent of the world's Scotch spearmint oil. Sales from the Far West continued to decline during the period from 1991 to 2000 to an average of 44 percent of the world's Scotch spearmint oil. It is estimated for 2003 that the Far West will decline to

30 percent of the world's Scotch spearmint oil sales.

The steady decline in world sales for the Far West region is directly attributed to the increase in global production. Other factors that have played a significant role include the overall quality of the imported oil and technological advances that allow for more blending of lower quality oils. Such factors have provided the Committee with challenges in accurately predicting trade demand for Scotch oil. This, in turn, has made it difficult to balance available supplies with needs and to achieve the Committee's overall goal of stabilizing producer and market prices.

The marketing order has continued to contribute to price and general market stabilization for Far West producers. The Committee, as well as spearmint oil producers and handlers attending the October 8, 2003, meeting estimated that the 2003 producer price of Scotch oil would average $9.50 per pound, which represents the fourth price increase since 1999. However, this producer price is below the cost of production for most producers as indicated in a study from the Washington State University Cooperative Extension Service (WSU), which estimates production costs to be between $13.50 and $15.00 per pound.

This low level of producer returns has caused a reduction in acreage. The Committee estimates that the acreage of Scotch spearmint has declined from about 10,000 acres in 1998 to about 4,372 acres currently. Based on the reduced Scotch spearmint acreage, the Committee estimates that production for the current season (the 2003–2004 marketing season) will be about 565,261 pounds.

The Committee recommended the 2004–2005 Scotch spearmint oil salable quantity (766,880 pounds) and allotment percentage (40 percent) utilizing sales estimates for 2004–2005 Scotch oil as provided by several of the industry's handlers, as well as historical and current Scotch oil sales levels. Between June 1, 2003, and September 30, 2003, 143,124 pounds of Scotch oil were sold, a level dramatically below the most recent five-year average for this four-month period of 448,084 pounds. Handlers are estimating that sales for the 2003–2004 marketing year may range from a low of 600,000 pounds to a high of 750,000 pounds. With 354,053 pounds carried into the current marketing year and an estimated 565,261 pounds being produced, the total available supply for 2003–2004, including the 650,000 pounds already sold, is 919,314 pounds.

The recommendation for the 2004–2005 Scotch spearmint oil volume regulation is consistent with the Committee's stated intent of keeping adequate supplies available at all times, while attempting to stabilize prices at a level adequate to sustain the producers. Furthermore, the recommendation takes into consideration the industry's desire to compete with less expensive oil produced outside the regulated area.

Although Native spearmint oil producers are facing market conditions similar to those affecting the Scotch spearmint oil market, unlike Scotch, over 90 percent of the U.S. production of Native spearmint is produced within the Far West production area. Also, unlike Scotch, most of the world's supply of Native spearmint is produced in the United States.

The current, flat market contributed to the Committee's recommendation for a salable quantity of 773,474 pounds and an allotment percentage of 36 percent for Native spearmint oil for the 2004–2005 marketing year. The supply and demand characteristics of the current Native spearmint oil market are keeping the price relatively steady at about $9.50 per pound—a level the Committee considers too low for the majority of producers to maintain viability. The WSU study referenced earlier indicates that the cost of producing Native spearmint oil ranges from $10.26 to $10.92 per pound.

The Committee estimates that 853,820 pounds of Native oil is expected to be produced this year (2003–2004). With current sales approximating the five-year average of about 1,021,702 pounds, the current season's salable quantity of 808,993 pounds coupled with the June 1, 2003, carry-in of 163,617 pounds will likely produce a surplus of oil, adding to the nearly 1.4 million pounds already in reserve. The Committee is estimating that about 865,000 pounds of Native spearmint oil, on average, may be sold during the 2004–2005 marketing year. This estimate, combined with the information available regarding current supply and price, helped lead the Committee to its recommendation for a 2004–2005 salable quantity of 773,474 pounds. When considered in conjunction with the estimated carry-in of 130,610 pounds of oil on June 1, 2004, the recommended salable quantity results in a total available supply of Native spearmint oil next year of about 904,084 pounds.

The Committee's method of calculating the Native spearmint oil salable quantity and allotment percentage continues to primarily utilize information on price and available supply as they are affected by the estimated trade demand. The Committee's stated intent is to make adequate supplies available to meet market needs and improve producer prices.

The Committee believes that the order has contributed extensively to the stabilization of producer prices, which prior to 1980 experienced wide fluctuations from year to year. According to the National Agricultural Statistics Service, for example, the average price paid for both classes of spearmint oil ranged from $4.00 per pound to $11.10 per pound during the period between 1968 and 1980. Prices since the order's inception have generally stabilized at about $9.88 per pound for Native spearmint oil and at about $13.04 per pound for Scotch spearmint oil. However, the current prices for both classes of oil are below the average due to several factors, including the general uncertainty being experienced through the U.S. economy and the continuing overall weak farm situation, as well as an abundant global supply of spearmint oil. As noted earlier—although lower than what producers believe to be viable—prices currently appear to be stable at about $9.50 for both classes of oil.

The Committee based its recommendation for the salable quantity and allotment percentage for each class of spearmint oil for the 2004–2005 marketing year on the information discussed above, as well as the data outlined below.

**(1) Class 1 (Scotch) Spearmint Oil**

(A) Estimated carry-in on June 1, 2004–269,314 pounds. This figure is the difference between the estimated 2003–2004 marketing year trade demand of 650,000 pounds and the 2003–2004 marketing year total available supply of 919,314 pounds.

(B) Estimated trade demand for the 2004–2005 marketing year—650,000 pounds. This figure represents the Committee's estimate based on the average of the estimates provided by producers at six Scotch spearmint oil production area meetings held in September 2003, as well as estimates provided by handlers and others at the October 8, 2003, meeting. Handler trade demand estimates for the 2004–2005 marketing year ranged from 600,000 to 750,000 pounds. The average of sales over the last five years was 827,522 pounds.

(C) Salable quantity required from the 2004–2005 marketing year production—380,686 pounds. This figure is the difference between the estimated 2004–2005 marketing year trade demand (650,000 pounds) and the estimated

carry-in on June 1, 2004 (269,314 pounds).

(D) Total estimated allotment base for the 2004–2005 marketing year—1,917,200 pounds. This figure represents a one-percent increase over the revised 2003–2004 total allotment base. This figure is generally revised each year on June 1 due to producer base being lost due to the bona fide effort production provisions of § 985.53(e). The revision is usually minimal.

(E) Computed allotment percentage—19.9 percent. This percentage is computed by dividing the required salable quantity by the total estimated allotment base.

(F) Recommended allotment percentage—40 percent. This recommendation is based on the Committee's determination that a decrease from the current season's allotment percentage of 45 percent to the computed 19.9 percent would not adequately supply the potential 2004–2005 market.

(G) The Committee's recommended salable quantity—766,880 pounds. This figure is the product of the recommended allotment percentage and the total estimated allotment base.

(H) Estimated available supply for the 2004–2005 marketing year—1,036,194 pounds. This figure is the sum of the 2004–2005 recommended salable quantity (766,880 pounds) and the estimated carry-in on June 1, 2004 (269,314 pounds).

**(2) Class 3 (Native) Spearmint Oil**

(A) Estimated carry-in on June 1, 2004—130,610 pounds. This figure is the difference between the estimated 2003–2004 marketing year trade demand of 842,000 pounds and the revised 2003–2004 marketing year total available supply of 972,610 pounds.

(B) Estimated trade demand for the 2004–2005 marketing year—865,000 pounds. This figure is based on input from producers at the five Native spearmint oil production area meetings held in September 2003, from handlers, and from Committee members and other meeting participants at the October 8, 2003, meeting. The average estimated trade demand provided at the five production area meetings was 875,400 pounds, whereas the average handler estimate was 885,000 pounds. The Committee discussed several estimates below these figures to take into consideration a general lack of 2004 contract offers to date.

(C) Salable quantity required from the 2004–2005 marketing year production—734,390 pounds. This figure is the difference between the estimated 2004–2005 marketing year trade demand (865,000 pounds) and the estimated carry-in on June 1, 2004 (130,610 pounds).

(D) Total estimated allotment base for the 2004–2005 marketing year—2,148,539 pounds. This figure represents a one percent increase over the revised 2003–2004 total allotment base. This figure is generally revised each year on June 1 due to producer base being lost due to the bona fide effort production provisions of § 985.53(e). The revision is usually minimal.

(E) Computed allotment percentage—34.2 percent. This percentage is computed by dividing the required salable quantity by the total estimated allotment base.

(F) Recommended allotment percentage—36 percent. This is the Committee's recommendation based on the computed allotment percentage, the average of the computed allotment percentage figures from the five production area meetings (36.5 percent), and input from producers and handlers at the October 8, 2003, meeting.

(G) The Committee's recommended salable quantity—773,474 pounds. This figure is the product of the recommended allotment percentage and the total estimated allotment base.

(H) Estimated available supply for the 2004–2005 marketing year—904,084 pounds. This figure is the sum of the 2004–2005 recommended salable quantity (773,474 pounds) and the estimated carry-in on June 1, 2004 (130,610 pounds).

The salable quantity is the total quantity of each class of spearmint oil, which handlers may purchase from, or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

The Committee's recommended Scotch and Native spearmint oil salable quantities and allotment percentages of 766,880 pounds and 40 percent and 773,474 and 36 percent, respectively, are based on the Committee's goal of maintaining market stability by avoiding extreme fluctuations in supplies and prices and the anticipated supply and trade demand during the 2004–2005 marketing year. The salable quantities are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market demand for spearmint oil, which may develop during the marketing year, can be satisfied by an increase in the salable quantities. Both Scotch and Native spearmint oil producers who produce more than their annual allotments during the 2004–2005 season may transfer such excess spearmint oil to a producer with spearmint oil production less than his or her annual allotment or put it into the reserve pool.

This regulation is similar to regulations issued in prior seasons. Costs to producers and handlers resulting from this rule are expected to be offset by the benefits derived from a stable market and improved returns. In conjunction with the issuance of this final rule, USDA has reviewed the Committee's marketing policy statement for the 2004–2005 marketing year. The Committee's marketing policy statement, a requirement whenever the Committee recommends volume regulations, fully meets the intent of § 985.50 of the order. During its discussion of potential 2004–2005 salable quantities and allotment percentages, the Committee considered: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) prospective production of each class of oil; (4) total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Conformity with the USDA's ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' has also been reviewed and confirmed.

The establishment of these salable quantities and allotment percentages will allow for anticipated market needs. In determining anticipated market needs, consideration by the Committee was given to historical sales, as well as changes and trends in production and demand. This rule also provides producers with information on the amount of spearmint oil that should be produced for next season in order to meet anticipated market demand.

**Final Regulatory Flexibility Analysis**

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly

or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 8 spearmint oil handlers subject to regulation under the order, and approximately 84 producers of Class 1 (Scotch) spearmint oil and approximately 97 producers of Class 3 (Native) spearmint oil in the regulated production area. Small agricultural service firms are 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 whose annual receipts are less than $750,000.

Based on the SBA's definition of small entities, the Committee estimates that 2 of the 8 handlers regulated by the order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 16 of the 84 Scotch spearmint oil producers and 15 of the 97 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. A typical spearmint oil producing operation has enough acreage for rotation such that the total acreage required to produce the crop is about one-third spearmint and two-thirds rotational crops. Thus, the typical spearmint oil producer has to have considerably more acreage than is planted to spearmint during any given season. Crop rotation is an essential cultural practice in the production of spearmint oil for weed, insect, and disease control. To remain economically viable with the added costs associated with spearmint oil production, most spearmint oil-producing farms fall into the SBA category of large businesses.

This final rule establishes the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle for, producers during the 2004–2005 marketing year. The Committee recommended this rule to help maintain stability in the spearmint oil market by avoiding extreme fluctuations in supplies and prices. Establishing quantities to be purchased or handled during the marketing year through volume regulations allows producers to plan their spearmint planting and harvesting to meet expected market needs. The provisions of §§ 985.50, 985.51, and 985.52 of the order authorize this rule.

Small spearmint oil producers generally are not as extensively diversified as larger ones and as such are more at risk to market fluctuations. Such small producers generally need to market their entire annual crop and do not have the luxury of having other crops to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because income from alternate crops could support the operation for a period of time. Being reasonably assured of a stable price and market provides small producing entities with the ability to maintain proper cash flow and to meet annual expenses. Thus, the market and price stability provided by the order potentially benefit the small producer more than such provisions benefit large producers. Even though a majority of handlers and producers of spearmint oil may not be classified as small entities, the volume control feature of this order has small entity orientation.

Instability in the spearmint oil subsector of the mint industry is much more likely to originate on the supply side than the demand side. Fluctuations in yield and acreage planted from season-to-season tend to be larger than fluctuations in the amount purchased by buyers. Demand for spearmint oil tends to be relatively stable from year-to-year. The demand for spearmint oil is expected to grow slowly for the foreseeable future because the demand for consumer products that use spearmint oil will likely expand slowly, in line with population growth.

Demand for spearmint oil at the farm level is derived from retail demand for spearmint-flavored products at retail such as chewing gum, toothpaste, and mouthwash. The manufacturers of these products are by far the largest users of mint oil. However, spearmint flavoring is generally a very minor component of the products in which it is used, so changes in the raw product price have no impact on retail prices for those goods.

Spearmint oil production tends to be cyclical. Years of large production, with demand remaining reasonably stable, have led to periods in which large producer stocks of unsold spearmint oil have depressed producer prices for a number of years. Shortages and high prices may follow in subsequent years, as producers respond to price signals by cutting back production.

The significant variability is illustrated by the fact that the coefficient of variation (a standard measure of variability; ''CV'') of Far West spearmint oil production from 1980 through 2002 was about 0.24. The CV for spearmint oil prices was about 0.13, well below the CV for production. This provides an indication of the price stabilizing impact of the marketing order.

Production in the shortest marketing year was about 49 percent of the 23-year average (1,870,783 pounds from 1980 through 2002) and the largest crop was approximately 165 percent of the 23-year average. A key consequence is that in years of oversupply and low prices, the season average producer price of spearmint oil is below the average cost of production (as measured by the Washington State University Cooperative Extension Service).

The wide fluctuations in supply and prices that result from this cycle, which was even more pronounced before the creation of the marketing order, can create liquidity problems for some producers. The marketing order was designed to reduce the price impacts of the cyclical swings in production. However, producers have been less able to weather these cycles in recent years because of the decline in prices of many of the alternative crops they grow. As noted earlier, almost all spearmint oil producers diversify by growing other crops.

In an effort to stabilize prices, the spearmint oil industry uses the volume control mechanisms authorized under the order. This authority allows the Committee to recommend a salable quantity and allotment percentage for each class of oil for the upcoming marketing year. The salable quantity for each class of oil is the total volume of oil that producers may sell during the marketing year. The allotment percentage for each class of spearmint oil is derived by dividing the salable quantity by the total allotment base.

Each producer is then issued an annual allotment certificate, in pounds, for the applicable class of oil, which is calculated by multiplying the producer's allotment base by the applicable allotment percentage. This is the amount of oil for the applicable class that the producer can sell.

By November 1 of each year, the Committee identifies any oil that individual producers have produced above the volume specified on their annual allotment certificates. This

excess oil is placed in a reserve pool administered by the Committee.

There is a reserve pool for each class of oil that may not be sold during the current marketing year unless the Secretary approves a Committee recommendation to make a portion of the pool available. However, limited quantities of reserve oil are typically sold to fill deficiencies. A deficiency occurs when on-farm production is less than a producer's allotment. In that case, a producer's own reserve oil can be sold to fill that deficiency. Excess production (higher than the producer's allotment) can be sold to fill other producers' deficiencies.

In any given year, the total available supply of spearmint oil is composed of current production plus carry-over stocks from the previous crop. The Committee seeks to maintain market stability by balancing supply and demand, and to close the marketing year with an appropriate level of carryout. If the industry has production in excess of the salable quantity, then the reserve pool absorbs the surplus quantity of spearmint oil, which goes unsold during that year, unless the oil is needed for unanticipated sales.

Under its provisions, the order may attempt to stabilize prices by (1) limiting supply and establishing reserves in high production years, thus minimizing the price-depressing effect that excess producer stocks have on unsold spearmint oil, and (2) ensuring that stocks are available in short supply years when prices would otherwise increase dramatically. The reserve pool stocks grow in large production years and are drawn down in short marketing years.

An econometric model was used to assess the impact that volume control has on the prices producers receive for their commodity. Without volume control, spearmint oil markets would likely be over-supplied, resulting in low producer prices and a large volume of oil stored and carried over to the next marketing year. The model estimates how much lower producer prices would likely be in the absence of volume controls.

The Committee estimated the available supply during the 2004–2005 marketing year for both classes of oil at 1,940,278 pounds, and that the expected carry-in will be 399,924 pounds. With volume control, sales by producers for the 2004–2005 marketing year should be limited to 1,540,354 pounds (the recommended salable quantity for both classes of spearmint oil).

The recommended salable percentages, upon which 2004–2005 producer allotments are based, are 40 percent for Scotch and 36 percent for Native. Without volume controls, producers would not be limited to these allotment levels, and could produce and sell additional spearmint. The econometric model estimated a $1.71 decline in the season average producer price per pound (from both classes of spearmint oil) resulting from the higher quantities that would be produced and marketed without volume control. The Far West producer price for both classes of spearmint oil was $9.20 for 2002, which is below the average of $10.97 for the period from 1980 through 2002, based on National Agricultural Statistics Service data. The surplus situation for the spearmint oil market that would exist without volume controls in 2004–2005 also would likely dampen prospects for improved producer prices in future years because of the buildup in stocks.

The use of volume controls allows the industry to fully supply spearmint oil markets while avoiding the negative consequences of over-supplying these markets. The use of volume controls is believed to have little or no effect on consumer prices of products containing spearmint oil and will not result in fewer retail sales of such products.

The Committee discussed alternatives to the recommendations contained in this rule for both classes of spearmint oil. The Committee discussed and rejected the idea of recommending that there not be any volume regulation for Scotch spearmint oil because of the severe price-depressing effects that would occur without volume control.

The Committee also considered various alternative levels of volume control for Scotch spearmint oil, including leaving the percentage the same as the current season, increasing the percentage to a less restrictive level, or decreasing the percentage. After considerable discussion the Committee unanimously supported decreasing the percentage to 40 percent.

The Committee discussed and rejected the idea of recommending that there not be any volume regulation for Native spearmint oil. The immediate result would be to put an excessive amount of Native reserve pool oil on the market, causing depressed prices at the producer level. With the current price for Native spearmint oil lower than the 10-year average, and sales at the lowest level since 1987, the Committee, after considerable discussion, determined that 773,474 pounds and 36 percent would be the most effective salable quantity and allotment percentage, respectively, for the 2004–2005 marketing year. The dissenting Committee member felt that the recommended allotment percentage should have been lower, since the recommended salable quantity will likely be too high for market conditions, since demand has been flat.

As noted earlier, the Committee's recommendation to establish salable quantities and allotment percentages for both classes of spearmint oil was made after careful consideration of all available information, including: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Based on its review, the Committee believes that the salable quantity and allotment percentage levels recommended would achieve the objectives sought.

Without any regulations in effect, the Committee believes the industry would return to the pronounced cyclical price patterns that occurred prior to the order, and that prices in 2004–2005 would decline substantially below current levels.

As stated earlier, the Committee believes that the order has contributed extensively to the stabilization of producer prices, which prior to 1980 experienced wide fluctuations from year-to-year. National Agricultural Statistics Service records show that the average price paid for both classes of spearmint oil ranged from $4.00 per pound to $11.10 per pound during the period between 1968 and 1980. Prices have been consistently more stable since the marketing order's inception in 1980, with an average price of $13.04 per pound for Scotch spearmint oil (1980–2002) and $9.88 per pound for Native spearmint oil.

During the period of 1999 through 2002, however, large global production and carry-in inventories have contributed to prices below the 23-year average, despite the Committee's efforts to balance available supplies with demand. Prices have ranged from $8.00 to $10.00 per pound for Scotch spearmint oil and between $9.10 to $9.20 per pound for Native spearmint oil.

According to the Committee, the recommended salable quantities and

allotment percentages are expected to achieve the goals of market and price stability.

As previously stated, annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the order's inception. Reporting and recordkeeping requirements have remained the same for each year of regulation. These requirements have been approved by the Office of Management and Budget under OMB Control No. 0581–0065. Accordingly, this rule will not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers and handlers. All reports and forms associated with this program are reviewed periodically in order to avoid unnecessary and duplicative information collection by industry and public sector agencies. The USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

The Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the October 8, 2003, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses.

A proposed rule concerning this action was published in the **Federal Register** on January 23, 2004 (69 FR 3272). Copies of the rule were provided to Committee staff, which in turn made it available to spearmint oil producers, handlers, and other interested persons. Finally, the rule was made available through the Internet by the Office of the Federal Register and USDA. A 30-day comment period ending February 23, 2004, was provided to allow interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

**List of Subjects in 7 CFR Part 985**

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

■ For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

## PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

■ 1. The authority citation for 7 CFR part 985 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. A new § 985.223 is added to read as follows:

[**Note:** This section will not appear in the Code of Federal Regulations.]

**§ 985.223 Salable quantities and allotment percentages—2004–2005 marketing year.**

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2004, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 766,880 pounds and an allotment percentage of 40 percent.

(b) Class 3 (Native) oil—a salable quantity of 773,474 pounds and an allotment percentage of 36 percent.

Dated: March 15, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04–6324 Filed 3–19–04; 8:45 am]

BILLING CODE 3410–02–P

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 9 CFR Part 77

**[Docket No. 03–072–2]**

### Tuberculosis in Cattle and Bison; State and Zone Designations; Delay of Compliance Date

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule; delay of compliance date.

**SUMMARY:** When we amended the bovine tuberculosis regulations to classify the States of Texas, California, and New Mexico as modified accredited advanced, we delayed the date for compliance with certain identification requirements in those regulations until September 20, 2003. We subsequently extended that delay in the date for compliance until March 30, 2004. With this action, we are delaying the date for compliance until further notice. (*See* ''Delay in Compliance'' under **SUPPLEMENTARY INFORMATION.**)

**DATES:** The date for complying with certain requirements of 9 CFR 77.10 for sexually intact heifers, steers, and spayed heifers moving interstate from the States of Texas, California, and New Mexico is delayed until further notice.

**FOR FURTHER INFORMATION CONTACT:** Dr. Terry Beals, Senior Staff Veterinarian, Eradication and Surveillance Team, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–5467.

**SUPPLEMENTARY INFORMATION:**

### Background

Federal regulations implementing the National Cooperative State/Federal Bovine Tuberculosis Eradication Program are contained in 9 CFR part 77, ''Tuberculosis'' (referred to below as the regulations), and in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (UMR), which is incorporated by reference into the regulations. The regulations restrict the interstate movement of cattle, bison, and captive cervids to prevent the spread of tuberculosis. Subpart B of the regulations contains requirements for the interstate movement of cattle and bison not known to be infected with or exposed to tuberculosis. The interstate movement requirements depend upon whether the animals are moved from an accredited-free State or zone, modified accredited advanced State or zone, modified accredited State or zone, accreditation preparatory State or zone, or nonaccredited State or zone.

Under the regulations in § 77.10, cattle and bison that originate in a modified accredited advanced State or zone and that are not known to be infected with or exposed to tuberculosis must meet certain identification, certification, and testing requirements prior to being moved interstate.

### Delay in Compliance

We recently published several interim rules that amended the regulations by changing the classification of the States of Texas, California, and New Mexico from accredited free to modified accredited advanced and that delayed compliance with certain provisions of § 77.10 until September 30, 2003. The interim rule that amended the classification of Texas was effective June 3, 2002, and published in the

**Federal Register** on June 6, 2002 (67 FR 38841–38844, Docket No. 02–021–1); in a document published in the **Federal Register** on December 31, 2002, the compliance date for certain provisions of § 77.10 was extended from January 1, 2003, to September 30, 2003 (67 FR 79836–79837, Docket No. 02–021–3). The interim rule that amended the classification of California was effective and published in the **Federal Register** on April 25, 2003 (68 FR 20333–20336, Docket No. 03–005–1). The interim rule that amended the classification of New Mexico was effective and published in the **Federal Register** on July 24, 2003 (68 FR 43618–43621, Docket No. 03–044–1). Finally, in a document published in the **Federal Register** on August 8, 2003 (68 FR 47201–47202, Docket No. 03–072–1), we extended the delay in the date for compliance until March 30, 2004.

The specific provisions of § 77.10 that have a delayed compliance date are:

- The identification of sexually intact heifers moving to approved feedlots and steers and spayed heifers moving to any destination (§ 77.10(b));
- The identification requirements for sexually intact heifers moving to feedlots that are not approved feedlots (§ 77.10(d)); and
- Because identification is required for certification, the certification requirements for sexually intact heifers moving to unapproved feedlots (§ 77.10(d)).

Initially, we delayed the compliance with these requirements for the State of Texas for two reasons. First, the size of the cattle industry in Texas necessitated additional time to implement the identification requirements of the regulations. Second, some cattle that had begun moving through channels prior to the change in Texas' tuberculosis status would not have been identified at their premises of origin. In addition, we subsequently delayed the compliance date in response to comments received on the interim rule that classified Texas as modified accredited advanced and that also solicited comments on the current regulatory provisions of the domestic bovine tuberculosis eradication program. The compliance date was delayed for California and New Mexico to provide equitable treatment for producers in California and New Mexico.

Based on the comments that we received on the interim rule for Texas, it appears that the tuberculosis risk associated with the movement of nonbreeding cattle from modified accredited advanced States or zones through feeder channels to slaughter is low and that identification requirements for certain cattle destined for slaughter may be unnecessary. We are developing a proposed rule to amend the regulations as a result of those comments; in order to provide time for that rulemaking to proceed, we are further delaying the date for compliance with the identification and certification requirements of § 77.10(b) and (d) for nonbreeding cattle from the States of Texas, California, and New Mexico, until further notice. As stated in the interim rule for Texas, this delay in compliance does not apply to the movement of cattle from the former modified accredited advanced zone in El Paso and Hudspeth Counties, TX.

**Authority:** 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 16th day of March, 2004.

**Kevin Shea,**

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

[FR Doc. 04–6326 Filed 3–19–04; 8:45 am]

BILLING CODE 3410–34–P

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 240

### General Rules and Regulations, Securities Exchange Act of 1934

*CFR Correction*

In Title 17 of the Code of Federal Regulations, Part 240 to End, revised as of April, 1, 2003, § 240.17Ad–17 is corrected by revising paragraph (a)(3)(ii) to read as follows:

**§ 240.17Ad–17 Transfer agents' obligation to search for lost securityholders.**

(a) * * *

(3) * * *

(ii) The aggregate value of assets listed in the lost securityholder's account, including all dividend, interest, and other payments due to the lost securityholder and all securities owned by the lost securityholder as recorded in the transfer agent's master securityholder files, is less that $25; or

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[FR Doc. 04–55503 Filed 3–19–04; 8:45 am]

BILLING CODE 1505–01–D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 520

### Oral Dosage Form New Animal Drugs; Omeprazole Paste

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Merial Ltd. The NADA provides for oral administration of omeprazole paste to horses for the prevention of gastric ulcers.

**DATES:** This rule is effective March 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540, e-mail: *mberson@cvm.fda.gov*.

**SUPPLEMENTARY INFORMATION:** Merial Ltd., 3239 Satellite Blvd., Bldg. 500, Duluth, GA 30096–4640, filed NADA 141–227 for ULCERGARD (omeprazole) Paste. The application provides for oral use of omeprazole paste in horses for the prevention of gastric ulcers. The NADA is approved as of February 18, 2004, and the regulations are amended in 21 CFR 520.1615 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval qualifies for 3 years of marketing exclusivity beginning February 18, 2004.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment

nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

**List of Subjects in 21 CFR Part 520**

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

## PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

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

■ 2. Section 520.1615 is revised to read as follows:

### § 520.1615 Omeprazole.

(a) *Specifications*. Each gram of paste contains 0.37 gram omeprazole.

(b) *Sponsor*. See No. 050604 in § 510.600(c) of this chapter.

(c) *Special considerations*. When labeled for use as in paragraph (d)(2)(i) of this section, product labeling shall bear: ''Federal law restricts this drug to use by or on the order of a licensed veterinarian.''

(d) *Conditions of use in horses*—(1) *Amount*—(i) For treatment of gastric ulcers, 1.8 milligrams per pound (mg/lb) of body weight (4 milligrams per kilogram (mg/kg)) once daily for 4 weeks. For prevention of recurrence of gastric ulcers, 0.9 mg/lb of body weight (2 mg/kg) once daily for at least an additional 4 weeks.

(ii) For prevention of gastric ulcers using the premarked syringe, one dose per day for up to 28 days. Each dose delivers at least 1 mg/kg of body weight. Horses over 1,200 lb body weight should receive two doses per day.

(2) *Indications for use.* (i) For treatment and prevention of recurrence of gastric ulcers in horses and foals 4 weeks of age and older.

(ii) For prevention of gastric ulcers in horses.

(3) *Limitations*. Do not use in horses intended for human consumption.

Dated: March 11, 2004.

**Linda Tollefson,**

*Deputy Director, Center for Veterinary Medicine.*

[FR Doc. 04–6248 Filed 3–19–04; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Part 520

## Oral Dosage Form New Animal Drugs; Lincomycin Hydrochloride and Spectinomycin Soluble Powder

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

**ACTION:** Final rule, technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Phoenix Scientific, Inc. The ANADA provides for oral use of lincomycin and spectinomycin soluble powder to make medicated drinking water for administration to chickens up to 7 days of age as an aid in the control of several bacterial respiratory diseases.

**DATES:** This rule is effective March 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Lonnie W. Luther, Center for Veterinary Medicine (HFV–104), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855; tel: 301–827–8549; e-mail: *lluther@cvm.fda.gov*.

**SUPPLEMENTARY INFORMATION:** Phoenix Scientific, Inc., 3915 South 48th St. Terrace, St. Joseph, MO 64503, filed ANADA 200–345 for Lincomycin-Spectinomycin (lincomycin hydrochloride monohydrate/ spectinomycin dihydrochloride pentahydrate) Water Soluble Powder. The application provides for oral use of lincomycin and spectinomycin soluble powder to make medicated drinking water for administration to chickens up to 7 days of age as an aid in the control of airsacculitis caused by either *Mycoplasma synoviae* or *Mycoplasma gallisepticum* susceptible to lincomycin-spectinomycin and complicated chronic respiratory disease (air sac infection) caused by *Escherichia coli* and *M. gallisepticum* susceptible to lincomycin-spectinomycin. Phoenix Scientific's Lincomycin-Spectinomycin Water Soluble Powder is approved as a generic copy of Pharmacia & Upjohn's L-S 50 (lincomycin hydrochloride monohydrate/ spectinomycin sulfate tetrahydrate) Water Soluble Powder, approved under NADA 46 109. ANADA 200 345 is approved as of February 5, 2004, and the regulations are amended in part 520 (21 CFR part 520) by removing § 520.1263b and by adding § 520.1265 to reflect the approval and a current format. The basis of approval is discussed in the freedom of information summary.

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

FDA has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to congressional review requirements in 5 U.S.C. 801–808.

**List of Subjects in 21 CFR Part 520**

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

## PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

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

### § 520.1263b [Removed and Reserved]

■ 2. Section 520.1263b is removed and reserved.

■ 3. Section 520.1265 is added to read as follows:

### § 520.1265 Lincomycin and spectinomycin soluble powder.

(a) *Specifications*. The following salts of lincomycin and spectinomycin are present in a soluble powder in the ratio of 1 to 2 on the basis of equivalency of lincomycin base to equivalency of spectinomycin base:

(1) Lincomycin hydrochloride monohydrate and spectinomycin sulfate tetrahydrate.

(2) Lincomycin hydrochloride monohydrate and spectinomycin dihydrochloride pentahydrate.

(b) *Sponsors*. See sponsors in § 510.600(c) of this chapter for use as in paragraph (d) of this section.

(1) No. 000009 for use of product described in paragraph (a)(1) of this section.

(2) No. 059130 for use of product described in paragraph (a)(2) of this section.

(c) *Tolerances*. See §§ 556.360 and 556.600 of this chapter.

(d) *Conditions of use in chickens*—(1) *Amount*. 2 grams of antibiotic activity per gallon of drinking water; administer as the sole source of water for the first 5 to 7 days of life.

(2) *Indications for use*. As an aid in the control of airsacculitis caused by either *Mycoplasma synoviae* or *M. gallisepticum* susceptible to lincomycin-spectinomycin and complicated chronic respiratory disease (air sac infection) caused by *Escherichia coli* and *M. gallisepticum* susceptible to lincomycin-spectinomycin.

Dated: March 11, 2004.

**Linda Tollefson,**

*Deputy Director, Center for Veterinary Medicine.*

[FR Doc. 04–6249 Filed 3–19–04; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 558

### New Animal Drugs for Use in Animal Feeds; Semduramicin, Virginiamycin, and Roxarsone

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Phibro Animal Health. The NADA provides for the use of approved, single-ingredient Type A medicated articles containing semduramicin, virginiamycin, and roxarsone to formulate three-way combination drug Type C medicated feeds for broiler chickens.

**DATES:** This rule is effective March 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Janis R. Messenheimer, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7578, e-mail: *jmessenh@cvm.fda.gov*.

**SUPPLEMENTARY INFORMATION:** Phibro Animal Health, 710 Rte. 46 East, suite 401, Fairfield, NJ 07004, filed NADA 141–226 that provides for the use of AVIAX (semduramicin sodium), STAFAC (virginiamycin), and 3–NITRO (roxarsone) Type A medicated articles to formulate three-way combination drug Type C medicated feeds for broiler chickens. The Type C medicated feeds contain 22.7 grams per ton (g/ton) semduramicin, 20 g/ton virginiamycin, and 22.7 to 45.4 g/ton roxarsone, and are used for the prevention of coccidiosis caused by *Eimeria acervulina*, *E. brunetti*, *E. maxima*, *E. mivati/E. mitis*, *E. necatrix*, and *E. tenella*; for prevention of necrotic enteritis caused by *Clostridium perfringens* susceptible to virginiamycin; and for increased rate of weight gain, improved feed efficiency, and improved pigmentation in broiler chickens. The application is approved as of February 23, 2004, and the regulations are amended in 21 CFR 558.555 and 558.635 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

The agency has determined under 21 CFR 25.33(a)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

### List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

## PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 1. The authority citation for 21 CFR part 558 continues to read as follows:

**Authority:** 21 U.S.C. 360b, 371.

■ 2. Section 558.555 is amended by adding paragraph (d)(8) to read as follows:

**§ 558.555 Semduramicin.**

* * * * *

(d) * * *

(8) *Amount*. Semduramicin 22.7 grams with virginiamycin 20 grams and roxarsone 22.7 to 45.4 grams/ton.

(i) *Indications for use*. For the prevention of coccidiosis caused by *Eimeria tenella*, *E. acervulina*, *E. maxima*, *E. brunetti*, *E. necatrix*, and *E. mivati/mitis*; for prevention of necrotic enteritis caused by *Clostridium perfringens* susceptible to virginiamycin; and for increased rate of weight gain, improved feed efficiency, and improved pigmentation.

(ii) *Limitations*. Feed continuously as sole ration throughout growing period. Withdraw 5 days before slaughter. For broiler chickens only. Do not feed to laying hens. Use as sole source of organic arsenic. Poultry should have access to drinking water at all times. Drug overdose or lack of water may result in leg weakness. Roxarsone provided by No. 046573; semduramicin and virginiamycin provided by No. 066104 in § 510.600(c) of this chapter.

■ 3. Section 558.635 is amended by revising paragraph (d)(4)(vii) to read as follows:

**§ 558.635 Virginiamycin.**

* * * * *

(d) * * *

(4) * * *

(vii) Semduramicin alone or with roxarsone as in § 558.555.

Dated: March 11, 2004.

**Linda Tollefson,**

*Deputy Director, Center for Veterinary Medicine.*

[FR Doc. 04–6247 Filed 3–19–04; 8:45 am]

BILLING CODE 4160–01–S

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[IN158–1a; FRL–7626–7]**

### Approval and Promulgation of Implementation Plans; Indiana

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency is approving revisions to particulate matter ($PM_{10}$) emissions regulations for U.S. Steel-Gary Works and U.S. Steel-Gary Coke Operations, located in Lake County, Indiana. The

Indiana Department of Environmental Management (IDEM) requested on June 13, 2003, and supplemented on October 3, 2003, that EPA approve this State Implementation Plan (SIP) revision, as an amendment to 326 Indiana Administrative Code (IAC) 6–1–10.1 and 326 IAC 6–1–10.2. The revisions to the rules reflect the closure of certain emission units, the addition of new emission units, and the installation of new control systems. These changes should result in decreased $PM_{10}$ emissions of approximately 350 tons per year (tpy). EPA is approving this request because it satisfies the requirements of the Clean Air Act (Act).

**DATES:** This rule is effective on May 21, 2004, unless EPA receives adverse written comments by April 21, 2004. If EPA receives adverse comments, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** You may inspect copies of the documents relevant to this action during normal business hours at the following location: Criteria Pollution Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Christos Panos at (312) 353–8328 before visiting the Region 5 office.

Send written comments to: J. Elmer Bortzer, Acting Chief, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Comments may also be submitted electronically or through hand delivery/courier, please follow the detailed instructions described in Part(I)(B)(1)(i) through (iii) of the Supplementary Information section.

**FOR FURTHER INFORMATION CONTACT:** Christos Panos, Environmental Engineer, Criteria Pollution Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328. *panos.christos@epa.gov*

**SUPPLEMENTARY INFORMATION:**

This Supplementary Information section is organized as follows:

I. General Information
II. Review of State Implementation Plan Revision
1. What Is EPA Approving?
2. Why Did the State Revise its Rules?
3. What Is EPA's Analysis of the State's Submittal?
4. Did Indiana Hold a Public Hearing?
III. What Action Is EPA Taking?
IV. Is this Action Final, or May I Submit Comments?
V. Statutory and Executive Order Reviews.

## I. General Information

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

1. The Regional Office has established an official public rulemaking file available for inspection at the Regional Office. EPA has established an official public rulemaking file for this action under ''Region 5 Air Docket IN158''. The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public viewing at the Air Programs Branch, Air and Radiation Division, EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. EPA requests that if at all possible, you contact the contact listed in the For Further Information Contact section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

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

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

### *B. How and To Whom Do I Submit Comments?*

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text ''Public comment on proposed rulemaking Region 5 Air Docket IN158'' in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

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

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to *bortzer.jay@epa.gov*. Please include the text ''Public comment on proposed rulemaking Region 5 Air Docket IN158'' in the subject line. EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

ii. *Regulations.gov.* Your use of Regulations.gov is an alternative method of submitting electronic comments to EPA. Go directly to Regulations.gov at *http://www.regulations.gov*, then click on the button ''TO SEARCH FOR REGULATIONS CLICK HERE'', and select Environmental Protection Agency as the Agency name to search on. The list of current EPA actions available for

comment will be listed. Please follow the online instructions for submitting comments. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

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

2. *By Mail.* Send your comments to: J. Elmer Bortzer, Acting Chief, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please include the text ''Public comment on proposed rulemaking Region 5 Air Docket IN158'' in the subject line on the first page of your comment.

3. *By Hand Delivery or Courier.* Deliver your comments to: J. Elmer Bortzer, Acting Chief, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, 18th floor, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

*C. How Should I Submit CBI to the Agency?*

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

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

## II. Review of State Implementation Plan Revision

*1. What Is EPA Approving?*

We are approving $PM_{10}$ emissions regulations for U.S. Steel-Gary Works and U.S. Steel-Gary Coke Operations, located in Lake County, Indiana. Specifically, we are approving revisions to 326 IAC 6–1–10.1, Lake County $PM_{10}$ emission requirements, and 326 IAC 6–1–10.2, Lake County $PM_{10}$ coke battery emission requirements, into the Indiana $PM_{10}$ SIP. The revised rules were adopted by the Indiana Air Pollution Control Board on May 7, 2003, and were submitted by IDEM to EPA on June 13, 2003. IDEM submitted a supplement to its submission on October 3, 2003 indicating that the revised rules became effective September 5, 2003 and were published in the Indiana Register on October 1, 2003.

*2. Why Did the State Revise its Rules?*

In the June 13, 2003 submission, IDEM requested that EPA approve revisions to regulation 326 IAC 6–1–10.1 that are specific to U.S. Steel's integrated steel-making operations in Gary, Indiana. The rule revisions address changes to 54 emission points that have occurred at the plant since the previous rule had become effective in 1993. Many of the changes, which substantially decrease $PM_{10}$ emissions, were the result of a March 22, 1996 Agreed Order entered into by IDEM and U.S. Steel. These revisions reflect the closure of 16 sources and the addition of 11 sources, resulting in an overall decrease in $PM_{10}$ emissions of approximately 350 tpy.

IDEM has also requested that EPA approve revisions to regulation 326 IAC 6–1–10.2 that are specific to U.S. Steel—Gary Coke Operations. The monitoring and reporting requirements in 326 IAC 6–1–10.2 had been specifically promulgated for the use of process water in the coke quench water system. In accordance with the March 22, 1996 Agreed Order, U.S. Steel began using lake water in the coke quench water system and ceased using process water. Initially, IDEM granted U.S. Steel a one-year variance from the monitoring and reporting requirements of 326 IAC 6–1–10.2 on April 19, 2002. IDEM granted a one-year extension to the variance on April 1, 2003. The revisions to the rule eliminate the need for annually renewing the variance by removing the former monitoring and reporting requirements for the use of process water since they are no longer necessary.

*3. What Is EPA's Analysis of the State's Submittal?*

Based on the rule revisions, an air quality modeling analysis of $PM_{10}$ concentrations attributable to U.S. Steel and other Lake County sources was conducted using the Industrial Source Complex-Short Term model, Version 3 (ISCST3). This model is currently listed in EPA's Guideline on Air Quality Models (40 CFR part 51, Appendix W) as the recommended model for this kind of application. The model was set up to calculate predicted concentrations using the required regulatory default options. Building dimensions were considered in the analysis for downwash purposes. The building coordinates were determined using EPA's Building Profile Input Program (BPIP) and included in ISCST3. The analysis used surface weather conditions from the Hammond on-site tower combined with the mixing heights of Peoria and Lincoln, Illinois for the years 1991–1995.

The entire Lake County $PM_{10}$ inventory was modeled. IDEM used an updated inventory for U.S. Steel that includes fugitive dust emissions from the plant area, roadways, storage piles and material handling activities, and an update of emission sources due to the removal, replacement or installation of equipment. Background $PM_{10}$ concentrations, based on average daily wind direction, were added to the predicted $PM_{10}$ values for comparison to the National Ambient Air Quality Standards (NAAQS). IDEM did not identify any modeled exceedances at receptors placed in ambient locations.

EPA believes the modeling analysis submitted by IDEM satisfies the Act and applicable guidance. Results from the ISCST3 modeling indicate that the impacts from the rule revision do not cause any exceedances of the $PM_{10}$ NAAQS. EPA, therefore, concurs with IDEM that the requested SIP revision should continue to protect air quality in the area.

The revisions to regulation 326 IAC 6–1–10.2 make permanent the portion of the variance concerning quench water testing. These revisions retain the quench water SIP limit of 1500 milligrams per liter of dissolved solids, but eliminate the monitoring and reporting requirements and testing procedures which had been tailored for testing the quality of quench water that includes process water. U.S. Steel switched to the use of lake water in the coke quenching process in 1999. The removal of process water from the quench water system, as previously

discussed, eliminates the unique circumstances that resulted in the specialized monitoring and reporting requirements in 326 IAC 6–1–10.2. U.S. Steel is now subject to the same monitoring and reporting requirements as other coke quenching operations in Indiana that use lake water.

The test methods for quench water are found in Indiana rule 326 IAC 6–6–2(i). Monitoring and reporting will be handled in accordance with the continuous compliance plan requirements in Indiana rule 326 IAC 6–1–10.1(1). Further, the national emission standards for hazardous air pollutants (NESHAP) for coke ovens found in 40 CFR 63 subpart CCCCC (promulgated April 14, 2003, at 68 FR 18007), identify the requirements for new and existing coke oven batteries. The coke oven NESHAP includes appropriate test methods and monitoring and reporting requirements. Indiana has confirmed that Method 2540D, Total Suspended Solids Dried at 103–105 C, from *Standard Methods for the Examination of Water and Wastewater*, 20th Edition, shall be used in any test of compliance with the quench water quality limits in 326 IAC 6–1–10.2 and 326 IAC 6–6–2. Method 2540D is an equivalent method to the test methods contained in 40 CFR 63 subpart CCCCC.

In summary, Indiana's rule revisions replace a test method tailored to previous circumstances at U.S. Steel with a more generally applicable and equally acceptable test method. Indiana has eliminated provisions requiring a specific schedule of periodic testing but continues to provide for State and Federal authority to require tests at any time, thus providing adequate authority for the State and EPA to assess ongoing compliance status.

*4. Did Indiana Hold a Public Hearing?*

Two public hearings before the State of Indiana Air Pollution Control Board were held on the rule revisions. One comment was made at the first public hearing on February 5, 2003 in support of the rule revisions. There were no comments made at the second public hearing held on May 7, 2003.

## III. What Action Is EPA Taking?

EPA is approving revisions to 326 IAC 6–1–10.1, the $PM_{10}$ emission requirements for Lake County, Indiana, and 326 IAC 6–1–10.2, the $PM_{10}$ coke battery emission requirements for Lake County, Indiana. The state submitted this SIP revision on June 13, 2003, with a supplement submitted on October 3, 2003. The revisions to the rules amend the $PM_{10}$ emission limits at U.S. Steel-Gary Works and U.S. Steel-Gary Coke Operations. The $PM_{10}$ modeling analysis provides for maintenance of the $PM_{10}$ NAAQS, therefore demonstrating that the air quality of Lake County, Indiana should be protected.

## IV. Is this Action Final, or May I Submit Comments?

EPA is publishing this action without prior proposal, because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision. Should EPA receive adverse written comments by April 21, 2004, we will withdraw this direct final rule and respond to any comments in a final action. If EPA does not receive adverse comments, this action will be effective without further notice. Any parties interested in commenting on this action should do so at this time. If we do not receive comments, this action will be effective on May 21, 2004.

## V. Statutory and Executive Order Reviews

*Executive Order 12866: Regulatory Planning and Review*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget.

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

For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

*Regulatory Flexibility Act*

This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

*Unfunded Mandates Reform Act*

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

*Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

*Executive Order 13132: Federalism*

This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

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

This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

*National Technology Transfer Advancement Act*

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

*Paperwork Reduction Act*

This rule does not impose an information collection burden under the

provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

*Congressional Review Act*

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 6, 2004.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

■ Title 40 of the Code of Federal Regulations, chapter I, part 52, is amended as follows:

## PART 52—[AMENDED]

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

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

■ 2. Section 52.770 is amended by adding paragraph (c)(164) to read as follows:

**§ 52.770 Identification of plan.**

* * * * *

(c) * * *

(164) On June 13, 2003, and as supplemented on October 3, 2003, Indiana submitted a State Implementation Plan (SIP) revision for the control of emissions of particulate matter ($PM_{10}$) in the state of Indiana. Revisions to 326 IAC 6–1–10.1 and 326 IAC 6–1–10.2 amend the $PM_{10}$ emission limits at U.S. Steel-Gary Works and U.S. Steel-Gary Coke Operations, located in Lake County, Indiana, and should result in decreased $PM_{10}$ emissions of approximately 350 tons per year.

(i) Incorporation by reference. The following sections of the Indiana Administrative Code are incorporated by reference.

(A) Amendments to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Non-attainment Area Limitations, Section 10.1: Lake County $PM_{10}$ emission requirements. Filed with the Secretary of State on August 6, 2003 and effective on September 5, 2003. Published at Indiana Register, Volume 27, Number 1, October 1, 2003 (27 IR 61).

(B) Amendments to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Non-attainment Area Limitations, Section 10.2: Lake County $PM_{10}$ coke battery emission requirements. Filed with the Secretary of State on August 6, 2003 and effective on September 5, 2003. Published at Indiana Register, Volume 27, Number 1, October 1, 2003 (27 IR 85).

[FR Doc. 04–6214 Filed 3–19–04; 8:45 am]

BILLING CODE 6214–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[CA287–0428a; FRL–7628–3]**

## Revisions to the California State Implementation Plan, South Coast Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) and ammonia emissions from composting and related activities. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on May 21, 2004 without further notice, unless EPA receives adverse comments by April 21, 2004. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

**ADDRESSES:** Send comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, or e-mail to *steckel.andrew@epa.gov,* or submit comments at *http://www.regulations.gov.*

You can inspect copies of the submitted SIP revisions, EPA's technical support documents (TSDs), and public comments at our Region IX office during normal business hours by appointment. You may also see copies of the submitted SIP revisions by appointment at the following locations:

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B–102, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460;

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814; and,

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765–4182.

A copy of the rule may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm.* Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:** Jerald S. Wamsley, EPA Region IX, at either (415) 947–4111, or *wamsley.jerry@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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### I. The State's Submittal

*A. What Rules Did the State Submit?*

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

| Local agency | Rule # | Rule title | Adopted | Submitted |
|---|---|---|---|---|
| SCAQMD | 1133 | Composting and Related Operations—General Administrative Requirements. | 01/10/03 | 06/05/03 |
| SCAQMD | 1133.1 | Chipping and Grinding Activities | 01/10/03 | 06/05/03 |
| SCAQMD | 1133.2 | Emission Reductions from Co-Composting Operations | 01/10/03 | 06/05/03 |

On July 18, 2003, EPA found these rule submittals met the completeness criteria in 40 CFR part 51, appendix V. These criteria must be met before formal EPA review can begin.

*B. Are There Other Versions of These Rules?*

There are no previous versions of Rules 1133, 1133.1 and 1133.2 in the SIP.

*C. What Is the Purpose of the Submitted Rules?*

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Also, ammonia combines with other compounds, usually oxides of nitrogen, to form particulate matter. Section 110(a) of the CAA requires states to submit regulations that control VOC and particulate matter emissions.

Rule 1133 is an administrative rule that requires composting, chipping, and/or grinding facilities to register with the District. These facilities provide information such as types and amounts of feedstocks produced, and a description of the processes used at the facility. This information is updated annually. Rule 1133 includes the following provisions:

—Purpose and applicability;
—definitions of terms used within the rule;
—registration requirements;
—registration process;
—fees; and,
—exemptions from the rule.

Rule 1133.1 establishes holding or processing time requirements for green waste and food waste chipping and grinding activities. The rule's objective is to prevent inadvertent decomposition caused by stockpiling of composting waste for extended time periods. Rule 1133.1 includes the following provisions:

—Purpose and applicability;
—definitions of terms used within the rule;
—emission reduction requirements;
—registration process;
—fees; and,
—exemptions from the rule.

Rule 1133.2 establishes control requirements for new and existing co-composting operations. Facilities may comply with the rule via two options. First, a facility can enclose and forced air aerate its compost curing operations; then, it directs all volatile organic compound (VOC) and ammonia emissions to an emission control device that reduces emissions by 80 percent. In the second option, as part of a compliance plan review process, a new co-composting facility may use any combination of composting methods and emission controls, such as add-on control devices, process controls, or best management practices, to meet an 80 percent emission reduction. Existing facilities may use a similar process to meet a 70 emission reduction requirement. All compliance options require source testing to verify compliance with the rule's requirements. SCAQMD's Rule 1133.2 includes the following provisions:

—Purpose and applicability;
—definitions of terms used within the rule;
—emission reduction requirements;
—compliance plan requirements;
—compliance schedules;
—test methods and protocols for determining compliance;
—recordkeeping requirements;
—plan fees; and,
—exemptions from the rule.

The TSD has more information about these rules.

## II. EPA's Evaluation and Action

*A. How Is EPA Evaluating the Rules?*

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (see section 182(a)(2)(A)), and must not relax existing requirements (see sections 110(l) and 193). The SCAQMD regulates an ozone nonattainment area (see 40 CFR part 81), so Rules 1133, 1133.1, and 1133.2 must fulfill RACT.

Guidance and policy documents that we used to help evaluate specific enforceability and RACT requirements consistently include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook).

3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

*B. Do the Rules Meet the Evaluation Criteria?*

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSD has more information on our evaluation.

*C. Public Comment and Final Action*

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by April 21, 2004, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on May 21, 2004. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211,

''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Ammonia, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 15, 2004.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

## PART 52—[AMENDED]

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

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

## Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(316)(i)(D) to read as follows:

**§ 52.220 Identification of plan.**

* * * * *

(c) * * *

(316) * * *

(i) * * *

(D) South Coast Air Quality Management District.

(*1*) Rule 1133 adopted on January 10, 2003; Rule 1133.1 adopted on January 10, 2003; and, Rule 1133.2 adopted on January 10, 2003.

* * * * *

[FR Doc. 04–6212 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[R01–OAR–2004–ME–0001; A–1–FRL–7625–3]**

## Approval and Promulgation of Air Quality Implementation Plans; Maine; Approval of State Implementation Plan Revision to PM10 PSD Increments

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maine. This revision establishes maximum allowable increases in particulate matter concentration for the prevention of significant deterioration (PSD) program, where particulate matter is measured as particulates with a mean aerodynamic diameter of 10 microns or less (''PM10''), rather than as total suspended particulates (TSP).

**DATES:** This direct final rule will be effective May 21, 2004, unless EPA receives adverse comments by April 21, 2004. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register**, informing the public that the rule will not take effect.

**ADDRESSES:** Comments may be mailed to Dan Brown, Acting Unit Manager, Air Permits, Toxics, and Indoor Air Programs, Office of Ecosystem Protection (mail code CAP) U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA 02114–2023. Comments also may be submitted electronically or through hand delivery/courier; please follow the detailed instructions described in part (I)(B)(1)(i) through (iv) of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Ian D. Cohen, Air Permits, Toxics, and

Indoor Air Programs Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAP), Boston, MA 02114–2023, (617) 918–1655, *cohen.ian@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. General Information

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

1. *The Regional Office has established an official public rulemaking file available for inspection at the Regional Office.* EPA has established an official public rulemaking file for this action under Regional Material EDocket Number R01–OAR–2004–ME–0001. The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public viewing at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the For Further Information Contact section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal Holidays.

2. *Electronic Access.* An electronic version of the public docket is available through EPA's Regional Material EDocket (RME) system, a part of EPA's electronic docket and comment system. You may access RME at *http://docket.epa.gov/rmepub/index.jsp* to review associated documents and submit comments. Once in the system, select ''quick search,'' then key in the appropriate RME Docket identification number.

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

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

3. *Copies of the State submittal and EPA's technical support document are also available for public inspection during normal business hours, by appointment at the State Air Agency.* The Bureau of Air Quality Control, Department of Environmental Protection, First Floor of the Tyson Building, Augusta Mental Health Institute Complex, Augusta, ME 04333–0017.

### *B. How and to Whom Do I Submit Comments?*

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text ''Public comment on proposed rulemaking R01–OAR–2004–ME–0001'' in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD–ROM you submit, and in any cover letter accompanying the disk or CD–ROM.

This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in Regional Material EDocket. 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. *Regional Material EDocket (RME).* Your use of EPA's Regional Material EDocket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to RME at *http://docket.epa.gov/rmepub/index.jsp,* and follow the online instructions for submitting comments. Once in the RME system, select ''quick search,'' and then key in RME Docket ID Number R01–OAR–2004–ME–0001. 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 electronic mail (e-mail) to *brown.dan@epa.gov*, please include the text ''Public comment on proposed rulemaking R01-OAR–2004-ME–0001'' in the subject line. EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

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

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

2. *By Mail.* Send your comments to: Dan Brown, Acting Unit Manager, Air Permits, Toxics and Indoor Program Unit, Office of Ecosystem Protection (mail code CAP)] U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street,

Suite 1100, Boston, MA 02114–2023. Please include the text ''Public comment on proposed rulemaking R01–OAR–2004–ME–0001'' in the subject line on the first page of your comment.

3. *By Hand Delivery or Courier.* Deliver your comments to: Dan Brown, Acting Unit Manager, Air Permits, Toxics and Indoor Program Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 11th floor, (CAP), Boston, MA 02114–2023. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

*C. How Should I Submit CBI to the Agency?*

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

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

## II. Rulemaking Information

Organization of this document. The following outline is provided to aid in locating information in this preamble.

**Summary of SIP Revision**

*A. What Led to This SIP Revision?*

*B. What Will This SIP Revision Do?*

*C. What Are PSD Increments?*

*D. What PSD Increments Is Maine Adopting?*

*E. Does This Action Affect the Attainment Status of Any Area in Maine?*

*F. Is This Action Affected by the Decision in American Trucking Associations, Inc. v. U.S. EPA?*

**III. Final Action**

**IV. Statutory and Executive Order Reviews**

On August 23, 1996, the State of Maine formally submitted a request to revise its State Implementation Plan (SIP). The SIP revision consists of changes to the Maine Ambient Air Quality Standards at chapter 110 of the Department of Environmental Protection regulations in the Code of Maine Rules (''Chapter 110'').

## Summary of SIP Revision

*A. What Led to This SIP Revision?*

On July 1, 1987, EPA promulgated a new rule (52 FR 24634) regarding the primary (health) and secondary (public welfare) National Ambient Air Quality Standards (NAAQS) for particulate matter (40 CFR 50.6). Under this rule, particulate matter is measured in the ambient air as PM10, or particles with a mean aerodynamic diameter of 10 microns or less, rather than as TSP, for the purposes of determining compliance with the NAAQS for particulate matter. Maine revised Chapter 110 in response to this new rule and submitted the revised Chapter 110 as a SIP revision in October 1989. EPA approved this SIP revision on March 23, 1993 (58 FR 15422), making the PM10 standard in the Maine Ambient Air Quality Standards (MAAQS) program federally enforceable.

On June 3, 1993, EPA promulgated a rule (58 FR 31622) replacing TSP with PM10 as the measure of particulate matter in the prevention of significant deterioration (PSD) program (40 CFR 51.166(c)). On July 24, 1996, Maine again revised Chapter 110 in response to this rule. Maine submitted the revised Chapter 110 as a SIP revision on August 23, 1996. By this final direct rulemaking, EPA is approving this SIP revision, making the PM10 standard in the PSD program federally enforceable.

## B. What Will This SIP Revision Do?

This SIP revision amends section 10 of Chapter 110, which establishes PSD increments, or the maximum increases in concentrations of certain pollutants allowed in areas subject to the PSD program. Before revising Chapter 110 in July 1996, Maine used TSP as the indicator for particulate matter in the PSD program. After revising Chapter 110 on July 24, 1996, Maine began using PM10 to determine compliance with PSD increments as a matter of state law and continued using TSP to determine compliance with PSD increments under its SIP. This direct final rulemaking establishes PM10 as the sole indicator for the PSD program. Maine will continue to use PM10 to determine compliance with the NAAQS and MAAQS for particulate matter.

*C. What Are PSD Increments?*

PSD increments are the maximum increases over a baseline concentration of certain air pollutants that are allowed in attainment areas. The PSD program allows increases in the ambient air concentration of a pollutant in an attainment area as long as the resulting total concentration does not exceed the sum of the baseline and increment. The sum of the baseline and increment is always smaller than concentration established by the NAAQS. Increments differ depending on the classification of an area. Class I areas, typically national parks, have smaller increments than Class II areas, and Class II areas have smaller increments than Class III areas, typically areas with a greater concentration of industry. There are no Class III areas in Maine.

*D. What PSD Increments Is Maine Adopting?*

In adopting revisions to Chapter 110 on July 24, 1996, Maine made its Ambient Air Quality Standards identical to those established at 40 CFR 51.166(c). By this final direct rulemaking, these revisions become part of the SIP and, thereby, federally enforceable. In particular, Class I areas are allowed an annual increment of 4 $\mu g/m^3$ and 24-hour increment of 8 $\mu g/m^3$, Class II areas are allowed an annual increment of 17 $\mu g/m^3$ and 24-hour increment of 30 $\mu g/m^3$, and Class III areas are allowed an annual increment of 34 $\mu g/m^3$ and 24-hour increment of 60 $\mu g/m^3$, where all annual increments are determined using an arithmetic, rather than geometric, annual mean.

*E. Does This Action Affect the Attainment Status of Any Area in Maine?*

No. 40 CFR 81.320 lists the attainment status of all areas in Maine as either ''better than national standards'' or ''cannot be classified'' for both TSP and PM10.

*F. Is This Action Affected by the Decision in American Trucking Associations, Inc. v. U.S. EPA?*

No. This action is not affected by the decision in *American Trucking Associations, Inc.* v. *U.S. EPA,* 175 F.3d 1027 (D.C. Cir.1999), *rev'd on other grounds,* 531 U.S. 457 (2001). The *American Trucking* decision addressed, among other things, the particulate matter rule promulgated by EPA in July 1997 (62 FR 38652) that established a fine particulates NAAQS standard and redefined the PM10 NAAQS. In its decision, the D.C. Circuit Court vacated the redefined PM10 standard, leaving the July 1987 PM10 standard intact. The PM10 standard used in the PSD increments approved by this rulemaking is consistent with the NAAQS PM10 standard left intact by *American Trucking.*

## III. Final Action

EPA is approving the SIP revision submitted by the State of Maine on August 23, 1996. EPA is publishing this action without prior proposal because the Agency views this rulemaking as noncontroversial and anticipates no adverse comments. EPA is publishing in the proposed rules section of this **Federal Register** a separate document containing a proposed rulemaking to approve this SIP. Should relevant adverse comments be filed, they will be considered comments to this separate proposed rulemaking. This direct final rule will be effective May 21, 2004, without further notice unless the Agency receives relevant adverse comments by April 21, 2004.

If EPA receives such comments, it will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 21, 2004, and no further action will be taken on the proposed rule. If EPA receives adverse comments on a section, paragraph, or other portion of this rule that may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2004. Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 5, 2004.

**Robert W. Varney,**

*Regional Administrator, EPA New England.*

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

## PART 52—[AMENDED]

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

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

## Subpart U—Maine

■ 2. Section 52.1020 is amended by adding paragraph (c)(52) to read as follows:

**§ 52.1020 Identification of plan.**

* * * * *

(c) * * *

(52) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 23, 1996.

(i) Incorporation by reference.

(A) Chapter 110 of the Maine Department of Environmental Protection regulations, ''Ambient Air Quality Standards,'' adopted by the Board of Environmental Protection on July 24, 1996, and effective August 6, 1996.

■ 3. In § 52.1031, Table 52.1031 is amended by adding a new entry to existing State citations for Chapter 110, ''Ambient Air Quality Standards,'' to read as follows:

**§ 52.1031 EPA-approved Maine regulations.**

* * * * *

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

| State citation | Title/Subject | Date adopted by State | Date approved by EPA | Federal Register citation | 52.1020 | |
|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * |
| Chapter 110 ..... | Ambient Air Quality Standards. | 7/24/96 | 3/22/04 | [Insert *FR* citation from published date]. | (c)(52) | Adopts PSD increments based on PM10, in place of increments based on TSP |
| * | * | * | * | * | * | * |

**Note.**—1. The regulations are effective statewide unless stated otherwise in comments section.

[FR Doc. 04–6209 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[OH160–1a; FRL–7632–4]**

## Approval and Promulgation of State Implementation Plans; Ohio; Approval of Revision to Oxides of Nitrogen Regulations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** This document approves the change to the start date of flow control from 2006 to 2005 in the Ohio Oxides of Nitrogen ($NO_X$) State Implementation Plan (SIP) Call rule in the Ohio Administrative Code (OAC). Flow control is a limitation on the use of banked allowances for compliance with the requirement to hold allowances which cover emissions from affected units. The limitation would apply in the second year of operation of the budget trading program. EPA is approving the change in the flow control date submitted by Ohio.

**DATES:** This rule is effective on May 21, 2004, unless EPA receives relevant adverse written comments by April 21, 2004. If such adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** You may obtain a copy of the plan revisions at the address below. Please telephone John Paskevicz at (312) 886–6084 if you intend to visit the Region 5 office.

You may inspect copies of the submittal at: Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Comments may also be submitted electronically or through hand delivery/courier, please follow the detailed instructions described in subsection (B)(1)(i) through (iii) of the Supplementary Information section.

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Chicago, Illinois 60604. E–Mail address: *paskevicz.john@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

Throughout this document, the terms ''you'' refer to the reader of this rule and/or to sources subject to the State rule, and the terms ''we,'' ''us,'' or ''our'' refers to EPA.

This **SUPPLEMENTARY INFORMATION** section is organized as follows:

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I. General Information
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E. What public review opportunities did Ohio provide?
IV. EPA Action
V. Statutory and Executive Order Reviews

## I. General Information

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

1. *The Regional Office has established an official public rulemaking file available for inspection at the Regional Office.* EPA has established an official public rulemaking file for this action under ''Region 5 Air Docket OH160.'' The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public

viewing at the Air Programs Branch, Air and Radiation Division, EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. EPA requests that you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

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

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

*B. How and to Whom Do I Submit Comments?*

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text ''Public comment on Direct Final rulemaking Region 5 Air Docket OH160'' in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

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

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to *bortzer.jay@epa.gov.* Please include the text ''Public Comment on Direct Final Rulemaking Region 5 Air Docket OH160'' in the subject line. EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

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

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

2. *By Mail.* Send your comments to: J. Elmer Bortzer, Acting Chief, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please include the text ''Public comment on Direct Final Rulemaking Regional Air Docket OH160'' in the subject line on the first page of your comment.

3. *By Hand Delivery or Courier.* Deliver your comments to: J. Elmer Bortzer, Acting Chief, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, 18th floor, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

*C. How Should I Submit CBI to the Agency?*

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

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

## II. Background

On August 5, 2003, EPA gave conditional approval of the Ohio plan to control oxides of nitrogen from major sources in the State (68 FR 46089). The conditional approval requires Ohio to revise the date of the start of flow control in OAC rule 3745–14–06 from 2006 to 2005. This makes the date consistent with both the requirements in EPA's model rule, and also with the start date of flow control for all other states subject to the $NO_X$ SIP Call. Further information on the subject of flow control in the Ohio rule is available in the direct final rule at 68 FR 46089, dated August 5, 2003.

## III. Summary of the State Submittal

*A. What Sources Are Affected by This Rule Change?*

All sources in Ohio subject to the State $NO_X$ SIP Call rules in OAC

Chapter 3745–14, are affected by this rule revision.

*B. What Criterion Did EPA Use To Judge the Acceptability of This Change?*

EPA's Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans enumerates the requirements of the trading program. Included in these requirements is the date by which the trading program is to be fully implemented, and also a date by which the provision limiting banked emissions (flow control) is to be triggered. These requirements specify that flow control is to be implemented in the second year of the trading program, if necessary. The requirement for flow control to be implemented in the second year is applicable to all States involved in the $NO_X$ Budget Trading Program. Flow control is a limitation on the use of banked allowances for compliance with the requirement to hold allowances which cover emissions from affected units. The limitation would apply in the second year of operation of the budget trading program. The limitation on banked allowances would be applied if the total number of emission reduction credits or banked allowances held by a source subject to the program exceeds ten percent of the sum of the allowable $NO_X$ emissions during the ozone season for all sources in the State subject to the trading program. 40 CFR 51.121(b)(1)(ii) and (2)(ii)(E).

At the time of compliance determination for each ozone season, if the total number of banked emission reduction credits or emission allowances held by a source subject to the trading program exceeds ten percent of the source's allowable $NO_X$ emissions, the source's total banked emission reduction credits used for compliance during the ozone season shall be subject to the reduction technique described in the Ohio rule. The Ohio $NO_X$ trading program begins in 2004, so therefore, the second year of the program is 2005. EPA conditioned the approval of the Ohio program on the change to the flow control date from 2006 to 2005.

*C. What Rule Change Did Ohio Make?*

To satisfy the conditional approval of the Ohio $NO_X$ Budget Trading Program, the State changed the flow control date from 2006 to 2005, found at OAC 3745–14–06(E)(6). Ohio EPA submitted the change as a revision the the SIP on November 26, 2003. This date change is the subject of this action.

*D. Did the Ohio Rule Change Satisfy the Requirement of the Conditional Approval?*

The change in the date for flow control conforms to the requirement of the $NO_X$ Budget Trading Program provision noted above that flow control shall begin, if needed, in the second year of the trading program. Ohio satisfied the condition, and we are approving the change in this action.

*E. What Public Review Opportunities Did Ohio Provide?*

Notice was given and public hearing announced regarding revision to OAC rule 3745–14–06, which regulates the $NO_X$ allowance tracking system. A public hearing was held on September 24, 2003, at 2 p.m. at Ohio EPA offices in Columbus, Ohio. Interested parties were invited to make oral comment and/or provide written comments on the rule revision. The rule was also available for review on the Ohio EPA Web site. Comments were also invited electronically to an address on the Ohio Web site. A transcript of the public hearing was submitted with the revised rule package. There were no comments made at the public hearing, and there were no comments submitted electronically or subsequently in writing.

## IV. EPA Action

EPA is approving the revision submitted by Ohio EPA which changes the application of flow control from 2006 to 2005. In the event we receive written adverse comment, this direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on a proposal published elsewhere in today's **Federal Register.**

## V. Statutory and Executive Order Reviews

*Executive Order 12866: Regulatory Planning and Review*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget.

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

This action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

*Regulatory Flexibility Act*

This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

*Unfunded Mandates Reform Act*

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

*Executive Order 13175: Coordination With Indian Tribal Governments*

This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

*Executive Order 13132: Federalism*

This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

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

This rule is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

*National Technology Transfer and Advancement Act*

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority

to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 *note*) do not apply.

*Paperwork Reduction Act*

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

*Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register.** A major rule cannot take effect until 60 days after it is published in the **Federal Register.** This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective May 21, 2004.

*Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2))

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: February 19, 2004.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

■ For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

## PART 52—[AMENDED]

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

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

## Subpart KK—Ohio

■ 2. Section 52.1870 is amended by adding paragraph (c)(130) to read as follows:

### § 52.1870 Identification of plan.

* * * * *

(c) * * *

(130) On November 26, 2003, the Ohio Environmental Protection Agency submitted revisions to OAC rule 3745–14–06 ($NO_X$ Allowance Tracking System) that changes the flow control date to 2005.

(i) Incorporation by reference.

(A) Amended OAC rule 3745–14–06. Adopted by the Ohio Environmental Protection Agency on November 12, 2003. Effective November 24, 2003.

■ 3. Section 52.1876 is added to read as follows:

### § 52.1876 Control strategy: Nitrogen dioxide.

(a) The condition to EPA's approval of the oxides of nitrogen State Implementation Plan (SIP) codified at 40 CFR 52.1870(c)(128) is satisfied by Ohio's November 26, 2003, submittal of the change to the flow control date in the oxides of nitrogen budget trading SIP.

(b) [Reserved]

[FR Doc. 04–6303 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[CA 287–0416a; FRL–7636–7]**

## Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Yolo-Solano Air Quality Management District (YSAQMD) portion of the California State Implementation Plan (SIP). These revisions concern general provisions and definitions and volatile organic compound (VOC) emissions from adhesive operations. We are approving local rules that clarify other YSAQMD regulations and that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on May 21, 2004, without further notice, unless EPA receives adverse comments by April 21, 2004. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

**ADDRESSES:** Send comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, or e-mail to *steckel.andrew@epa.gov,* or submit comments at *http://www.regulations.gov.*

You can inspect copies of the submitted SIP revisions, EPA's technical support documents (TSDs), and public comments at our Region IX office during normal business hours by appointment. You may also see copies of the submitted SIP revisions by appointment at the following locations:

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B–102, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

Yolo-Solano Air Quality Management District, 1947 Galileo Court, Suite 103, Davis, CA 95616.

A copy of the rule may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm.* Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:** Yvonne Fong, EPA Region IX, (415) 947–4117, *fong.yvonnew@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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B. Do the rules meet the evaluation criteria?
C. EPA recommendations to further improve the rules.
D. Public comment and final action.
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## I. The State's Submittal

### *A. What Rules Did the State Submit?*

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

| Local agency | Rule # | Rule title | Adopted | Submitted |
|---|---|---|---|---|
| YSAQMD | 1.1 | General Provisions and Definitions | 08/13/97 | 07/26/00 |
| YSAQMD | 2.33 | Adhesive Operations | 03/12/03 | 06/05/03 |

On October 4, 2000 and July 18, 2003, the submittals of Rule 1.1 and 2.33, respectively, were found to meet the completeness criteria in 40 CFR Part 51, Appendix V, which must be met before formal EPA review.

### *B. Are There Other Versions of These Rules?*

Submitted Rule 1.1 was intended to replace versions of Rule 1.1, Title, and Rule 1.2, Definitions, that we approved into the SIP on May 31, 1972 (37 FR 10856) and January 26, 1982 (44 FR 3550), respectively. The YSAQMD adopted revisions to the SIP-approved versions on December 8, 1993 and August 13, 1997 and CARB submitted them to us on March 29, 1994 and July 26, 2000, respectively. While we can act on only the most recently submitted version, we have reviewed materials provided with the previous submittal.

We approved a version of Rule 2.33 into the SIP on February 12, 1996 (61 FR 5288). The YSAQMD adopted this revision to the SIP-approved version on March 12, 2003 and CARB submitted it to us on June 5, 2003.

### *C. What Is the Purpose of the Rule Revisions?*

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Rule 2.33 limits emissions of VOCs from the application of adhesives, adhesive primers, sealants, sealant primers, and from any solvent use associated with the application of these products. Rule 1.1 clarifies other YSAQMD air pollution regulations. The TSDs have more information about these rules.

## II. EPA's Evaluation and Action

### *A. How Is EPA Evaluating the Rules?*

Generally, SIP rules must be enforceable (*see* section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (*see* section 182(a)(2)(A)), and must not relax existing requirements (see sections 110(l) and 193). The YSAQMD regulates an ozone nonattainment area (*see* 40 CFR part 81), so Rule 2.33 must fulfill RACT. RACT is not applicable to general regulations like Rule 1.1 which do not contain standards regulating specific sources.

Guidance and policy documents that we used to help evaluate specific enforceability and RACT requirements consistently include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.
2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook).
3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).
4. ''Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for Adhesives and Sealants,'' CARB, December 1998.

### *B. Do the Rules Meet the Evaluation Criteria?*

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSDs have more information on our evaluation.

### *C. EPA Recommendations To Further Improve the Rules*

The TSDs describe additional rule revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rules.

### *D. Public Comment and Final Action*

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register,** we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by April 21, 2004, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on May 21, 2004. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## III. Statutory and Executive Order Reviews

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

Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 1, 2004.

**Wayne Nastri,**

*Regional Administrator, Region IX.*

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

## PART 52—[AMENDED]

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

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

## Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(280)(i)(C) and (c)(316)(i)(E) to read as follows:

**§ 52.220 Identification of plan.**

* * * * *

(c) * * *

(280) * * *

(i) * * *

(C) Yolo-Solano Air Quality Management District.

(*1*) Rule 1.1, revised on August 13, 1997.

* * * * *

(316) * * *

(i) * * *

(E) Yolo-Solano Air Quality Management District.

(*1*) Rule 2.33, revised on March 12, 2003.

* * * * *

[FR Doc. 04–6301 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[MD145/154–3104; FRL–7634–6]**

## Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Allowance Allocations for 2006–2007, and Revisions to Set-Aside Requirements

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Maryland State Implementation Plan (SIP). The revisions consist of the Nitrogen Oxides ($NO_X$) allowance allocations for ozone seasons 2006 and 2007, in accordance with Maryland's approved $NO_X$ SIP Call program, and establishes a set aside pool calculated as a percentage of the state's trading budget. EPA is approving these revisions to Maryland's $NO_X$ Reduction and Trading Program in accordance with the requirements of the Clean Air Act.

**DATES:** This rule is effective on May 21, 2004, without further notice, unless EPA receives adverse written comment by April 21, 2004. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Comments may be submitted either by mail or electronically. Written comments should be mailed to Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Electronic comments should be sent either to *morris.makeba@epa.gov* or to *http://www.regulations.gov,* which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in Part III of the **SUPPLEMENTARY INFORMATION** section. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, Washington, DC 20460; and the Maryland Department of the Environment, 1800

Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Powers, (215) 814–2308, or by e-mail at *powers.marilyn@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

Maryland's $NO_X$ Reduction and Trading Program under COMAR 26.11.29 and 26.11.30 was approved by EPA as meeting the requirements of the $NO_X$ SIP Call on January 10, 2001 (66 FR 1866). The approved program contains $NO_X$ reduction requirements beginning May 1, 2003, and allowance allocations for affected trading sources for ozone seasons 2003 through 2005. Thereafter, Maryland's approved rule requires that allocations be updated, three years in advance, for every two year period, starting with 2006 and 2007. This SIP revision consists of Maryland's allocation update for 2006 and 2007, and includes changes to the requirements pertaining to its set aside pool.

## II. Summary of SIP Revision

On April 24, 2003, July 7, 2003, and December 1, 2003, the Maryland Department of the Environment (MDE) submitted formal revisions to its SIP. The revisions consist of $NO_X$ allowance allocations for the 2006 and 2007 ozone seasons, and revisions affecting Maryland's set aside pool for new sources and clean air projects. The MDE's initial submission of April 24, 2003, consists of revisions to COMAR 26.11.30.09, Allocation of Allowances. The MDE's letter of July 7, 2003, consists of an administrative change to correct an allocation for one source. It amends Mirant Dickerson's Unit #3 allocation from 410 to 404 tons of $NO_X$. The revisions consisted of allocations for the control period 2006 and 2007 for each of the affected sources for which allocations were provided in the initial control period (2003 through 2005). The allocations for electric generating units (EGUS) were derived using each source's average actual heat input from the 2000 and 2001 ozone seasons multiplied by an emission rate of 0.15 pounds $NO_X$/MMBTU, adjusted as a percentage of the total budget, with the exception of one source which received allocations based on its lower, permitted emission rate. The allocations for non-electric generating units (non-EGUS) are unchanged from the initial control period. For most sources the 2006 and 2007 allocations do not differ significantly from the initial 3-year allocations.

The MDE's submission of December 1, 2003, consists of revisions to COMAR 26.11.29.09, Requirements for New $NO_X$ Affected Trading Sources and Set-Aside Pool. These revisions clarify that the set aside pool continues beyond 2005, and establish the set aside pool calculated as 5 percent of the state's trading budget for each ozone season (obviating the need to submit a SIP revision for the set-aside every time future allocations are made). Also, the revisions allow new sources to secure allowances at the end of each ozone season, as is allowed for existing sources. Together, these submissions establish allocations that maintain Maryland's $NO_X$ SIP statewide budget. They are approvable as satisfying the $NO_X$ SIP Call requirement that Maryland update its allowance allocations for the 2006 and 2007 ozone seasons.

## III. Final Action

EPA is approving the SIP revisions submitted by MDE on April 24, 2003, July 7, 2003, and December 1, 2003. The revisions consist of $NO_X$ allowance allocations for the 2006 and 2007 ozone seasons, and revisions affecting Maryland's set aside pool for new sources and clean air projects.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on May 21, 2004, without further notice unless EPA receives adverse comment by April 21, 2004. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

You may submit comments either electronically or by mail. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number MD145/154–3104 in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

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

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to *morris.makeba@epa.gov,* attention MD145/154–3104. EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

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

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

2. *By Mail.* Written comments should be addressed to the EPA Regional office

listed in the **ADDRESSES** section of this document.

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 at the EPA Regional Office, as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

*Submittal of CBI Comments*

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

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

*Considerations When Preparing Comments to EPA*

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

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

## IV. Statutory and Executive Order Reviews

*A. General Requirements*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

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

*B. Submission to Congress and the Comptroller General*

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

*C. Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and

shall not postpone the effectiveness of such rule or action. This action to approve both the Maryland $NO_X$ allowance allocations for 2006 through 2007 and the revisions to the set aside pool requirements, may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: March 2, 2004.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

■ 40 CFR part 52 is amended as follows:

## PART 52—[AMENDED]

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

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

## Subpart V—Maryland

■ 2. Section 52.1070 is amended by adding paragraph (c)(186) to read as follows:

**§ 52.1070 Identification of plan.**

* * * * *

(c) * * *

(186) Revisions to the Maryland State Implementation Plan submitted on April 24, 2003, July 7, 2003, and December 1, 2003 by the Maryland Department of the Environment pertaining to the Policies and Procedures Relating to Maryland's $NO_X$ Reduction and Trading Program, and the Nitrogen Oxides Reduction and Trading Program.

(i) Incorporation by reference.

(A) Letter of April 24, 2003 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to COMAR 26.11.30 Nitrogen Oxides Reduction and Trading Program, effective April 28, 2003.

(*1*) Revisions to COMAR 26.11.30.09A.

(*2*) Deletion of existing COMAR 26.11.30.09B.

(*3*) Addition of new COMAR 26.11.30.09B, allocations for control periods 2003 through 2007.

(B) Letter of July 7, 2003 from the Maryland Department of the Environment transmitting an administrative correction to COMAR 26.11.30.09 amending Mirant Dickerson's Unit #3 allocation from 410 to 404 tons of $NO_X$.

(C) Letter of December 1, 2003 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to COMAR 26.11.29 $NO_X$ Reduction and Trading Program, effective November 24, 2003.

(*1*) Revisions to COMAR 26.11.29.09 (title), .09A (introductory sentence), and .09A(1).

(*2*) Addition of COMAR 26.11.29.09A(2) and .09A(3).

(*3*) Revisions to COMAR 26.11.29.09B (introductory sentence), .09B(1) and .09B(2), establishing the set aside pool at 5 percent of the total trading budget.

(*4*) Deletion of COMAR 26.11.29.09E and 09F.

(*5*) COMAR 26.11.29.09G is renumbered as 26.11.29.09E.

(ii) Additional Material.

(A) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(186)(i) of this section.

[FR Doc. 04–6305 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[IL219–1a; FRL–7632–7]**

## Approval and Promulgation of State Implementation Plans; IL

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving a site-specific revision to the Illinois volatile organic compound (VOC) State Implementation Plan (SIP) for the Ford Motor Company's Chicago Assembly Plant in Chicago, IL. By its submittal dated June 20, 2003, the Illinois Environmental Protection Agency (Illinois EPA) requested that EPA approve Ford's adjusted standard into the Illinois VOC SIP. This request is approvable because it satisfies reasonably available control technology (RACT) and is a more suitable control measure for its solvent clean-up emissions than the general VOC rule which it replaces. The rationale for the approval and other information are provided in this rulemaking action.

**DATES:** This direct final rule is effective May 21, 2004, unless EPA receives written adverse comment by April 21, 2004. If written adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments may be mailed to: J. Elmer Bortzer, Acting Chief, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the documents relevant to this action are available for inspection during normal business hours at the above address. (Please telephone Steven Rosenthal at (312) 886–6052, before visiting the Region 5 office.)

Comments may also be submitted electronically to *bortzer.jay@epa.gov* or through hand delivery/courier, please follow the detailed instructions described in Part(I)(B)(1)(i) through (iii) of the Supplementary Information section. A copy of the SIP revision is available for inspection at the Air Programs Branch (AR–18J), Air and Radiation Division, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6052. *Rosenthal.Steven@epa.gov.*

**SUPPLEMENTARY INFORMATION:** This supplemental information section is organized as follows:

I. General Information.
II. EPA Action and Review.
1. What Action Is EPA Taking Today?
2. Why Is EPA Taking this Action?
3. What Are the Control Requirements in the Adjusted Standard?
4. What Information Did Illinois Submit in Support of This SIP?
5. Was a Public Hearing Held?
6. What Led to the SIP Revision and Why Is It Being Approved?
III. Final Rulemaking Action.
IV. Statutory and Executive Order Reviews.

### I. General Information

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

1. *The Regional Office has established an official public rulemaking file available for inspection at the Regional Office.* EPA has established an official public rulemaking file for this action under ''Region 5 Air Docket Il219''. The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of

materials that is available for public viewing at the Air Programs Branch, Air and Radiation Division, EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. EPA requests that if at all possible, you contact the person listed in the For Further Information Contact section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

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

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

*B. How and To Whom Do I Submit Comments?*

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text ''Public comment on proposed rulemaking Region 5 Air Docket ''Il219'' in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

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

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to *bortzer.jay@epa.gov.* Please include the text ''Public comment on proposed rulemaking Region 5 Air Docket Il219'' in the subject line. EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

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

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

2. *By Mail.* Send your comments to: J. Elmer Bortzer, Acting Chief, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please include the text ''Public comment on proposed rulemaking Region 5 Air Docket Il219'' in the subject line on the first page of your comment.

3. *By Hand Delivery or Courier.* Deliver your comments to: J. Elmer Bortzer, Acting Chief, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, 18th floor, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

*C. How Should I Submit CBI to the Agency?*

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

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

## II. EPA Action and Review

*1. What Action Is EPA Taking Today?*

In this action, EPA is approving into the Illinois VOC SIP an adjusted standard for Ford Motor Company's (Ford) solvent clean-up operations at its Chicago Assembly Plant in Chicago, IL. Specifically, EPA is approving the control requirements contained in the Illinois Pollution Control Board's November 21, 2002, Order which establishes an adjusted standard (AS 02–3) in place of the control requirements in 35 Ill. Adm. Code 218.986 for Ford's solvent clean-up operations.

*2. Why Is EPA Taking This Action?*

The control requirements contained in the adjusted standard represents a level of control appropriate for solvent clean-up operations at an automobile assembly plant. The adjusted standard

replaces an 81% control requirement in 35 Ill. Adm. Code 218.986 which is not appropriate for solvent clean-up operations because the emissions from these operations are not vented to add-on control equipment.

*3. What Are the Control Requirements in the Adjusted Standard?*

The adjusted standard applies to the paint booth cleaning operations, automated paint application cleaning, manual paint application equipment cleaning, floor cleaning, the purge system for automated paint application equipment, ultra filter cleaning and paint supply system cleaning and vehicle body cleaning. VOC emissions are limited to 340 tons/year as calculated on a 12 month rolling basis. That is, every month, the emissions from the prior 12 months are determined and subject to a 340 tons/year limit. The use of spray equipment is not allowed to apply any cleaning solvent in excess of 3.5 pounds VOC per gallon for cleaning paint booth walls, grates, or the exteriors of paint application equipment. Ford is prohibited from using VOC containing materials to remove paint from paint booth grates, and it is not allowed to store waste solvent or soiled rags from cleaning operations in open containers when not in use. In addition, the Illinois Pollution Control Board's (IPCB) Order contains sufficient recordkeeping requirements and test methods to establish whether the control requirements are achieved.

*4. What Information Did Illinois Submit in Support of This SIP?*

The Illinois EPA submitted the following information (along with other less substantive procedural documents) in support of its request for an Adjusted Standard from 35 Ill. Adm. Code 218.986:

(a) Ford's Petition from an Adjusted Standard, filed February 4, 2002.

(b) The Illinois EPA recommendation, filed April 22, 2002.

(c) Notice of Hearing, filed August 8, 2002.

(d) The Opinion and Order of the IPCB, in which the IPCB granted Ford an Adjusted Standard for its Chicago facility from 35 Ill. Adm. Code 218.986, adopted November 21, 2002.

*5. Was a Public Hearing Held?*

A public hearing was held on August 15, 2002, in Chicago and a transcript of the hearing was submitted by Illinois EPA in support of its request for a SIP revision.

*6. What Led to the SIP Revision and Why Is It being Approved?*

EPA requires that existing VOC sources in ozone nonattainment areas meet a level of control referred to as RACT. For many source categories EPA has established guidance documents which are referred to as Control Technique Guideline (CTG) documents which fairly explicitly establish the level of control that represents RACT for a specific source category. However, neither a CTG document nor explicit guidance has been established for solvent clean-up operations at automobile assembly plants. Instead, Illinois has a general 81% control requirement for those source categories for which explicit RACT guidance has not been established and Ford was found to be in violation of the 81% control requirement by EPA.

However, because an 81% control requirement is not the most suitable way to regulate solvent clean-up operations, an alternative control plan was agreed to by EPA and Ford in a February 10, 1997, United States District Court Consent Decree. The control requirements in the Consent Decree are the same as those described above in Section II.3., except that the annual limit is 390 tons VOC per year. This level of control was established because it was consistent with the level of control in place at other automotive assembly plants for their solvent clean-up operations. The 390 tons VOC/year was subsequently lowered to 340 tons VOC/year because of improvements made by Ford and as a result of discussions with community groups around Ford's Chicago Assembly Plant. The control requirements in the adjusted standard therefore represent RACT and are approvable.

## III. Final Rulemaking Action

For the reasons given above, EPA is approving the Adjusted Standard from 35 Ill. Adm. Code Section 218.986 for Ford that was submitted on June 20, 2003 as a SIP revision.

The EPA is publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse comments are filed. This rule will be effective May 21, 2004, without further notice unless we receive relevant adverse written comments by April 21, 2004. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective April 21, 2004.

## IV. Statutory and Executive Orders Reviews

*Executive Order 12866: Regulatory Planning and Review*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget.

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

For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

*Regulatory Flexibility Act*

This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

*Unfunded Mandates Reform Act*

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

*Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

*Executive Order 13132: Federalism*

This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

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

This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

*National Technology Transfer Advancement Act*

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

*Paperwork Reduction Act*

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

*Congressional Review Act*

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 19, 2004.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

■ Title 40 of the Code of Federal Regulations, chapter I, part 52, is amended as follows:

## PART 52—[AMENDED]

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

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

■ 2. Section 52.720 is amended by adding paragraph (c)(169) to read as follows:

**§ 52.720 Identification of plan.**

* * * * *

(c) * * *

(169) On June 20, 2003, Illinois submitted an Adjusted Standard for Ford Motor Company's Chicago Assembly Plant. This Adjusted Standard from 35 Ill.Adm. Code 218.986 replaces those requirements with the control requirements in the Illinois Pollution Control Board's November 21, 2002, Order.

(i) Incorporation by reference.

(A) The Illinois Pollution Control Board's November 21, 2002, Opinion and Order which granted the Ford Motor Company's Chicago Assembly Plant an adjusted standard (AS 02–3) from 35 Ill. ADM. Code 218.986. The requirements in 35 Ill. ADM. Code 218.986 have been replaced by the requirements in the Illinois Pollution Control Board's November 21, 2002, Order.

[FR Doc. 04–6307 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 258

**[F–2001–RDMP–0044; FRL–7637–9]**

**RIN 2050–AE92**

## Research, Development, and Demonstration Permits for Municipal Solid Waste Landfills

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is revising the Criteria for Municipal Solid Waste Landfills (MSWLF) to allow states to issue research, development, and demonstration (RD&D) permits for new and existing MSWLF units and lateral expansions. Today's rule will allow Directors of approved state programs to provide a variance from certain MSWLF criteria, provided that MSWLF owners/operators demonstrate that compliance with the RD&D permit will not increase risk to human health and the environment over compliance with a standard MSWLF permit. EPA is finalizing this alternative permit authority to promote innovative technologies associated with landfilling of municipal solid waste. RD&D permits may provide a variance from existing requirements for run-on control systems, liquids restrictions, and the final cover requirements. No variance from any other requirements of MSWLF criteria, unless already provided for in the existing regulations, are allowed under today's rule.

**DATES:** This rule is effective on April 21, 2004.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at 800–424–9346 or TDD 800–553–7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703–412–9810 or TDD 703–412–3323 (hearing impaired).

For information on specific aspects of this rule, contact Mr. Paul Cassidy, Municipal and Industrial Solid Waste Division of the Office of Solid Waste (mail code 5306W), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703

308–7281; e-mail: *CASSIDY.PAUL@EPA.GOV.*

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### *A. How Can I Get Copies Of This Final Rule and Related Information?*

1. *Docket.* All the information including this rule and the response to comment document is available from the EPA docket. EPA has established an official public docket for this action under Docket ID No. RCRA–2001–0044 (numbered as F–2002–RDMP–FFFF in the proposed rule). 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 available for public viewing at the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the RCRA Docket is (202) 566–0270. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies are $0.15 per page.

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 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.A. Once in the system, select ''search,'' then key in the appropriate docket identification number.

### *B. Affected Entities*

Entities potentially affected by this action are public or private owners or operators of landfills. Affected categories and entities include the following:

| Category | Examples of affected entities |
|---|---|
| Federal Government | Agencies procuring waste services. |
| State Governments ... | Regulatory agencies and agencies operating landfills. |
| Industry ..... | Owners or operators of municipal solid waste landfills. |
| Municipalities, including Tribal Governments. | Owners or operators of municipal solid waste landfills. |

This table is a guide for readers that describes which entities are likely to be affected by this action. It lists the types of entities EPA is now aware could potentially be impacted by today's action. It is possible that other types of entities not listed in the table could also be affected. To determine whether you would be impacted by this action, you should carefully examine the applicability criteria. If you have questions about whether this action applies to a particular facility, please consult Mr. Paul Cassidy, U.S. Environmental Protection Agency, Office of Solid Waste (5306W), 1200 Pennsylvania Ave., SW., Washington, DC 20460, 703–308–7281, [*CASSIDY.PAUL@EPA.GOV*].

### Outline

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G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act of 1995
J. Congressional Review Act

## II. Legal Authority for this Rule

The authority for today's rule is sections 1008, 2002(a), 4004, 4005(c), 4010 and 8001(a) of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6907, 6912(a), 6944, 6945(c), 6949a, 6981(a).

## III. Background

### *A. What EPA Proposed*

On June 10, 2002, EPA proposed a rule that would allow the Director of an approved State program to issue research, development, and demonstration (RD&D) permits to owners and operators of municipal solid waste landfill (MSWLF) units. RD&D permits would not be available in States without an approved MSWLF permit program, 67 FR 39662. EPA proposed this provision in an effort to stimulate the development of new technologies and alternative operational processes for the disposal of municipal solid waste in MSWLF units. The proposed rule would allow the State director to permit variances to specific provisions of the MSWLF criteria, including the (1) Operating criteria, except procedures for excluding hazardous waste and explosive gas control in subpart C; (2) the design criteria in subpart D; and (3) the final cover requirements in the closure and post-closure care criteria in subpart F. In order to issue an RD&D permit, the owner/operator of the MSWLF would have to demonstrate to the State Director's satisfaction that a landfill operating under an RD&D permit would pose no more risk to human health and the environment than it would operating under a permit in accordance with all existing MSWLF criteria.

The proposed rule would not allow State directors to deviate from certain criteria, based on a determination that compliance with the established criteria is necessary to protect human health and the environment. As proposed, the following criteria would not be subject to variance in an RD&D permit: (1) Location restrictions in subpart B; (2) ground-water monitoring and corrective action in subpart E; (3) financial

assurance in subpart G; (4) explosive gas control in 40 CFR 258.23 of subpart C; and (5) hazardous waste control in 40 CFR 258.20 of subpart C.

Under the proposed rule, the duration of the initial RD&D permits would be limited to three years. However, the permit could be renewed for another three years up to a maximum of three times. Therefore, the proposed rule would allow for a maximum permit period of 12 years.

EPA considered, but did not propose, placing a size or quantity limitation on the RD&D projects to be permitted and requested public comment on whether the final rule should be limited to MSWLF units that do not exceed a certain size and/or quantity of waste placed in the landfill. EPA did not propose any such limitations based on the view that due to the potential variations in types of projects, any landfill size or waste quantity limitations should be determined by the State Director on a site-specific basis.

To ensure that projects operating under an RD&D permit meet the expectations of the research, development or demonstration project, EPA also proposed to require that the permittee test, monitor, and submit information to the State Director as specified in the RD&D permit in order for the State Director to determine the progress of the project, insure proper operation of the landfill, and assure protection of human health and the environment. EPA did not propose specific testing or recordkeeping requirements, nor did it specify monitoring frequency. The Agency believed that each project should be evaluated individually to determine the appropriate frequency of monitoring, type of testing, and what records should be kept. Therefore, under the proposed rule, the State Director would make this assessment and include specific monitoring, testing, and recordkeeping requirements in each permit.

As a separate requirement, the proposed rule would require the landfill owner/operator to submit an annual report to the State Director summarizing progress on how well the project is attaining its goals. Examples of goals include environmental protection, cost benefits, community benefits, compost recovery, improved ground water protection, more rapid and/or complete decomposition of waste, improved landfill gas recovery, and the geotechnical stability of the landfill. These goals should be clearly stated in the permit in objective, measurable terms where possible.

*B. What Comments Were Received on the Proposed Rule*

EPA received 12 comments on the proposed rule during the comment period. However, after the close of the comment period, EPA received, and continues to receive, electronic form letters expressing opposition to the proposed rule, which now number over 200 letters. Of the12 comments submitted during the comment period, eight came from states (environmental agencies or waste management departments) and an organization representing state waste management agencies; two were from waste management professionals; one was from a waste management trade organization; and one came from a coalition of environmental organizations. The e-form letters, which are identical, are from private individuals, and though submitted after the close of the comment period, have been considered by EPA in this rulemaking.[1]

The state agencies and state agency organization, as well as the industry commenters generally expressed support for the proposed rule, although some particular issues were raised with respect to the scope of the rule. The environmental group coalition and individual commenters opposed the proposed rule. For EPA's complete responses to the comments, please see the Response to Comments document in the docket. The major issues and a summary of EPA's responses is set forth below in Section V.

## IV. Provisions of the Final Rule

*A. Summary of the Final Rule*

Today's rule grants authority to directors of approved state programs to issue RD&D permits to provide variances from certain criteria in 40 CFR part 258 for new and existing MSWLF units and lateral expansions. However, as a result of comments on the proposal, and in an effort to clarify the Agency's intent, the final rule is narrower in scope than the proposed rule. One comment in particular questioned the broad scope of the proposed rule and the basis for EPA's authority to allow the degree of deviation from the criteria in part 258 that the commenter understood the proposal to allow. This comment was based on an interpretation of the proposal that EPA did not intend, indicating that the language of the proposal was potentially ambiguous. Therefore, in an effort to remove any potential ambiguity, the final rule focuses only on the particular areas of new variance authority. The final rule therefore differs from the proposal in approach, but not substantially in effect.

Specifically, the proposal identified a number of provisions in the part 258 criteria for which the Director of an approved State could allow for a variance in an RD&D permit. As explained in more detail below, many of these existing criteria already have their own variance provisions, whereby the Director of an approved State program is already authorized to include alternative means of meeting the criteria in an operating permit for a MSWLF unit. Thus, the inclusion of these provisions in the proposed RD&D rule created confusion and potential ambiguity, because it was not clear whether EPA intended simply to repeat the already-available flexibility or whether some additional variance authority was contemplated.

Moreover, based on the commenters' broad interpretation of the proposed RD&D rule, the commenter also more generally questioned EPA's authority to provide the degree of variance from the criteria as the proposed rule appeared to have allowed. EPA does not agree that, as a statutory matter, it could not have finalized the rule as proposed. However, in light of this comment and specific issues raised in connection with this point, (see section V.A. of the preamble for a detailed discussion), EPA also reconsidered whether it is prudent to allow each of the criteria included for variance authority in the proposal to be available for RD&D permit authority. As a result, EPA decided that several other criteria, which do not contain their own specific variance authority, should also not be included in the final rule, such as the air criteria and surface water requirements.

Therefore, today's rule provides approved States with the authority to issue RD&D permits to provide variances from the operating criteria in subpart C only with respect to run-on control systems in § 258.26(a)(1) and the liquids restrictions in § 258.28(a). In

[1] In expressing opposition to the proposed rule, these commenters argued that the proposal ''would effectively deregulate most national standards for municipal landfills under the false guise of encouraging innovation.'' Rather, the commenters noted that the existing rules are ''perfectly adequate to handle applications for variances for testing bona fide innovations.'' As discussed throughout the preamble, the Agency has narrowed the final rule to allow variances only for run-on control systems, liquids restrictions, and the final cover requirements. That is, no variance from any other requirements of the MSWLF criteria are allowed, unless already provided for in the existing regulations. However, we disagree with the commenters that the existing regulations are adequate to handle applications for variances for testing of innovative solutions regarding run-on control systems, the addition of liquids in landfills, and the final cover requirements. We specifically discuss our basis for these later in the preamble.

addition, the final rule allows an additional variance for the final cover set forth in the closure/post closure criteria in subpart F. Unlike the proposal, EPA is not including authority for further variance from the design criteria in subpart D.

Although the final rule allows variances for only three of the criteria in part 258, there is in fact little difference in the degree of flexibility that approved states can exercise in issuing permits for MSWLF units. In particular, several of the criteria that were proposed for RD&D permits may already be met through alternative means under the existing criteria. Therefore, EPA determined that RD&D permit authority is not needed to allow variances from those criteria. Indeed, unlike RD&D authority, there is no federal limitation on permit duration or renewals, as is contained into today's rule. Also, the existing authority in part 258 for alternatives to meeting the criteria remain available for RD&D projects. The purpose of today's rule is to expand the variance authority for innovative or new technologies or methods beyond the authority that already exists in the MSWLF criteria. This modification of the proposal also responds to a comment asserting that the RD&D permit proposal would unlawfully delegate standard-setting authority to approved states. By narrowing the RD&D permit to specific criteria which do not already include variance authority, EPA further clarifies that it did not intend that the variance, or ''waiver,'' authority as proposed would allow that the requirements themselves could have been waived altogether. The particular criteria that can be subject to RD&D permit variance are discussed in more specificity below.

The final rule is different in another respect from the proposal regarding the scope of coverage. In general, the final rule provides that RD&D permits may be approved for new and existing MSWLF units and lateral expansions. However, in response to a comment, the final rule states that small landfills which operate under § 258.1(f)(1) cannot receive a variance from the liquids restrictions, including the recirculation of leachate, and the addition of any run-on water on to the active portion of the landfill. The reason that the Agency is not applying the final rule to these landfills is that § 258.1(f)(1) is itself a variance from both the design requirements (Subpart D) and groundwater monitoring and corrective action requirements (Subpart E) for small landfills. EPA has concluded that a variance to add liquids to such small landfills which do not have liners meeting the design requirements in § 258.40 and/or are exempt from groundwater monitoring requirements would ''present a reasonable probability of adverse affects on human health or the environment'' and therefore would not meet the statutory standard for ''sanitary landfills'' under section 4004(a) of RCRA. In addition, because § 258.60(b)(3) already allows for owners/operators of small MSWLF units to receive a variance from final cover requirements with respect to the infiltration layer, today's RD&D authority for an alternative to the infiltration requirements in the final cover criteria do not apply to small MSWLF units.

Also in response to a comment, EPA has changed the language of § 258.4(a) to clarify that RD&D permits may be issued for ''existing MSWLF units, new MSWLF units, and lateral expansions,'' as those terms are defined in section § 258.2. Although this was the intent of the proposed rule, the terminology used in the proposal was not identical to the defined terms in part 258.

In response to comments regarding permit termination prior to expiration, EPA has decided to modify the language as proposed to allow the State Director to order alternative corrective action procedures to protect human and health and the environment as an option to termination of operations. In addition, the state permitting authority may include the criteria and process for project termination in the permit. Several commenters requested this change to allow the State Director more flexibility for correcting situations where there may be risks due to improper operations or unforseen problems at a site operating under today's rule. This modification is in keeping with Congress' intent that ''disposal of solid wastes should continue to be primarily the function of State, regional, and local agencies * * *'' RCRA section 1002(1)(4).

The rule finalizes unchanged from the proposal those requirements regarding type of waste received and other requirements necessary to protect human health and the environment, as well as the annual report requirement. Today's rule also finalizes the proposed rule with respect to the permit duration and renewal provisions. The final rule provides that RD&D permits may be approved for a period up to three years and may be renewed, with a maximum of three renewals allowed, for a total potential duration of 12 years. Also, today's action finalizes the proposal with respect to exclusion of criteria for groundwater monitoring in subpart E (§§ 258.50 through 258.59), closure and post closure requirements in subpart F (§§ 258.60 and 258.61) except alternative cover provisions in § 258.60, and financial assurance requirements subpart G (§§ 258.70 through 258.75). As in the proposal, there is no authority for a variance from these provisions in today's rule.

*B. Operating Criteria for Which Variance Is Allowed*

Today's final rule differs from the proposed rule with respect to those operating criteria in subpart C for which a variance through an RD&D permit is allowed. After further review and in response to comments, EPA is narrowing the specific sections of part 258, subpart C for which a variance in an RD&D permit may be approved. Specifically, the following operating conditions in subpart C are not included in today's final rule: daily cover material requirements described in § 258.21, disease vector control as described in § 258.22, air criteria described in § 258.24, access requirements as described in § 258.25, surface water requirements described in § 258.27, and recordkeeping requirements described in § 258.29. This is in addition to the exclusions in the proposed rule with respect to the procedures for excluding the receipt of hazardous waste and explosive gas controls described in §§ 258.20 and 258.23 respectively, which are also excluded from today's rule.

One comment in particular indicated that the proposed rule could be broadly interpreted to remove ''critical components'' of the criteria altogether from a permit. EPA does not agree that the proposed rule would have eliminated the criteria, however in order to address this concern, the final rule is omitting those criteria for which the existing rules already provide an alternate means/variance authority for approved state programs. This clarification also addresses another commenter's request that the final rule explicitly include the existing flexibility in part 258 into RD&D permits. EPA sees no reason to include those provisions in the RD&D permits, since approved states are already allowed to provide variances from these criteria in standard MSWLF permits. Therefore, EPA is not including variance authority for criteria where part 258 already includes authority for an approved State to allow an alternative means to meeting the criteria. However, EPA clarifies that the existing variance authority continues to be available for MSWLF units that may also receive RD&D permits under today's rule.

EPA is excluding two other criteria contained in part 258, subpart C from RD&D permit authority because the existing criteria implement requirements necessary for meeting statutory requirements. In considering the comment mentioned above regarding removal of critical components of the criteria, EPA decided that inclusion of these criteria, §§ 258.24 (air criteria) and 258.27 (surface water requirements) in today's rule would be confusing and misleading, and therefore they have been excluded from today's final rule. In addition, the run-off control variance for §§ 258.26(a)(2) and (b) were also deleted from the final rule. The purpose of the run-off controls is to prevent contamination of surface waters by the waste. Therefore, the inclusion of a variance of the run-off control variance as part of the run-on control variance in the proposed rule was inadvertent and is not included in today's final rule.

For the criteria included in today's RD&D permit rule, EPA intends that where the existing criterion prescribes the means of accomplishing the purpose of the criterion, an approved state would have authority to allow a different means to be used. For example, EPA proposed allowing a variance from the liquids restrictions in § 258.28 based on the understanding that the underlying purpose of the liquid restrictions—protection of ground water—would continue to be fulfilled. Because the only bulk liquid that is allowed to be added pursuant to § 258.28 is recirculated leachate/gas condensate, and this is only allowed in MWSLF units constructed with a composite liner and leachate collection system prescribed by § 258.40(a)(2), the existing criteria in § 258.28 provide no authority for approved states to allow the addition of bulk liquids other than recirculated leachate to MSWLF units constructed with the prescribed design. Nor is there any authority to allow leachate recirculation (or addition of other bulk liquids) to MSWLF units constructed with an alternative design approved under § 258.40(a)(1). The proposed rule was intended to provide this authority for approved states to allow these activities, but only where the MSWLF owner/operator adequately demonstrates that the alternative design under conditions of added liquids provides ground water protection—and in general is as protective of health and the environment—that is at least as protective as a MSWLF unit designed and operating as currently prescribed. As in the proposal, today's final rule in § 258.4(b) includes the provision that any RD&D permit ''must include such terms and conditions at least as protective as the criteria in this part (part 258) to assure protection of human health and the environment.'' Both the variances for §§ 258.28(a) and 258.26(a)(1) will allow the addition of water to a landfill. In the case of § 258.26(a)(1), the addition consists of rainwater running on to the landfill. However, the operator would still have to prevent rainwater from running off of the landfill. Therefore, the variance only applies to run-on of rainwater to the landfill.

The effect of today's rule, therefore, is to provide specific authority for states with approved programs to issue variances from part 258, subpart C requirements with respect to those operating criteria for which variance authority is appropriate, but not already included in the existing rule. These operating criteria are those for run-on control systems in § 258.26(a)(1) and the liquids restrictions in § 258.28(a).

To obtain a variance from either or both of these provisions, the owner/operator must demonstrate that there is no increased risk to human health and the environment. As stated in the proposal, the owner/operator would have to demonstrate ''groundwater protection, landfill stability, as well as landfill gas collection and control sooner than is currently required under EPA air regulations,'' 67 FR 39664. Since today's rule was proposed, EPA published on January 16, 2003 in the **Federal Register**, 68 FR 2227, the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for municipal solid waste landfills. This rule applies to both major and area sources as explained in the notice. The rule has separate requirements for bioreactor landfills as set forth in subpart AAAA of part 63. The NESHAPs rule defines a bioreactor as: ''*Bioreactor* means a MSW landfill or portion of a MSW landfill where any liquid other than leachate (leachate includes landfill gas condensate) is added in a controlled fashion into the waste mass (often in combination with recirculating leachate) to reach a minimum average moisture content of at least 40 percent by weight to accelerate or enhance the anaerobic (without oxygen) biodegradation of the waste.'' Any landfill that meets the definition of a bioreactor and the size requirements as set forth in part 63, subpart AAAA would have to meet the bioreactor standards at minimum. In addition, a state could have more stringent requirements with respect to defining or operating ''bioreactors.'' For example a state may designate a maximum moisture content level that is lower than the 40% by weight level specified in the definition of ''bioreactor'' in part 63, subpart AAAA.

In response to comments expressing concern with the liquids addition authority afforded by today's rule, EPA is modifying the variance authority as proposed with respect to these provisions by specifying that a variance may be allowed only for MSWLF units designed and constructed with a leachate collection system that maintains no more than a 30 centimeter depth of leachate on the liner. EPA has determined that the requisite demonstration of no increased risk to human health and the environment cannot be made unless the MSWLF unit to which the RD&D permit applies is constructed with a leachate collection system designed to maintain no more than a 30 centimeter depth of leachate on the liner. The major concern addressed by §§ 258.26 and 258.28(a) is contamination of surface and ground waters. Therefore, EPA is adding this condition to the variance authority because the alternative design standard presently in 40 CFR 258.40(a)(1) does not require a leachate collection system. Because § 258.28(a) does not allow leachate recirculation (or any bulk liquid addition) in MSWLF units constructed with an alternative liner, a leachate collection system is not a prerequisite to alternative design approval. However, since today's rule allows a variance to allow leachate recirculation and liquids addition to existing MSWLF units constructed with an alternative liner, EPA is including the requirement for a leachate collection system in this variance authority.

Under the rule as proposed, leachate and other liquids could theoretically have been allowed to be added to a MSWLF unit without a leachate collection system. It is unlikely that any RD&D permit allowing leachate recirculation or addition of other bulk liquids could have been issued to a MSWLF unit without a leachate collection system, because demonstrating the requisite level of protection would require that a leachate collection system be part of any design that would qualify for an RD&D permit. In the preamble to the proposed rule, EPA stated, ''Today's proposed rule would grant State Directors in approved States the authority to issue permits allowing the addition of these liquids, provided the owner/operator demonstrates that there will be no increased risk to human health and the environment. The MSWLF owner/operator would therefore be required to demonstrate groundwater protection,

landfill stability, * * *'' 67 FR 39664. Therefore, EPA is clarifying that an adequately designed leachate collection system is a prerequisite to an RD&D permit involving the addition of liquids, including the recirculation of leachate. This issue is also discussed in the final notice of the MSWLF criteria, 56 FR 50978, 51054–56 (October 9, 1991).

As previously stated, a variance can only be granted where the MSWLF unit owner/operator demonstrates to the State Director that the risk of contamination to ground and surface waters will not be greater than the risk without a variance. Based on groundwater models such as the HELP model as well as the EPA report, ''Assessment and Recommendations for Improving the Performance of Waste Containment Systems,'' EPA/600/R–02/099, December 2002, EPA expects any alternative design that is demonstrated to qualify for a variance would necessarily include a leachate collection system that performs at least as well as the leachate collection system presently required under § 258.28. Therefore, today's rule requires that any alternative liner permitted under today's rule must have a leachate collection system where leachate recirculation and/or the addition of bulk liquid wastes (including storm water presently controlled by § 258.26(a)(1)), will be allowed. An adequate leachate collection system is one that is designed to maintain no more than a 30 centimeter head (pressure) on the liner. Liquid addition and/or leachate recirculation on an alternative liner without a leachate collection system above the liner and/or excessive head on the liner should be considered an unacceptable risk to groundwater and potentially to surface water. Standards for ground water protection are set forth in § 258.40. In addition, risk analysis methods are available for municipal landfills using EPA's MULTIMED and the HELP models. Additional information is available from the technical manual: ''Solid Waste Disposal Facility Criteria'' and technical resource document: ''Assessment and Recommendations for Improving the Performance of Waste Containment Systems.'' Another useful resource is the ASCE Seminar: ''Design of Waste Containment Systems.'' More information on the later item is available at: *http://www.asce.org/conted/seminars/geotechnical.cfm.*

A major concern with respect to the addition of water to a landfill is the geotechnical stability of the waste. The addition of liquid can change both the strength and behavior of the waste. Therefore, an owner/operator seeking an RD&D permit would be expected to complete a stability analysis demonstrating the physical stability of the landfill prior to the issuance of a permit. The owner/operator should be ever vigilant about any movement of the waste and should include in the demonstration a description of the methods for determining whether there is any actual or potential movement of the waste or liquid seepage from the landfill. The methods for determining geotechnical stability, as well as the results of monitoring, should be submitted to the permitting authority at least on annual basis as stated in III, A above.

*C. Design Criteria*

EPA is not finalizing the proposed inclusion of RD&D permit authority to vary from the design criteria in subpart D. EPA received a lengthy comment opposing additional authority to vary from the design criteria in § 258.40 (see section V.B. below). After reviewing the comment and the authority existing in § 258.40, EPA has determined that the existing design criteria already provide adequate authority for the director of an approved state to allow an alternative design. The existing alternative design provision in § 258.40(a)(1) establishes the minimum criteria for protection of human health and the environment, specifically Table 1 and paragraph (d) of § 258.40. Because an RD&D permit is not authorized if the risk to human health and the environment would be greater than it would be without a variance, EPA believes that the better course is to maintain the minimum alternative design requirements in § 258.40(a)(1). The existing alternative design provision does not prescribe how these minimum performance criteria are to be met, thus the State Director already has the authority to approve alternative materials and structural components as long as they achieve the requisite level of performance.

EPA recognizes that a primary reason for interest in RD&D permit authority to vary from the design criteria is to enable MSWLF units constructed with an alternative liner design to be operated as a bioreactor. The obstacle in the part 258 criteria to operation of such a MSWLF unit as a bioreactor is not contained in the design criteria, § 258.40, however. Rather, it is the liquids restrictions in § 258.28(a) that prohibit the addition of bulk liquids, including leachate recirculation, in such landfills. EPA has therefore concluded that the authority for a variance from § 258.28(a) in an RD&D permit contained in today's rule is the only additional variance authority needed to allow for this type of innovation and experimentation. Any other experimentation with liner design, materials, structure, or other design aspects is already allowed pursuant to § 258.40(a)(1). Therefore, inclusion of authority to vary from the design criteria in § 258.40 is not needed.

*D. Variance From Final Cover Criteria*

EPA proposed a variance from the final cover requirements with respect to the infiltration and permeability layer, in 40 CFR 258.60(a)(1), (2) and (b)(1). One example of an alternative cover is a ''phytocover.'' Rather than serving as a complete physical barrier, phytocovers provide a totally different approach to controlling water infiltration to a landfill by using plants to remove moisture from the soil cover of the landfill and to control chemical or nutrient seepage on the surface of the landfill. In some cases, this type of cover may be used to remove moisture from the landfill if the plant uptake of moisture exceeds the input of water from precipitation.

Although § 258.60(b) provides authority for an alternative final cover, EPA has determined that the existing variance authority may not be sufficient to allow for experimentation with different approaches to final cover engineering, such as phytocovers. As EPA indicated in the preamble to the proposed rule, due to varying climates, topography, and waste handling techniques, there may be other means of keeping moisture from accumulating in a closed MSWLF unit than currently allowed (67 FR 39664). Section 258.60(b)(1) allows a variance from the permeability and infiltration layer specifications in § 258.60(a)(1) and (2), and § 258.60(b)(2) allows a variance from the erosion layer specifications in § 258.60(a)(3). However, the existing variance in § 258.60(b)(1) requires an infiltration layer that will achieve an equivalent reduction in infiltration as that achieved by the prescribed specifications for both permeability and infiltration in § 258.60(a)(1) and (2). This may be insufficient for alternative covers which may allow some moisture through the cap, but use some other mechanism to remove moisture from the waste. Therefore, EPA is including variance authority for 40 CFR 258.60(a)(1) and (2) in addition to that which is afforded in § 258.60(b)(1) in today's final rule. To demonstrate that a proposed experimental final cover will be as protective as a final cover meeting the requirements of § 258.60(a)(1) and (2), the owner/operator of the landfill must demonstrate that no moisture will

escape from the landfill to the surrounding surface and groundwater.

The performance of the final cover on a MSWLF unit has long been a fundamental element of sound solid waste management. EPA addressed its concerns regarding final cover requirements when first promulgating the MSWLF criteria in 1991. 56 FR 51094–51106. A major concern regarding final cover performance is prevention of the ''bathtub effect,'' which is caused by water passing through the cover and filling up the liner Therefore, the criteria for final cover design prescribe a minimum permeability applicable to all MSWLF units, and where the MSWLF unit has a liner, the criteria require the final cover to be at least no more permeable than the bottom liner.

The bathtub effect is still the major concern with respect to final covers. A demonstration for an RD&D permit for a variance from the final cover criteria must demonstrate that there will not be abuildup of excess liquid in the waste and on the landfill liner. A landfill constructed with a leachate collection system provides the best opportunity for determining the amount of water in the landfill system and if there is a buildup of excess liquid on the liner. In addition, the physical stability of the landfill is a concern for an alternative final cover that can have significant permeability and allows the waste to pick up some water, even though there is little or no significant liquid on the liner. This is especially true for landfills that are not operated as bioreactors. The owner/operator and the State program Director should consider this possibility when developing an alternative cover under today's rule. The Director should be confident water contacting the waste will not compromise the physical stability of the landfill.

Although there is no measurement specified in today's rule, there is a requirement for a sufficient reduction in infiltration so that there will be no leakage of leachate from the landfill. In many cases, infiltration can be measured, in particular if the landfill has a leachate collection system. For landfills without a leachate collection system, or if measurement is otherwise not an option, alternative means of making a determination must be used. This does not necessarily require modeling, although modeling may be an appropriate means of demonstrating equivalence. Where models do not adequately account for the properties of a proposed alternative cover, the demonstration may be based on reasonable scientific facts and principles. In the case of phytocovers, for example, the demonstration could include the evapotranspiration rate of the cover, *i.e.*, the extent to which the cover would be capable of preventing water from reaching the waste or landfill liner. Therefore, the permitting authority could consider the infiltration rate of water to and through the waste over time as opposed to the degree of permeability of the cap alone. EPA intends that today's rule will provide adequate authority for the Director of an approved State program to approve the means for showing an appropriate reduction in the infiltration of water as part of the RD&D permit approval process.

Today's rule does not include a variance for the erosion layer requirements in § 250.60(a)(3) and (b)(2). Because § 258.60(b)(2) already provides authority for an alternative cover design that ''provides equivalent protection from wind and water erosion as the erosion layer specified in paragraph (a)(3),'' there is no need for any additional variance authority with respect to erosion control.

When allowing use of an alternative final cover, the State Director should consider if some type of financial assurance may be needed to replace an alternative cover with another cover as presently specified in § 258.60(a) and (b) in the event the alternative cover allowed by today's rule should fail. The State Director could include this financial assurance with respect to a replacement of the final cover as part of thesubpart G requirements for the Financial Assurance Criteria.

Some commenters urged EPA to expand the variance authority in the RD&D permit rule to allow variance from post-closure care requirements, as well as from the final cover requirements. EPA does not agree that additional flexibility is needed for the post closure care requirements in 40 CFR 258.61. There are already opportunities in § 258.61 for the Director of an approved State program to modify post-closure requirements on a case-by-case basis. Therefore, today's rule only allows a variance for § 258.60(a) and (b), because our review shows that the existing alternative final cover provision in § 258.60(b) is not sufficiently flexible to allow for a foreseeable range of alternative final cover developments.

## V. Major Issues Raised in Comments and Responses

### *A. Legal Basis for the Rule*

The coalition of environmental groups claims that EPA does not have authority to allow a State with an approved program to issue RD&D permits because this constitutes an unlawful delegation of authority to set standards. They interpret the authority to grant variances from certain criteria through the RD&D permit process as the authority to set standards. The commenter bases this interpretation on four factors: (1) No EPA oversight to ensure that only truly innovative technologies are permitted; (2) no definition of ''innovative'' in the rule; (3) no means of determining whether the technology for which a variance is sought provides at least ''equivalent'' environmental and human health protection; and (4) the possibility of the RD&D permit lasting up to 12 years. Finally, they argue that the RD&D permit authority violates RCRA and the National Environmental Policy Act.

EPA disagrees with the premise of the comment that the rule effectively delegates authority to set national standards for municipal solid waste landfills to those states with approved programs. Section 4004(a) of RCRA directs EPA to ''promulgate regulations containing criteria for determining which facilities shall be classified as sanitary landfills and which shall be classified as open dumps. . . . At a minimum, such criteria shall provide that a facility may be classified as a sanitary landfill and not an open dump only if there is no reasonable probability of adverse effects on health or the environment from disposal of solid waste at such facility.'' Today's rule, in § 258.4(b) explicitly requires that any RD& D permit ''include such terms and conditions at least as protective as the criteria for municipal solid waste landfills to assure protection of human health and the environment.'' EPA clarifies that this requirement that RD&D permit terms and conditions be at least as protective as the existing part 258 criteria is a requirement that any variance under today's rule be equivalent to the existing criteria in protecting human health and the environment.

EPA agrees with the commenters, however, that the proposed rule was drafted more broadly than necessary to provide the flexibility intended. Therefore, to clarify the scope of the rule, EPA has omitted those parts of the part 258 criteria that already allow for different means to achieve the existing standards, and has added specific requirements for making the requisite demonstration that the permitted variance be as protective as the existing requirements in part 258.

As the comment notes, the variances allowed in an RD&D permit will allow more moisture to enter a landfill, through run-on of storm water and

addition of other liquids. Under today's rule, any MSWLF unit must be designed to meet the ground water protection criteria in § 258.40, and must be constructed with a leachate collection system meeting the same performance standard contained in the design criteria (§ 258.40(a)(2)). Moreover, all ground water monitoring and corrective action requirements continue to apply. Therefore, EPA has not changed the ultimate regulatory standard, or allowed states to change the ultimate regulatory standard, that applies to MSWLF units. See Section V.H. below for further discussion of ''equivalence.''

EPA does not agree that federal oversight of RD&D permits is required or authorized by RCRA. Unlike Subtitle C of RCRA, Subtitle D does not provide authority for a federal permitting program. On the contrary, section 4005(c) requires each State to adopt and implement a permit program to ensure that MSWLF units comply with the federal criteria. Oversight of MSWLF operations is within state, not federal, purview. Today's rule is consistent with existing criteria in part 258 which provides directors of approved state programs to allow alternative means of meeting the criteria to be included in a MSWLF permit (*e.g.*, 40 CFR 258.21(b), 258.40(a)(1)).

Nor does EPA believe that it is necessary to define ''innovative.'' As more fully discussed in the Response to Comments Document, today's rule is modeled on 40 CFR 270.65, a research, development and demonstration permit rule for innovative and experimental hazardous waste treatment authorized by RCRA section 3005(g). Congress did not define ''innovative and experimental'' in the statute, nor did EPA define those terms in § 270.65. However, in the preamble to that rule, EPA explained that ''innovative and experimental'' covers a broad range from technologies or processes that have only been tested in a laboratory setting to those that have already had some commercial application. 50 FR 27802, 27828 (July 15, 1985). For purposes of today's rule, EPA also intends ''innovative and new'' to be read broadly, to cover technologies and operational methods that are not currently permitted under 40 CFR part 258, ranging from those ''on paper'' or tested only in the laboratory to those which may have already had some limited application, *e.g.* through Project XL.

EPA also does not agree that the 12 year maximum duration of operation under an RD&D permit indicates that the intent of the rule is allow circumvention of the criteria or delegation of standard setting authority. *See* Section V.D. below and the Response to Comments Document.

EPA also notes that, in addition to section 4004(a) of RCRA, today's rule is supported by RCRA section 8001(a). This provision authorizes EPA to encourage state and local public authorities and agencies, as well as private agencies and individuals, to conduct research, investigations, experiments, training, demonstrations, and studies relating to the development and application of new and improved methods for collecting and disposing of solid waste, as well as improvements with respect to landfills. Today's rule enables States with approved MSWLF permit programs to expand their programs to include permits for particular research, demonstrations, and development of new methods to managing solid waste disposal in MSWLF units, including ''means for reducing harmful environmental effects of earlier and existing landfills,'' and ''means for rendering landfill safe for purposes of construction and other uses, and techniques for recovering materials and energy from landfills. RCRA section 8001(a)(10).

Finally, the comment raises the National Environmental Policy Act (NEPA), claiming that today's rule is an ''end run'' around NEPA because the rule constitutes a repeal of ''its current bioreactor prohibition'' and requires EPA to consider ''less environmentally risky alternatives to bioreactors.'' Again, EPA does not accept the premise that today's rule is a rule to authorize bioreactor operation on a national level. The final rule does not change the criteria on a national level; rather today's rule allows approved states to have greater flexibility in implementing specified criteria for research, demonstration and development purposes. Alternatives to today's rule would be alternative means of allowing research, development and demonstration of MSWLF operation and final cover. As the commenter has pointed out, there are already alternative means for conducting research: Project XL and CRADAs. Today's rule provides one additional means of demonstrating new techniques and materials. The means adopted in this rule, a limited purpose and limited duration permit, provides for public participation in each permit determination, and requires the Director of the approved state program to make a determination that the RD&D permit will not increase the probability of adverse effects to health or the environment over the existing criteria. See the Response to Comment document for further discussion of rulemaking under RCRA and NEPA requirements.

*B. Variance From Design Criteria*

One commenter stated that § 258.40(e) already provides authority for an alternative design, while ensuring EPA oversight of alternative design approval by the State. As described above, EPA agrees that additional authority for a variance from the design criteria in § 258.40 is not needed, and the final rule does not include such authority. However, § 258.40(e) does not provide the basis for this conclusion.

Section 258.40(e) was specifically promulgated to allow alternative liners in states prior to promulgation of rules for approving state solid waste landfill permit programs. In contrast, § 258.40(a)(1) allows the State Director in a state with an approved program to authorize an alternative liner that meets the minimum ground water protection standards referenced in § 258.40(a)(1), but does not give the same authority to states without an approved program. The process set forth in § 258.40(e) allowed MSWLF owners/operators to construct alternative liners during the period when no EPA regulations for state program approval were in place. EPA promulgated state program approval regulations on October 23, 1998, now codified at 40 CFR part 239, implementing RCRA section 4005(c)(1)(B). Section 258.40(e) provided for EPA oversight because without state program approval, states could not approve a design as meeting the federal performance criteria. Once part 239 was promulgated, approved states were able to issue permits for landfills with alternative liners without the use of § 258.40(e), and EPA oversight or approval was no longer necessary. Thus MSWLF owners/operators in approved states seeking construction of an alternative liner no longer need the procedures set forth in § 258.40(e).

Since the authority in today's rule only applies in approved states, and approved states already have authority in § 258.40(a)(1) to allow alternative designs, there is no need to include authority for a variance from the design criteria in today's rule. As noted above, EPA does not exercise or claim oversight authority with respect to state approvals of alternative designs under 40 CFR 258.40(a)(1).

*C. Methods for Fostering Innovation*

One commenter claims that EPA has sufficient processes for fostering innovation without providing additional variance authority through RD&D

permits and referenced two other modes for fostering innovation. The first was the Cooperative Research and Development Agreements (CRADAs) and the second is Project XL.

EPA agrees that research by entering into CRADAs can provide useful and high quality information. EPA is currently working with Waste Management, Inc. under a CRADA on a five-year project concerning bioreactor operation at the Outer Loop Facility in Louisville, KY.[2] The major purpose of this CRADA is to receive technical EPA assistance in project development and monitoring techniques for the site. However, CRADA authority does not allow any variance from the existing landfill regulations. These limitations in scope, size, and project cost are reasons for the limited number of CRADAs. Therefore, the existing experiment is limited in the parameters that can be explored under existing criteria. Indeed, the existing CRADA at the Outer Loop facility illustrates why CRADAs do not provide the same opportunities for innovation. Today's rule will not effect the Outer Loop research under the CRADA. However, even without a CRADA for research at the Outer Loop facility, the State of Kentucky will be authorized to issue a state permit in the future to allow Waste Management to expand its research at this facility within the parameters of the RD&D permit authority.

The other avenue for innovation mentioned by the commenter was Project XL. EPA has processed four projects under Project XL involving MSWLFs, all of which involve some use of bioreactor technology or leachate recirculation. Each of these projects required a site-specific rule making at the federal level, as well as permit modifications on the state level. With today's rule, the federal site-specific rulemaking will not be needed to allow such projects to be permitted. However, similar demonstrations of expected performance and results will be needed in the permitting process, and public participation will take place in the permitting process as well. Therefore, while Project XL has proven useful for these and other innovative projects, EPA does not believe that the types of variances allowed under today's rule are such that a federal rulemaking should be required for each such project. EPA believes that the permit process provides the necessary scrutiny and public participation for variances included in RD&D permits. EPA Regional and Headquarters expertise is available to assist states in developing permits for the appropriate facilities.

Both CRADA authority and Project XL remain available for research and innovation. Because today's rule allows for particular variances, innovation with other aspects of MSWLF construction or operation may continue to be available only through a site-specific rulemaking for example, under Project XL. Today's rule provides an additional avenue for particular variances from prescribed means of meeting federal criteria for MSWLF units.

*D. Duration of RD&D Permits*

Several commenters argue that the proposed duration of up to 12 years, including permit renewals is too long and provides much more time than is necessary for testing innovative materials or practices. On the other hand, others believe that the maximum permit duration is too short, some of whom think there should be no maximum time limit on the permit, arguing that the State Director should make the final determination with respect to permit duration.

EPA does not agree with the view that a 12 year maximum duration is too long. Because there is a need to renew the permit every three years, EPA does not expect every RD&D permit to extend for the maximum number of years. However, some RD&D projects may be active for longer periods of time. While MSWLF units typically receive waste over relatively short time frames such as 5 to 7 years, the reaction or stabilization process may continue over a longer period of time. It may be reasonable, or even necessary, for an RD&D permit to encompass active operation, closure and post-closure in order for the permittee to assess a cover material, equipment performance, leachate quantity and quality, or other parameters for which a variance under today's rule has been granted in the permit. Extending the permit over a longer period also allows for collection of data that is required under an RD&D permit, but not required under the federal criteria for a standard MSWLF permit.

EPA also does not agree that the 12 year maximum is too short or that there should be no maximum period at all. EPA always intended these permits to be temporary, discrete permits from which data could be used for future rulemaking(s). Therefore, the purpose of RD&D permit authority is to allow innovation and experimentation under close state oversight for a limited period. It is not intended to allow permanent operation of a MSWLF using means outside the scope of the existing criteria.

If an experiment is successful and the state or EPA wishes a project to continue operation under the terms of the RD&D permit beyond the 12-year time frame, an amendment to 40 CFR part 258 would be needed. EPA anticipates that during the period of the final 3 year permit term, either the facility would seek a site-specific rule or EPA would consider a general rulemaking to incorporate the experimental aspects of the project into the part 258 criteria. At that time, the project would be evaluated by EPA, and if EPA agreed, the appropriate regulatory change, either on a site-specific or general basis, would be proposed. The subsequent EPA evaluation and rulemaking process, which will be similar to the Project XL rulemaking process, is expected to take another one to two years. EPA believes it has struck a balance here between the need to support and encourage innovation and the prescriptiveness of the federal criteria. Therefore, we believe that the total 12 year permitted time frame is reasonable and appropriate.

*E. Bioreactor Landfills*

One commenter opposes the rule ''as a matter of policy'' because the means chosen—permit variances—are contrary to the goal of developing data that may be used to revise the existing federal MSWLF criteria, which should involve standardized research protocols. The example cited by the commenter is that EPA stated in the proposal that it expects the rule to foster experimentation with bioreactor technology and operation. The commenter believes that there are too many engineering problems with bioreactor landfills for state permitting authorities to be able to adequately address them in their permits.

EPA does not agree that the data generated from RD&D projects will be unusable because the research will not be carried out using standardized protocols. Today's rule, like many of the requirements in the existing MSWLF criteria, is based on unit-specific and site-specific flexibility for meeting the underlying standards established in the part 258 criteria. The existing MSWLF criteria and today's rule recognize that differences in climate, terrain, and a range of other factors are appropriate factors to address in the terms and conditions of individual permits.

Moreover, the information gathered as a result of RD&D permits is expected to be useful in a similar manner as information gathered from the Project

[2] The CRADA and the Quality Assurance Project Plan (QAPP) for the site are available on request from the Office of Research and Development.

XL bioreactor projects. Such information includes the quality and quantity of leachate, quality of waste, quality and quantity of gas generation, measurement of subsidence by using standard engineering/scientific approaches or approved EPA methods. When reviewing any data for use in future rulemaking efforts, whether from Project XL, RD&D permits, or other sources, standard Agency QA/QC protocols will be used and all information will be subject to public comment and review.

As noted above, the commenter expressed greatest concern with the application of today's rule to expand construction and/or operation of MSWLF units as ''bioreactors,'' *i.e.*, landfills where controlled addition of non-hazardous liquid wastes or water[3] accelerate the decomposition of waste and landfill gas generation. The deposition of liquid non-hazardous waste should be compatible and suitable with the operation of the landfill, i.e, the waste will not inhibit the biodegradation process or cause operational problems for the landfill, including risks to human health or the environment. EPA recognizes that RD&D permit authority will likely be used to allow leachate recirculation in existing MSWLF units constructed with alternative liners approved pursuant to § 258.40(a)(1). In fact, EPA believes this is an important area for research and views this as one of the principal benefits of this rule. Under the existing criteria in § 258.28, leachate recirculation is allowed only in MSWLF units constructed with a composite liner and leachate collection system in accordance with the design criteria in § 258.40(a)(2) and (b). Similarly, EPA recognizes that liquid wastes in addition to recirculated leachate may be allowed under an RD&D permit. As EPA noted in the proposal, new technologies for landfill operations and design have emerged since the MSWLF criteria were promulgated in 1991, which can enable safe bioreactor operation (*i.e.,* the four bioreactor landfills allowed by Project XL). EPA agrees with the commenter that there are major engineering challenges presented by substantially increasing the liquid component of the waste. However, as the commenter points out, recent research, lessons learned from failures, and experimentation through Project XL and the Outer Loop CRADA have provided valuable information and models for appropriate design, operation, and monitoring.

Each of the MSWLF leachate recirculation or bioreactor operations studied so far have been required to have leachate collection systems that maintain no more than 30 centimeters (cm) depth of leachate on the liner per section 258.40(a)(2). In light of the commenter's concerns about bioreactor operations in particular, EPA has determined that no variance from the requirement that a leachate collection system maintaining no more than 30 cm depth of leachate on the liner should be allowed. Where leachate is being recirculated and/or bulk liquids are added to the landfill to promote decomposition, EPA has required (in the existing criteria, § 258.28 and § 258.40) and is requiring in today's rule that the system maintain a maximum leachate head of 30 cm in order to assure that there is no excessive pressure on the landfill liner in order to prevent leakage of leachate into the groundwater. The 30 cm. head on the liner standard was originally proposed in the **Federal Register** for the MSWLF criteria on August 30, 1988 and is the same standard as used for leachate collection systems at subtitle C hazardous waste landfills (53 FR 33341 and 33396).

In addition, EPA believes that the owner/operator should be ever vigilant about any movement of the waste and he/she should include the methods of determining whether there is any or potential movement of the waste or liquid seepage from the landfill. The methods for determining geotechnical stability, as well as the results of monitoring should be submitted to the permitting authority at least on an annual basis as stated in III, A above.

*F. Variances for Groundwater Monitoring*

Most commenters on this issue agreed that groundwater monitoring requirements should not be allowed to be varied under today's rule. However, two commenters recommend allowing variances from groundwater monitoring requirements. One commenter stated that the basic need to conduct groundwater monitoring should be maintained, but that it should not be ''EPA's intent to forestall RD&D on new techniques for groundwater monitoring.''

EPA does not agree that variance from the groundwater monitoring criteria is needed to allow for research, development and demonstration of new techniques for groundwater monitoring. The existing criteria already provide for site-specific factors to be taken into account and provide a number of opportunities for approved states to make alternative determinations (*e.g.*, §§ 258.51(a)(2), (b); 258.54(a)(1), (2)). Moreover, the existing criteria (§§ 258.52, 258.53) allow the owner/operator of an MSWLF unit flexibility in establishing a sufficient and appropriate groundwater monitoring system and a groundwater sampling and analysis program. Neither commenter identified any RD&D type activities that would be hampered by the existing groundwater monitoring criteria. Therefore, no variance from groundwater monitoring requirements is allowed under today's rule.

*G. Termination of a Project for Cause*

One commenter stated that the proposed language of § 258.4 (c) regarding project termination at ''all operations at the facility'' is excessive and may even be unnecessary. The commenter expects that a State Director's authority to terminate operations at a facility would already be established under State law, and would not depend on this provision. In this provision, EPA should concern itself only with those operations that are subject to the RD&D permit. If any projects were ever terminated for cause, it is inappropriate for EPA to suggest that it is necessary for the entire facility to cease operations. Instead, EPA should simply state that any RD&D permit issued pursuant to this authority shall contain the criteria and process for project termination.

EPA understands the commenter's concern with this requirement. EPA agrees that the State Director needs reasonable latitude for assuring protection of human health and environment. Therefore, EPA has decided to modify the language of this requirement to allow the State Director to order alternative corrective action procedures to protect human health and the environment as an option to termination of operations allowed under today's rule. In addition, today's rule does not apply to other operations on the site that may be operating under separate permits. The state permitting authority may include the criteria and process for project termination in the permit.

*H. Burden of Proof for Variance Determinations for RD&D Permits*

One commenter was concerned that the need to demonstrate that RD&D proposals are ''at least as protective'' as existing requirements is too high a burden for the owner/operator to meet. The commenter was concerned that states may establish prohibitively high standards for demonstrating

[3] In many or most cases, water is used in lieu of any liquid wastes. In most cases, the water is groundwater or river water and may even be tap water.

technologies for those applying for an RD&D permit.

EPA believes at an ''equivalent or better'' standard is the correct standard. EPA has promulgated objective criteria under the statute, many of which include authority for approved states to allow ''alternative'' means of meeting the criteria which are ''equivalent.''

EPA expects today's rule to be implemented in a comparable way to the existing authority for variances in part 258, and therefore does not expect the equivalence determination to be burdensome. Similarly, this type of determination has been made by states and EPA for the Project XL MSWLF projects for which site-specific rules already have been promulgated by the EPA. The XL projects can serve as examples for states with approved programs evaluating whether a proposal for an RD&D permit will be equivalent to the existing criteria with respect to environmental protection. In addition, in today's rule, EPA has limited the criteria for which variances are allowed as well as provided more specific information on making an equivalency determination. EPA will be available to work with states in resolving any issues in this area.

*I. Implementation of Today's Rule*

One commenter was concerned that the proposed rule change would not be self-implementing. Therefore, states could only issue RD&D permits only after EPA approval of new state rules. The commenter was concerned that states would take up to five years to adopt today's final rule since some states took this long for the original approval of the MSWLF criteria.

As explained in the proposal, today's rule is not self-implementing, that is, a MSWLF owner/operator will only have the opportunity to apply for an RD&D permit in a state with an approved state program containing RD&D permit provisions. Today's rule allows states with approved programs to adopt RD&D permit provisions, and any state without an approved program would be able to include RD&D permit provisions in a program it submits to EPA for a determination of adequacy under 40 CFR part 239.

EPA does not expect state program modifications that would incorporate RD&D permit provisions to be nearly as extensive as the original process for approval of the state's solid waste permit program. The initial submissions were complicated by the fact that EPA did not have rules for state permit program adequacy determinations in 1991, when the MSWLF criteria went into effect. Those rules, 40 CFR part 239, were promulgated by EPA in 1998.

EPA is aware that some state permitting authorities are interested in implementing the new rules as soon as possible. EPA is now working with some of these states in order to assure their submissions for approval are complete in order to minimize the time it will take for these state program modifications to be approved. EPA believes that a state submittal and EPA review could take as little as six months for approval. However, EPA acknowledges that the process could take significantly longer, if for example, a State delays making an adequate submission.

*J. The Addition of Water to Arid Landfills*

One commenter stated that bioreactor-type operations should not be allowed at small landfills for which design requirements, ground water monitoring, and corrective action are not required pursuant to § 258.1(f)(1), since adding liquid would violate the model on which the exemption is based.

EPA agrees that, because these landfills either have no liner or an inadequate liner to prevent the migration of any excess water in the landfill, no variance from operating procedures designed to control liquids should be allowed for those MSWLF units. Therefore, a paragraph has been incorporated into the final rule excluding any MSWLF unit that is exempt from subparts D and E of part 258. These MSWLF units will not be eligible for RD&D permits for variances from the run-on criteria in § 258.26(a)(1) or the liquids restrictions in § 258.28(a) This includes small and remote landfills operating under § 258.1(f)(1) of the criteria.

EPA also notes that small landfills, including those that qualify for the exemptions under § 258.1(f), already have the opportunity for alternative final cover requirements with respect to the infiltration layer requirements in § 258.60(b)(1). Under § 258.60(b)(3), the Director of any approved State may allow for alternative infiltration layer requirements for small MSWLF units, after public review and comment. Since small MSWLF units already have the flexibility afforded by today's rule with respect to final cover, EPA has determined that today's variance authority with respect to final cover requirements will not apply to small MSWLF units.

*K. Potential Increased Emissions of Landfill Gas*

One commenter was concerned that larger quantities of landfill gas will be generated from MSWLF units that are operated as bioreactors. The commenter stated that additional gas collection and monitoring requirements should be required by rule.

With the exception of explosive gas control requirements, landfill gas controls are not regulated pursuant to Subtitle D of RCRA: rather landfill gas emissions are regulated under the Clean Air Act (CAA). The air criteria in 40 CFR 258.24 refer to CAA requirements by requiring compliance with the applicable State Implementation Plan provisions under section 110 of the CAA. Specific requirements pertaining to landfill gas emissions from MSWLF units are addressed in 40 CFR part 60, subparts Cc and WWW. Recently,EPA promulgated National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (68 FR 2227, Jan. 16, 2003). This rule includes requirements for initiating landfill gas collection and control in bioreactor landfills. *See* 40 CFR part 63, subpart AAAA. State air permitting authorities should assure that air emissions from MSWLF units operating under a RD&D permit meet Federal Clean Air Act Regulations as specified in the state air permit or FESOP (Federally Enforceable State Operating Permit). Since these provisions apply to all MSWLF units, including those operating under RD&D permits, and consistent with section 1006(b) of RCRA, EPA sees no need for additional requirements under RCRA to address air emissions in today's rule.

*L. Rule Authorizing Future Projects Based on the Success of a Technology*

Several state commenters suggested that successful waste management methods and techniques that prove successful in an RD&D project be allowed to be incorporated into the state's rules without waiting for EPA to amend the federal criteria. A similar comment was made regarding allowing such methods and techniques to be incorporated into the rules of other states based on successful RD&D projects. EPA does not agree that one successful RD&D project should necessarily be the basis for a rule change in the state issuing the permit or other states.

Pursuant to section 4005(c) of RCRA, EPA regulations governing state permit program approval require the state program to have the authority to impose requirements ''adequate to ensure compliance with 40 CFR part 258.'' 40

CFR 239.6(e). Part 258 does not allow variances from §§ 258.26(a)(1), 258.28(a) and 258.60(a)(1), (2) and (b)(1), except in accordance with today's rule, and therefore, EPA would not approve a state program modification incorporating authority to deviate from the requirements of these criteria in standard MSWLF permits. Unless and until EPA promulgates a rule incorporating any such changes into the federal criteria, after seeking comment, states would not be able to allow a new technology or method to be included in a MSWLF permit outside of the RD&D rule parameters.

## VI. State and Tribal Implementation of Today's Rule

The municipal solid waste landfill criteria are implemented in one of two ways. The first, and preferred alternative, is that each State implements the criteria after EPA reviews its municipal solid waste landfill permit program or other system of prior approval and finds it to be adequate pursuant to 40 CFR part 239. The criteria contain provisions that allow States to develop and rely on alternative approaches to address site-specific conditions. Therefore, the actual planning and direct implementation of solid waste programs is principally a function of State governments, rather than the federal government. The criteria can also be ''self-implementing'' by landfill owners and operators in those States that have not received EPA approval of their MSWLF permitting programs. In this case, the regulations provide less flexibility for owners and operators. As of January 1, 2002, 50 States and territories had received approval of their programs and are implementing the MSWLF criteria.

As discussed in a prior **Federal Register** notice (63 FR 57027, October 23, 1998), Tribes are not included in the definition of State under RCRA, and therefore EPA does not have authority under RCRA to approve tribal MSWLF permitting programs. However, tribes can seek the same flexibility as afforded owners and operators located in approved States through a site-specific rulemaking as discussed in the EPA draft guidance entitled, ''Site Specific Flexibility Requests for Municipal Solid Waste Landfills in Indian Country,'' EPA530–97–016, August 1997.

Today's final rule to allow RD&D permits is not self implementing. MSWLF owners/operators will only be able to obtain an RD&D permit in approved States that adopt authority to issue such permits. Because today's rule provides more flexibility than existing federal criteria, states are not required to amend permit programs which have been determined to be adequate under 40 CFR part 239. States have the option to amend statutory or regulatory provisions pursuant to today's rule. If a State chooses to amend its statutory or regulatory authority, and if doing so modifies the State's solid waste permit program, the State is required to notify the EPA Regional Administrator of the modification as provided by 40 CFR 239.12. Whether a State chooses to incorporate today's rule into its solid waste program will have no effect on the status of its existing program with respect to EPA approval, *i.e.,* a State's submission of revisions to issue RD&D permits does not open a previously approved solid waste program for Federal review.

Tribes are also eligible for RD&D permits under today's rule, similar to owners and operators located in approved States, through a site-specific rulemaking outlined in the previously referenced draft guidance document, ''Site Specific Flexibility Requests for Municipal Solid Waste Landfills in Indian Country.''

## VII. How Does This Rule Comply With Applicable Statutes and Executive Orders?

### *A. Executive Order 12866: Regulatory Planning and Review*

Under Executive Order 12866 (58 FR 51735), the Agency must determine whether this regulatory action is ''significant'' and therefore subject to formal review by the Office of Management and Budget (OMB) and to the requirements of the Executive Order, which include assessing the costs and benefits anticipated as a result of the proposed regulatory action. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Today's rule allows, but does not require, States to provide RD&D permits to individual MSWLFs. This rule will not require any MSWLF to apply for such a permit, but would provide an opportunity to those owners/operators of MSWLF units seeking to try innovative or new technology or processes with respect to landfilling municipal solid waste.

It has been determined that today's rule is not a significant regulatory action under Executive Order 12866 and is therefore not subject to OMB review. Today's rule would impose no new requirements and is intended to give more flexibility to the regulated community with significant potential net cost savings. Although net cost savings are expected, EPA is unable to estimate the magnitude of the savings because it is not known how many RD&D permits will be authorized nor what kinds of permit changes or innovations might be undertaken.

### *B. Paperwork Reduction Act*

The information collection requirements in this rule will be submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document will be prepared by EPA and a copy, when completed, may be obtained from Sandy Farmer by mail at Collection Strategies Division; U.S. Environmental Protection Agency (2822); 1200 Pennsylvania Ave., NW., Washington, DC 20460, by e-mail at *farmer.sandy@epamail.epa.gov,* or by calling (202) 260–2740. A copy can also be downloaded off the Internet at *http://www.epa.gov/icr* when it is available. The information requirements are not enforceable until OMB approves them.

The ICRs affected by this rule are for 40 CFR part 239, Requirements for State Permit Program Determination of Adequacy and part 258, MSWLF Criteria. OMB has reviewed the ICR for part 239 (ICR# 1608.03, OMB# 2050–152). EPA included estimates of the cost for approved States to revise their existing program for today's rule. The estimated cost was $5,680 per respondent. EPA will request comments under the ICR review process from States which plan to make these revisions so that EPA can better understand the expected burden that would be incurred by states who wish to make these changes. EPA is estimating that approximately five states will revise their rules to take advantage of today's rule. In addition, EPA will also be requesting information from MSWLF owners/operators on the reporting burden that they would incur due to this rule under the part 258,

MSWLF criteria ICR (ICR# 1381.06, OMB# 2050–0122) when that review process begins. This process is scheduled to be completed in October 2003. Information which States are expected to require include a demonstration as part of the permit application, the annual report specified in the rule, as well as additional monitoring and testing requirements which may be specified by a State authority. Additional monitoring requirements could include the measurement of leachate head on the liner; landfill temperature at various locations; type, application rate and application method of various wastes, including liquid wastes and water that maybe placed in the landfill; additional hydraulic studies; landfill settlement rate determinations; etc. At present, EPA estimates that only two to three landfills a year will be permitted under this rule over the next few years. Reporting requirements are estimated to cost between $15,000 and $25,000 per year per landfill. So total reporting costs are estimated at $30,000 to $75,000 per year for the first year and increasing at a rate of $50,000 per year for the next three years thereafter.

*C. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et. seq.,* generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business that is primarily engaged in the collection and disposal of refuse in a landfill operation as defined by NAICS codes 562212 and 924110 (also defined by SIC codes 4953 and 9511) with annual receipts less than 10 million dollars, as defined in accordance with the Small Business Administration (SBA) size standards established for industries listed in the North American Industry Classification System (*see http://www.sba.gov/size/NAICS-cover-page.html*); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the proposed rule on small entities'' (5 U.S.C. Sections 603 and 604). Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on small entities subject to the rule. This rule will create no additional burden for small entities since small entities are not required to apply for a permit under today's rule in order to operate a landfill under part 258, unless they utilize a different technology then is allowed under existing rules. Therefore, getting a permit under today's rule is optional on the part of the landfill owner/operator.

*D. Unfunded Mandates Reform Act*

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

EPA's analysis of compliance with the Unfunded Mandates Reform Act of 1995 found that this rule imposes no additional enforceable burden on any State, local or tribal governments or the private sector. Thus, today's rule is not subject to the requirements of sections 202, 203, and 205 of UMRA.

*E. Executive Order 13132: Federalism*

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This final rule does not have federalism implications. It would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Implementation of this rule by a State is at the State's discretion and is not required. Nevertheless, although section 6 of Executive Order 13132 does not apply to this rule, EPA has consulted with States through the Association of State and Territorial Solid Waste Management Officials during the development of this rule. Thus, Executive Order 13132 does not apply to this rule change.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA requested and received comments on the proposed rule from State and local

officials. These comments have been addressed in the preamble and the Response to Comments document.

*F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

Under section 5(b) of Executive Order 13175, EPA may not issue a regulation that has tribal 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 tribal governments, or EPA consults with tribal officials early in the process of developing the proposed regulation. Under section 5(c) of Executive Order 13175, EPA may not issue a regulation that has tribal implications and that preempts tribal law, unless the Agency consults with tribal officials early in the process of developing the regulation.

EPA has concluded that this rule will have no new tribal implications. It would not present any additional burden on the tribes, but will allow more flexibility for compliance with the MSWLF criteria. It will neither impose substantial direct compliance costs on tribal governments, nor preempt tribal law. Thus, the requirements of sections 5(b) and 5(c) of the Executive Order do not apply to this rule.

*G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it would not affect decisions involving the environmental health or safety risks to children.

*H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution or Use*

This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This rule reduces regulatory burden. It thus should not adversely affect energy supply, distribution or use.

*I. National Technology Transfer and Advancement Act of 1995*

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

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

*J. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective April 21, 2004.

**List of Subjects in 40 CFR Part 258**

Environmental protection, Reporting and recordkeeping requirements, Municipal Landfills, Waste treatment and disposal.

Dated: March 15, 2004.

**Michael O. Leavitt,**

*Administrator.*

■ For the reasons set forth in the preamble, EPA is amending 40 CFR part 258 as follows:

## PART 258—CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS

■ 1. The authority citation for part 258 is revised to read as follows:

**Authority:** 33 U.S.C. 1345(d) and (e); 42 U.S.C. 6902(a), 6907, 6912(a), 6944, 6945(c) and 6949a(c), 6981(a).

### Subpart A—[Amended]

■ 2. Add § 258.4 to subpart A to read as follows:

**§ 258.4 Research, development, and demonstration permits.**

(a) Except as provided in paragraph (f) of this section, the Director of an approved State may issue a research, development, and demonstration permit for a new MSWLF unit, existing MSWLF unit, or lateral expansion, for which the owner or operator proposes to utilize innovative and new methods which vary from either or both of the following criteria provided that the MSWLF unit has a leachate collection system designed and constructed to maintain less than a 30-cm depth of leachate on the liner:

(1) The run-on control systems in § 258.26(a)(1); and

(2) The liquids restrictions in § 258.28(a).

(b) The Director of an approved State may issue a research, development, and demonstration permit for a new MSWLF unit, existing MSWLF unit, or lateral expansion, for which the owner or operator proposes to utilize innovative and new methods which vary from the final cover criteria of § 258.60(a)(1), (a)(2) and (b)(1), provided the MSWLF unit owner/operator demonstrates that the infiltration of liquid through the alternative cover system will not cause contamination of groundwater or

surface water, or cause leachate depth on the liner to exceed 30-cm.

(c) Any permit issued under this section must include such terms and conditions at least as protective as the criteria for municipal solid waste landfills to assure protection of human health and the environment. Such permits shall:

(1) Provide for the construction and operation of such facilities as necessary, for not longer than three years, unless renewed as provided in paragraph (e) of this section;

(2) Provide that the MSWLF unit must receive only those types and quantities of municipal solid waste and non-hazardous wastes which the State Director deems appropriate for the purposes of determining the efficacy and performance capabilities of the technology or process;

(3) Include such requirements as necessary to protect human health and the environment, including such requirements as necessary for testing and providing information to the State Director with respect to the operation of the facility;

(4) Require the owner or operator of a MSWLF unit permitted under this section to submit an annual report to the State Director showing whether and to what extent the site is progressing in attaining project goals. The report will also include a summary of all monitoring and testing results, as well as any other operating information specified by the State Director in the permit; and

(5) Require compliance with all criteria in this part, except as permitted under this section.

(d) The Director of an approved State may order an immediate termination of all operations at the facility allowed under this section or other corrective measures at any time the State Director determines that the overall goals of the project are not being attained, including protection of human health or the environment.

(e) Any permit issued under this section shall not exceed three years and each renewal of a permit may not exceed three years.

(1) The total term for a permit for a project including renewals may not exceed twelve years; and

(2) During permit renewal, the applicant shall provide a detailed assessment of the project showing the status with respect to achieving project goals, a list of problems and status with respect to problem resolutions, and other any other requirements that the Director determines necessary for permit renewal.

(f) *Small MSWLF units.* (1) An owner or operator of a MSWLF unit operating under an exemption set forth in § 258.1(f)(1) is not eligible for any variance from §§ 258.26(a)(1) and 258.28(a) of the operating criteria in subpart C of this part.

(2) An owner or operator of a MSWLF unit that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, is not eligible for a variance from § 258.60 (b)(1),except in accordance with § 258.60(b)(3).

[FR Doc. 04–6310 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## 45 CFR Part 34

## Filing Claims Under the Military Personnel and Civilian Employees Claims Act

**AGENCY:** Department of Health and Human Services.

**ACTION:** Final rule.

**SUMMARY:** The Department of Health and Human Services (HHS) is establishing a new regulation that would prescribe the procedures HHS follows when claims are filed by employees against HHS for personal property damage or loss incident to their service with HHS. This new regulation is in accordance with, and pursuant to, the Military Personnel and Civilian Employees Claims (MPCE) Act of 1964 (31 U.S.C. 3721), authorizing the head of each Federal agency to prescribe its own regulations for handling such claims.

**EFFECTIVE DATE:** March 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Katherine M. Drews, Associate General Counsel, General Law Division, Office of the General Counsel, (202) 619–0150.

**SUPPLEMENTARY INFORMATION:**

### Background

This final rule implements the MPCE Act codified at section 3721 of title 31 of the United States Code. The MPCE Act establishes guidelines Federal agencies must follow when an agency employee files a claim for personal property damage or loss incurred incident to his or her Federal service. Under the MPCE Act, the Secretary may approve claims made against the Government by a federal government employee for damage or loss of personal property that is incident to employment if the loss was not due to a negligent or wrongful act of the claimant. Therefore, HHS adds a new regulation to implement to the MPCE Act. Prior guidance in the Department's General Administration Manual is hereby superseded.

### Executive Order 12866

This rulemaking is limited to internal agency management and policy, and therefore is not a regulation or rule as defined by Executive Order 12866. It has also has also been determined that this rulemaking is not a significant regulatory action for purposes of Executive Order 12866. Accordingly, a regulatory impact analysis is not required.

### Regulatory Flexibility Act

This rule relates to internal agency management and policy, and therefore, it is not subject to Executive Order 12291. Because no notice of proposed rulemaking is required for this final rule, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### Civil Justice Reform

This rule meets the applicable standards set forth in section 3(a) and (b)(2) of the Executive Order 12988.

### Unfunded Mandates Reform Act

This 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, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

### Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Act, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United Sates-based companies to compete with foreign-based companies in domestic or export markets.

### Federalism

This rule 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 various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have

sufficient federalism implications to warrant the preparation of federalism assessment.

**Paperwork Reduction Act**

This final rule would not impose any new reporting or recordkeeping requirements under the Paper Reduction Act, 44 U.S.C. chapter 35.

**Analysis of and Responses to Public Comments**

No public comments were received.

**List of Subjects in 45 CFR Part 34**

Administrative practices and procedures, Claims, Appeals and Settlements.

■ For the reasons set forth in the preamble, HHS adds 45 CFR part 34 to read as follows:

## PART 34—CLAIMS FILED UNDER THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES ACT

Sec.
34.1 Purpose and scope.
34.2 Definitions.
34.3 Filing procedures and time limits.
34.4 Allowable claims.
34.5 Unallowable claims.
34.6 Reconsideration or appeal.
34.7 Payment procedures.
34.8 Computation of award and settlement.
34.9 Claims involving carriers or insurers.

**Authority:** 31 U.S.C. 3721.

### § 34.1 Purpose and scope.

(a) *Purpose.* This part prescribes polices and procedures for handling claims not in excess of $40,000.00 filed by employees against the Department of Health and Human Services under the Military Personnel and Civilian Employees Claims (MPCE) Act of 1964, 31 U.S.C. 3721, for damage to, or loss of, property against the Department. Under the MPCE Act, the Secretary may approve claims made against the Government by a federal government employee for damage to or loss of personal property that is incident to employment when the loss or damage is not due to any negligence on the part of employee.

(b) *Scope.* This part applies to all Departmental Operating Divisions and Regional Offices that process and review claims under the MPCE Act. Nothing in this part shall be construed to bar other types of claims that are payable under other statutory authority such as, but not limited to, the Federal Tort Claims Act (28 U.S.C. 2671–2680).

### § 34.2 Definitions.

In this part, unless the context otherwise requires:

*Claim* means any claim filed by or on behalf of an employee for damage to, or loss of, property that is incident to the claimant's employment. This definition includes claims where the claimant is not the legal owner of the property in question, but has obtained authorization from the legal owner to posses or control the property.

*Claimant* means an employee who has filed a claim with the Department under the MPCE Act.

*Damage or loss* means total or partial destruction or loss of the item claimed.

*Department* means the Department of Health and Human Services.

*Employee* means an officer or employee of the Department.

*Quarters* means a house, apartment or other residence assigned by the government to an employee of the Department.

### § 34.3 Filing procedures and time limits.

(a) *Who may file a claim.* A claim may be filed by the following individuals:

(1) An employee;

(2) An authorized agent or representative of an employee or employee's estate, regardless of whether the claim arose before or concurrent with an employee's death; and

(3) A former employee or his authorized agent or representative if damage or loss occurred prior to the separation from the Department.

(b) *Requirements.* A claim submitted under this part must be presented in writing to the Claims Officer (*See* paragraph (c) of this section). Claims may be submitted on a HHS–481 form, Employee Claim for Loss or Damage to Personal Property. All claims must be signed by the claimant or his authorized agent or representative. The HHS-Form can be obtained from the Claims Officer or downloaded from the Program Support Center's webpage at *www.psc.gov.* All claims must include the following:

(1) Name and address of the claimant;

(2) The office in which the claimant was employed at the time of loss, current office, if different, and telephone number;

(3) Date of loss or damage;

(4) Amount of claim;

(5) Description of the property, including but not limited to type, design, model number, date acquired, value when acquired, value when lost, and estimation of repair or replacement cost;

(6) Description of incident; and

(7) If property was insured when loss or damage occurred, a statement indicating whether a claim was filed with an insurance carrier.

(c) *Where to file your claim.* (1) Claimants employed with the Regional Offices should submit claims to the Chief Regional Counsel, Office of the General Counsel, within the claimant's Region.

(2) All other claimants must submit claims to the Office of the General Counsel, General Law Division, Claims and Employment Law Branch, 330 Independence Ave., SW., Room 4760, Cohen Building, Washington, DC 20201.

(d) *Evidence required.* You must submit the following:

(1) Not less than two itemized signed estimates for the cost of repairs, or an itemized bill of repair for the damaged property;

(2) In the event the property is not economically repairable or is totally lost or destroyed, proof of this fact, its market value before or after loss, purchase price, and date of acquisition of the property;

(3) Proof of ownership or right to recover for the damage such as a receipt;

(4) Police/incident report;

(5) If property is insured, insurance information, such as insurance carrier, type of coverage, deductible, and whether claim has been filed and/or paid;

(6) Travel orders, if applicable;

(7) Any citations or traffic tickets, if applicable; and

(8) Any other evidence required by the claims officer not specified above.

(e) *Time limit.*

(1) A claim filed under this section must be filed in writing with the Department within two years from the date of the incident.

(2) If the claim accrues in the time of war or in the time of armed conflict in which any armed forces of the United States are engaged or if such a war or armed conflict occurs within two years after the claim accrues, and if good cause is shown, the claim shall be presented no more than two years after that cause ceases to exist, or two years after the war or armed conflict is terminated, whichever is earlier.

(3) All required evidence in support of a claim submitted under this section must be forwarded to the claims officer within sixty days after request. Failure to do so will be deemed as an abandonment of the claim and the claim will be disallowed.

### § 34.4 Allowable claims.

(a) *What you can claim.*

(1) Claims for damage or loss may be allowed where possession of the property was lawful and reasonable under circumstances.

(2) Claims for property damage or loss by fire, flood, hurricane, theft, or other serious occurrence may be allowed when the property is located inside:

(i) Quarters that have been assigned or provided by the government; or

(ii) Quarters outside the United States whether assigned by the government or not, except when a civilian employee outside the U.S. is a local inhabitant.

(3) Claims for damage to, or loss of, property may be allowed when caused by:

(i) Marine, air disaster, enemy action or threat thereof, or other extraordinary risks incurred incident to the performance of official duties by the claimant; and

(ii) Efforts by the claimant to save human life or government property.

(4) Property used for the benefit of the government. Claims may be allowed for damage to, or loss of, property used for the benefit of the government at the request, or with the knowledge and consent of, superior authority.

(5) Claims for clothing and accessories may be allowed when loss or damage was caused by faulty or defective equipment or furnishings owned or managed by the Department.

(6) Claims for stolen property, only if it is determined that the claimant exercised due care in protecting his property and there is clear evidence that a burglary or theft occurred.

(7) Claims for automobiles, only when required to perform official business or parked on a government-owned or operated parking lot or garage incident to employment. This subsection does not include claims for damage or loss when traveling between place of residence and duty station, or when the loss or damage was caused by the negligence of a third party. If the automobile is a total loss, the maximum amount allowed is the value of the vehicle at the time of loss as determined by the National Automobile Dealer Association Appraisal Guide or similar publications.

(8) Claims for any other meritorious claims in exceptional cases may be allowed by the Claims Officer.

(9) Transportation or travel losses. Damage or loss of personal property, including baggage and household items, while being transported by a carrier, agent or agency of the government, or private conveyance, may be allowed only if the property is shipped under orders or in connection with travel orders.

### § 34.5 Unallowable claims.

(a) *What you cannot claim.*

(1) Claims for money or currency, such as intangible property (*i.e.* bankbooks, check, money orders, promissory notes, stock certificates, etc.).

(2) Worn-out or unserviceable property.

(3) Easily pilferable articles, such as jewelry, cameras, watches, and binoculars when they are shipped with household goods by a moving company or unaccompanied baggage. This does not apply to checked property or property in personal custody of the claimant or his agent provided proper security measures have been taken.

(4) Government property.

(5) Appraisal or estimate fees.

(6) Automobiles, except when required to perform official business or parked on a government-owned or operated parking lot or garage incident to employment.

(7) Loss or damage caused in whole or in part by the negligent or wrongful act of the claimant or his agent or employee.

(8) Claims under $30.00.

(9) Stolen property when it's determined that claimant failed to exercise due care in protecting his or her property.

(10) Sales Tax. Reimbursements for the payment of sales tax incurred in connection with repairs or replacing an item will not be allowed.

### § 34.6 Reconsideration or appeal.

(a) Requests for reconsideration or appeal shall be forwarded to the Associate General Counsel, General Law Division, Office of the General Counsel, within sixty days from the date of the Claims Officer's decision along with any new evidence supporting the claim.

(b) A voucher or a supplemental voucher will be prepared by the Claims Officer if it is determined that the claimant's request for reconsideration should be allowed.

### § 34.7 Payment procedures.

(a) For all claims that are approved in whole or part, the claims officer shall prepare and mail a payment voucher to the claimant.

(b) This voucher shall be mailed to the claimant with appropriate instructions.

(c) Upon receipt of the signed payment voucher, the claims officer shall sign and forward the signed voucher to the office where the claimant is or was employed for processing.

(d) Upon receipt of the signed payment voucher, the office in which the claimant is or was employed will submit the voucher for transmission to the Treasury Department for issuance of a check in the sum allowed.

(e) Funds paid for settlement of allowed claims shall be made from appropriations of the office in which the claimant is or was employed.

### § 34.8 Computation of award and settlement.

(a) The amount awarded on any item of property shall not exceed the adjusted cost of the item based on the cost of replacing it with a similar one of the same quality minus the appropriate depreciation rate. The amount normally payable on property damaged beyond economical repair shall not exceed its depreciated value. If the cost of repairs is less than the depreciated value it shall be considered economically repairable and the costs of repairs shall be the amount payable.

(b) Depreciation in value of an item shall be determined by considering the type of article involved, its replacement cost, condition when lost or damaged beyond economical repair, and the time elapsed between the date of acquisition and the date of accrual of the claim.

(c) Notwithstanding any other provision of law, settlements of claims under the MPCE Act are final and conclusive. The acceptance of a settlement constitutes a complete release of any claim against the United States and any employee of the government whose act or omission gave rise to the claim by reason of the same claim.

### § 34.9 Claims involving carriers or insurers.

(a) *Carriers.*

(1) If property is damaged, lost or destroyed while being shipped pursuant to authorized travel orders, the owner shall file a written claim for reimbursement against the carrier no later than nine months from the date of delivery or should have been made according to the terms of the contract. It shall be filed before or concurrent with submitting a claim against the government under this part.

(2) The demand shall be made against the responsible carrier if more than one contract was issued, a separate demand shall be made against the last carrier on each such document, unless claimant knows which carrier was in possession of the property when the damage or loss occurred.

(b) *Insurers.*

(1) If property which is damaged, lost, or destroyed incident to the claimant's service is insured in whole or in part, the claimant shall inform the Claims Officer whether a claim was made with the insurance carrier.

(2) The claimant shall inform the claims officer if he or she received a reimbursement from the insurance carrier for the item that was damaged or lost. The exact amount of the reimbursement must be reported.

(3) If the claimant receives a reimbursement for the lost or damaged property from an insurance carrier, the maximum amount that can be recovered from the Department is the difference

between an appropriate award under this regulation and the amount recovered from the insurance carrier. The claimant is responsible for submitting to the Department documentation that identifies the exact amount of the reimbursement.

Dated: March 11, 2004.

**Tommy G. Thompson,**

*Secretary.*

[FR Doc. 04–6045 Filed 3–19–04; 8:45 am]

BILLING CODE 4150–24–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–500, MB Docket No. 03–213, RM–10794]**

### Television Broadcast Service; Saranac Lake, NY

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Channel 61 Associates, LLC, substitutes channel 40 for channel 61 – at Saranac Lake, New York. *See* 68 FR 62047, October 31, 2003. TV channel 40 can be allotted to Saranac Lake with a plus offset in compliance with the minimum distance separation requirements of Sections 73.610 and 73.698 of the Commission's Rules. Since the community of Saranac Lake is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government was obtained for this allotment. The coordinates for channel 40+ are 44–09–35 N. and 74–28–34 W. With this action, this proceeding is terminated.

**DATES:** Effective April 19, 2004.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 03–213, adopted February 25, 2004, and released March 3, 2004. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via-e-mail *qualexint@aol.com.*

**List of Subjects in 47 CFR Part 73**

Television broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

### PART 73—[AMENDED]

■ 1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

**§ 73.606 [Amended]**

■ 2. Section 73.606(b), the Table of Television Allotments under New York, is amended by removing TV channel 61 – and adding TV channel 40+ at Saranac Lake.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 04–6321 Filed 3–19–04; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–501, MB Docket No. 03–207, RM–10769]**

### Television Broadcast Service; Osage Beach, MO

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Timothy D. Lischwe, allots channel 49 to Osage Beach, Missouri. *See* 68 FR 61788, October 30, 2003. TV channel 49 can be allotted to Osage Beach with a plus offset in compliance with the Minimum distance separation requirements. The coordinates for channel 49+ are 38–17–33 N. and 92–34–24 W. With this action, this proceeding is terminated.

**DATES:** Effective April 19, 2004.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 03–207, adopted February 25, 2004, and released March 3, 2004. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via-e-mail *qualexint@aol.com.*

**List of Subjects in 47 CFR Part 73**

Television broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

### PART 73—[AMENDED]

■ 1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

**§ 73.606 [Amended]**

■ 2. Section 73.606(b), the Table of Television Allotments under Missouri, is amended by adding Osage Beach and TV channel 49+.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 04–6320 Filed 3–19–04; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–502, MM Docket No. 01–82, RM–10068]**

### Television Broadcast Service; Bend, OR

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of 3-J Broadcasting Company, allots channel 51 to Bend, Oregon, as the community's second local commercial television service. *See* 66 FR 20127, April 19, 2001. TV channel 51 can be allotted to Bend, Oregon, with a zero offset in compliance with the minimum distance separation requirements. The coordinates for channel 51 are 44–03–30 N. and 121–18–30 W. With this action, this proceeding is terminated.

**DATES:** Effective April 19, 2004.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01–82, adopted February 25, 2004, and released March 5, 2004. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference

Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via-e-mail *qualexint@aol.com.*

**List of Subjects in 47 CFR Part 73**

Television broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

## PART 73—[AMENDED]

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

**§ 73.606 [Amended]**

■ 2. Section 73.606(b), the Table of Television Allotments Under Oregon, is amended by adding TV channel 51 at Bend.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 04–6319 Filed 3–19–04; 8:45 am]

**BILLING CODE 6712–01–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 48 CFR Part 1852

**RIN 2700–AC97**

## Representations and Certifications—Other Than Commercial Items

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule revises the NASA Federal Acquisition Regulation (FAR) Supplement (NFS) by amending the Offeror Representations and Certifications—Other Than Commercial Items provision used in solicitations for non-commercial simplified acquisitions. This change is required to conform with changes made to the FAR by Federal Acquisition Circulars (FAC) 2001–14 and 2001–19.

**DATES:** *Effective Date:* This interim rule is effective March 22, 2004.

*Comment Date:* Interested parties should submit comments to NASA at the address below on or before May 21, 2004, to be considered in formulation of the final rule.

**ADDRESSES:** Interested parties may submit comments, identified by RIN number 2700–AC97, via the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments may also be submitted to Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546. Comments can also be submitted by e-mail to: *Celeste.M.Dalton@nasa.gov.*

**FOR FURTHER INFORMATION CONTACT:** Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358–1645; e-mail: *Celeste.M.Dalton@nasa.gov.*

**SUPPLEMENTARY INFORMATION:**

### A. Background

NASA FAR Supplement (NFS) provision 1852.213–70, Offeror Representations and Certifications—Other Than Commercial Items, provides a consolidated set of representations and certifications for use under non-commercial simplified acquisitions. This interim rule makes changes to NFS 1852.213–70 to conform to changes made to FAR provisions 52.225–4 and 52.225–6 by FACs 01–14 and 01–19, and changes made to 52.225–2 by FAC 01–14. These FAR provisions are included as paragraphs (e) and (f) of 1852.213–70. Specifically, FAC 01–14 clarified the use of the term ''United States,'' when used in a geographic sense and provided a definition of ''outlying areas'' of the United States, a term that encompasses the named outlying commonwealths, territories, and minor outlying islands. In addition to changes required in paragraphs (e) and (f) of 1852.213–70, a change is required in the introductory text of paragraph (c) as a result of the definition of ''outlying areas''. FAC 01–19 made changes to implement the new Free Trade Agreements with Chile and Singapore, as approved by Congress (Pub. L. 108–77 and 108–78). These changes included removing references to ''North American Free Trade Agreement'' and incorporating the new concept of ''Free Trade Agreements'' in FAR provisions 52.225–4 and 52.225–6. In addition to the changes resulting from FACs 01–14 and 01–19, this interim rule revises 1852.213–70 to incorporate the definition of ''service-disabled veteran'' into the definition of ''service-disabled veteran-owned small business concern'' consistent with FAR 2.101(b). Finally, this change updates and corrects references and makes minor editorial changes.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

### B. Regulatory Flexibility Act

This interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* because acquisitions under $100,000 that are set aside for small businesses are exempt from trade agreements and these representations and certifications only apply to non-commercial acquisitions less than $100,000. NASA will consider comments from small entities concerning the affected NFS Part 1852 in accordance with 5 U.S.C. 610.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose any new recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

### D. Determination to Issue an Interim Rule

In accordance with 41 U.S.C. 418(d), NASA has determined that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary consistent with the determination made for issuance of Item II of FAC 01–19 as an interim rule because the Free Trade Agreements with Chile and Singapore, as approved by Congress (Pub. L. 108–77 and 108–78) were effective January 1, 2004. NASA will consider public comments received in response to this interim rule in formation of the final rule.

**List of Subjects in 48 CFR Part 1852**

Government procurement.

**Tom Luedtke,**

*Assistant Administrator for Procurement.*

■ Accordingly, 48 CFR part 1852 is amended as follows:

## PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 1852 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

■ 2. Amend section 1852.213–70 by—

■ (a) Revising the date of the provision to read ''(MAR 2004)'';

■ (b) Amending paragraph (a) by —

■ (i) Removing the definition for ''Service-disabled veteran'';
■ (ii) Revising the definition for ''Service-disabled veteran-owned small business concern'';
■ (c) Revising the introductory text of paragraph (c);
■ (d) In paragraph (c)((7)(ii), removing ''(c)(11)(i)'' and adding ''(c)(7)(i)'' in its place;
■ (e) Revising paragraphs (e) introductory text and (e)(1);
■ (f) Removing ''North American Free Trade Agreement'' from paragraph (f)(1) (twice), (f)(1)(ii), and (f)(1)(iii) and adding ''Free Trade Agreements'' in its place;
■ (g) Revising paragraph (f)(1)(i);
■ (h) In paragraph (f)(2), removing ''North American'' and adding ''(JAN 2004)'' immediately after ''Alternate I'' in the first sentence, and removing ''North American Free Trade Agreement'' from paragraph (f)(1)(ii) and adding ''Free Trade Agreements'' in its place;
■ (i) In paragraph (f)(3), removing ''North American'' and adding ''(JAN 2004)'' immediately after ''Alternate II'' in the first sentence, and removing ''North American Free Trade Agreement'' from paragraph (f)(1)(ii) and adding ''Free Trade Agreements'' in its place;
■ (j) Removing ''NAFTA'' from paragraphs (f)(1)(ii) (twice), (f)(4)(i), (f)(4)(ii), and (f)(4)(iii) (twice) and adding ''FTA'' in its place;
■ (k) Revising the date for Alternate I to read ''(MAR 2004)''; and in the introductory text, removing ''1813.302–570(a)(2)'' and adding ''1813.302–570(a)(2)(i)'' in its place;
■ (l) Revising the date for Alternate II to read ''(MAR 2004)''; and in the introductory text, removing ''1813.302–570(a)(2)'' and adding ''1813.302–570(a)(2)(ii)'' in its place; and
■ (m) Revising the date for Alternate III to read ''(MAR 2004)''; and in the introductory text, removing ''1813.302–570(a)(2)'' and adding ''1813.302–570(a)(2)(iii)'' in its place.

The revised and added text reads as follows:

**1852.213–70 Offeror Representations and Certifications—Other Than Commercial Items.**

* * * * *

**Offeror Representations and Certifications—Other Than Commercial Items (MAR 2004)**

(a) * * *

''Service-disabled veteran-owned small business concern''—

(1) Means a small business concern—

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(2) Service-disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

* * * * *

(c) Offerors must complete the following representations when the resulting contract will be performed in the United States or its outlying areas. Check all that apply.

* * * * *

(e) *Buy American Act Certificate.* (Applies only if the clause at Federal Acquisition Regulation (FAR) 52.225–1, Buy American Act—Supplies, is included in this solicitation.)

(1) The offeror certifies that each end product, except those listed in paragraph (e)(2) of this provision, is a domestic end product and that the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The offeror shall list as foreign end products those end products manufactured in the United States that do not qualify as domestic end products. The terms ''component,'' ''domestic end product,'' ''end product,'' ''foreign end product,'' and ''United States'' are defined in the clause of this solicitation entitled ''Buy American Act-Supplies.''

* * * * *

(f)(1) * * *

(i) The offeror certifies that each end product, except those listed in paragraph (f)(1)(ii) or (f)(1)(iii) of this provision, is a domestic end product and that the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The terms ''component,'' ''domestic end product,'' ''end product,'' ''foreign end product,'' and ''United States'' are defined in the clause of this solicitation entitled ''Buy American Act—Free Trade Agreements— Israeli Trade Act''

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# Proposed Rules

Federal Register
Vol. 69, No. 55
Monday, March 22, 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 AGRICULTURE

### Animal and Plant Health Inspection Service

### 7 CFR Part 319

**[Docket No. 02–081–2]**

**RIN 0579–AB77**

### Importation of Clementines, Mandarins, and Tangerines From Chile

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the fruits and vegetables regulations to allow the importation, under certain conditions, of clementines, mandarins, and tangerines from Chile into the United States. Based on the evidence in a recent pest risk assessment and an accompanying risk management document, we believe these articles can be safely imported from all provinces of Chile, provided certain conditions are met. This action would provide for the importation of clementines, mandarins, and tangerines from Chile into the United States while continuing to protect the United States against the introduction of plant pests.

**DATES:** We will consider all comments that we receive on or before May 21, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. 02–081–2, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 02–081–2.
- E-mail: Address your comment to *regulations@aphis.usda.gov*. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 02–081–2'' on the subject line.
- Agency Web site: Go to *http://www.aphis.usda.gov/ppd/rad/cominst.html* for a form you can use to submit an e-mail comment through the APHIS Web site.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and follow the instructions for locating this docket and submitting comments.

*Reading Room:* You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

*Other Information:* You may view APHIS documents published in the **Federal Register** and related information, including the names of groups and individuals who have commented on APHIS dockets, on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html*.

**FOR FURTHER INFORMATION CONTACT:** Dr. Inder P. Gadh, Import Specialist, Phytosanitary Issues Management Staff, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236; (301) 734–5210.

**SUPPLEMENTARY INFORMATION:**

## Background

The regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56 through 319.56–8, referred to below as the regulations), prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests. The Government of the Republic of Chile has requested that the Animal and Plant Health Inspection Service (APHIS) amend the regulations to allow the importation into the United States of clementines, mandarins, and tangerines from Chile under certain conditions.

To evaluate the risks associated with the importation of clementines, mandarins, and tangerines from Chile, a draft pest risk assessment entitled ''Importation of Fresh Commercial Citrus Fruit: Clementine (*Citrus reticulata* Blanco var. 'Clementine'), Mandarin (*Citrus reticulata* Blanco), and Tangerine (*Citrus reticulata* Blanco) from Chile into the United States: A Pathway Initiated Plant Pest Risk Assessment'' (revised September 2002) was prepared. An addendum to this pest risk assessment was prepared in September of 2003. The Servicio Agricola y Ganadero, the national plant protection organization (NPPO) of Chile, prepared a risk management document entitled ''Measures Suggested for Quarantine Pest Risk Management in Clementines, Mandarin Oranges and Tangerines Exported from Chile to the United States of America'' (March 2002), which accompanied the draft pest risk assessment.

On October 22, 2002, we published a notice in the **Federal Register** (67 FR 64862–64863, Docket No. 02–081–1) in which we advised the public of the availability of the draft pest risk assessment and its accompanying risk management document. We solicited comments concerning those documents for 60 days ending December 23, 2002, and received no comments by that date.

The pest risk assessment and the risk management document may be viewed on the Internet at *http://www.aphis.usda.gov/ppq/pra/*, or in our reading room (information on the location and hours of the reading room is provided under the heading **ADDRESSES** at the beginning of this document). You may also request copies of those documents from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Based on the evidence in the pest risk assessment and its accompanying risk management document, we believe that clementines, mandarins, and tangerines can be safely imported from all provinces of Chile, provided certain conditions are met. Therefore, we are proposing to add a new § 319.56–2ll to the regulations to provide for the importation of clementines, mandarins, and tangerines from Chile.

### *Permit*

Under paragraph (a) of the proposed regulations, a specific written permit issued in accordance with § 319.56–3 would be required to import clementines, mandarins, and tangerines from Chile. Importers would be required to apply to the Plant Protection and Quarantine (PPQ) program for a permit in advance of the proposed shipments, stating in the application the country or locality of origin of the fruits, the port of first arrival, and the name and

address of the importer in the United States to whom the permit should be sent. Upon receipt of the application and upon approval by an inspector, a permit would be issued specifying the conditions of entry, which will be discussed in the following paragraphs, and the port of entry. In accordance with § 319.56–4, a permit, once issued, could be amended or withdrawn by the Administrator at any time if it is determined that the importation of the fruit presents a risk.

*Cold Treatment*

One of the four pests of concern identified in the risk assessment document is *Ceratatis capitata*, a fruit fly more commonly known as the Mediterranean fruit fly (Medfly). To address the risk presented by this pest, paragraph (b) of the proposed regulations would require the cold treatment of fruit grown in areas of Chile where Medfly is known to occur, which include the province of Arica as well as regulated areas in Chile's Metropolitan Region. Shipments from these areas would require cold treatment in accordance with the PPQ Treatment Manual and would also be required to be accompanied by documentation indicating that the cold treatment was initiated in Chile. Fruit from these areas would also have to meet all other proposed requirements.

*Importation Options*

The second of the four pests of concern identified in the risk assessment document is *Brevipalpus chilensis*, a mite that is not easily detected through visual inspection. To address the risk presented by this pest, paragraph (c) of the proposed regulations would provide for the use of two options, a systems approach and fumigation. The systems approach would allow for the importation of the fruit without fumigation, which is a more expensive option. These options are discussed in detail in the following paragraphs.

The remaining two pests of concern are the fruit leaf folders *Proeulia auraria* and *Proeulia chrysopteris*, which are external feeders that can be detected through visual inspection when either the pests themselves are seen externally or the fruit shows external signs of infestation. We believe that the risks presented by these pests can be addressed using the same two options we are proposing to address *B. chilensis* because the necessary visual inspection, which is the primary means of mitigation for these pests, will be a component of both options. In the proposed systems approach, one of the proposed requirements is preclearance inspection. A similar preclearance program using inspection to prevent the introduction of *Proeulia* spp. is currently in use for apricots, nectarines, peaches, plumcot, and plums imported into the United States from Chile (see § 319.56–2s of the regulations). If the fumigation option were used, the fruit would be fumigated in accordance with the PPQ Treatment Manual, which is incorporated by reference in § 300.1 of the regulations, and then inspected by an APHIS inspector after completion of the treatment prior to export from Chile to ensure that the fruit was free of infestation of any pests of *Proeulia* spp.

*Systems Approach*

The first option being proposed by APHIS under which clementines, mandarins, and tangerines could be imported into the United States from Chile is preclearance of the commodities using a systems approach to phytosanitary security. Under a systems approach, APHIS defines a set of phytosanitary procedures, at least two of which have an independent effect in mitigating pest risk associated with the movement of commodities, whereby fruits and vegetables may be imported into the United States from countries that are not free of certain plant pests. The systems approach in this case would consist of a series of complementary phytosanitary measures that include: Low prevalence production site certification, post-harvest processing, and phytosanitary inspection. Each of these measures is explained in detail in the following paragraphs. Once the clementines, mandarins, or tangerines have passed through this series of pest mitigation measures, inspectors of the NPPO of Chile would issue a phytosanitary certificate stating that the fruit has been inspected and found free of any evidence of plant pests. A phytosanitary certificate would have to accompany each shipment of clementines, mandarins, or tangerines offered for importation into the United States from Chile.

*Low Prevalence Production Site Certification*

The pest risk management document prepared by Chile outlined a series of phytosanitary measures whose implementation would mitigate the potential risk of introducing quarantine pests into the United States through the importation of clementines, mandarins, and tangerines from Chile. In order to be eligible to participate in the systems approach, each production site would be required to implement the mitigation measures discussed in the pest risk management document. The first of these measures, low prevalence production site certification, would require each production site to register annually with the NPPO of Chile with information including: (1) Production site name, (2) grower, (3) municipality, (4) province, (5) region, (6) area planted to each species, (7) number of plants/hectares/species, and (8) approximate date of harvest. This information would be used to monitor the phytosanitary health of the production site and to track the origin of shipments. These production sites would then participate in a program of certification of low prevalence, which would be carried out by the NPPO of Chile. A random sample of fruit would be collected from each registered production site 1 to 30 days prior to harvest. The fruit from each sample would undergo a washing process that allows for the detection of mites. This same process has proven to be effective in the detection of *B. chilensis* in other products and clementines.[1] The washing process involves placing the fruit and pedicels in sieves, sprinkling them with a liquid soap and water solution, washing them with water at high pressure, washing them with water at low pressure, and then repeating the process. Once the fruit has been washed thoroughly, all contents of the sieves, which collect everything that is washed off of the fruit, are put on a Petri dish and analyzed for the presence of mites.

Only production sites certified by the NPPO of Chile as low prevalence would be eligible to export under this systems approach. Under this systems approach, a random sample of fruit would be taken from each production site. In order to qualify as a low prevalence production site, a production site would be required to have no mites detected in the fruit sampled. Each production site would have only one opportunity per harvest season to qualify for the certification program since the verification process would occur before the beginning of each harvest season. Certification of low prevalence would be valid for one harvest season only. A similar certification of low prevalence program is currently in use for kiwifruit imported into the United States from Chile.

In order to achieve low prevalence, production sites could employ production site control, which is discussed in the pest risk management document. Production site control consists of treating the production site with detergent or oil to reduce the

[1] See Annex 7 of the risk management document.

populations of various pests. Studies cited in the risk management document indicate an efficacy rate of 92 percent for the detergent treatment and 97.3 percent for the oil treatment in the clementine production sites sampled in the control of *B. chilensis*.[2]

*Post-Harvest Processing*

Once the production site has been certified as a low prevalence production site, the fruit would be picked and would then undergo post-harvest commercial processing. In the normal fruit packing process already in place in Chile for other commodities, fruit undergoes the following steps: (1) Washing, (2) rinsing in a chlorine bath with brushing using bristle rollers, (3) rinsing with a hot water shower with brushing using bristle rollers, (4) pre-drying at room temperature, (5) waxing, and (6) drying with hot air. Three specific studies conducted by the Fundacíon para el Desarrollo Frutícola and the Universidad Católica de Valparaiso, Chile (Catholic University of Valparaiso, Chile) found these post-harvest processing procedures to be 79.9 percent to 89.7 percent effective in removing *B. chilensis* mites as a stand-alone mitigation measure.[3]

*Phytosanitary Inspection*

As the final stage in the systems approach, once the fruit has been processed, each consignment, which would consist of one or more lots, of fruit intended for export to the United States would be subject to a phytosanitary inspection to verify the absence of *B. chilensis* and any visibly detectable pests, including *Proeulia* spp. Phytosanitary inspection would be conducted at an APHIS-approved inspection site in Chile under the direction of APHIS in conjunction with the NPPO of Chile.

Clementines, mandarins, and tangerines presented for preclearance inspection in Chile would be required to be identified in shipping documents accompanying each lot of fruit that identify the packing shed where they were processed and the production sites where they were produced; we would require that this identity be maintained until the clementines, mandarins, and tangerines were released for entry into the United States.

A biometric sample of the boxes would be selected and the fruit from these boxes would be visually inspected for quarantine pests. A portion of the fruit would be washed and the collected filtrate would be microscopically examined for *B. chilensis*.

If one live *B. chilensis* mite were found during phytosanitary inspection, the entire consignment would have to be fumigated with methyl bromide in order for the fruit to be eligible for export to the United States. In addition, the production site of origin would be suspended from the low prevalence certification program for the remainder of the harvest season. During the term of its suspension, the production site could export fruit to the United States only if the fruit were fumigated with methyl bromide, as outlined in the following section. A suspended production site would have the opportunity to reenter the low prevalence certification program prior to the next harvest season. As noted previously, all production sites would have to requalify for the program each year, regardless of their status at the end of the preceding season.

If, during preclearance inspection in Chile, inspectors were to find evidence of any other plant pest for which an authorized treatment in the PPQ Treatment Manual is available, fruit in the consignment would remain eligible for export to the United States if the entire consignment were treated for the pest in Chile under APHIS supervision. However, if a quarantine pest were found for which no treatment authorized in the PPQ Treatment Manual is available, the entire consignment would not be eligible for export to the United States.

Chilean inspectors would issue a phytosanitary certificate if no evidence of pests was found. The phytosanitary certificate would have to contain an additional declaration stating that the fruit in the consignment meets the conditions of § 319.56–2ll(d). Clementines, mandarins, or tangerines inspected in Chile would, like all imported fruits and vegetables, be subject to reinspection at the U.S. port of arrival as provided in § 319.56–6 of the regulations.

*Fumigation*

Not all exporters may be able to utilize the systems approach as a means for access to the U.S. market. As an alternative mitigation measure, we are proposing to provide for the use of an approved APHIS treatment for *B. chilensis* for clementines, mandarins, and tangerines from Chile.

The treatment would be fumigation with methyl bromide at normal atmospheric pressure in an APHIS-approved fumigation chamber or under a tarpaulin in accordance with the following schedule, which is listed in the PPQ Treatment Manual as T–104–a–1. This treatment schedule is approved for spider mites, which is the group encompassing *B. chilensis*. The treatment schedule requires that tangerines (*Citrus reticulata*, which encompasses clementines, mandarins, and tangerines) must be warmed to a minimum of 50 °F before treatment. The required treatment period is 2 hours.

| Temperature (°F) | Dosage-pounds of methyl bromide per 1,000 ft$^3$ |
|---|---|
| 80 or above | 1½ |
| 70–79 (inclusive) | 2 |
| 60–69 (inclusive) | 2½ |
| 50–59 (inclusive) | 3 |

APHIS inspectors would monitor the fumigation and prescribe such safeguards as might be necessary for unloading, handling, and transportation preparatory to fumigation. The final release of the commodities for entry into the United States would be conditioned upon compliance with prescribed safeguards and required treatment. Shipments of clementines, mandarins, and tangerines from Chile that had been fumigated would be subject to random inspection in Chile, as well as at the port of arrival in accordance with § 319.56–6.

*Trust Fund Agreement*

Section 319.56–2z(c) of the regulations sets forth the requirement for a trust fund agreement for the importation of cherimoyas from Chile into the United States. We are proposing to require a similar trust fund agreement for the importation of clementines, mandarins, and tangerines from Chile. This agreement would require the NPPO of Chile to pay in advance of each shipping season all costs that APHIS estimates it would incur in providing inspection services and treatment monitoring in Chile during that shipping season. These costs would include administrative expenses and all other salaries (including overtime and the Federal share of employee benefits), travel expenses (including per diem expenses), and other incidental expenses incurred by the inspectors in performing these services. The agreement would require the NPPO of Chile to deposit a certified or cashier's check with APHIS for the amount of these costs, as estimated by APHIS. If the deposit is not sufficient to meet all costs incurred by APHIS, the agreement would require the NPPO of Chile to deposit a certified or cashier's check

[2] See Annex 3 of the risk management document.

[3] See Annexes 4, 5, and 6 of the risk management document.

with APHIS for the amount of the remaining costs, as determined by APHIS, before APHIS would provide any more services related to the inspection and treatment of clementines, mandarins, or tangerines in Chile. After a final audit at the conclusion of each shipping season, any overpayment of funds would be returned to the NPPO of Chile or held on account until needed, at their option.

Requiring the payment of costs in advance is necessary to help defray the costs to APHIS of providing inspection and treatment monitoring services in Chile.

**Executive Order 12866 and Regulatory Flexibility Act**

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

For this proposed rule, we have prepared an economic analysis. The economic analysis provides a cost-benefit analysis as required by Executive Order 12866, as well as an analysis of the potential economic effects of this proposed rule on small entities, as required under 5 U.S.C. 603. The economic analysis is summarized below. See the full analysis for the complete list of references used in this document. Copies of the full analysis are available on the APHIS Web site at *http://www.aphis.usda.gov/ppd/rad/clementinesecon.pdf* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. Copies of the economic analysis are also available for viewing in our reading room. (Information on the location and hours of the reading room is provided under the heading **ADDRESSES** at the beginning of this document).

Under the Plant Protection Act (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to regulate the importation of plants, plant products, and other articles to prevent the introduction into, or dissemination within, the United States of a plant pest or noxious weed.

*Summary of Economic Analysis*

Our analysis estimates expected benefits and costs associated with allowing the importation of clementines, mandarins, and tangerines from Chile into the United States. The analysis assumes that the regulations will not lead to an increased risk of pest outbreaks in the United States. Currently, no clementines, mandarins, or tangerines are being imported into the United States from Chile. According to the Chilean Exporters' Association, 1,300 hectares are planted with clementines, mandarins, and tangerines in Chile, and Chile would like to export approximately 1,600 metric tons of clementines, mandarins, and tangerines to the United States. This amount is a little more than 15 percent of Chile's total exports of these commodities in 2001 (table 1).

TABLE 1.—WORLD EXPORTS OF CLEMENTINES, MANDARINS, AND CITRUS HYBRIDS FROM CHILE

| Year | Value (1,000 $) | Quantity (1,000 kg) |
|---|---|---|
| 1993 | 4.29 | 3 |
| 1994 | 61.78 | 81 |
| 1995 | 636.64 | 780 |
| 1996 | 1,408.64 | 1,951 |
| 1997 | 1,675.17 | 1,579 |
| 1998 | 4,177.41 | 4,918 |
| 1999 | 4,063.65 | 4,819 |
| 2000 | 4,743.93 | 6,896 |
| 2001 | 7,441.46 | 10,398 |

**Source:** The U.S. Department of Agriculture's (USDA's) Foreign Agricultural Service, as reported by U.N. Trade Statistics. Values are in 2002 dollars and were deflated using the Consumer Price Index (All Urban Consumers) for fresh fruits, not seasonally adjusted, as reported by the U.S. Department of Labor's Bureau of Labor Statistics.

Clementines and mandarins are not produced in the United States in commercially significant quantities. Tangerines are produced domestically. Most imports from Chile are expected to be clementines, not tangerines. An earlier economic analysis by APHIS examined the relationship between imports of Spanish clementines and domestically produced tangerines but did not find evidence of substitution. That analysis did not look at the relationship between Spanish clementines and other citrus. However, U.S. producers of other kinds of citrus—especially California navel oranges—have expressed concerns that imports of Spanish clementines have taken market share and depressed prices for navel oranges, reflecting that the imports are marketed in the United States during the same season as navels.

An increase in supply of clementines could potentially increase competition in the United States for domestically produced citrus, such as oranges and tangerines. If imports from Chile increase, U.S. producer prices could decline during the time when a larger supply is on the market. However, Chilean clementines are expected to enter the United States primarily between April and September, which is the off-season for tangerines. Most of the fresh early tangerines from Florida, which is the largest producer of tangerines, are shipped from October to January, while most of the fresh Honey tangerines are shipped from February to May (Brown 2000).[4] California navel oranges are marketed primarily from November to May, while California Valencia oranges are primarily marketed from April to October.

Table 2 shows the monthly orange shipments for fresh uses of three major citrus producing States. Oranges include Valencia, navel, and early/midseason varieties. Domestic orange shipments between April and September comprise about 25 percent of total shipments annually. Although the data represent only a proportion of the production dedicated for fresh utilization, they provide an indication of the domestic orange marketing seasons for comparative purposes. The April-September marketing period for Chilean clementines matches the California and Florida Valencia marketing seasons, so the clementines could displace some fresh market Valencia orange sales. However, the expected amount of 1,600 metric tons represents a small share (less than 2 percent) of the domestic shipment between April and September (99,712 metric tons). The competition with various summer fruits is likely to have a far greater impact. Given the small number of expected imports from Chile and the different marketing seasons, any potential impacts on U.S. citrus producers would be minimal.

[4] Florida is the largest producer of tangerines, accounting for 68 percent of total domestic production annually, followed by California (26 percent), and Arizona (6 percent).

TABLE 2.—MONTHLY ORANGE SHIPMENTS FOR FRESH UTILIZATION, AVERAGE 2000–2002

| Month | Average shipments by State (metric tons) | | | Total |
|---|---|---|---|---|
| | California | Florida | Texas | |
| January | 7,818 | 25,106 | 8,818 | 41,742 |
| February | 7,076 | 19,182 | 7,652 | 33,910 |
| March | 9,394 | 18,742 | 5,333 | 33,470 |
| April | 8,091 | 20,545 | 2,485 | 31,121 |
| May | 8,394 | 19,030 | 1,182 | 28,606 |
| June | 7,136 | 13,242 | 0 | 20,379 |
| July | 5,409 | 545 | 0 | 5,955 |
| August | 5,652 | 45 | 0 | 5,697 |
| September | 4,773 | 2,652 | 530 | 7,955 |
| October | 4,242 | 23,848 | 5,015 | 33,106 |
| November | 5,288 | 37,348 | 5,576 | 48,212 |
| December | 7,561 | 53,500 | 8,848 | 69,909 |

**Note:** Orange shipment data for California and Arizona include only rail and piggyback (trailer-on-flat-car and container-on-flat-car). Truck shipment data are not available. Average California orange shipments for 2000–2002 represent about 5 percent of California's production for fresh utilization over the same time period. Arizona data are excluded (available shipment data were small in 2000–2001 and was zero in 2002). Average Florida and Texas shipments for 2000–2002 represent about 60 percent and 93 percent, respectively, of fresh production for those States. Source: USDA/AMS Fruits and Vegetable Market News.

Most U.S. imports of clementines, mandarins, and tangerines (table 3) currently come from Spain, which ships the commodities from mid-September to mid-March. Chile would export these commodities to the United States between April and September each year. These imports would increase the availability of these fruits during the Spanish off-season, which would lead to benefits for U.S. importers and consumers.

TABLE 3.—U.S. WORLD IMPORTS OF CLEMENTINES, MANDARINS, AND CITRUS HYBRIDS

| Year | Value (1,000 $) | Quantity (1,000 kg) |
|---|---|---|
| 1991 | 23,306 | 19,480 |
| 1992 | 26,219 | 18,112 |
| 1993 | 27,019 | 17,519 |
| 1994 | 30,404 | 20,850 |
| 1995 | 26,010 | 19,062 |
| 1996 | 39,976 | 27,404 |
| 1997 | 63,279 | 42,110 |
| 1998 | 60,356 | 43,168 |
| 1999 | 128,104 | 90,454 |
| 2000 | 113,953 | 96,296 |
| 2001 | 131,711 | 75,365 |

**Source:** Import data are from the USDA's Foreign Agricultural Service, as reported by U.N. Trade Statistics. Values are in 2002 dollars and were deflated using the Consumer Price Index (All Urban Consumers) for fresh fruits, not seasonally adjusted, as reported by the U.S. Department of Labor's Bureau of Labor Statistics.

To capture the impact on U.S. importers, an inverse demand curve characterizing the U.S. demand for imported clementines, tangerines, and mandarin oranges was estimated. The demand for the imported commodities can be related to the export prices and quantities for Spanish fruits exported to all markets except the United States. Spanish export data were used because over 83 percent of U.S. imports of these fruits was from Spain during 1997–2001. Data on imports for 1991–2001 were used to analyze the expected impacts for the 10-year period (2004–2013) subsequent to the entry of the imports from Chile.

Imports from Chile were assumed to grow 13.55 percent each year, which was the average annual growth during 1999–2001 in Chile's exports to Japan, its best export market, and that imports for 2004 will be 1,595 metric tons (table 4). It was assumed that U.S. imports from sources other than Chile will grow 6.46 percent per year, which was the import growth during 1999–2000, starting from an estimate of 87,372 metric tons imported for 2002, which was the average import quantity during 1999–2001 (table 3).

TABLE 4.—ESTIMATED U.S. IMPORTS OF CLEMENTINE, MANDARIN, AND TANGERINE WITH AND WITHOUT CHILE

| Year | Clementine, mandarin, and tangerine imports (1,000 kg) | |
|---|---|---|
| | Without Chile | With Chile |
| 2004 | 99,020 | 100,620 |
| 2005 | 105,420 | 107,230 |
| 2006 | 112,230 | 114,280 |
| 2007 | 119,470 | 121,810 |
| 2008 | 127,190 | 129,840 |
| 2009 | 135,400 | 138,420 |

TABLE 4.—ESTIMATED U.S. IMPORTS OF CLEMENTINE, MANDARIN, AND TANGERINE WITH AND WITHOUT CHILE—Continued

| Year | Clementine, mandarin, and tangerine imports (1,000 kg) | |
|---|---|---|
| | Without Chile | With Chile |
| 2010 | 144,150 | 147,570 |
| 2011 | 153,460 | 157,340 |
| 2012 | 163,370 | 167,780 |
| 2013 | 173,920 | 178,930 |

Estimated regulatory benefits for U.S. importers were given by the area under the inverse import demand curve above estimated price with Chilean imports minus the area under the import demand curve above estimated price without Chilean imports. This method provided annual estimates of gross revenue increases received by U.S. importers. Expected future gross revenues (table 5) were discounted using a 5.34 percent annual interest rate, which was estimated using annual income and rate of return data for U.S. farmers during 1966–1994.[5] The annualized increase in gross revenues received by U.S. importers of clementines, mandarins, and tangerines under the regulations was an estimated $0.59 million per year during 2004–2013. This suggests that the regulation will yield economic benefits to U.S. importers during the period in which it remains in force. Consumers also benefit from the greater availability of clementines during the off-season for domestic production and other imports.

[5] Lence, S.H. "Using Consumption and Asset Return Data to Estimate Farmers' Time Preferences and Risk Attitudes." *American Journal of Agricultural Economics*. 82(2000): 934–947.

The proposed rule will result in net benefits to society given that the new imports are not expected to significantly compete with domestic citrus production and will not lead to pest introductions.

TABLE 5.—IMPACT ON GROSS REVENUES OF U.S. IMPORTERS

[In millions of dollars]

| Year | With Chile | Without Chile | Gains |
|---|---|---|---|
| 2004 | $7.48 | $7.24 | $0.24 |
| 2005 | 8.50 | 8.21 | 0.28 |
| 2006 | 9.65 | 9.31 | 0.34 |
| 2007 | 10.96 | 10.55 | 0.42 |
| 2008 | 12.46 | 11.95 | 0.50 |
| 2009 | 14.16 | 13.55 | 0.61 |
| 2010 | 16.09 | 15.35 | 0.74 |
| 2011 | 18.29 | 17.40 | 0.89 |
| 2012 | 20.80 | 19.72 | 1.08 |
| 2013 | 23.66 | 22.35 | 1.31 |
| Annualized discounted sum of gross revenues | 13.46 | 12.86 | 0.59 |

*Regulatory Impacts on Small Entities*

According to the 1997 Census of Agriculture, there were 17,000 citrus producers (excluding grapefruit, lemon, and lime producers) in the United States. The U.S. Small Business Administration defines a small citrus producer as one with annual gross revenues no greater than $0.75 million. The USDA's National Agricultural Statistics Service reported that 3.8 percent of U.S. fruit and tree nut producers accounted for 95.1 percent of sales in 1982, 4.2 percent of fruit and tree nut producers accounted for 96.2 percent of sales in 1987, and 4.6 percent of fruit and tree nut producers accounted for 96.7 percent of sales in 1992. These data indicate that the majority of U.S. citrus producers are small entities. Our economic analysis suggests that Chilean imports will not significantly compete with domestic citrus production such as tangerines and navel oranges because the imports will be shipped largely during the off-season for U.S. production of these fruits. Although the Chilean imports are expected to overlap with some domestic orange shipments such as Valencia oranges, the amount to be imported is expected to be a small percentage of the total U.S. orange shipments during the importing months. As a result, the importation of clementines, mandarins, and tangerines from Chile would likely have minimal adverse impact on domestic citrus producers, large or small.

Importers of clementines, mandarins, and tangerines would likely benefit under the proposed regulations. The number of importers that can be classified as small is not known. However, the proposed regulations would not lead to adverse economic impact on small entities in these industries (fresh fruit and vegetable wholesalers with no more than 100 employees, NAICS 422480; wholesalers and other grocery stores with annual gross revenues no greater than $23 million, NAICS 445110; warehouse clubs and superstores with annual gross revenues no greater than $23 million, NAICS 452910; and fruit and vegetable markets with gross revenues no greater than $6 million, NAICS 445230).

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

*Executive Order 12988*

This proposed rule would allow clementines, mandarins, and tangerines to be imported into the United States from Chile. If this proposed rule is adopted, State and local laws and regulations regarding clementines, mandarins, and tangerines imported under this rule would be preempted while the fruit is in foreign commerce. Fresh fruits and vegetables are generally imported for immediate distribution and sale to the consuming public and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

*National Environmental Policy Act*

An environmental assessment has been prepared for this proposed rule. The assessment provides a basis for the conclusion that the importation of clementines, mandarins, and tangerines under the conditions specified in this proposed rule would not present a risk of introducing or disseminating plant pests or diseases and would not have a significant impact on the quality of the human environment.

The environmental assessment was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The environmental assessment is available for viewing on the Internet at *http://www.aphis.usda.gov/ppd/es/ppqdocs.html*. Copies of the environmental assessment are also available for public inspection in our reading room. (Information on the location and hours of the reading room is provided under the heading **ADDRESSES** at the beginning of this document). In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

*Paperwork Reduction Act*

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 02–081–2. Please send a copy of your comments to: (1) Docket No. 02–081–2, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road

Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This proposed rule would amend the regulations to allow the importation of clementines, mandarins, and tangerines into the United States from Chile, provided certain conditions were met. These proposed changes would require, among other things, that production sites participating in an export program from Chile to the United States would have to register with the NPPO of Chile and be certified as low prevalence production sites. Each consignment of clementines, mandarins, and tangerines would be inspected by APHIS and the NPPO of Chile, and a phytosanitary certificate would have to be issued before the consignment could leave Chile. In addition, Chile would have to enter into a trust fund agreement with the United States before beginning any export program.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as 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).

*Estimate of burden:* Public reporting burden for this collection of information is estimated to average 0.0833 hours per response.

*Respondents:* Growers, shippers, and Chilean health officials.

*Estimated annual number of respondents:* 10.

*Estimated annual number of responses per respondent:* 12.

*Estimated annual number of response:* 120.

*Estimated total annual burden on respondents:* 10 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

**Government Paperwork Elimination Act Compliance**

The Animal and Plant Health Inspection Service is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. For information pertinent to GPEA compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

**List of Subjects in 7 CFR Part 319**

Bees, Coffee, Cotton, Fruits, Honey, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR part 319 would be amended as follows:

## PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would continue to read as follows:

**Authority:** 7 U.S.C. 450 and 7701–7772; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

2. A new § 319.56–2ll would be added to read as follows:

**§ 319.56–2ll Conditions governing the importation of clementines, mandarins, and tangerines from Chile.**

Clementines (*Citrus reticulata* Blanco var. Clementine), mandarins (*Citrus reticulata* Blanco), and tangerines (Citrus reticulata Blanco) may be imported into the United States from Chile only under the following conditions:

(a) The fruit must be accompanied by a specific written permit issued in accordance with § 319.56–3.

(b) If the fruit is produced in an area of Chile where Mediterranean fruit fly (*Ceratatis capitata*) is known to occur, the fruit must be cold treated in accordance with the Plant Protection and Quarantine (PPQ) Treatment Manual, which is incorporated by reference at § 300.1 of this chapter. Fruit for which cold treatment is required must be accompanied by documentation indicating that the cold treatment was initiated in Chile (a PPQ Form 203 or its equivalent may be used for this purpose).

(c) The fruit must either be produced and shipped under the systems approach described in paragraph (d) of this section or fumigated in accordance with paragraph (e) of this section.

(d) *Systems approach.* The fruit may be imported without fumigation for *Brevipalpus chilensis* if it meets the following conditions:

(1) *Production site registration.* The production site where the fruit is grown must be registered with the national plant protection organization (NPPO) of Chile. To register, the production site must provide Chile's NPPO with the following information: Production site name, grower, municipality, province, region, area planted to each species, number of plants/hectares/species, and approximate date of harvest. Registration must be renewed annually.

(2) *Low prevalence production site certification.* Between 1 and 30 days prior to harvest, random samples of fruit must be collected from each registered production site under the direction of Chile's NPPO. These samples must undergo a pest detection and evaluation method as follows: The fruit and pedicels must be washed using a flushing method, placed in a 20 mesh sieve on top of a 200 mesh sieve, sprinkled with a liquid soap and water solution, washed with water at high pressure, and washed with water at low pressure. The process must then be repeated. The contents of the sieves must then be placed on a Petri dish and analyzed for the presence of live *B. chilensis* mites. If a single live *B. chilensis* mite is found, the production site will not qualify for certification as a low prevalence production site and will be eligible to export fruit to the United States only if the fruit is fumigated in accordance with paragraph (e) of this section. Each production site may have only one opportunity per harvest season to qualify as a low prevalence production site, and certification of low prevalence will be valid for one harvest season only. The NPPO of Chile will present a list of certified production sites to APHIS.

(3) *Post-harvest processing.* After harvest and before packing, the fruit must be washed, rinsed in a chlorine bath, washed with detergent with brushing using bristle rollers, rinsed with a hot water shower with brushing using bristle rollers, predried at room temperature, waxed, and dried with hot air.

(4) *Phytosanitary inspection.* The fruit must be inspected in Chile at an APHIS-approved inspection site under the direction of APHIS inspectors in coordination with the NPPO of Chile after the post-harvest processing. A biometric sample will be drawn and examined from each consignment of fruit, which may represent multiple grower lots from different packing sheds. Clementines, mandarins, or tangerines in any consignment may be shipped to the United States only if the consignment passes inspection as follows:

(i) Fruit presented for inspection must be identified in the shipping documents accompanying each lot of fruit that identify the production site(s) where the fruit was produced and the packing shed(s) where the fruit was processed. This identity must be maintained until the fruit is released for entry into the United States.

(ii) A biometric sample of boxes from each consignment will be selected and the fruit from these boxes will be visually inspected for quarantine pests, and a portion of the fruit will be washed and the collected filtrate will be microscopically examined for *B. chilensis*.

(A) If a single live *B. chilensis* mite is found, the fruit will be eligible for importation into the United States only if it is fumigated in accordance with paragraph (e) of this section. The production site will be suspended from the low prevalence certification program and all subsequent lots of fruit from the production site of origin will be required to be fumigated as a condition of entry to the United States for the remainder of the shipping season.

(B) If inspectors find evidence of any other quarantine pest, the fruit in the consignment will remain eligible for importation into the United States only if an authorized treatment for the pest is available in the PPQ Treatment Manual and the entire consignment is treated for the pest in Chile under APHIS supervision.

(iii) Each consignment of fruit must be accompanied by a phytosanitary certificate issued by the NPPO of Chile that contains an additional declaration stating that the fruit in the consignment meets the conditions of § 319.56–2ll(d).

(e) *Approved fumigation.* Clementines, mandarins, or tangerines that do not meet the conditions of paragraph (d) of this section may be imported into the United States if the fruit is fumigated with methyl bromide for *B. chilensis* in Chile in accordance with the PPQ Treatment Manual, which is incorporated by reference at § 300.1 of this chapter. An APHIS inspector will monitor the fumigation of the fruit and will prescribe such safeguards as may be necessary for unloading, handling, and transportation preparatory to fumigation. The fruit must be inspected in Chile at an APHIS-approved inspection site under the direction of APHIS inspectors in coordination with the NPPO of Chile after the completion of treatment. The final release of the fruit for entry into the United States will be conditioned upon compliance with prescribed safeguards and required treatment.

(f) *Trust fund agreement.* Clementines, mandarins, and tangerines may be imported into the United States under this section only if the NPPO of Chile has entered into a trust fund agreement with APHIS. This agreement requires the NPPO of Chile to pay in advance of each shipping season all costs that APHIS estimates it will incur in providing inspection and treatment monitoring services in Chile during that shipping season. These costs include administrative expenses and all salaries (including overtime and the Federal share of employee benefits), travel expenses (including per diem expenses), and other incidental expenses incurred by APHIS in performing these services. The agreement requires the NPPO of Chile to deposit a certified or cashier's check with APHIS for the amount of these costs, as estimated by APHIS. If the deposit is not sufficient to meet all costs incurred by APHIS, the agreement further requires the NPPO of Chile to deposit with APHIS a certified or cashier's check for the amount of the remaining costs, as determined by APHIS, before APHIS will provide any more services related to the inspection and treatment of clementines, mandarins, and tangerines in Chile. After a final audit at the conclusions of each shipping season, any overpayment of funds would be returned to the NPPO of Chile, or held on account until needed, at their option.

Done in Washington, DC, this 16th day of March 2004.

**Bill Hawks,**

*Under Secretary for Marketing and Regulatory Programs.*

[FR Doc. 04–6325 Filed 3–19–04; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 979

**[Docket No. FV04–979–1 PR]**

## Melons Grown in South Texas; Increased Assessment Rate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This rule would increase the assessment rate established for the South Texas Melon Committee (Committee) for the 2003–04 and subsequent fiscal periods from $0.06 to $0.09 per carton of melons handled. The Committee locally administers the marketing order which regulates the handling of melons grown in South Texas. Authorization to assess melon handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period begins October 1 and ends September 30. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

**DATES:** Comments must be received by April 6, 2004.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938, or e-mail: *moab.docketclerk@usda.gov* or *www.regulations.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

**FOR FURTHER INFORMATION CONTACT:** Belinda G. Garza, Regional Manager, McAllen Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 1313 E. Hackberry, McAllen, Texas 78501; telephone: (956) 682–2833, Fax: (956) 682–5942; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this

regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, fax: (202) 720–8938, or e-mail: *Jay.Guerber@usda.gov*.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 156 and Order No. 979 (7 CFR part 979), regulating the handling of melons grown in South Texas, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, South Texas melon handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable melons beginning on October 1, 2003, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule would increase the assessment rate established for the Committee for the 2003–04 and subsequent fiscal periods from $0.06 to $0.09 per carton of melons handled.

The South Texas melon marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are growers and handlers of South Texas melons. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2001–02 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on September 11, 2003, and unanimously recommended 2003–04 expenses of $89,859 for personnel, office, compliance, and partial market development expenses to be funded by the continuing assessment rate of $0.06 per carton. Specific funding for production research and market development projects were to be recommended at a later Committee meeting.

The Committee subsequently met on January 14, 2004, and recommended 2003–04 expenditures of $351,859 and an assessment rate of $0.09 per carton of melons handled. In comparison, last year's budgeted expenditures were $313,853. The assessment rate of $0.09 is $0.03 higher than the rate currently in effect. The Committee recommended the increased rate to fund a variety of market development and production research projects, without having to draw a large amount from reserves. Without the increase, the Committee's reserve fund would drop to $50,017, which is lower than what the Committee needs for operations. This amount is derived by taking the current reserve ($193,776), adding the $203,100 in assessment income based on the old rate (3,385,000 × $0.06 per carton) and anticipated interest totaling $5,000, and then subtracting the 2003–04 budget of $351,859. With the new rate, $304,650 in assessment income would be generated, and the reserve fund would only drop to $151,567.

The major expenditures recommended by the Committee for the 2003–04 fiscal period include $59,859 for administrative expenses, $20,000 for compliance, $160,000 for market development, and $112,000 for production research projects. Budgeted expenses for these items in 2002–03 were $59,859, $20,000, $137,000, and $100,800, respectively.

The assessment rate recommended by the Committee was derived by considering anticipated expenses, expected shipments of South Texas melons, anticipated interest income, and the amount of funds in the Committee's operating reserve. As mentioned earlier, melon shipments for the fiscal period are estimated at 3,385,000, which should provide $304,650 in assessment income at the $0.09 per carton rate. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses. Funds in the reserve (currently $193,776) would be kept within the maximum permitted by the order (approximately two fiscal periods' expenses, § 979.44).

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2003–04 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

**Initial Regulatory Flexibility Analysis**

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the

Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 33 growers of melons in the production area and approximately 25 handlers subject to regulation under the marketing order. Small agricultural growers are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Most of the handlers are vertically integrated corporations involved in growing, shipping, and marketing melons. For the 2002–03 marketing year, the industry's 25 handlers shipped melons produced on 5,945 acres with the average and median volume handled being 111,651 and 32,215 cartons, respectively. In terms of production value, total revenue for the 25 handlers was estimated to be $25.6 million, with the average and median revenues being $1.02 million and $296,000, respectively.

The South Texas melon industry is characterized by growers and handlers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of melons. Alternative crops provide an opportunity to utilize many of the same facilities and equipment not in use when the melon production season is complete. For this reason, typical melon growers and handlers either double-crop melons during other times of the year or produce alternate crops, like onions.

Based on the SBA's definition of small entities, the Committee estimates that 23 of the 25 handlers regulated by the order would be considered small entities if only their spring melon revenues are considered. However, revenues from other productive enterprises could likely push a large number of these handlers above the $5,000,000 annual receipt threshold. Of the 33 growers within the production area, few have sufficient acreage to generate sales in excess of $750,000; therefore, the majority of growers may be classified as small entities.

This rule would increase the assessment rate established for the Committee and collected from handlers for the 2003–04 and subsequent fiscal periods from $0.06 to $0.09 per carton handled. The Committee recommended 2003–04 expenditures of $351,859 and an assessment rate of $0.09 per carton. The proposed assessment rate of $0.09 is $0.03 higher than the current rate. At the rate of $0.09 per carton and an estimated 2003–04 melon production of 3,385,000 cartons, the projected income derived from handler assessments ($304,650), along with interest and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2003–04 fiscal period include $59,859 for administrative expenses, $20,000 for compliance, $160,000 for market development, and $112,000 for production research projects. Budgeted expenses for these items in 2002–03 were $59,859, $20,000, $137,000, and $100,800, respectively.

The Committee recommended the increased rate to fund a variety of production research projects, without having to draw a large amount from reserves. Without the increase, the Committee's reserve fund would drop to $50,017, which is lower than what the Committee needs for operations. With the increased rate, the reserve fund would only drop to $151,567.

The Committee voted to increase its assessment rate because the current rate would reduce the Committee's reserve funds to an unacceptable level. Assessment income, along with interest and funds from the Committee's authorized reserve, would provide the Committee with adequate funds to meet its 2003–04 fiscal period's expenses.

The Committee reviewed and unanimously recommended 2003–04 expenditures of $351,859, which included an increase in its market development and production research programs. Prior to arriving at this budget, the Committee considered information from various sources, including the Research and Market Development Subcommittee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various production research and market development projects to the melon industry. The assessment rate of $0.09 per carton of assessable melons was then determined by considering the total recommended budget, the quantity of assessable melons estimated at 3,385,000 cartons for the 2003–04 fiscal period, anticipated interest income, and the funds in the Committee's operating reserve. The recommended rate will generate $304,650, which is $47,209 below the anticipated expenses. The Committee found this acceptable because interest and reserve funds will be used to make up the deficit.

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the grower price for the 2003–04 marketing season could range between $6.68 and $7.60 per carton of cantaloupes and between $5.40 and $6.33 per carton of honeydew melons. Therefore, the estimated assessment revenue for the 2003–04 fiscal period as a percentage of total grower revenue could range between 1.2 and 1.3 percent for cantaloupes and between 1.4 and 1.7 percent for honeydew melons.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to growers. However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meetings were widely publicized throughout the South Texas melon industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the September 11, 2003, and January 14, 2004, meetings were public meetings and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large production area commodity handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 15-day comment period is provided to allow interested persons to respond to this proposed rule. Fifteen days is deemed appropriate because: (1) The 2003–04 fiscal period began on October 1, 2003, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable

melons handled during such fiscal period; (2) the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; and (3) handlers are aware of this action which was recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years.

**List of Subjects in 7 CFR Part 979**

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 979 is proposed to be amended as follows:

## PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 979.219 is revised to read as follows:

**§ 979.219 Assessment rate.**

On and after October 1, 2003, an assessment rate of $0.09 per carton is established for South Texas melons.

Dated: March 15, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04–6323 Filed 3–19–04; 8:45 am]

BILLING CODE 3410–02–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[IN158–1b; FRL–7626–8]**

## Approval and Promulgation of Implementation Plans; Indiana

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to approve revisions to particulate matter ($PM_{10}$) emissions regulations for U.S. Steel-Gary Works and U.S. Steel-Gary Coke Operations, located in Lake County, Indiana. The Indiana Department of Environmental Management requested on June 13, 2003, and as supplemented on October 3, 2003, that EPA approve this State Implementation Plan (SIP) revision, as an amendment to 326 Indiana Administrative Code (IAC) 6–1–10.1 and 326 IAC 6–1–10.2. The revisions to the rules reflect the closure of certain emission units, the addition of new emission units, and the installation of new control systems. These changes should result in decreased $PM_{10}$ emissions of approximately 350 tons per year. In the final rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If we receive no adverse comments in response to that direct final rule, we plan to take no further action on this proposed rule. If we receive significant adverse comments, we will withdraw the direct final rule and address all public comments received in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document.

**DATES:** EPA must receive written comments on or before April 21, 2004.

**ADDRESSES:** Send written comments to: J. Elmer Bortzer, Acting Chief, Air Programs Branch, (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Comments may also be submitted electronically or through hand delivery/courier, please follow the detailed instructions described in part(I)(B)(1)(i) through (iii) of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Christos Panos, Environmental Engineer, Criteria Pollution Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328, *panos.christos@epa.gov*.

**SUPPLEMENTARY INFORMATION:** For additional information, *see* the direct final notice which is located in the rules section of this **Federal Register**. Copies of the request and the EPA's analysis are available for inspection at the above address. (Please telephone Christos Panos at (312) 353–8328 before visiting the Region 5 Office.)

Dated: February 6, 2004.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 04–6215 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[CA287–0428b; FRL–7628–2]**

## Revisions to the California State Implementation Plan, South Coast Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) and ammonia emissions from composting and related activities. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by April 21, 2004.

**ADDRESSES:** Send comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901 or e-mail to *steckel.andrew@epa.gov,* or submit comments at *http://www.regulations.gov*.

You can inspect copies of the submitted SIP revisions, EPA's technical support documents (TSDs), and public comments at our Region IX office during normal business hours by appointment. You may also see copies of the submitted SIP revisions by appointment at the locations listed below.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765–4182.

A copy of the rule may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm*. Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:** Jerald S. Wamsley, EPA Region IX, at either (415) 947–4111, or *wamsley.jerry@epa.gov*.

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following local SCAQMD rules: Rule 1133, Composting and Related Operations—General Administrative Requirements, Rule

1133.1, Chipping and Grinding Activities, Rule 1133.2, Emission Reductions From Co-Composting Operations. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: February 4, 2004.

**Keith Takata,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 04–6213 Filed 3–19–04; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[R01–OAR–2004–ME–0001; A–1–FRL–7625–4]**

### Approval and Promulgation of Air Quality Implementation Plans; Maine; Approval of State Implementation Plan Revision to PM10 PSD Increments

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Maine. This revision establishes maximum allowable increases in particulate matter concentration for the prevention of significant deterioration (PSD) program, where particulate matter is measured as particulates with a mean aerodynamic diameter of 10 microns or less (''PM10''), rather than as total suspended particulates (TSP).

**DATES:** Written comments must be received on or before April 21, 2004.

**ADDRESSES:** Comments may be mailed to Dan Brown, Acting Unit Manager, Air Permits, Toxics, and Indoor Air Programs, Office of Ecosystems Protection (mail code CAP), U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA 02114–2023. Comments may also be submitted electronically or through hand delivery/courier; please follow the detailed instructions in part (I)(B)(1)(i) through (iv) of the **SUPPLEMENTARY INFORMATION** section of the direct final rule which is located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Ian D. Cohen, Air Permits, Toxics, and Indoor Air Programs Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAP), Boston, MA 02114–2023, (617) 918–1655, *cohen.ian@epa.gov*.

**SUPPLEMENTARY INFORMATION:** In the final rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because EPA views this rulemaking as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If EPA receives adverse comments on a section, paragraph, or other portion of this rule that may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule located in the final rules section of this **Federal Register**.

Dated: February 5, 2004.

**Robert W. Varney,**

*Regional Administrator, EPA New England.*

[FR Doc. 04–6210 Filed 3–19–04; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[OH160–1b; FRL–7632–3]**

### Approval and Promulgation of State Implementation Plans; Ohio; Approval of Revision to Oxides of Nitrogen Regulations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve, through direct final procedure, a revision to the flow control date in the Oxides of Nitrogen ($NO_X$) budget trading program. This plan revision was submitted for approval by the Ohio Environmental Protection Agency on November 26, 2003. The revision changes the flow control date to 2005 in Ohio's $NO_X$ State Implementation Plan (SIP) rule, Ohio Administrative Code 3745–14–06. This date change was a condition for the approval of the Ohio $NO_X$ SIP, which was conditionally approved by EPA on August 5, 2003. 68 FR 46089. If EPA receives written adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. If no such adverse written comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. Any party interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before April 21, 2004.

Comments may also be submitted electronically or through hand delivery/courier, please follow the detailed instructions described in Part (I)(B)(1)(i) through (iii) of the **SUPPLEMENTARY INFORMATION** section of the related direct final rule which is published in the Rules section of this **Federal Register.**

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Acting Chief, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, *bortzer.jay@epa.gov.*

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Chicago, Illinois, 60604. E-mail address: *paskevicz.john@epa.gov.*

**SUPPLEMENTARY INFORMATION:** For additional information *see* the direct

final rule published in the rules section of this **Federal Register.**

**Authority:** 42 U.S.C. 4201 *et seq.*

Dated: February 19, 2004.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 04–6304 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[CA 287–0416b; FRL–7636–6]**

### Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Yolo-Solano Air Quality Management District (YSAQMD) portion of the California State Implementation Plan (SIP). These revisions concern general provisions and definitions and volatile organic compound (VOC) emissions from adhesive operations. We are proposing to approve local rules that clarify other YSAQMD regulations and that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by April 21, 2004.

**ADDRESSES:** Send comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901 or e-mail to *steckel.andrew@epa.gov,* or submit comments at *http://www.regulations.gov.*

You can inspect copies of the submitted SIP revisions, EPA's technical support documents (TSDs), and public comments at our Region IX office during normal business hours by appointment. You may also see copies of the submitted SIP revisions by appointment at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

Yolo-Solano Air Quality Management District, 1947 Galileo Court, Suite 103, Davis, CA 95616.

A copy of the rule may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm.* Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:** Yvonne Fong, EPA Region IX, (415) 947–4117, *fong.yvonnew@epa.gov.*

**SUPPLEMENTARY INFORMATION:** This proposal addresses YSAQMD Rules 1.1 and 2.33. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe this SIP revision is not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: March 1, 2004.

**Wayne Nastri,**

*Regional Administrator, Region IX.*

[FR Doc. 04–6302 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[MD145/154–3108b; FRL–7634–7]**

### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Allowance Allocations for 2006–2007, and Revisions to Set-Aside Requirements

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve State Implementation Plan (SIP) revisions submitted by the State of Maryland for the purpose of updating Maryland's $NO_X$ allowance allocations to include the 2006 and 2007 ozone seasons, as required by the $NO_X$ SIP Call, and for revisions pertaining to the set aside pool. In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by April 21, 2004.

**ADDRESSES:** Comments may be submitted either by mail or electronically. Written comments should be mailed to Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Electronic comments should be sent either to *morris.makeba@epa.gov* or to *http://www.regulations.gov*, which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in the **SUPPLEMENTARY INFORMATION** section. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Powers, (215) 814–2308, or by e-mail at *powers.marilyn@epa.gov.*

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

You may submit comments either electronically or by mail. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number MD145/154–3104 in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed

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

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to *morris.makeba@epa.gov,* attention MD145/154–3104. EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

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

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

2. *By Mail.* Written comments should be addressed to the EPA Regional office listed in the **ADDRESSES** section of this document.

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 at the EPA Regional Office, as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

**Submittal of CBI Comments**

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

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

**Considerations When Preparing Comments to EPA**

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

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

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: March 2, 2004.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

[FR Doc. 04–6306 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[IL219–1b; FRL–7632–8]**

## Approval and Promulgation of Implementation Plans; Illinois

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve a site-specific revision to the Illinois volatile organic compound (VOC) State Implementation Plan (SIP) for the Ford Motor Company's Chicago Assembly Plant in Chicago, IL. By its submittal dated June 20, 2003, the Illinois Environmental Protection Agency (Illinois EPA) requested that EPA approve Ford's adjusted standard into the Illinois VOC SIP. This request is approvable because it satisfies reasonably available control technology and is a more suitable control measure for its solvent clean-up emissions than the general VOC rule which it replaces. In the final rules section of this **Federal Register**, we are approving the SIP revision as a direct final rule without prior proposal, because we view this as a noncontroversial revision amendment and anticipate no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If we

receive adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before April 21, 2004.

Comments may also be submitted electronically or through hand delivery/courier, please follow the detailed instructions described in Part (I)(B)(1)(i) through (iii) of the **SUPPLEMENTARY INFORMATION** section of the related direct final rule which is published in the rules section of this **Federal Register**.

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Acting Chief, Air Programs Branch (AR–18J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590. *bortzer.jay@epa.gov.*

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6052 *rosenthal.steven@epa.gov.*

**SUPPLEMENTARY INFORMATION:** For additional information, *see* the Direct Final notice which is located in the rules section of this **Federal Register**. Copies of the request and the EPA's analysis are available for inspection at the above address. (Please telephone Steven Rosenthal at (312) 886–6052 before visiting the Region 5 Office.)

Dated: February 19, 2004.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 04–6308 Filed 3–19–04; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1 and 63

**[IB Docket No. 04–47, FCC 04–40]**

### Amendment of the Commission's Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend several of the Commission's rules regarding the provision of international telecommunications service. This document also proposes to clarify the intent of certain rules. The proposed rule changes will remove unnecessary burdens on the public and the agency.

**DATES:** Comments are due to be filed by May 6, 2004, and reply comments are due to be filed by June 7, 2004. Office of Management and Budget (OMB), the general public, and other Federal agencies are invited to comment on the information collection requirements on or before May 21, 2004. Written comments on the proposed information collection requirements must be submitted by the public, OMB, and other interested parties on or before May 21, 2004.

**ADDRESSES:** Federal Communications Commission, Secretary, 445 12th Street, SW., Room TW–B204F, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any Paperwork Reduction Act (PRA) comments on the information collection contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *JudithB.Herman@fcc.gov* and Kristy L. LaLonde, OMB Desk Officer, Room 10236 NEOB, 725 17th Street, NW., Washington, DC 20503 via the Internet to *Kristy_L._LaLonde@omb.eop.gov* or via fax at 202–395–5167.

**FOR FURTHER INFORMATION CONTACT:** Peggy Reitzel, Policy Division, International Bureau, (202) 418–1499. For additional information concerning the information collection requirements subject to the Paperwork Reduction Act contained in this Order contact Judith B. Herman at (202) 418–0214, or via the Internet at *Judith-B.Herman@fcc.gov.*

**SUPPLEMENTARY INFORMATION** This is a summary of the Commission's *Notice of Proposed Rulemaking,* IB Docket No. 04–47, FCC 04–40, adopted on February 25, 2004, and released on March 4, 2004. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) of the Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. The document is also available for download over the Internet at *http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC–04–40A1.pdf.* The complete text of this document also may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone: 202–863–2893, fax: 202–863–2898, e-mail *qualexint@aol.com.* This Order contains proposed information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the proposed information collections contained in this proceeding.

**Summary of Report and Order**

1. As part of the 2002 biennial regulatory review proceeding, the Commission received comments on proposed changes to the rules contained in 47 CFR part 63. Based on its review of the rules and various comments, the International Bureau recommended that the Commission undertake a proceeding to review several rules in part 63 for reasons other than developments in the level of competition. The International Bureau recommended that the Commission institute a proceeding to explore whether there are less burdensome means of applying the public interest goals of part 63 to carriers. The Notice of Proposed Rulemaking (NPRM) seeks comment on those recommendations made by the International Bureau. In addition, the NPRM also seeks comment on whether to amend § 1.767 of the Commission's rules regarding procedures for Commission consideration of applications for cable landing licenses. The proposed rule changes would remove unnecessary burdens from both the public and the Commission.

2. The NPRM seeks comment on whether to modify the international discontinuance procedures so that they are more consistent with the procedures for domestic services. At present there are several differences between the discontinuance procedures for international and domestic services, including the length of notice required. The procedures for discontinuing an international service are contained in 47 CFR 63.19. The item seeks comment on the appropriate notice period so customers will have sufficient time to secure an alternative provider for their U.S.-international services before their existing service is discontinued. The NPRM also seeks comment on which, if any, of the procedures for discontinuance of a domestic service should also be used for the discontinuance of an international service by a U.S.-carrier and which procedures should be different.

3. The NPRM requests comment on whether the Commission should exempt certain commercial mobile radio service (CMRS) carriers from the requirement to file an application for international section 214 authority prior to providing international service on a purely

switched resale basis. The exemption would apply to CMRS carriers that are either (1) unaffiliated with any foreign carrier with market power at the foreign end of the route, or (2) where the CMRS provider has an affiliation with such a foreign carrier and seeks to provide international service by reselling directly or indirectly the international switched services of U.S. carriers with which it is not affiliated. Currently, CMRS carriers only provide international service on a resale basis. The NPRM seeks comment on whether national security, law enforcement, foreign policy or trade issues are present where a CMRS carrier unaffiliated with a dominant foreign carrier merely resells international switched services of unaffiliated U.S. carriers. Further, the NPRM asks whether a 30-day notification requirement would be sufficient to address any such Executive Branch concerns. The NPRM also seeks comment on whether CMRS carriers can be distinguished from other pure resellers (those who would remain subject to prior Commission approval of international section 214 authority) because of (1) the *de minimis* nature of CMRS resale of switched voice services and (2) the fact that CMRS carriers also hold Title III licenses from the Commission.

4. The NPRM proposes to amend § 63.18(e)(2) to allow carriers with global resale authority to resell the U.S.-inbound international services of both U.S. based and foreign common carriers. The NPRM also proposes to amend § 63.23 to allow carriers to resell services between the United States and all international points. The NPRM seeks comment on these proposed changes to the rules. Under the current rules it is not clear whether a U.S.–CMRS carrier can provide international roaming—which allows the CMRS customer traveling in a foreign country to call back to the United States—by reselling the services of foreign carriers under its global resale authority. There is a great need for clarity with regard to this issue because CMRS carriers currently provide increasingly more international roaming service.

5. The NPRM seeks comment on whether to amend § 63.21(h) to allow commonly-controlled subsidiaries to provide international service pursuant to their parent's international section 214 authorization. Currently only a wholly-owned subsidiary may provide international service pursuant to its parent's authorization. A commonly-controlled subsidiary must obtain its own international section 214 authorization. The NPRM seeks comment on whether there is a maximum percent of differing ownership that should be allowed (*e.g.,* 10 percent, 20 percent) before a subsidiary would be required to obtain its own authorization. The NPRM also seeks comment on the potential national security, law enforcement, foreign policy, or trade issues that may be raised because of the differing ownership of the commonly-controlled subsidiary.

6. The NPRM seeks comment on whether the Coastal Zone Management Act of 1972 (CZMA) applies to cable landing license applications, and, if so, whether the Commission should modify § 1.767 to ensure compliance with the CZMA. Currently, the Commission does not require applicants to comply with the CZMA. The CZMA authorizes coastal states to develop coastal management plans, subject to Federal approval through the National Oceanic and Atmospheric Administration (NOAA). Under the CZMA, States with federally-approved programs are entitled to review for consistency with those programs any ''required federal license or permit to conduct an activity, in or outside of the coastal zone, ''affecting any land or water use or natural resource of the coastal zone of that state.'' The NPRM also seeks comment on alternative options to implement compliance with the CZMA if it is determined that such compliance is required.

7. The NPRM proposes to amend § 63.24 to clarify that an international section 214 authorization holder must notify the Commission of a change from more than 50 percent ownership to 50 percent or less but still controlling ownership interest. Currently, the rule states that only a change from less than 50 percent ownership to 50 percent or more ownership shall always be considered a transfer of control. The NPRM also proposes to amend § 63.24 in order to make it clear that an asset acquisition that will not result in a loss of service for customers should be treated as an assignment of assets rather than a discontinuance of service. The NPRM seeks comment on these proposed changes.

## Procedural Matters

### *Paperwork Reduction Act*

Initial Paperwork Reduction Act of 1995 Analysis

8. This NPRM contained proposed new information collection(s). The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection(s) contained in this NPRM, as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. Public and agency comments are due May 21, 2004. PRA comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

*OMB Control Number:* 3060–0686.

*Title:* Streamlining the International Section 214 authorization Process and Tariff Requirements.

*Form No.:* Not applicable.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business and other for-profit entities.

*Number of Respondents:* 410.

*Estimated Time Per Response:* 4 hours.

*Frequency of Response:* On occasion reporting requirement and third party disclosure requirement.

*Total Annual Burden:* 20 hours.

*Total Annual Costs:* $3,000.

*Needs and Uses:* The information will be used by the Commission staff in carrying out its duties under the Communications Act. The information collections are necessary to notify customers of discontinuance in service. The information will be used to ensure compliance with the Coastal Zone Management Act of 1971. Also, the information will be used by the Commission to determine the qualifications of applicants to provide common carrier international telecommunications service, including applicants that are affiliated with foreign carriers, and to determine whether and under what conditions the authorizations are in the public interest, convenience, and necessity. The information collections are necessary to maintain effective oversight of U.S. international carriers generally. The notification requirements will ensure that the Commission's records accurately reflect the identity of every authorized carrier as well as other needed information.

9. *Initial Regulatory Flexibility Certification.* The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that ''the rule

will not have a significant economic impact on a substantial number of small entities.'' The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

10. In this NPRM, the Commission seeks comment on possible changes to its international section 214 authorization process, cable landing license process, and the rules relating to the provision of U.S.-international telecommunications services. As discussed above, the Commission has continually reviewed its rules regarding the authorization of international services under section 214 of the Act. Through this review, we have sought to: Facilitate the introduction of new services; provide customers with more choices, innovative services, and competitive prices; improve our processing of authorization applications and regulation of international services; and lessen regulatory burdens placed on carriers. As part of our 2002 biennial regulatory review proceeding, the Commission received comments on proposed changes to the rules contained in part 63. This proceeding reviews several rules in part 63.

11. The rule changes discussed in the NPRM, if adopted, would make the international discontinuance rules more consistent with domestic service rules. In addition, we seek comment on whether to eliminate the requirement for CMRS carriers to apply for section 214 authority to provide international service to their customers through the pure resale of the switched services of other U.S. carriers. The proposal in the NPRM would remove confusion as to whether a CMRS carrier requires authority to resell U.S. inbound service of a foreign carrier for the U.S.–CMRS carrier's customers that are roaming in a foreign country. We also seek comment on whether to amend § 1.767 of its rules to assure compliance with the CZMA. Finally, the NPRM seeks comment on whether to expand the authority of a carrier's international section 214 authority to commonly-controlled subsidiaries.

12. We believe that the proposals are in the public interest and will lessen the burdens on all carriers providing international common carrier service pursuant to section 214 of the Act, including those carriers that are small entities. Therefore, we certify that the proposals in this NPRM, if adopted, will not have a significant economic impact on a substantial number of entities. If commenters believe that the proposals discussed in the NPRM require additional RFA analysis, they should include a discussion of the issues in their comment and label them as RFA comments. The Commission will send a copy of the NPRM, including this initial certification, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, summaries of the NPRM and initial certification will be published in the **Federal Register**.

13. *Report to Congress:* The Commission will send a copy of the NPRM, including a copy of the Initial Regulatory Flexibility Certification, in a report to Congress pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A). In addition, the NPRM and this Certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration and will be published in the **Federal Register**, 5 U.S.C. 605(b).

*Ordering Clauses.*

14. Pursuant to the authority contained in sections 1, 4, 10, 11, 201–205 214, 218, 403, and 651 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 155, 161, 201–205, 214, 218, 219, 220, 225, 303(r), 309, 325, 403, and 571 this Notice of Proposed Rulemaking *is hereby adopted.*

15. The Commission's Consumer Information and Government Affairs Bureau, Reference Information Center, shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Act Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04–6317 Filed 3–19–04; 8:45 am]

**BILLING CODE 6712–01–P**

# Notices

Federal Register

Vol. 69, No. 55

Monday, March 22, 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

### Animal and Plant Health Inspection Service

**[Docket No. 04–022–1]**

### Availability of an Environmental Assessment for Field Testing Feline Immunodeficiency Virus-Rhinotracheitis Vaccine, Live Feline Herpesvirus Vector

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed Feline Immunodeficiency Virus-Rhinotracheitis Vaccine for use in cats. The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment, and that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a U.S. Veterinary Biological Product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and the issuance of a finding of no significant impact and the product meets all other requirements for licensing.

**DATES:** We will consider all comments that we receive on or before April 21, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. 04–022–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 04–022–1.
- E-mail: Address your comment to *regulations@aphis.usda.gov.* Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 04–022–1'' on the subject line.
- Agency Web Site: Go to *http://www.aphis.usda.gov/ppd/rad/cominst.html* for a form you can use to submit an e-mail comment through the APHIS Web site.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and follow the instructions for locating this docket and submitting comments.

*Reading Room:* You may read the environmental assessment, the risk analysis (with confidential business information removed), and any comments that we receive in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

*Other Information:* You may view APHIS documents published in the **Federal Register** and related information, including the names of groups and individuals who have commented on APHIS dockets, on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html.*

**FOR FURTHER INFORMATION CONTACT:** Dr. Albert P. Morgan, Chief Staff Officer, Operational Support Section, Center for Veterinary Biologics, Licensing and Policy Development, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; phone (301) 734–8245, fax (301) 734–4314.

For information regarding the environmental assessment or the risk analysis, or to request a copy of the environmental assessment (as well as the risk analysis with confidential business information removed) contact Dr. Eleanor V. Eagly, Center for Veterinary Biologics, Licensing and Policy Development, VS, APHIS, 510 South 17th Street, Suite 104, Ames, IA 50010; (515) 232–5785. Please refer to the docket number, date, and complete title of this notice when requesting copies.

**SUPPLEMENTARY INFORMATION:** Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS conducted a risk analysis to assess the potential effects of this product on the safety of animals, public health, and the environment. Based on the risk analysis, APHIS has prepared an environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

*Requester:* Pfizer Animal Health.

*Product:* Feline Immunodeficiency Virus-Rhinotracheitis Vaccine, Live Feline Herpesvirus Vector, Code 16B1.R0.

*Field Test Locations:* California, Connecticut, Florida, Indiana, Iowa, Kansas, Louisiana, Maine, Michigan, Missouri, New York, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas.

The above-mentioned product is composed of two attenuated, gene deleted feline herpes viruses that express rhinotracheitis antigens with genetic modifications to also express feline immunodeficiency virus antigens. The vaccine is for use in cats as an aid

in the prevention of disease caused by feline immunodeficiency virus and feline rhinotracheitis virus.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provision of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Unless substantial issues with adverse environmental impacts are raised in response to this notice, APHIS intends to issue a finding of no significant impact (FONSI) based on the EA and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensing.

**Authority:** 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC this 17th day of March, 2004.

**Kevin Shea,**

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

[FR Doc. 04–6328 Filed 3–19–04; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. 04–012–1]**

### Availability of Environmental Assessment for Field Test of Genetically Engineered Organism

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment for a confined release into the environment of genetically engineered nonpathogenic (avirulent) strains of a bacterium, *Erwinia amylovora,* the causal agent of fire blight disease. The purpose of the release is to determine whether the avirulent strains are effective as disease suppression agents of pathogenic fire blight disease on apple and pear trees. This environmental assessment is available for public review and comment.

**DATES:** We will consider all comments we receive on or before April 21, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. 04–012–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 04–012–1.
- E-mail: Address your comment to *regulations@aphis.usda.gov.* Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 04–012–1'' on the subject line.
- Agency Web Site: Go to *http://www.aphis.usda.gov/ppd/rad/cominst.html* for a form you can use to submit an e-mail comment through the APHIS Web site.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and follow the instructions for locating this docket and submitting comments.

*Reading Room:* You may read the environmental assessment and any comments that we receive in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

*Other Information:* You may view APHIS documents published in the **Federal Register** and related information, including the names of groups and individuals who have commented on APHIS dockets, on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html.*

**FOR FURTHER INFORMATION CONTACT:** Mr. John Cordts, BRS, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–5531. To obtain a copy of the environmental assessment, contact Ms. Kay Peterson at (301) 734–4885; e-mail: *Kay.Peterson@aphis.usda.gov.* The environmental assessment is also available on the Internet at *http://www.aphis.usda.gov/brs/aphisdocs/03_27901r_ea.pdf.*

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.'' A permit must be obtained or a notification acknowledged before a regulated article may be introduced into the United States. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, and release into the environment of a regulated article.

On October 6, 2003, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 03–279–01r) from Oregon State University, Corvalis, OR, for a permit to release into the environment avirulent strains 153 HrpS− and 153 HrpL− of the bacterial pathogen, *Erwinia amylovora,* the causal agent of fire blight disease, on apple and pear trees in Benton and Jackson Counties, OR. The avirulent strains of *E. amylovora* have been genetically engineered using the neomycin phosphotransferase (*nptII*) gene of transposon 10 from *Escherichia coli* strain DH5α and the *hrp* gene from *E. amylovora* strain Ea321. Insertion of the transposon within the coding region of the *E. amylovora hrp* gene results in inactivation of the gene and disruption of the disease-causing mechanism within the bacterium, thereby rendering the bacterium nonpathogenic or avirulent. Use of the *nptII* gene also confers resistance to the antibiotic kanamycin, which is used as a marker for the avirulent strains. The introduction of the avirulent strains, alone and in combination with other non-pathogenic bacteria, is expected to protect susceptible plants from infection

by wild type *E. amylovora*. The purpose of the field trial is to determine whether the avirulent Hrp − strains are effective as suppression agents of fire blight, one of the most destructive bacterial diseases of apple, pear, and other trees in the family *Rosaceae*.

The genetically engineered strains of *E. amylovora* are considered regulated articles under the regulations in 7 CFR part 340 because the recipient organism is a plant pathogen. The tests will be conducted in both screenhouse and field trials, and access to both sites is restricted by fences and/or chained gates. Data collection and monitoring on bacterial populations and incidence of disease will be conducted during the testing periods. Containment protocols have been designed to limit dispersal of the recombinant bacterium and are expected to provide the necessary degree of both biological and physical containment. In 13 years of similar testing using non-recombinant organisms, the applicants have not detected *E. amylovora* strains overwintering on trees and none is expected.

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts and plant pest risk associated with the proposed release of the subject avirulent mutant strains of *E. amylovora*, an environment assessment (EA) has been prepared. The EA was prepared in accordance with (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

**Authority:** 7 U.S.C. 1622n and 7701–7772; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 17th day of March, 2004.

**Kevin Shea,**

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

[FR Doc. 04–6327 Filed 3–19–04; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Newspapers Used for Publication of Legal Notices by the Intermountain Region; Utah, Idaho, Nevada, and Wyoming

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice lists the newspapers that will be used by the ranger districts, forests and regional office of the Intermountain Region to publish legal notices required under 36 CFR 215, 217, and 218. The intended effect of this act is to inform interested members of the public which newspapers the Forest Service will use to publish notices of proposed actions and notices of decision. This will provide the public with constructive notice of Forest Service proposals and decisions, provide information on the procedures to comment or appeal, and establish the date that the Forest Service will use to determine if comments or appeals were timely.

**DATES:** Publication of legal notices in the listed newspapers will begin on or April 1, 2004. The list of newspapers will remain in effect until October 1, 2004, when another notice will be published in the **Federal Register.**

**FOR FURTHER INFORMATION CONTACT:** Priscilla McLain, Regional Appeals Coordinator, Intermountain Region, 324 25th Street, Ogden, UT 84401, and phone (801) 625–5146.

**SUPPLEMENTARY INFORMATION:** The administrative procedures at 36 CFR 215, 217, and 218 require the Forest Service to publish notices in a newspaper of general circulation. The content of the notices is specified in 36 CFR 215, 217 and 218. In general, the notices will identify: the decision or project, by title or subject matter; the name and title of the official making the decision; how to obtain additional information; and where and how to file comments or appeals. The date the notices is published will be used to establish the official date for the beginning of the comment or appeal period. The newspapers to be used are as follows:

**Regional Forester, Intermountain Region**

For decisions made by the Regional Forester affecting National Forests in Idaho: *Idaho Statesman,* Boise, Idaho

For decisions made by the Regional Forester affecting National Forests in Nevada: *Reno Gazette-Journal,* Reno, Nevada

For decisions made by the Regional Forester affecting National Forests in Wyoming: *Casper Star-Tribune,* Casper, Wyoming

For decisions made by the Regional Forester affecting National Forests in Utah: *Salt Lake Tribune, Salt Lake City, Utah*

For decisions made by the Regional Forester that affect all National Forests in the Intermountain Region. *Salt Lake Tribune,* Salt Lake City, Utah

**Ashley National Forest**

Ashley Forest Supervisor decisions: *Vernal Express,* Vernal, Utah

Duchesne District Ranger decisions: *Uinta Basin Standard,* Roosevelt, Utah

Flaming Gorge District Ranger for decisions affecting Wyoming: *Rocket Miner,* Rock Springs, Wyoming

Flaming Gorge District Ranger for decisions affecting Utah: *Vernal Express,* Vernal, Utah

Roosevelt District Ranger decisions: *Uinta Basin Standard,* Roosevelt, Utah

Vernal District Ranger decisions: *Vernal Express,* Vernal, Utah

**Boise National Forest**

Boise Forest Supervisor decisions: *Idaho Statesman,* Boise, Idaho

Cascade District Ranger decisions: *Long Valley Advocate,* Cascade, Idaho

Emmett District Ranger decisions: *Messenger-Index,* Emmett, Idaho

Idaho City District Ranger decisions: *Idaho Statesman,* Boise, Idaho

Lowman District Ranger decisions: *Idaho World,* Garden Valley, Idaho

Mountain Home District Ranger decisions: *Idaho Statesman,* Boise, Idaho

**Bridger-Teton National Forest**

Bridger-Teton Forest Supervisor decisions: *Casper Star-Tribune,* Casper, Wyoming

Big Piney District Ranger decisions: *Casper Star-Tribune,* Casper Wyoming

Buffalo District Ranger decisions: *Casper Star-Tribune,* Casper, Wyoming

Greys River District Ranger decisions: *Casper Star-Tribune,* Casper, Wyoming

Jackson District Ranger decisions: *Casper Star-Tribune,* Casper, Wyoming

Kemmerer District Ranger decisions: *Casper Star-Tribune,* Casper, Wyoming

Pinedale District Ranger decisions: *Casper Star-Tribune,* Casper, Wyoming

**Caribou-Targhee National Forest**

Caribou-Targhee Forest Supervisor decisions for the Caribou portion: *Idaho State Journal,* Pocatello, Idaho

Caribou-Targhee Forest Suerpvisor decisions for the Targhee portion: *Post Register,* Idaho Falls, Idaho

Ashton District Ranger decisions: *Post Register,* Idaho Falls, Idaho

Dubois District Ranger decisions: *Post Register,* Idaho Falls, Idaho

Island Park District Ranger decisions: *Post Register,* Idaho Falls, Idaho

Montpelier District Ranger decisions: *Idaho State Journal,* Pocatello, Idaho

Palisades District Ranger decisions: *Post Register,* Idaho Falls, Idaho

Soda Springs District Ranger decisions: *Idaho State Journal,* Pocatello, Idaho

Teton Basin District Ranger decisions: *Post Register,* Idaho Falls, Idaho

Westside District Ranger decisions: *Idaho State Journal,* Pocatello, Idaho

**Dixie National Forest**

Dixie Forest Supervisor decisions: *Daily Spectrum,* St. George, Utah

Cedar City District Ranger decisions: *Daily Spectrum,* St. George, Utah

Escalante District Ranger decisions: *Daily Spectrum,* St. George, Utah

Pine Valley District Ranger decisions: *Daily Spectrum,* St. George, Utah

Powell District Ranger decisions: *Daily Spectrum,* St. George, Utah

Teasdale District Ranger decisions: *Daily Spectrum,* St. George, Utah

**Fishlake National Forest**

Fishlake Forest Supervisor decisions: *Richfield Reaper,* Richfield, Utah

Beaver District Ranger decisions: *Richfield Reaper*, Richfield, Utah

Fillmore District Ranger decisions: *Richfield Reaper*, Richfield, Utah

Loa District Ranger decisions: *Richfield Reaper*, Richfield, Utah

Richfield District Ranger decisions: *Richfield Reaper*, Richfield, Utah.

**Humboldt-Toiyabe National Forests**

Humboldt-Toiyabe Forest Supervisor decisions for the Humboldt portion: *Elko Daily Free Press*, Elko, Nevada

Humboldt-Toiyabe Forest Supervisor decisions for the Toiyabe portion: *Reno Gazette-Journal*, Reno, Nevada

Austin District Ranger decisions: *Reno Gazette-Journal*, Reno, Nevada

Bridgeport District Ranger decisions: *Review-Herald*, Mammoth Lakes, California

Carson District Ranger decisions: *Reno Gazette-Journal*, Reno, Nevada

Ely District Ranger decisions: *Ely Daily Times*, Ely, Nevada

Jarbidge District Ranger decisions: *Elko Daily Free Press*, Elko, Nevada

Mountain City District Ranger decisions: *Elko Daily Press*, Elko, Nevada

Ruby Mountains District Ranger decisions: *Elko Daily Free Press*, Elko, Nevada

Santa Rosa District Ranger decisions: *Humboldt Sun*, Winnemucca, Nevada

Spring Mountains National Recreation Area District Ranger decisions: *Las Vegas Review Journal*, Las Vegas, Nevada

Tonopah District Ranger decisions: *Tonopah Times Bonanza-Goldfield News*, Tonopah, Nevada

**Manti-Lasal National Forest**

Manti-LaSal Forest Supervisor decisions: *Sun Advocate*, Price, Utah

Ferron District Ranger decisions: *Emery County Progress*, Castle Dale, Utah

Moab District Ranger decisions: *Times Independent,* Moab, Utah

Monticello District Ranger decisions: *San Juan Record,* Monticello Utah

Price District Ranger decisions: *Sun Advocate,* Price, Utah

Sanpete District Ranger decisions: *Pyramid,* Mt. Pleasant, Utah

**Payette National Forest**

Payette Forest Supervisor decisions: *Idaho Statesman,* Boise, Idaho

Council District Ranger decisions: *Adams County Record,* Council, Idaho

Krassel District Ranger decisions: *Star News,* McCall, Idaho

McCall District Ranger decisions: *Star News,* McCall, Idaho

New Meadows District Ranger decisions: *Star News,* McCall, Idaho

Weiser District Ranger decisions: *Signal American,* Weiser, Idaho

**Salmon-Challis National Forests**

Salmon-Challis Forest Supervisor decisions for the Salmon portion: *The Recorder-Herald,* Salmon, Idaho

Salmon-Challis Forest Supervisor decisions for the Challis portion: *The Challis Messenger,* Challis, Idaho

Challis District Ranger decisions: *The Challis Messenger,* Challis, Idaho

Leadore District Ranger decisions: *The Recorder-Herald,* Salmon, Idaho

Lost River District Ranger decisions: *The Challis Messenger,* Challis, Idaho

Middle Fork District Ranger decisions: *The Challis Messenger,* Challis, Idaho

North Fork District Ranger decisions: *The Recorder-Herald,* Salmon, Idaho

Salmon/Cobalt District Ranger decisions: *The Recorder-Herald,* Salmon, Idaho

Yankee Fork District Ranger decisions: *The Challis Messenger,* Challis, Idaho

**Sawtooth National Forest**

Sawtooth Forest Supervisor decisions: *The Times News*, Twin Falls, Idaho

Fairfield District Ranger decisions: *The Times News*, Twin Falls, Idaho

Ketchum District Ranger decisions: *Idaho Mountain Express*, Ketchum, Idaho

Minidoka District Ranger decisions: *The Times News*, Twin Falls, Idaho

Sawtooth National Recreation Area: *The Challis Messenger*, Chillis, Idaho

**Uinta National Forest**

Uinta Forest Supervisor decisions: *The Daily Herald,* Provo, Utah

Heber District Ranger decisions: *The Daily Herald,* Provo, Utah

Pleasant Grove District Ranger decisions: *The Daily Herald,* Provo, Utah

Spanish Fork District Ranger decisions: *The Daily Herald,* Provo, Utah

**Wasatch-Cache National Forest**

Wasatch-Cache Forest Supervisor decisions: *Salt Lake Tribune*, Salt Lake City, Utah

Evanston District Ranger decisions: *Uinta County Herald*, Evanston, Wyoming

Kamas District Ranger decisions: *Salt Lake Tribune*, Salt Lake City, Utah

Logan District Ranger decisions: *Logan Herald Journal*, Logan, Utah

Mountain View District Ranger decisions: *Uinta County Herald*, Evanston, Wyoming

Ogden District Ranger decisions: *Ogden Standard Examiner*, Ogden, Utah

Salt Lake District Ranger decisions: *Salt Lake City,* Utah

Dated: March 15, 2004.

**Jack G. Troyer,**

*Regional Forester.*

[FR Doc. 04–6277 Filed 3–19–04; 8:45 am]

BILLING CODE 3410–11–M

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## DEPARTMENT OF AGRICULTURE

### Forest Service

### Newspapers Used for Publications of Legal Notice, Comment and Appeal of Decisions for Pacific Northwest Region; Oregon and Washington; Correction

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; correction.

**SUMMARY:** The USDA Forest Service published a notice in the Federal Register of October 15, 2003, updating the listing of newspapers that will be used by all Ranger Districts, Forests, and the Regional Office of the Pacific Northwest Region to publish legal notices of decision subject to appeal under 36 CFR 215 and 217 and to publish notices for public comment subject to provisions of 36 CFR 215. The document contained an incorrect newspaper of record for Malheur National Forest.

**FOR FURTHER INFORMATION CONTACT:** Jill A. Dufour, Regional Environmental Coordinator, Pacific Northwest Region, 333 SW. First Avenue, (P.O. Box 3623), Portland, Oregon 97208, phone: 503–808–2276.

**Correction**

In the **Federal Register** of October 15, 2003, in FR Doc. 03–25977, on page 59362, in the second column, correct the Malheur National Forest to read:

*Malheur National Forest*

Forest Supervisor decisions

Blue Mountain District Ranger decisions

Prairie City District Ranger decisions

Blue Mountain Eagle, John Day, Oregon

Emigrant Creek District Ranger decisions

Burns Times Herald, Burns, Oregon

Dated: March 8, 2004.

**Linda Goodman,**

*Regional Forester.*

[FR Doc. 04–6278 Filed 3–19–04; 8:45 am]

BILLING CODE 3410–11–M

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Notice of Sanders County Resource Advisory Committee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Lolo and Kootenai National Forests' Sanders County Resource Advisory Committee will meet on April 15 at 6:30 p.m., in Thompson Falls, Montana for a business meeting. The meeting is open to the public.

**DATES:** April 15, 2004.

**ADDRESSES:** The meeting will be held at the Thompson Falls Courthouse, 1111 Main Street, Thompson Falls, MT 59873.

**FOR FURTHER INFORMATION CONTACT:** Brian Avery, District Ranger, or Shana Neesvig, Committee Coordinator, Cabinet Ranger District, Kootenai National Forest at (406) 827–3533.

**SUPPLEMENTARY INFORMATION:** Agenda topics include reviewing project status and receiving public comment. If the meeting location is changed, notice will be posted in the local newspapers, including the Clark Fork Valley Press, Sanders County Ledger, Daily Interlake, Missoulian, and River Journal.

Dated: March 4, 2004.

**Brian Avery,**

*Designated Federal Official, District Ranger, Cabinet Ranger District.*

[FR Doc. 04–6313 Filed 3–19–04; 8:45 am]

BILLING CODE 3410–11–M

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 1319]**

### Expansion of Foreign-Trade Zone 50, Long Beach, CA, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas,* the City of Long Beach, California, grantee of Foreign-Trade Zone 50, submitted an application to the Board for authority to expand FTZ 50-Site 2 to include additional areas (143 acres) at the California Commerce Center in Ontario, California, adjacent to the Los Angeles-Long Beach Customs port of entry (FTZ Docket 27–2003; filed 6/9/03);

*Whereas,* notice inviting public comment was given in the **Federal Register** (68 FR 35855, 6/17/03) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas,* the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

*Now, therefore,* the Board hereby orders:

The application to expand FTZ 50–Site 2 is approved, subject to the Act and the Board's regulations, including § 400.28, and further subject to the Board's standard 2,000-acre activation limit for the overall zone project.

Signed at Washington, DC, this 11th day of March, 2004.

**James J. Jochum,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

Attest:

**Dennis Puccinelli,**

*Executive Secretary.*

[FR Doc. 04–6346 Filed 3–19–04; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 1321]**

### Designation of New Grantee for Foreign-Trade Zone 19, Omaha, NE; Resolution and Order

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR part 400), the Foreign-Trade Zones Board (the Board) adopts the following Order:

The Foreign-Trade Zones (FTZ) Board (the Board) has considered the application (filed 9/18/2003) submitted by the Dock Board of the City of Omaha, grantee of FTZ 19, Omaha, Nebraska, requesting reissuance of the grant of authority for said zone to the Greater Omaha Chamber of Commerce, a non-profit corporation, which has accepted such reissuance subject to approval by the FTZ Board. Upon review, the Board finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the request and recognizes the Greater Omaha Chamber of Commerce as the new grantee of Foreign-Trade Zone 19.

The approval is subject to the FTZ Act and the FTZ Board's regulations, including section 400.28.

Signed in Washington, DC, this 11th day of March, 2004.

**James J. Jochum,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 04–6348 Filed 3–19–04; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 1320]**

### Expansion of Foreign-Trade Zone 40 Cleveland, OH, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas,* the Cleveland-Cuyahoga County Port Authority, grantee of Foreign-Trade Zone 40, submitted an application to the Board for authority to expand FTZ 40 to include a new site (Site 11) in Vermilion (Lorain County), at the Harbour Point Business Park (172 acres), within the Cleveland Customs port of entry area (FTZ Docket 33–2003; filed 6/27/03);

*Whereas,* notice inviting public comment was given in the **Federal Register** (68 FR 39896, 7/3/03) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas,* the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest;

*Now, Therefore,* the Board hereby orders:

The application to expand FTZ 40 is approved, subject to the Act and the Board's regulations, including section 400.28, and further subject to the Board's standard 2,000-acre activation limit for the overall zone project.

Signed in Washington, DC, this 11th day of March, 2004.

**James J. Jochum,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 04–6347 Filed 3–19–04; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Docket 9–2004]**

### Foreign-Trade Zone 24—Pittston, PA; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Eastern Distribution Center, Inc., grantee of Foreign-Trade Zone 24, requesting authority to expand FTZ 24 to include an additional site in the Pittston, Pennsylvania, area, within the Wilkes-Barre/Scranton Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 11, 2004.

FTZ 24 was approved on October 21, 1976 (Board Order 112, 41 FR 47288, 10/28/76). The zone project currently consists of a 42-acre site within the 265-acre Eastern Distribution Center, located midway between Scranton and Wilkes-Barre, adjacent to the Wilkes-Barre/Scranton International Airport.

The applicant is now requesting authority to expand the general-purpose zone to include an additional site in the area: *Proposed Site 2* consists of 1,076 acres (2 parcels) within a 1,303-acre site (excluding the areas that are zoned S–1 (Special Purpose) (227 acres)): *Proposed Site 2A* (944 acres)—Valley View Business Park, located along Route 6 at the Route 247 interchange in the Boroughs of Jessup and Archbald; and, *Proposed Site 2B* (132 acres)—Jessup Small Business Center, located at the intersection of Route 6 and Route 247 on Sunnyside Road in the Borough of Jessup. The property is owned by the Scranton Lackawanna Industrial Building Company. No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the addresses below:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street NW., Washington, DC 20005; or

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue NW., Washington, DC 20230.

The closing period for their receipt is May 21, 2004. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 7, 2004).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the Office of the Eastern Distribution Center, Inc., 1151 Oak Street, Pittston, PA 18640.

Dated: March 12, 2004.

**Dennis Puccinelli,**

*Executive Secretary.*

[FR Doc. 04–6345 Filed 3–19–04; 8:45 am]

**BILLING CODE 3510–DS–P**

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–428–803]**

### Industrial Nitrocellulose From Germany: Notice of Rescission of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of rescission of antidumping duty administrative review.

**SUMMARY:** On August 27, 2003, the Department of Commerce (the Department) published in the **Federal Register** a notice announcing the initiation of the administrative review of the antidumping duty order on industrial nitrocellulose (INC) from Germany for Wolff Walsrode AG (Wolff) and Hagedorn AG (Hagedorn). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part,* 67 FR 55000 (August 27, 2003) (Initiation Notice). Green Tree Technologies, Inc. (Green Tree), the sole domestic producer of industrial nitrocellulose, requested a review of Wolff and Hagedorn; Wolff requested a review of itself. The review covers the period July 1, 2002, through June 30, 2003. We are now rescinding this review as a result of Green Tree's and Wolff's timely withdrawal of their requests for an administrative review of Wolff and the non-shipper status of Hagedorn.

**EFFECTIVE DATE:** March 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ron Trentham, or Tom Futtner, Group II, Office 4, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–6320 or (202) 482–3814, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Scope of Review

The merchandise under review is industrial nitrocellulose from Germany. The merchandise is currently classifiable under item number 3912.20.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS item number is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the review.

#### Background

On July 29, 2003, Green Tree requested that the Department conduct an administrative review of entries of subject merchandise produced by Wolff and Hagedorn. On July 31, 2003, Wolff requested that the Department conduct an administrative review of its sales during the period of review (POR). On August 27, 2003, the Department initiated an administrative review of the antidumping duty order on INC from Germany. *See Initiation Notice.*

#### Rescission of 2002/2003 Antidumping Duty Administrative Review

On September 17, 2003, in response to the Department's questionnaire, Hagedorn stated that it had made no shipments of subject merchandise to the United States during the POR. The Department independently confirmed with the U.S. Customs and Border Protection that there were no shipments of subject merchandise from Hagedorn during the POR. Therefore, in accordance with section 351.213(d)(3) of the Department's regulations, and consistent with our practice, we are treating this firm as a non-shipper for purposes of this review. Moreover, the Department invited interested parties to comment on our intent to rescind this review with respect to Hagedorn. *See* Memorandum to File from Ron Trentham, dated February 5, 2004. We received no comments. Therefore, we are rescinding this review with respect to Hagedorn (*see, e.g., Certain Welded Carbon Steel Pipe and Tube from Turkey: Final Results and Partial*

*Rescission of Antidumping Administrative Review,* 63 FR 35190, 35191 (June 29, 1998)).

On November 3, 2003, and November 20, 2003, respectively, Wolff and Green Tree withdrew their requests that the Department conduct an administrative review of Wolff's sales. These withdrawals comply with section 351.213(d)(1) of the Department's regulations which allows parties to withdraw their request for review within 90 days from initiation. Because of the non-shipper status of Hagedorn and the timely requests for termination of the review for Wolff, the Department is rescinding this review in its entirety in accordance with section 351.213(d) of our regulations.

This notice is in accordance with section 751 of the Act and section 351.213(d) of the Department's regulations.

Dated: March 16, 2004.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary, Import Administration.*

[FR Doc. 04–6349 Filed 3–19–04; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[Docket No. 000522149–4089–06]**

### Dean John A. Knauss Marine Policy Fellowship Program

**AGENCY:** National Sea Grant College Program, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice and request for proposals.

**SUMMARY:** This notice announces that applications may be submitted for a Fellowship program which was initiated by the National Sea Grant Office (NSGO), National Oceanic and Atmospheric Administration (NOAA), in fulfilling its broad educational responsibilities and legislative mandate of the Sea Grant Act, to provide educational experience in the policies and processes of the Legislative and Executive Branches of the Federal Government to graduate students in marine and aquatic-related fields.

**DATES:** Deadlines vary from program to program, but applications from prospective fellows to Sea Grant Colleges are generally due early to mid-April. Contact your state's Sea Grant program for specific deadlines (see addresses below). Selected applications from the sponsoring Sea Grant program (one original and two copies) are to be received in the NSGO no later than 5 p.m. e.d.t. on May 5, 2004.

**ADDRESSES:** Application information may be obtained from Sea Grant College Program Directors. The addresses of the Sea Grant College Program directors may be found on Sea Grant's World Wide Web home page (*http://www.nsgo.seagrant.org/SGDirectors.html*) or may also be obtained by contacting Ms. Nikola Garber at the NSGO (mail address: National Sea Grant College Program, 1315 East-West Highway, SSMC3, Rm 11718, R/SG, Silver Spring, MD 20910; phone: 301–713–2431 x124; or e-mail: *nikola.garber@noaa.gov.*

**FOR FURTHER INFORMATION CONTACT:** Ms. Nikola Garber, phone: 301–713–2431 x124; or e-mail: *nikola.garber@noaa.gov*). Applications information may also be obtained directly from the Sea Grant's World Wide Web (*http://www.nsgo.seagrant.org/Knauss/Knauss2005.html*)

**SUPPLEMENTARY INFORMATION:** *Electronic Access:* The full funding opportunity announcement for the Knauss Fellowship is available via Web site: *http://www.nsgo.seagrant.org/Knauss/Knauss2005.html* or by contacting the program official identified above. This announcement will also be available through Grants.gov at *http://www.Grants.gov.*

Funding Availability: The local Sea Grant program receives and administers the overall grant of $40,000 per student on behalf of each Fellow selected from their program. Not less than 30 applicants will be selected, of which the selected applicants assigned to the Congress will be limited to 10.

*Statutory Authority:* The recipients are designated Dean John A. Knauss Marine Policy Fellows pursuant to 33 U.S.C. 1127(b).

*CFDA:* 11.417, Sea Grant Support.

*Eligibility:* Any student who, on April 1, 2004, is in a graduate or professional program in a marine or aquatic-related field at a United States accredited institution of higher education in the United States may apply.

*Cost Sharing Requirements:* There will be the one-third required cost share for those applicants selected as legislative fellows.

*Intergovernmental Review:* Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of federal programs.''

*Evaluation and Selection Procedures:* NOAA published its first omnibus notice announcing the availability of grant funds for both projects and fellowships/scholarship/internships for Fiscal Year 2004 in the **Federal Register** on June 30, 2003 (68 FR 38678). The evaluation criteria and selection procedures contained in the June 30, 2003 omnibus notice are applicable to this solicitation. For a copy of the June 30, 2003 omnibus notice please go to *http://www/ofa.noaa.gov/~amd/SOLINDEX.HTML.*

**The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements**

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of October 1, 2001 (66 FR 49917), as amended by the **Federal Register** notice published on October 30, 2002 (67 FR 66109), are applicable to this solicitation.

**The National Environmental Policy Act**

As defined in sections 5.05 and Administrative or Programmatic Functions of NAO 216–6, 6.03.c.3, this is a fellowship project for which there are no cumulative effects. Thus, it has been categorically excluded from the need to prepare an Environmental Assessment.

**Paperwork Reduction Act**

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424 and 424A, 424B, SF–LLL, and CD–346 has been approved by OMB under the respective control numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

**Executive Order 12866**

This notice has been determined to be not significant for purposes of Executive Order 12866.

**Executive Order 13132 (Federalism)**

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

**Administrative Procedure Act/ Regulatory Flexibility Act**

Prior notice and an opportunity for public comments are not required by the

Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 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 inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: March 16, 2004.

**Louisa Koch,**

*Deputy Assistant Administrator, OAR, National Oceanic and Atmospheric Administration.*

[FR Doc. 04–6284 Filed 3–19–04; 8:45 am]

**BILLING CODE 3510–KA–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Marine Protected Areas Federal Advisory Committee; Public Meeting

**AGENCY:** National Ocean Service, NOAA, Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** Notice is hereby given of the third meeting of the Marine Protected Areas Federal Advisory Committee (MPA FAC) in Key Largo, Florida.

**DATES:** The meeting will be held Tuesday, April 6, from 8:30 a.m. to 5 p.m., Wednesday, April 7, from 8:30 a.m. to 5 p.m., and Thursday, April 8, from 8:30 a.m. to 12 p.m. These times and the agenda topics described below may be subject to change. Refer to the web page listed below for the most up-to-date meeting agenda.

**ADDRESSES:** The meeting will be held at the Holiday Inn Resort and Marina, 99701 Overseas Highway, Key Largo, Florida 33037.

**FOR FURTHER INFORMATION CONTACT:** Charles Wahle, Acting Designated Federal Officer, MPA FAC, National Marine Protected Areas Center—Science Institute, 110 Shaffer Road, Santa Cruz, CA, 95060. (Phone: 831–242–2052, Fax: 831–242–2051); e-mail: *charles.wahle@noaa.gov;* or visit the national MPA Center Web site at *http://www.mpa.gov*).

**SUPPLEMENTARY INFORMATION:** The MPA FAC, composed of external, knowledgeable representatives of stakeholder groups, has been established by the Department of Commerce to provide advice to the Secretaries of Commerce and Interior on implementation of section 4 of Executive Order 13158 on MPAs. The meeting will be open to public participation, with a 2-hour time period set aside from 3 p.m. to 5 p.m. on Tuesday, April 6, 2004, and 30 minutes set aside from 8:10 a.m. to 8:40 a.m. on Thursday, April 8, 2004, for the Committee to receive verbal comments from the public. In general, each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Copies of written statements should be submitted to the Designated Federal Official by Friday, April 2, 2004.

Matters to be Considered: On Tuesday, April 6, the Committee will discuss the charges to the three subcommittees that have been established: (1) National System of MPAs; (2) Stewardship and Effectiveness of MPAs; and (3) National and Regional Coordination of MPA Efforts. The subcommittees will then meet. On Tuesday afternoon, the Committee will receive comments from the public.

On Wednesday, April 7, the Committee will meet to receive provisional reports from the subcommittees. The subcommittees will then resume their work. In the afternoon, the Committee members will take a field tour of the Florida Keys National Marine Sanctuary.

On Thursday, April 8, the Committee will receive comments from the public. The subcommittees will then meet. The full Committee will meet to further consider subcommittee reports and to discuss the timing and agenda for the next meeting.

Dated: March 17, 2004.

**Jamison S. Hawkins,**

*Deputy Assistant Administrator, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.*

[FR Doc. 04–6413 Filed 3–19–04; 8:45 am]

**BILLING CODE 3510–08–P**

## COMMODITY FUTURES TRADING COMMISSION

### In the Matter of the Intercontinental Exchange, Inc. Petition for Expansion of the Definition of Eligible Commercial Entities Under Section 1a(11)(C) of the Commodity Exchange Act

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Request for comment.

**SUMMARY:** The Commodity Futures Trading Commission (''Commission'') is requesting comment regarding an Intercontinental Exchange, Inc. (''Intercontinental'') petition requesting that the category of eligible commercial entity (''ECE'') be expanded to include floor and electronic broker firms that are members of the International Petroleum Exchange (''IPE'') located in the U.K. and that are authorized and regulated by the U.K. Financial Services Authority (''FSA''), and local traders that are members of IPE located in the U.K. who are outside the scope of FSA regulation but who are registered with IPE. In addition, the Commission asks for comments with respect to whether any response to the petitions should be tailored specifically to Intercontinental and to the narrow circumstances presented in the petitions or whether a response should be more broadly based and, thus, also applicable to other trading facilities. The Commission invites public comment, moreover, or Intercontinental's request for relief not only for those IPE members that trade on the floor as well as the IPE electronic platform, but also for those IPE members that trade *only* on IPE's electronic platform. Finally, the Commission seeks general comment on whether ECE treatment should be extended to non-U.S. traders that are authorized by a non-U.S. exchange, but are not registrants of a national regulatory body and, if so, what standards the Commission should use to evaluate the qualifications of such persons.

**DATES:** Comments must be received by April 6, 2004.

**ADDRESSES:** Comments should be sent to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, attention: Office of the Secretariat. Comments may sent by facsimile transmission to 202–418–5521 or, by e-mail to *secretary@cftc.gov.* Reference should be made to ''ECE Petition.''

**FOR FURTHER INFORMATION CONTACT:** Riva Spear Adriance, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, NW., Washington DC 20581. Telephone: 202–418–5494. E-mail: *radriance@cftc.gov.*

**SUPPLEMENTARY INFORMATION:**

#### I. Statutory Background

Section 1a(11) of the Commodity Exchange Act (''Act'' or ''CEA''), as amended by the Commodity Futures Modernization Act of 2000 (''CFMA''), Pub L. No. 106–554, which was signed into law on December 21, 2000, generally defines the term ECE by listing those ''eligible contract participants''

(''ECPs'') that are qualified to be ECEs.[1] ECEs may enter into transactions in an ''exempt commodity,'' as that term is defined by the Act,[2] on exempt commercial markets (''ECMs'') pursuant to Section 2(h)(3) of the Act.[3] IPE floor and electronic brokers (''IPE brokers'') and IPE floor and electronic traders (''IPE local traders'') do not qualify as ECEs for the purpose of engaging in transactions on an ECM under CEA Section 2(h)(3). The Act, however, gives the Commission discretion to expand the ECE category.

Specifically, section 1a(11)(C) provides that the list of entities defined as ECEs shall include ''such other persons as the Commission shall determine appropriate and shall designate by rule, regulation, or order.'' The Commission determined to expand ECE eligibility on one previous occasion when, by order dated January 9, 2003,[4] it deemed floor brokers and floor traders who are registered with the Commission, when acting in a proprietary trading capacity, to be ECEs, subject to certain conditions.[5] A further determination under section 1a(11)(C) that IPE brokers and IPE local traders be considered ECEs would permit the IPE brokers and IPE local traders to enter into transactions in exempt commodities on ECMs, including the Intercontinental ECM.[6]

## II. The Intercontinental Petition

By letter dated February 9, 2004, Intercontinental requested that the Commission issue an order pursuant to Section 1a(11) of the Act that would expand the ECE category to include IPE brokers and IPE local traders. Intercontinental stated that including IPE brokers and IPE local traders as ECEs would be consistent with the CFMA and would recognize their value as both liquidity providers and market makers.

### *A. Requested Relief*

In its petition, Intercontinental proposed that the following be included in the definition of ECE for trading on ECMs:

(i) IPE Brokers[7] that (a) Are firms located in the U.S.; (b) are authorized and regulated by the FSA; (c) are members of the IPE; (d) have as a part of their business the business of acting as a broker although the IPE broker need not have any connection or experience in the underlying physical commodity, and (e) are ECPs or, if not an ECP, its trades on the ECM are guaranteed by a clearing member of a U.K. recognized clearing organization that is itself an ECP; and

(ii) IPE local traders[8] that: (a) Are located in the U.K.: (b) are authorized by the FSA, if required by the Financial Services and Markets Act 2000 (the ''FSMA''), or are outside the scope of the FSMA: (c) are members of, or registered to, the IPE: (d) have as a part of their business the business of acting as a local trader although the IPE local trader need not have any connection or experience in the underlying physical commodity; and (e) are ECPs or, if not an ECP, their trades on the ECM are guaranteed by a clearing member of a U.K. recognized clearing organization that is itself an ECP.[9]

In its petition, Intercontinental commented that the Commission had previously issued an order expanding the definition of ECE to include persons registered under the CEA as floor brokers and floor traders when acting in a proprietary trading capacity.[10] Intercontinental states that trading on the IPE is conducted on a principal-to-

[1] Under Section 1a(11)(A) of the Act, ECEs are ECPs that: (i) Have the ability to make or take delivery; (ii) incur risk, in addition to price risk, related to the commodity; or (iii) are market makers or risk managers in a commodity. Section 1a(11)(B) of the Act expands the ECE definition to include certain other ECPs that: (i) Regularly trade the commodity or its derivatives and (ii) meet certain sophistication and/or financial requirements.

[2] Section 1a(14) defines the term ''exempt commodity'' to mean a commodity that is not an excluded commodity or an agricultural commodity. Section 1a(13) defines the term ''excluded commodity'' to mean, among other things, an interest rate, exchange rate, currency, credit risk or measure, debt instrument, measure of inflation, or other macroeconomics index or measure. Although the term ''agricultural commodity'' is not defined in the Act, section 1a(4) enumerates several agricultural-based commodities and products. Commodities that fall into the exempt category include energy and metals products.

[3] Under section 2(h)(3), ECMs are markets that limit themselves to transactions: (1) In exempt commodities; (2) entered into on a principal-to-principal basis by ECEs; and (3) executed or traded on an electronic trading facility. As defined in section 1a(33)(A) of the Act, the term 'trading facility' generally means ''a person or group of persons that constitutes, maintains, or provides a physical or electronic facility or system in which multiple participants have the ability to execute or trade agreements, contracts, or transactions by accepting bids and offers made by other participants that are open to multiple participants in the facility or system.'' An ECM is not a registered entity, but is required to notify the Commission of its intention to operate an electronic trading facility in reliance on the exemption set forth in section 2(h)(3). The notification of operation as an ECM must include several certifications and, pursuant to Commission Regulation 36.3(c)(3), a representation by the ECM that it will require each participant to comply with all applicable law and that it has a reasonable basis for believing that authorized participants are ECEs. Although transactions entered into on ECMs are generally exempt from regulation under the Act, the Commission retains anti-fraud and anti-manipulation authority over these transactions.

[4] *See* 68 FR 2319. This order responded to petitions received from the New York Mercantile Exchange, Inc. (''NYMEX'') and Intercontinental. *See* 67 FR 41698. Intercontinental's petition of June 3, 2002, included a request that the Commission expand the ECE definition to floor brokers and floor traders authorized by the FSA. On November 1, 2002, Intercontinental advised the Commission staff that it had decided not to seek relief for non-U.S. floor brokers and floor traders at that time. Intercontinental's current petition is similar to its petition of June 3, 2002, but the parties for which relief is requested differ slightly. *See* discussion *infra,* Section II.A.

[5] Under the Commission's order, subject to certain conditions set forth in the order, registered floor brokers and floor traders, when acting for their own accounts, are permitted to enter into transactions in exempt commodities on ECMs pursuant to section 2(h)(3) of the Act. In order to participate, the floor broker or floor trader must either be an ECP as that term is defined in section 1a(12) of the Act, or have its trades on the ECM guaranteed by a clearing member that is both a member of a CFTC-registered derivatives clearing organization and is an ECP.

[6] Intercontinental operates a commodities trading platform for energy and metals (the ''Intercontinental electronic platform'') and is itself an ECM. Intercontinental submitted its notice of operation as an ECM to the Commission on December 27, 2001. Intercontinental Exchange also owns IPE, a U.K. futures exchange that trades energy futures products. The Intercontinental electronic platform is used by IPE for its electronic trading system.

[7] IPE brokers would include: IPE Floor Members and General Participants. General Participants may trade only on the electronic trading system.

[8] IPE local traders would include: IPE Local Members and Individual Participants. Individual Participants may trade only on the electronic trading system.

[9] In its petition, Intercontinental pointed out that the Commission order of January 16, 2003 recognized the fact that floor brokers and floor traders are sophisticated market participants who are subject to a comprehensive regulatory scheme. Intercontinental stated its belief that it would be appropriate for the Commission to provide similar relief to IPE brokers and IPE local traders, as the IPE brokers and IPE local traders satisfy similar criteria, including having their trades guaranteed by a clearing member of a recognized clearing organization. In the case of IPE brokers or IPE local traders, the clearing member providing a guarantee of financial performance of the contracts is authorized by the FSA.

[10] *See In the Matter of the New York Mercantile Exchange, Inc. and the Intercontinental Exchange, Inc.,* 68 FR 2319 (Jan. 16, 2003). At that time, the Commission stated that its action [expanding the definition of ECE to include CFTC-registered floor brokers and floor traders subject to certain conditions] was consistent with the purposes of the CFMA and would provide floor brokers and floor traders access to a wider range of products and expand the pool of potential counterparties for ECM participants. *Id.* at 2323. The Commission also pointed out that its action could potentially increase competition and efficiency and reduce liquidity risk on ECMs. According to the Commission, the trading expertise that floor brokers and floor traders would bring to the ECM would be applicable to trading in any commodity product being traded, while the requirement that either the floor broker or floor trader or the guarantor of the trades must be an ECP would provide sufficient financial backing for the floor broker or floor trader and would mitigate any credit or collection risk that might otherwise arise in the execution of trades by a floor broker or floor trader. *Id.*

principal basis[11] and the IPE brokers and IPE local traders satisfy similar criteria to the floor brokers and floor traders included in the Commission's earlier order. The petition also contends that its requested relief is a logical and appropriate extension of the Commission's earlier order, as the individuals for which Intercontinental requests relief (a) Are professionals regulated by the FSA and/or IPE; (b) regularly trade on the IPE as part of their business; and (c) would utilize ECMs in connection with their trading activities. Intercontinental's petition states, moreover, that the ECE definition should include IPE brokers and IPE local traders because, from a policy perspective, it is no longer meaningful to differentiate between electronic and floor trading.[12]

Intercontinental states that, IPE, as a U.K. Registered Investment Exchange (''RIE''),[13] must, among other things, limit access to persons: (i) Over whom the RIE can, with reasonable certainty, enforce its rules contractually; (ii) who have sufficient technical competence to use the RIE's facilities; (iii) whom it is appropriate to admit to membership, taking into account the size and sophistication of users of the RIE's facilities and the nature of the business effected by means of, or cleared through, its facilities; and (if appropriate) (iv) who have adequate financial resources in relation to their exposure to the U.K. RIE or its central counterparty.

According to the background information provided by Intercontinental, IPE members are required to sign an agreement prescribed by IPE's directors in which they agree to be bound by the IPE's regulations. Moreover, IPE members may only engage in trading IPE's electronic trading platform to the extent that they are either authorized to do so pursuant to U.K. law, or are exempt from the authorization requirement.

*B. IPE Brokers*

The petition states that the ECE definition should include IPE brokers that are located in the U.K. As described in its petition, IPE brokers are firms that are members of IPE. The firms are able to transact business on their own behalf or on behalf of clients.[14] When the firm acts on behalf of clients its activities fall within the scope of the FSMA; where such firm is located in the U.K., it will be authorized and registered with the FSA. The conduct of business on IPE is governed by both the rules of the exchange and the relevant FSA conduct of business rules.

According to the petition, the U.K. regulatory regime establishes extensive authorization standards for brokers, imposing a regulatory scheme that is comparable to the U.S. regulatory scheme. Therefore, allowing floor and electronic brokers who are authorized by the FSA to trade on the Platform as ECEs would be consistent, according to the petition, with the approach taken by the Commission in granting part 30 relief to firms located in the U.K. that are authorized and regulated by the FSA.

For example, as described in the petition, to become a broker at IPE,[15] the broker must be able to demonstrate that it, among other things: is a clearing member or has become a party to a clearing agreement; has adequate arrangements to ensure that its employees, agents and representatives acting on its behalf or in its name are fit and proper and adequately trained and properly supervised; has adequate internal recordkeeping; has well-defined procedures for ensuring compliance with the regulations; maintains minimum financial standards; and has the appropriate licenses, authorizations and consents or benefits from available exclusions under the FSMA to act in the appropriate capacity.

The petition notes that persons who perform ''controlled functions'' (either investment advisor or customer trading functions) for FSA authorized firms would be ''approved'' by the FSA and would be required to comply with a set of principles. All traders employed by IPE brokers will be registered with the FSA as approved persons linked to that broker. On the trading floor of the IPE, IPE brokers would be represented by a number of individual traders.

In order to trade IPE products on the IPE electronic trading platform, a member must register at least one ''Responsible Individual.'' A Responsible Individual is responsible for all business conducted under his individual trading mnemonic(s) and must ensure to the best of his ability that the business is conducted in compliance with the IPE regulations and other appropriate regulatory requirements.[16] Ultimate responsibility, however, will still lie with the IPE member. The individual traders that trade for IPE brokers on IPE's electronic trading platform will either themselves be registered with the IPE as a Responsible Individual, or will operate under the individual trader mnemonic provider to another Responsible Individual within that firm.[17]

*C. IPE Local Traders*

The petition states that the ECE definition should include local traders (IPE local traders) who are located in the U.K. IPE local traders are outside the scope of FSA regulation, but are

[11] CEA Section 2(h)(3) requires that trading on an ECM must be entered into on a principal-to-principal basis. *See supra* note 3.

[12] Like NYMEX, IPE offers both floor and electronic trading. IPE uses the Intercontinental electronic trading platform for the trading of IPE products (the ''IPE electronic platform''). *See supra* note 6. In its current petition, Intercontinental is requesting relief for both IPE members that trade *only* on the IPE electronic platform, and for those members that trade on the floor as well as the IPE electronic platform. This request differs somewhat from the relief granted by the Commission in its order of January 16, 2003, as that relief applied only to registered floor brokers and floor traders, and not to traders that trade *only* on electronic trading systems.

[13] RIEs are regulated by the FSA under Part XVIII of the FSMA.

[14] While the IPE brokers may transact business on behalf of clients on IPE, trading on an ECM is required to be on a principal-to-principal basis. Section 2(h)(3) of the Act. *See supra* notes 10–11 and accompanying text. *See also* the Commission's order of January 9, 2003 (68 FR 2319), at 2324 (deeming that floor brokers and floor traders registered with the Commission, when acting in a proprietary trading capacity, would be appropriate persons as defined in CEA section 1a(11)(C)).

[15] As indicated above, the term IPE broker includes both IPE Floor Members and General Participants. The requirements to be an IPE Floor Member differs slightly from the requirements to be an IPE General Participant, as described in the petition. For example, IPE General Participants must be party to a Platform User Agreement. Moreover, while an IPE Floor Member must ensure that it has adequate arrangements to ensure that its staff and directors are fit and proper, adequately trained and properly supervised, an IPE General Participant member must also be able to demonstrate, to the satisfaction of the IPE, that it has adequate arrangements to also ensure that its *agents and representatives* are fit and proper, adequately trained and properly supervised. According to IPE, as an affiliate of a member firm has the capability to register one of its employees as a Responsible Individual (*see infra* note 16) of an IPE member, IPE has extended this requirement to include agents and representatives. The IPE members are asked to take responsibility for this requirement as if the employee of the affiliate was the member's employee.

[16] A member may, at the IPE's discretion, register as many Responsible Individuals as the member feels necessary according to the nature and scale of its business. The Responsible Individual may, at the IPE's discretion, be assigned more than one individual trader mnemonic in order to conduct separate lines of business. IPE does not currently permit an RI to be registered across two companies, preferring to deregister them from one company before registering them against another company.

[17] A Responsible Individual must be contactable by the IPE while his individual trader mnemonic(s) is in use. Certain requirements have to be met when registering a Responsible Individual (including completion of the Responsible Individual Tutorial—an online tutorial and examination—to the member's satisfaction) and a declaration from the member's compliance officer or other senior management that they are satisfied that the applicant has met the requirements.

members of, or registered with, IPE, a U.K. recognized investment exchange.[18]

Intercontinental maintains that IPE's standards ensure that, like U.S. floor brokers and floor traders, IPE local traders have expertise in trading in commodity markets and are sophisticated and capable counterparties to trades. According to Intercontinental, IPE monitors the IPE activities of IPE local traders and has the authority to sanction them in the event of improper conduct.[19] In its petition, Intercontinental states that IPE provides such extensive authorization standards for IPE local traders that there should be little concern about permitting these parties to trade on the Intercontinental ECM.

As described in the petition, to become an IPE local trader, an applicant must be able to demonstrate that the trader, among other things:[20] is fit and proper; registered with the IPE; meets any minimum financial requirements; and is, or will become, a party to a clearing agreement. In order to trade on the IPE electronic platform, an applicant for Individual Participant status also must be registered with the IPE as a Responsible Individual.[21]

### III. Request for Comment

The Commission generally invites public comment on the Intercontinental petition and on whether the Commission should determine that IPE brokers and IPE local traders are ECEs and, therefore, permitted to enter into proprietary transactions in exempt commodities on ECMs. Specifically, the Commission requests comment on whether it should expand the ECE definition to include (1) IPE brokers (IPE Floor Members and General Participants) that: (a) Are firms located in the U.K.; (b) are authorized and regulated by the FSA; (c) are members of the IPE; (d) have as a part of its business the business of acting as a broker, although the IPE broker need not have any connection or experience in the underlying physical commodity; and (e) are ECPs or, if not an ECP, its trades on the ECM are guaranteed by a clearing member of a U.K. recognized clearing organization that is itself an ECP; and (2) IPE local traders (IPE Local Members and Individuals Participants) that: (a) Are located in the U.K.; (b) are authorized by the FSA if required by the FSMA, or are outside the scope of the FSMA; (c) members of, or registered with, the IPE; (d) have as a part of their business the business of acting as a local trader, although the IPE local trader need not have any connection or experience in the underlying physical commodity; and (e) are ECPs or, if not an ECP, its trades on the ECM are guaranteed by a clearing member of a U.K. recognized clearing organization that it itself an ECP.

The Commission also invites public comment on what conditions should be applied in the event of such a determination. In addition, the Commission asks for comments with respect to whether any response to the petitions should be tailored specifically to allow IPE members meeting the conditions presented by the petition to trade on Intercontinental, or whether a response should be more broadly based and, thus, allow such IPE members to trade on other ECMs.

The Commission invites public comment, moreover, on Intercontinental's request for relief not only for those IPE members that trade on the floor as well as the IPE electronic platform, but also for those IPE members that trade *only* on IPE's electronic platform. This request differs somewhat from the relief granted by the Commission in its order of January 16, 2003, as that relief applied only to registered floor brokers and floor traders, and not to traders that trade only on electronic trading systems. According to Intercontinental, the ECE definition should include IPE brokers and IPE local traders because, from a policy perspective, it is no longer meaningful to differentiate between electronic and floor trading.

Finally, the Commission particularly requests comment on Intercontinental's requests for ECE treatment for IPE authorized local traders. The Commission notes that, unlike IPE brokers (and unlike the floor locals and floor traders deemed to be ECEs by the Commission's order of January 9, 2003, subject to certain conditions),[22] the IPE local traders are not registrants of a governmental regulatory body, but are members of or registered with the IPE. Intercontinental's petition broadly describes the qualification requirements that such IPE local traders are subject to under IPE regulation. The Commission seeks general comment on whether ECE treatment should be extended to non-U.S. traders that are sophisticated market professionals, are authorized by a non-U.S. exchange, regularly trade on the non-U.S. exchange, are guaranteed by a clearing member of a clearing organization not registered by the Commission, but are not registrants under the oversight of a national regulatory body comparable to the Commission and, if so, what standards the Commission should use to evaluate the qualifications of such persons.

Issued in Washington, DC, on March 16, 2004, by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 04–6234 Filed 3–19–04; 8:45 am]

BILLING CODE 6351–01–M

[18] According to the petition, a subset of local traders, known as ''Local Tenants,'' lease their trading seats from a local member. In this situation, the Local Tenant would need to meet the criteria for IPE membership, but would technically only be registered with the IPE rather than being a member.

[19] IPE would not monitor the trading activities of IPE members on the Intercontinental ECM.

[20] As indicated above, the term IPE local trader includes both IPE Local Members and Individual Participants. The requirements to be an IPE Local Member differs slightly from the requirements to be an IPE Individual Participant, as described in the petition. For example, IPE Individual Participants must be party to a Platform User Agreement. Also, while both must register with the IPE, the IPE Local Member must have passed the Registered Floor Trader (RFT) examination, while the IPE requires the IPE Individual Participant to be adequately trained.

[21] *See supra* notes 15–16 and accompanying text.

[22] *See supra* note 5.

## DEPARTMENT OF DEFENSE

**[OMB Control Number 0704–0286]**

## Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Publicizing Contract Actions and Provision of Information to Cooperative Agreement Holders

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through August 31, 2004. DoD proposes that

OMB extend its approval for use through August 31, 2007.

**DATES:** DoD will consider all comments received by May 21, 2004.

**ADDRESSES:** Respondents may submit comments via the Internet at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@osd.mil.* Please cite OMB Control Number 0704–0286 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Teresa Brooks, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0286.

At the end of the comment period, interested parties may view public comments on the Internet at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

**FOR FURTHER INFORMATION CONTACT:** Ms. Teresa Brooks, (703) 602–0326. The information collection requirements addressed in this notice are available electronically on the Internet at: *http://www.acq.osd.mil/dpap/dfars/index.htm.* Paper copies are available from Ms. Teresa Brooks, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

**SUPPLEMENTARY INFORMATION:**

*Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 205, Publicizing Contract Actions, and the associated clause at DFARS 252.205–7000, Provision of Information to Cooperative Agreement Holders; OMB Control Number 0704–0286.

*Needs and Uses:* This information collection requires DoD contractors to provide information to cooperative agreement holders regarding employees or offices that are responsible for entering into subcontracts under DoD contracts. Cooperative agreement holders furnish procurement technical assistance to business entities within specified geographic areas. This policy implements 10 U.S.C. 2416.

*Affected Public:* Businesses or other for-profit and not-for-profit institutions.

*Annual Burden Hours:* 8,753.

*Number of Respondents:* 7,957.

*Responses Per Respondent:* 1.

*Annual Responses:* 7,957.

*Average Burden Per Response:* 1.1 hours.

*Frequency:* On occasion.

**Summary of Information Collection**

DFARS Subpart 205.4 and the clause at DFARS 252.205–7000 require DoD contractors with contracts exceeding $500,000 to provide to cooperative agreement holders, upon their request, a list of those appropriate employees or offices responsible for entering into subcontracts under DoD contracts. The list must include the business address, telephone number, and area of responsibility of each employee or office. The contractor need not provide the list to a particular cooperative agreement holder more frequently than once a year.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

[FR Doc. 04–6239 Filed 3–19–04; 8:45 am]

BILLING CODE 5001–08–P

## DEPARTMENT OF DEFENSE

### Department of the Navy

### Notice of Availability of Government-Owned Inventions; Available for Licensing

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice.

**SUMMARY:** The inventions listed below are assigned to the United States Government, as represented by the Secretary of the Navy and are available for licensing by the Department of the Navy.

U.S. Patent No. 6,672,537 entitled ''One-Piece Wrap Around Fin''; U.S. Patent No. 6,588,343 entitled ''Igniter System For a Flare''; U.S. Patent No. 6,686,866 entitled ''Two-Piece Radar-Absorbing End Cap Assembly''; U.S. Patent No. 6,679,174 entitled ''Flare Igniter With A Slurry Groove''; and U.S Patent No. 6,634,301 entitled ''Enclosed Ignition Flare-Igniter.''

**ADDRESSES:** Requests for copies of the inventions cited should be directed to the Naval Surface Warfare Center, Crane Div., Code OCF, Bldg 64, 300 HWY 361, Crane, IN 47522–5001 and must include the patent number.

**FOR FURTHER INFORMATION CONTACT:** Mr. Darrell Boggess, Naval Surface Warfare Center, Crane Div, Code OCF, Bldg 64, 300 HWY 361, Crane, IN 47522–5001, telephone (812) 854–1130. An application for license may be downloaded from: *http://www.crane.navy.mil/foia_pa/CranePatents.asp.*

(Authority: 35 U.S.C. 207, 37 CFR Part 404.)

Dated: March 16, 2004.

**S.K. Melancon,**

*Paralegal Specialist, Office of the Judge Advocate General, Alternate Federal Register Liaison Officer.*

[FR Doc. 04–6279 Filed 3–19–04; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF DEFENSE

### Department of the Navy

### Notice of Availability of Government-Owned Invention; Available for Licensing

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy. U.S. Patent No. 6,642,538, ''Voltage Controlled Nonlinear Spin Filter Based on Paramagnetic Ion Doped Nanocrystal,'' Navy Case No. 83,185.

**ADDRESSES:** Requests for copies of the invention cited should be directed to the Naval Research Laboratory, Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, and must include the Navy Case number.

**FOR FURTHER INFORMATION CONTACT:** Jane F. Kuhl, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, telephone (202) 767–7230. Due to temporary U.S. Postal Service delays, please fax (202) 404–7920, e-mail: *kuhl@utopia.nrl.navy.mil* or use courier delivery to expedite response.

(Authority: 35 U.S.C. 207, 37 CFR part 404.)

Dated: March 16, 2004.

**S.K. Melancon,**

*Paralegal Specialist, Office of the Judge Advocate General, Alternate Federal Register Liaison Officer.*

[FR Doc. 04–6280 Filed 3–19–04; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF DEFENSE

### Department of the Navy

### Notice of Availability for Donation of the Aircraft Carrier ex-RANGER (CV 61)

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice.

**SUMMARY:** The Department of the Navy hereby gives notice of the availability for donation, under the authority of 10 U.S.C. 7306, of the aircraft carrier ex-RANGER (CV 61), a Forrestal Class

Carrier, located at the NAVSEA Inactive Ships On-Site Maintenance Office, Bremerton, WA. Eligible recipients include: (1) Any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof; (2) the District of Columbia; or (3) any organization incorporated as a non-profit entity under section 501 of the Internal Revenue Code. The transfer of a ship for donation under 10 U.S.C 7306 shall be made at no cost to the United States government. The donee will be required to maintain the ship as a static museum/memorial in a condition that is satisfactory to the Secretary of the Navy. Prospective donees must submit a comprehensive application that addresses the significant financial, technical, environmental, and curatorial responsibilities associated with donated Navy ships. Further application information can be found on the Navy Ship Donation Program Web site at *www.navsea.navy.mil/ndp.* All vessels currently in a donation hold status, including the ex-RANGER (CV 61), will be reviewed by the Chief of Naval Operations during the annual Ship Disposition Review (SDR) process, at which time a determination will be made whether to extend donation hold status.

**FOR FURTHER INFORMATION CONTACT:** Commander, Naval Sea Systems Command, ATTN: Ms. Gloria Carvalho (PMS 333G), 1333 Isaac Hull Avenue, SE., Stop 2701, Washington Navy Yard, DC 20376–2701, telephone number (202) 781–0485.

Dated: March 16, 2004.

**S.K. Melancon,**

*Paralegal Specialist, Office of the Judge Advocate General, Alternate Federal Register Liaison Officer.*

[FR Doc. 04–6281 Filed 3–19–04; 8:45 am]

**BILLING CODE 3810–FF–P**

## 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 April 21, 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: March 17, 2004.

**Angela C. Arrington,**

*Leader, Regulatory Information Management Group, Office of the Chief Information Officer.*

### Office of Safe and Drug Free Schools

*Type of Review:* New.

*Title:* Mentoring Programs.

*Frequency:* Annually.

*Affected Public:* Individuals or household; not-for-profit institutions; State, local, or tribal gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

Responses: 1,750.

Burden Hours: 35,000.

*Abstract:* The Mentoring Program grant proposes school-based mentoring programs and activities to serve children with the greatest need in the 4th through 8th grades living in rural areas, high-crime areas, or troubled home environments, or attend schools with violence problems.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

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 2454. 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 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. 04–6312 Filed 3–19–04; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Office of Science

### DOE/Advanced Scientific Computing Advisory Committee

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). 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:** Monday, April 5, 2004, 8:30 a.m. to 5 p.m.; Tuesday, April 6, 2004, 8:30 a.m. to 1 p.m.

**ADDRESSES:** Hilton Washington Embassy Row Hotel, 2015 Massachusetts Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Melea Baker, Office of Advanced Scientific Computing Research; SC–30/Germantown Building; U. S. Department of Energy; 1000 Independence Avenue, SW.; Washington, DC 20585–1290;

Telephone (301)–903–7486, (E-mail: *Melea.Baker@science.doe.gov*).

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Meeting:* The purpose of this meeting is to provide advice and guidance with respect to the advanced scientific computing research program.

*Tentative Agenda:* Agenda will include discussions of the following:

*Monday, April 5, 2004*

Introduction
Remarks from the Director, Office of Science
Advanced Scientific Computing Research Update
Presentation and approval of the Committee of Visitors (COV) report
Presentation about the Cray X1 review
Presentation and approval of ''big issues'' report
SciDAC code comparison list and performance measures
SciDAC PI meeting and SciDAC plans

*Tuesday, April 6, 2004*

OASCR plans for coordination of networking activities (ESnet and new ORNL networking plans)
Multiscale mathematics initiative
Advisory Committee Open Discussion of Issues
Public Comment

*Public Participation:* The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Melea Baker via FAX at 301–903–4846 or via e-mail (*Melea.Baker@science.doe.gov*). You must make your request for an oral statement at least 5 business days prior to the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

*Minutes:* The minutes of this 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 20585; between 9 a.m. and 4 p.m., Monday through Friday, except holidays.

Issued in Washington, DC on March 16, 2004.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 04–6295 Filed 3–19–04; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Nevada

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site. 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:** Wednesday, April 14, 2004—6 p.m.–8 p.m.

**ADDRESSES:** Grant Sawyer State Office Building, 555 East Washington, Avenue, Room 4412, Las Vegas, Nevada.

**FOR FURTHER INFORMATION CONTACT:** Kay Planamento, Navarro Research and Engineering, Inc., 2721 Losee Road, North Las Vegas, Nevada 89130, phone: 702–657–9088, fax: 702–295–5300, e-mail *NTSCAB@aol.com*.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: Board members will provide a briefing describing their budget prioritization recommendations for the fiscal year 2006 Nevada Site Office Environmental Management budget submittal.

From 5 to 5:30 p.m. CAB members will present the CAB Roadshow, an informational overview of the CAB's mission and activities.

Copies of the final agenda will be available at the meeting.

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kelly Kozeliski, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

*Minutes:* The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Kay Planamento at the address listed above.

Issued at Washington, DC on March 16, 2004.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 04–6294 Filed 3–19–04; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER04–472–000]**

### Fauquier Landfill Gas, LLC; Notice of Issuance of Order

March 12, 2004.

Fauquier Landfill Gas, Inc. (Fauquier) filed an application for market-based rate authority, with an accompanying tariff. The proposed tariff provides for wholesale sales of capacity and energy at market-based rates. Fauquier also requested waiver of various Commission regulations. In particular, Fauquier requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by the Fauquier.

On March 11, 2004, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Fauquier should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 12, 2004.

Absent a request to be heard in opposition by the deadline above, Fauquier is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Fauquier, compatible with

the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Fauquier's issuances of securities or assumptions of liability.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the e-Library (FERRIS) link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. E4–642 Filed 3–19–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP04–165–001]**

### Midwestern Gas Transmission Company; Notice of Cash-Out Report

March 1, 2004.

Take notice that on February 25, 2004, Midwestern Gas Transmission Company (Midwestern) tendered for filing a revised Appendix C to its 10th annual cashout report for the September 2002 through August 2003 period, detailing the allocation of the gain for cashout activity by firm shipper.

Midwestern states that it will credit the proper allocation of the net cashout gain in its next issuance of invoices to the firm shippers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed on or before the protest date as shown below. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

*Protest Date:* March 5, 2004.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. E4–640 Filed 3–19–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER04–529–000]**

### Rolling Hills Landfill Gas, LLC; Notice of Issuance of Order

March 12, 2004.

Rolling Hills Landfill Gas, Inc. (Rolling Hills) filed an application for market-based rate authority, with an accompanying tariff. The proposed tariff provides for wholesale sales of capacity, energy, and ancillary services at market-based rates. Rolling Hills also requested waiver of various Commission regulations. In particular, Rolling Hills requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by the Rolling Hills.

On March 11, 2004, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Rolling Hills should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 12, 2004.

Absent a request to be heard in opposition by the deadline above, Rolling Hills is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Rolling Hills, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Rolling Hills' issuances of securities or assumptions of liability.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the e-Library (FERRIS) link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. E4–641 Filed 3–19–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP93–117–003]**

### San Diego Gas & Electric Company; Notice of Application for Amended Section 3 Authorization and Presidential Permit

March 15, 2004.

On March 5, 2004, San Diego Gas & Electric Company (SDG&E), 8330 Century Park Court, San Diego, CA 92123, filed in Docket No. CP93–117–003, an application pursuant to section 3 of the Natural Gas Act (NGA) and part 153 of the regulations of the Federal Energy Regulatory Commission (Commission), for an order amending previous authorization and Presidential Permit for the siting, construction, and operation of pipeline and metering

facilities for the export of natural gas at the International Boundary between the United States and Mexico in San Diego County, California. SDG&E states that it seeks authorization to modify these facilities to enable gas to be imported as well as exported through the facilities, pursuant to a mutual assistance agreement with a Mexican utility, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''e-Library'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call toll free at (866) 208–3676, or for TTY contact (202) 502–8659.

Any questions concerning this application may be directed to Carolyn F. Corwin, Covington & Burling, 1201 Pennslyvania Avenue, NW., Washington, DC 20004, or call (202) 662–5338 or fax (202) 778–5338.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the regulations under the NGA (18 CFR 157.10) by the comment date, below. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on Commission's web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

*Comment Date:* April 1, 2004.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–638 Filed 3–19–04; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. EL04–87–000]**

## Southern Company Services, Inc.; Order Proposing to Find Agreements Unjust and Unreasonable Pursuant to Section 206 of the Federal Power Act

March 16, 2004.

*Before Commissioners:* Pat Wood, III, Chairman; Nora Mead Brownell, Joseph T. Kelliher, and Suedeen G. Kelly.

1. On February 27, 2004, the Commission inadvertently failed to act on two rollover agreements filed by Southern Company Services, Inc. (Southern),[1] which resulted in their becoming effective by operation of law. This order provides Southern an opportunity to argue to the Commission in a paper hearing why these agreements should not be found to be unjust and unreasonable because certain provisions in the agreements limit the transmission customers' rollover rights in a manner contrary to Commission policy. Pursuant to section 206 of the Federal Power Act,[2] the Commission initiates this proceeding in which this filing may be made. This action benefits customers by allowing the Commission to consider whether these limitations on transmission customers' rollover rights are consistent with Commission policy.

### Background [3]

2. On December 30, 2003, in Docket No. ER04–353–000, Southern filed two executed rollover service agreements for continued firm point-to-point transmission service under the Southern Companies Open Access Transmission Tariff (OATT). The service agreement between Southern Companies and Oglethorpe Power Corporation (Oglethorpe) was to become effective on December 1, 2003 with service continuing until November 30, 2004. The service agreement between Southern Companies and Calpine Energy Services, LP (Calpine) was to become effective on January 1, 2004 with service continuing until December 31, 2004.

3. Notice of Southern's filing was published in the **Federal Register**, 69 FR 2346 (2004), with protests and interventions due on or before January 20, 2004. On January 20, 2004, Calpine filed a motion to intervene and protest. On February 4, 2004, Southern filed an answer to Calpine's protest.

4. In its protest, Calpine argues that Southern is attempting to restrict improperly Calpine's rights to renew or rollover its transmission rights. Section 2.2 of the pro forma OATT, Calpine states, provides that an existing long-term (one year or longer) firm transmission customer has the right to continue to take transmission service when the contract expires, rolls over, or is renewed. The Commission has concluded, Calpine adds, that once a transmission provider evaluates the impact on its system of providing transmission service to a customer and decides to grant that customer's request for transmission service, the transmission provider must plan and operate its system with the expectation that it will continue to provide transmission service should the customer request rollover in a timely manner.

5. The Commission did not act on the filing by February 27, 2004, and the two rollover agreements accordingly became effective by operation of law.[4]

### Discussion

6. When the Commission inadvertently failed to act by February 27, 2004, Southern's two rollover transmission service agreements became

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[1] Southern Company Services, Inc. acts as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively ''Southern Companies'').

[2] 16 U.S.C. 824e (2000).

[3] To the extent necessary, the various filings and submittals in Docket No. ER04–353–000 are made part of the record in Docket No. EL04–87–000.

[4] 16 U.S.C. 842d (2000).

effective by operation of law. Both of these agreements are rollovers of previous agreements. In previous cases, the Commission directed Southern to remove added restrictions on the right of the transmission customer to roll over its service.[5] In both of the proposed agreements here, however, Southern has again included provisions that would limit the rollover rights of the transmission customers, Oglethorpe and Calpine, to continue to receive firm point-to-point transmission service.

7. Section 5.0 of the agreement for continued firm point-to-point transmission service between Southern Companies and Oglethorpe at issue here and section 5.0 of the agreement for continued firm point-to-point transmission service between Southern Companies and Calpine at issue here are identical except for certain dates. Section 5.0 states:

The Transmission Provider has determined that after [December 1, 2004 for Oglethorpe and December 31, 2004 for Calpine] insufficient capacity exists to accommodate both the future rollover by the Transmission Customer of this Rollover Service Agreement and to provide service to Transmission Customers having an earlier priority for transmission service. Therefore, the Transmission Customer's right to continue to take transmission service hereunder (in whole or in part) after [December 1, 2004 for Oglethorpe and December 31, 2004 for Calpine] is expressly conditioned on the availability of sufficient transmission capacity after the following Transmission Customers exercise their rights to transmission service or to roll over their respective service agreements: * * *

Additionally, the Transmission Provider has determined that 7500 MW of transmission capacity are needed to meet its forecasted native load growth for 2003 to 2011. The reservations for transmission capacity necessary to meet this native load growth forecast are identified on OASIS, and the reservations most likely to be used to schedule deliveries are modeled in the Base Case Load Flows used to conduct studies under the Tariff. In accordance with Order No. 888–A, the Transmission Customer's right to continue to take transmission service (in whole or in part) under this Rollover Service Agreement is expressly conditioned upon the availability of sufficient transmission capacity after the allocation of capacity to meet the Transmission Provider's native load needs. The Transmission Customer's right to continue to take transmission service (in whole or in part) under this Rollover Service Agreement is also expressly conditioned upon the availability of sufficient transmission capacity after the requests for transmission service on the Georgia Integrated Transmission System having an earlier priority than the Transmission Customer (if any) have been accommodated.

Upon receipt of a request by the Transmission Customer to rollover service under this Rollover Service Agreement, the Transmission Provider will, within a reasonable amount of time, notify the Transmission Customer which (if any) of the above Transmission Customers have exercised their rights to transmission service or to rollover their respective service agreements and will also notify the Transmission Customer of the amount (if any) of transmission capacity that the Transmission Customer may rollover for purposes of section 2.2 for continued transmission service hereunder after [December 1, 2004 for Oglethorpe and December 31, 2004 for Calpine]. Such analysis may or may not be feasible until the expiration of the last deadline for the above Transmission Customers to exercise their respective rights to transmission service or to rollover their respective transmission service agreements. If the Transmission Customer notifies the Transmission Provider of the Transmission Customer's intent to rollover this service agreement but it remains unclear whether sufficient capacity will be available to accommodate the rollover request because not all of the above-described deadlines have passed, the Transmission Provider will endeavor to offer the Transmission Customer conditional service for the affected amount of transmission capacity.

8. Since issuing Order Nos. 888 and 888–A,[6] the Commission has consistently reaffirmed its policy in orders directed to Southern and other parties that a transmission provider can deny a customer the ability to roll over a long-term (one year or longer) firm point-to-point transmission service agreement only if the provider *includes in the original service agreement* a specific limitation based on reasonably forecasted native load needs for the transmission capacity provided under the contract. In short, any limitations to rollover rights must be stated clearly in the original transmission service agreement and the transmission provider must plan and operate its transmission system with the expectation that it will continue to provide service to the customer should the customer request rollover.[7]

9. In sum, the Commission has determined that once a transmission provider commits to provide long-term firm transmission service to a customer without including any restrictions on that customer's rollover rights in the original agreement, that provider is required to allow rollover of the agreement. To include provisions to the contrary would be unjust and unreasonable; a just and reasonable agreement would be one that does not include rollover restrictions like those found in section 5.0 of each of the agreements that are at issue here. Therefore, pursuant to section 206 of the Federal Power Act, the Commission will provide Southern an opportunity to argue in a paper hearing why the agreements should not be found to be unjust and unreasonable and institutes this proceeding in which the filing may be made.

10. In cases where, as here, the Commission institutes a section 206 proceeding on its own motion, Section 206(b) requires that the Commission establish a refund effective date that is no earlier than 60 days after publication of notice of the Commission's investigation in the **Federal Register**, and no later than five months subsequent to expiration of the 60-day period. In order to give maximum protection to customers, we will establish the statutorily-directed refund effective date, in this context the date that we revise the two rollover transmission service agreements, at the earliest date allowed,[8] 60 days after publication of the order initiating the Commission's investigation in Docket No. EL04–87–000 in the **Federal Register**. In addition, section 206

[5] *See* Southern Company Services, Inc., 103 FERC ¶ 61,117 at P 6–5 (2003); Southern Company Services, Inc., 102 FERC ¶ 61,319 at P 10 (2003).

[6] *See* Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888–A, FERC Stats. & Regs. ¶ 31,048, *order on reh'g*, Order No. 888–B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888–C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part*, 225 F.3d 667 (DC Cir. 2000), *aff'd*, 535 U.S. 1 (2002).

[7] *E.g.*, Southern Company Services, Inc., 103 FERC ¶ 61,370 at P 5 & n. 6 (2002); *accord* Constellation Power Source v. American Electric Power Service Corporation and Southwest Power Pool, 100 FERC ¶ 61,157 at P 25–28 (2002), *reh'g denied*, 102 FERC ¶ 61,142 at P 8–41(2003); *see* Tenaska Power Services Company v. Southwest Power Pool, 99 FERC ¶ 61,344 at P 15–18 (2002), *reh'g denied*, 102 FERC ¶ 61,140 at P 14–47 (2003); Order No. 888, FERC Stats. & Regs. ¶ 31,036 at 31,665; Order No. 888–A, FERC Stats. & Regs. ¶ 31,048 at 30,197–98.

[8] *See, e.g.*, Canal Electric Company, 46 FERC ¶ 61,153, *reh'g denied*, 47 FERC ¶ 61,275 (1989).

requires that, if no final decision has been rendered by that date, the Commission must provide its estimate as to when it reasonably expects to make such a decision. Given the times for filing identified in this order, and the nature and complexity of the matters to be resolved, the Commission estimates that it will be able to reach a final decision by June 30, 2004.

**The Commission Orders**

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and the Federal Power Act, particularly section 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), the Commission hereby institutes an investigation of Southern's rollover transmission service agreements with Calpine and Oglethorpe and why these agreements should not be found to be unjust and unreasonable because the agreements limit the transmission customers' rollover rights in a manner contrary to Commission policy.

(B) Southern is hereby given the opportunity, within 21 days of the date of this order, to argue to the Commission in a paper hearing in Docket No. EL04–87–000 why the two rollover transmission service agreements should not be found to be unjust and unreasonable because the agreements limit the transmission customers' rollover rights in a manner contrary to Commission policy.

(C) The refund effective date in Docket No. EL04–87–000 will be 60 days following publication of this order in the **Federal Register**.

(D) Any interested person desiring to be heard in these proceedings should file notices of intervention or motions to intervene with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR § 385.214) within 21 days of the date of this order.

(E) Responses to the show cause submissions filed pursuant to Ordering Paragraphs (B) and (D) above may be submitted by the parties to the proceeding within 15 days of the date of filing of the submissions.

(F) The Secretary shall promptly publish a copy of this order in the **Federal Register**.

By the Commission.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. 04–6288 Filed 3–19–04; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RP04–54–001]**

## Young Gas Storage Company, Ltd.; Notice of Tariff Filing

March 1, 2004.

Take notice that on February 24, 2004, Young Gas Storage Company, Ltd. (Young) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Second Revised Sheet No. 47E, to become effective December 13, 2003.

Young states that this tariff sheet corrects the Available Daily Withdrawal Quantity formula applicable to Young's storage field that was recently revised in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the e-Library link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. E4–639 Filed 3–19–04; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Tapoco Project No. 2169–020]**

## Alcoa Power Generating, Inc., North Carolina/Tennessee; Notice of Availability of Environmental Assessment

March 15, 2004.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects (staff) has reviewed the application for a new major license for the Tapoco Project, located on the Little Tennessee and Cheoah Rivers in Graham and Swain Counties, North Carolina and Blount and Monroe Counties, Tennessee, and prepared an environmental assessment (EA) for the project. The project affects Federal lands of the U.S. Forest Service and the National Park Service.

In this EA, the staff analyzes the potential environmental effects of the existing project and concludes that licensing the project, with staff's recommended measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

A copy of the EA and application is available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''e-Library'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. Register online at *http://www.ferc.gov/esubscribenow.htm* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice and should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix ''Tapoco Project No. 2169–020'' to all comments. For further information, please contact Randy Yates by e-mail at *lorance.yates@ferc.gov* or phone 770–452–3784.

The Commission strongly encourages electronic filings. Comments may be filed electronically via the Internet in

lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–637 Filed 3–19–04; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. PL04–2–000]**

### Compensation for Generating Units Subject to Local Market Power Mitigation in Bid-Based Markets; Notice of Meetings

March 15, 2004.

On February 4 and 5, 2004, the Commission held technical conferences to discuss issues related to local market power mitigation and the methods of compensating must-run generators in organized markets.[1] Several parties submitted comments after the technical conferences in the above docket. To further discuss the generic issues raised in the above docket, Staff will be meeting with various interested persons through April 30, 2004. At these meetings, we will not discuss any specific issues related to any contested proceedings before the Commission.

Any questions about the meetings should be directed to:

Michael Coleman, Office of Markets, Tariffs, and Rates, 888 First Street, NE., Washington, DC 20426, 202–502–8236, *michael.coleman@ferc.gov.*

David Perlman, Office of General Counsel, 888 First Street, NE., Washington, DC 20426, 202–502–6408, *david.perlman@ferc.gov.*

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–636 Filed 3–19–04; 8:45 am]

BILLING CODE 6717–01–P

[1] In an Order issued December 19, 2003, the Commission directed staff to convene a two-part technical conference on compensation of must run generating units. Compensation for Generating Units Subject to Local Market Power Mitigation in Bid-Based Markets, 105 FERC ¶ 61,312 (2003).

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–7638–3]**

### Environmental Financial Advisory Board

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of charter renewal.

The Charter for the Environmental Protection Agency's Environmental Financial Advisory Board (EFAB) will be renewed for an additional two-year period in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App section 9(c). The purpose of EFAB is to provide advice and recommendations to the Administrator of EPA on issues associated with environmental financing.

Inquiries may be directed to Vanessa Bowie, Team Leader, Environmental Finance Team, U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20460 (Mailcode 2731R), Telephone (202) 564–5186, or *bowie.vanessa@epa.gov.*

Dated: March 11, 2004.

**Joseph Dillon,**

*Director, Office of Enterprise, Technology, and Innovation.*

[FR Doc. 04–6311 Filed 3–19–04; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

### Significant Assumptions for the Statement of Social Insurance

**AGENCY:** Federal Accounting Standards Advisory Board.

**ACTION:** Notice.

*Board Action:* Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules of Procedure, as amended in October, 1999, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has published a new exposure draft, *Presentation of Significant Assumptions for the Statement of Social Insurance.*

*A summary of the proposed statement follows:* On March 12, 2004, the Federal Accounting Standard Advisory Board (FASAB) released for public comment an exposure draft (ED), *Presentation of Significant Assumptions for the Statement of Social Insurance.* The proposed standard would require disclosure of significant assumptions underlying the Statement of Social Insurance.

The exposure draft is available on the FASAB home page *http://www.fasab.gov/exposure.html.* Copies can be obtained by contacting FASAB at (202) 512–7350, or *fasab@fasab.gov.*

Respondents are encouraged to comment on any part of the exposure draft. Written comments are requested by May 17, 2004, and should be sent to: Wendy M. Comes, Executive Director, Federal Accounting Standards Advisory Board, 441 G Street, NW., Suite 6814, Mal Stop 6K17V, Washington, DC 20548.

**FOR FURTHER INFORMATION CONTACT:** Wendy Comes, Executive Director, 441 G Street, NW., Washington, DC 20548, or call (202) 512–7350.

**Authority:** Federal Advisory Committee Act, Pub. L. 92–463.

Dated: March 15, 2004.

**Wendy M. Comes,**

*Executive Director.*

[FR Doc. 04–6246 Filed 3–19–04; 8:45 am]

BILLING CODE 1610–01–M

## FEDERAL ELECTION COMMISSION

### Sunshine Act; Meeting

* * * * *

**DATE AND TIME:** Thursday, March 25, 2004, 10 a.m.

**PLACE:** 999 E Street, NW., Washington, DC (Ninth Floor).

**STATUS:** This meeting will be open to the public. The following item has been added to the agenda:

Matching and Fund Entitlement—Rev. Alfred C. Sharpton/Sharpton 2004

**FOR FURTHER INFORMATION CONTACT:** Robert Biersack, Acting Press Officer, Telephone (202) 694–1220.

**Mary W. Dove,**

*Secretary of the Commission.*

[FR Doc. 04–6426 Filed 3–18–04; 11:03 am]

BILLING CODE 6715–01–M

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of

the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 15, 2004.

**A. Federal Reserve Bank of Philadelphia** (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

*1. National Penn Bancshares, Inc.*, Boyertown, Pennsylvania; to merge with Peoples First, Inc., Oxford, Pennsylvania, and thereby indirectly acquire The Peoples Bank of Oxford, Oxford, Pennsylvania.

**B. Federal Reserve Bank of Cleveland** (Nadine W. Wallman, Assistant Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

*1. Fifth Third Financial Corporation*, Cincinnati, Ohio, and Fifth Third Bancorp, Cincinatti, Ohio; to acquire 100 percent of the voting shares of Franklin Financial Corporation, Franklin, Tennessee, and thereby indirectly acquire Franklin National Bank, Franklin, Tennessee.

Board of Governors of the Federal Reserve System, March 16, 2004.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 04–6270 Filed 3–19–04; 8:45 am]

**BILLING CODE 6210–01–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Nominations for Members of the U.S. Preventive Services Task Force

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ), HHS.

**ACTION:** Notice of nominations.

**SUMMARY:** The Agency for Healthcare Research and Quality (AHRQ) is inviting nominations of qualified individuals to serve as members on the U.S. Preventive Services Task Force (the Task Force).

AHRQ is now soliciting nominations for members of a standing Task Force. Members will be eligible to serve for three years terms with an option for reappointment. They will meet quarterly for two days in the Washington, DC area and will be responsible for reviewing and commenting on evidence reviews prior to making recommendations. The Task Force will work closely with interested health care organizations. AHRQ particularly encourages nominations of women, members of minority populations, and persons with disabilities. Interested individuals and organizations may nominate one or more qualified persons for membership on the Task Force.

**DATES:** To be considered for membership on the Task Force, written nominations should be submitted by May 14, 2004.

**ADDRESSES:** Submit your responses to: Gurvaneet Randhawa, M.D., ATTN: USPSTF Nominations; Center for Primary Care, Prevention, and Clinical Partnerships; Agency for Healthcare Research and Quality; 540 Gaither Road, Rockville, Maryland 20850.

**FOR FURTHER INFORMATION CONTACT:** Barbara Gordon at *BGordon@AHRQ.gov*.

Responses will be available for inspection at the Center for Primary Care, Prevention and Clinical Partnerships, telephone (301) 427–1636. weekdays between 8:30 a.m. and 5 p.m. AHRQ will not reply to individual responses, but will consider all nominations in selecting members.

Information regarded as private and personal, such as a nominee's social security number, home and Internet addresses, home telephone and fax numbers, or names of family members will not be disclosed to the public. This is in accord with agency confidentiality policies and Department regulations (45 CFR 5.67).

### Basic Nomination Requirements

Each nomination should include a current curriculum vitae and should state that the nominee is willing to serve as a member of the Task Force. AHRQ will ask persons being considered for membership to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts, to permit evaluation of possibly significant conflicts of interest. It is anticipated that approximately 6–10 individuals will be invited to serve on the Task Force over the next two years. (*See* other important nomination requirements below under Nomination Selection.)

Additional Information about the U.S. Preventive Services Task Force may be obtained by contacting: *http://www.ahrq.gov/clinic/supstfix.htm*.

**SUPPLEMENTARY INFORMATION:**

### Background

Under Title IX of the Public Health Service Act, AHRQ is charged with enhancing the quality, appropriateness, and effectiveness of health care services and access to such services. AHRQ accomplishes these goals through scientific research and promotion of improvements in clinical practice, including prevention of diseases and other health conditions, and improvements in the organization, financing, and delivery of health care services (42 U.S.C. 299–299c–7 as amended by Pub. L. 106–129 (1999)).

The Task Force is an independent expert panel, first established in 1984 under the auspices of the U.S. Public Health Service. Currently, under AHRQ's authorizing legislation noted above, the Director of AHRQ is responsible for convening the USPSTF to be composed of individuals with appropriate expertise. The mission of the Task Force is to rigorously evaluate the effectiveness of critical preventive services and to formulate recommendations for primary care clinicians regarding the appropriate content of periodic health examinations. The first Task Force concluded its work in 1989 with the publication of the Guide to Clinical Preventive Services (the Guide). A second Task Force, appointed in 1990, concluded its work with the release of the second edition of the Guide in December 1995. Programmatic responsibility for the Task Force was transferred to AHRQ in 1995. The 1996 edition of the Guide, evaluating common screening tests, counseling interventions, immunizations and chemoprophylaxis, is available on the Internet (*http://www.ahrq.gov/clinic/uspstfix.htm*) and through the U.S. Government Printing Office, (202) 512–1800 (refer to stock 017–001–00525–8). In 1998, members of the third Task Force were appointed for five-year terms. The third Task Force has released its recommendations incrementally. These recommendations can be found *http://www.preventiveservices.ahrq.gov.* The third Task Force transitioned to a standing Task Force in 2003.

### Nomination Selection

Nominations for the Task Force will be selected on the basis of: (1) Clinical expertise in the primary health care of

children and/or adults; (2) experience in critical evaluation of research and evidence-based methods; (3) expertise in disease prevention and health promotion; (4) expertise in counseling and behavioral interventions, (5) national recognition for scientific leadership within their field of expertise; (6) ability to work collaboratively with peers; and, (7) no substantial conflicts of interest that would impair the scientific integrity of the work of the Task Force. Some Task Force members without primary health care clinical experience may be selected based on their expertise in methodological issues such as medical decision making, clinical epidemiology, and health economics.

Dated: March 10, 2004.

**Carolyn M. Clancy,**

*Director.*

[FR Doc. 04–6342 Filed 3–19–04; 8:45 am]

**BILLING CODE 4160–90–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30Day–33–04]**

### Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

*Proposed Project:* Severe Acute Respiratory Syndrome (SARS) Investigation (OMB No. 0920–0596)—Revision—National Center for Infectious Diseases (NCID), Centers for Disease Control and Prevention (CDC). The purpose of this project is to prepare for a response to another possible outbreak of Severe Acute Respiratory Syndrome (SARS) in the United States and abroad. In late February 2003, CDC began supporting the World Health Organization (WHO) in the investigation of a multi-country outbreak of atypical pneumonia of unknown etiology. The illness was subsequently named SARS. By March 2003, cases of SARS were reported in the U.S. among travelers with a travel history to one or more of the three provinces in Asia where the SARS outbreak was first reported.

In order to prepare for another potential outbreak SARS in the U.S. in the upcoming respiratory season, CDC plans to collect data for the purpose of surveillance, case reporting, contact tracing and clinical and epidemiological investigations. Currently, CDC is collecting this information under an emergency clearance. To preserve continuity in the surveillance information collected by public health investigators, CDC is requesting a 3-year extension on the current surveillance forms. The information collected includes contact information from travelers on a flight with a person or persons suspected of having SARS, health care workers exposure, and case report forms. The estimated annualized burden is 2,213.

| Form | Respondent | No. of respondents | No. of responses per respondent * | Avg. burden per response (in hours) |
|---|---|---|---|---|
| 1. Transmission Protocol: Follow-up Questionnaire. | SARS cases and contacts | 500 | 5 | 10/60 |
| 2. Transmission Protocol: Contact Baseline Questionnaire. | Health Departments | 300 | 1 | 15/60 |
| 3. Transmission Protocol: Household Information Questionnaire. | Health Departments | 300 | 1 | 10/60 |
| 4. Transmission Protocol: Household Contact Baseline Questionnaire. | Health Departments Clinicians | 300 | 1 | 15/60 |
| 5. HCW Severe Pneumonia Surveillance Form. | State/Local Health Departments | 300 | 1 | 40/60 |
| 6. Pregnancy Protocol Data Collections Forms. | Health Departments Clinicians | 50 | 1 | 15/60 |
| 7. Transmission Protocol: Airline Contact Baseline Questionnaire. | Quarantine Officers, Health Department | 1,000 | 1 | 30/60 |
| 8. Transmission Protocol: HCW Baseline Questionnaire. | Health Departments Clinicians | 300 | 1 | 15/60 |
| 9. SARS Case Report Forms, Paper-based/Web-based Format. | State/Local Health Departments | 300 | 1 | 40/60 |
| 10. Passenger Locator Card | Airline Passengers | 3,000 | 1 | 5/60 |
| 11. Clinical Baseline Questionnaire for SARS Cases. | Health Department Clinicians | 100 | 1 | 1 |
| 12. International SARS Case Reports Form | Caseworker | 100 | 1 | 20/60 |
| 13. HCW Facility Encounter Forms | Healthcare Facility, State or Local Health Departments. | 300 | 1 | 30/60 |
| 14. SARS Screening Form | Healthcare Facility, State or Local Health Departments. | 300 | 1 | 15/60 |

* The number of responses will be determined by the extent of a SARS outbreak.

Dated: March 15, 2004.

**Alvin Hall,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 04–6329 Filed 3–19–04; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### National Infrastructure Development Initiatives Related to Oral Disease Prevention and Oral Health Promotion

*Announcement Type:* New.

*Funding Opportunity Number:* PA 04135.

*Catalog of Federal Domestic Assistance Number:* 93.283.

*Key Dates:*

*Letter of Intent Deadline:* April 12, 2004.

*Application Deadline:* May 6, 2004.

**I. Funding Opportunity Description**

*Authority:* This program is authorized under section 317(k)(2) of the Public Health Service Act, [42 U.S.C. section 247b(k)(2)], as amended.

*Purpose:* The purpose of the program is to develop initiatives related to oral disease prevention and related chronic disease and health promotion capacity; and, to coordinate the dissemination of comprehensive oral disease prevention information and health promotion programmatic expertise among state and local agencies, and public and private sector organizations in the United States. The purpose of this program includes conducting projects that promote the development of leadership and infrastructure to establish sustainable oral health programs at the state level, promote progress on the action steps identified in ''A National Call to Action to Promote Oral Health'' (*See* section ''VIII. Other Information'' of this announcement for Internet links to all cited publications), advance underutilized, evidence-based oral disease and oral injury prevention efforts, develop and promote policies to address oral disease prevention for high-risk adults. This program addresses the ''Healthy People 2010'' focus area(s) of Oral Health and seeks to enhance the effectiveness of state health department programs to prevent and control oral diseases in accordance with ''Oral Health in America: A Report of the Surgeon General'' and ''A National Call to Action to Promote Oral Health''.

Measurable outcomes of the program will be in alignment with one (or more) of the following performance goal(s) for the Centers for Disease Control and Prevention (CDC): Improve the lives of racial and ethnic populations who suffer disproportionately from the burden of disease and disability, and develop tools and strategies that will enable the nation to eliminate these health disparities by 2010.

*Activities:*

Awardee activities for this program are as follows:

- Collaborate with and provide technical assistance to state health agencies and state coalitions to develop and expand activities to improve and strengthen state oral health infrastructure. Performance will be measured by documentation of an annual summary of requests for collaboration and technical assistance and responses to such requests; provision of technical assistance for at least five states or all states requesting assistance if fewer than five requests are received during a project year; for each request receiving assistance; the nature of assistance provided and results (products, skills, etc).
- Develop and implement a plan to promote progress on the action steps identified in ''A National Call to Action to Promote Oral Health,'' in particular to change perceptions of oral health and its relation to general health, to overcome barriers by replicating effective preventive programs and proven efforts, and to increase collaborations on the national and state levels related to population-based preventive measures. Performance will be measured by documentation including adherence to the proposed timeline for plan development; identification of participants in the plan development and review process; progress on implementation of the plan; rationale for and descriptions of deviations from plan; and measurable outputs of promotional efforts.
- Initiate and conduct projects to increase utilization of evidence-based, population-based, oral disease and oral injury prevention measures (*e.g.*, water fluoridation and school-based or school-linked dental sealant programs). Performance will be measured by documentation of adherence to the proposed timeline; measurable outputs; and methods of dissemination that demonstrate the extent the intended audience has been reached.
- Coordinate activities with other relevant state or national agencies and organizations to facilitate the development, implementation, and evaluation of oral disease prevention and health promotion programs, either as stand-alone programs or integrated within broader chronic disease prevention and health promotion programs. Performance will be measured by documentation of adherence to the proposed timeline; identification of participants in the collaborative activities; progress on implementation of the planned activities; rationale for and descriptions of deviations from timeline; and measurable outputs of collaborative associations.
- Develop and promote policies to address oral disease prevention for high-risk adults, such as those with diabetes, users of tobacco products, or those with xerostomia. Performance will be measured by documentation of identification of sample policies or policy approaches and dissemination efforts.
- Monitor and evaluate program performance under this agreement and share program performance information through appropriate channels (conferences, reports, publications, *etc.*), including an annual meeting with CDC staff. Performance will be measured by documentation that evaluation has been completed; evaluation capacity and activities have become institutionalized; program accomplishments have been collected and shared with stakeholders; and evaluation results are used to improve program performance.

In a cooperative agreement, CDC staff is substantially involved in the program activities, above and beyond routine grant monitoring.

CDC Activities for this program are as follows:

- Participate in planning, implementing, and evaluating strategies and programs.
- Assist in the analysis and interpretation of the evaluation phase of projects or programs.
- Provide programmatic consultation and guidance in support of the program.
- Provide continuing updates on scientific and operational developments in the areas of oral disease prevention and control, related risk factors, and impacts on other chronic health conditions.
- Assist in the planning and implementation of linkages with State agencies.
- Assist in the technological and methodological dissemination of successful prevention and intervention models among targeted groups such as State health agencies and national health professional organizations.

**II. Award Information**

*Type of Award:* Cooperative Agreement. CDC involvement in this

program is listed in the Activities Section above.

*Fiscal Year Funds:* 2004.

*Approximate Total Funding:* $150,000.

*Approximate Number of Awards:* One.

*Approximate Average Award:* $150,000 (This amount is for the first 12-month budget period, and includes both direct and indirect costs).

*Floor of Award Range:* None.

*Ceiling of Award Range:* $170,000 (This ceiling is for the first 12-month budget period.)

*Anticipated Award Date:* September 1, 2004.

*Budget Period Length:* 12 months.

*Project Period Length:* 5 years.

Throughout the project period, CDC's commitment to continuation of awards will be conditioned on the availability of funds, evidence of satisfactory progress by the recipient (as documented in required reports), and the determination that continued funding is in the best interest of the Federal Government.

## III. Eligibility Information

*III.1. Eligible applicants:* Applications may be submitted by public and private nonprofit organizations and by governments and their agencies, such as:

- Public and private nonprofit organizations with a national reach.
- Faith-based organizations with a national reach.
- Federally recognized Indian tribal governments.
- Indian tribes.
- Indian tribal organizations.
- State and local governments or their Bona Fide Agents (this includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Marianna Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau).
- Political subdivisions of States (in consultation with States).

A Bona Fide Agent is an agency/organization identified by the state as eligible to submit an application under the state eligibility in lieu of a state application. If you are applying as a bona fide agent of a state or local government, you must provide a letter from the state or local government as documentation of your status. Place this documentation behind the first page of your application form.

*III.2. Cost Sharing or Matching:* Matching funds are not required for this program.

*III.3. Other:* If you request a funding amount greater than the ceiling of the award range, your application will be considered non-responsive, and will not be entered into the review process. You will be notified that your application did not meet the submission requirements.

Because the program is planned to be national in scope, with outcomes useful to all state health agencies, applicants should have the capability to provide assistance to all states. Document your capability by providing evidence of past nationwide programs and activities designed to promote development of leadership and infrastructure to establish or enhance sustainable oral health programs at the state and local levels.

**Note:** Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

## IV. Application and Submission Information

*IV.1. Address to Request Application Package:* To apply for this funding opportunity use application form PHS 5161. Application forms and instructions are available on the CDC web site, at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm*. If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO-TIM) staff at: 770–488–2700. Application forms can be mailed to you.

*IV.2. Content and Form of Submission:*

*Letter of Intent (LOI):* Your LOI must be written in the following format:

- Maximum number of pages: Two.
- Font size: 12-point unreduced.
- Single spaced.
- Paper size: 8.5 by 11 inches.
- Page margin size: One inch.
- Printed only on one side of page.
- Written in plain language, avoid jargon. Your LOI must contain the following information:
- Announcement number, statement of the intent to apply, and the amount of funds to be requested.

*Application:* You must submit a project narrative with your application forms. The narrative must be submitted in the following format:

- Maximum number of pages: 35. If your narrative exceeds the page limit, only the first pages which are within the page limit will be reviewed.
- Font size: 12 point unreduced.
- Double spaced.
- Paper size: 8.5 by 11 inches.
- Page margin size: One inch.
- Printed only on one side of page.
- Held together only by rubber bands or metal clips; not bound in any other way.

Your narrative should address activities to be conducted over the entire project period, and must include the following items in the order listed:

*1. Executive Summary*

Provide a clear and concise summary of the need for a national oral health program, proposed goals, major objectives and activities required for achievement of program goals and amount of federal funding requested for budget year one of this cooperative agreement. Include proof of non-profit status.

*2. Needs Assessment and Capacity*

Describe the documented need for the proposed activities, current activities that provide relevant experience and expertise to perform the proposed activities, and collaborative relationships with other agencies and organizations that will be involved in the proposed activities.

*3. Five-Year Plan*

Describe realistic five-year goals and measurable, time-phased objectives for each proposed project; the major activities to achieve each objective; plans for collaboration with partners, including the CDC; and the evaluation process that will be used to determine effectiveness and initiate modifications as needed.

*4. Year One Operational and Evaluation Plan*

Provide specific, measurable, and time-phased year one objectives for each proposed project, the specific activities proposed to achieve the year one objectives, and a projected timetable for completion that displays dates for the accomplishment of tasks and identifies responsible parties. For each year one objective, specify how achievement will be measured and documented.

*5. Management and Staffing Plan*

Describe how the program will be effectively managed. Include the following:

a. Management structure including the lines of authority and plans for fiscal control.

b. The staff positions responsible for implementation of the program.

c. Qualifications and experience of the designated staff.

*6. Budget and Justification*

Provide a detailed budget request and line item justification that is consistent with the purpose of the program and the proposed objectives and activities.

Additional information may be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information includes: Curriculum Vitaes, Resumes, Organizational Charts, and Letters of Support.

You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711.

For more information, see the CDC Web site at: *http://www.cdc.gov/od/pgo/funding/pubcommt.htm*.

If your application form does not have a DUNS number field, please write your DUNS number at the top of the first page of your application, and/or include your DUNS number in your application cover letter.

Additional requirements that may require you to submit additional documentation with your application are listed in section ''VI.2. Administrative and National Policy Requirements.''

*IV.3. Submission Dates and Times:*

*LOI Deadline Date:* April 12, 2004. CDC requests that you send a LOI if you intend to apply for this program. Although the LOI is not required, not binding, and does not enter into the review of your subsequent application, the LOI will be used to gauge the level of interest in this program, and to allow CDC to plan the application review.

*Application Deadline Date:* May 6, 2004.

*Explanation of Deadlines:* Applications must be received in the CDC Procurement and Grants Office by 4 p.m. Eastern Time on the deadline date. If you send your application by the United States Postal Service or commercial delivery service, you must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If CDC receives your application after closing due to: (1) Carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, you will be given the opportunity to submit documentation of the carriers guarantee. If the documentation verifies a carrier problem, CDC will consider the application as having been received by the deadline.

This announcement is the definitive guide on application submission address and deadline. It supersedes information provided in the application instructions. If your application does not meet the deadline above, it will not be eligible for review, and will be discarded. You will be notified that your application did not meet the submission requirements.

CDC will not notify you upon receipt of your application. If you have a question about the receipt of your application, first contact your courier. If you still have a question, contact the PGO–TIM staff at: 770–488–2700. Before calling, please wait two to three days after the application deadline. This will allow time for applications to be processed and logged.

*IV.4. Intergovernmental Review of Applications:* Your application is subject to Intergovernmental Review of Federal Programs, as governed by Executive Order (EO) 12372. This order sets up a system for state and local governmental review of proposed federal assistance applications. You should contact your state single point of contact (SPOC) as early as possible to alert the SPOC to prospective applications, and to receive instructions on your state's process. Click on the following link to get the current SPOC list: *http://www.whitehouse.gov/omb/grants/spoc.html.*

*IV.5. Funding restrictions:* Restrictions, which must be taken into account while writing your budget, are as follows:

- Funds may be used to support personnel and to purchase supplies and services directly related to program activities and consistent with the scope of the cooperative agreement.
- While the purchase of equipment is discouraged, it will be considered for approval if justified on the basis of being essential to the program and not available from any other source.
- Funds provided under this cooperative agreement are not to be used to conduct research.
- Funds may not be used for the purchase or lease of land or buildings, construction of facilities, renovation of existing space, or the delivery of clinical and therapeutic services, personal health services, medications, rehabilitation or other costs associated with screening or treatment for oral diseases.
- If you are requesting indirect costs in your budget, you must include a copy of your indirect cost rate agreement. If your indirect cost rate is a provisional rate, the agreement should be less than 12 months of age.
- Awards will not allow reimbursement of pre-award costs.

Guidance for completing your budget can be found on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/funding/budgetguide.htm.*

*IV.6. Other Submission Requirements:*

*LOI Submission Address:* Submit your LOI by express mail, delivery service, fax, or E-mail to: Scott M. Presson, Project Officer, NCCDPHP/Division of Oral Health, Centers for Disease Control and Prevention, 4770 Buford Hwy, MS F–10, Atlanta, GA 30341, Telephone Number: 770–488–6056, Fax: 770–488–6080, E-mail address: *skp4@cdc.gov.*

*Application Submission Address:* Submit the original and two copies of your application by mail or express delivery service to: Technical Information Management—PA# 04135, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341.

Applications may not be submitted electronically at this time.

**V. Application Review Information**

*V.1. Criteria:* You are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the ''Purpose'' section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

Your application will be evaluated against the following criteria:

*1. Five-Year Plan (35 points)*

- The applicant clearly identifies realistic five-year goals, measurable, time-phased objectives for each proposed project, and the major activities to achieve the objectives; provides a realistic plan for collaboration with partners including CDC in the projects; and describes an evaluation process that is likely to provide meaningful information about measures of progress and the achievement of objectives.

*2. Year One Plan (30 points)*

- The year one objectives are specific, measurable and time-phased; tasks and

activities are logical; the projected timetable is reasonable and realistic; and measures of progress and achievement are described.

*3. Needs Assessment and Capacity (20 points)*

• The applicant demonstrates experience and expertise to perform the proposed activities and provides evidence of collaborative relationships with other agencies and organizations relevant to the achievement of proposed goals and objectives.

*4. Management and Staffing Plan (15 points)*

• The applicant demonstrates management structure and staff positions with clear lines of authority and plans for fiscal control, and that designated staff have appropriate qualification and experience.

*5. Budget and Justification (Not Scored)*

• The applicant provides a detailed budget and justification consistent with the proposed program objectives and activities.

*V.2. Review and Selection Process:* Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) staff, and for responsiveness by the National Center for Chronic Disease Prevention and Health Promotion. Incomplete applications and applications that are non-responsive to the eligibility criteria will not advance through the review process. Applicants will be notified that their application did not meet submission requirements.

An objective review panel will evaluate complete and responsive applications according to the criteria listed in the ''Review Criteria'' section above.

*V.3. Anticipated Announcement and Award Dates:* Announcement of the award is anticipated on or around September 1, 2004.

**VI. Award Administration Information**

*VI.1. Award Notices:* Successful applicants will receive a Notice of Grant Award (NGA) from the CDC Procurement and Grants Office. The NGA shall be the only binding, authorizing document between the recipient and CDC. The NGA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review by mail.

*V.2. Administrative and National Policy Requirements:* 45 CFR Part 74 and Part 92. For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html.*

The following additional requirements apply to this project:

• AR–7 Executive Order 12372.
• AR–10 Smoke-Free Workplace Requirements.
• AR–11 Healthy People 2010.
• AR–12 Lobbying Restrictions.
• AR–14 Accounting System Requirements.
• AR–15 Proof of Non-Profit Status.

Additional information on these requirements can be found on the CDC web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm.*

*VI.3. Reporting Requirements:* You must provide CDC with an original, plus two copies of the following reports:

1. Interim progress report, no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Budget.

e. Additional Requested Information.

f. Measures of Effectiveness.

2. Financial status report and annual progress report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

These reports must be mailed to the Grants Management or Contract Specialist listed in the ''Agency Contacts'' section of this announcement.

**VII. Agency Contacts**

For general questions about this announcement, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770–488–2700.

For program technical assistance, contact: Scott M. Presson, Project Officer, NCCDPHP/Division of Oral Health, Centers for Disease Control and Prevention, 4770 Buford Hwy, MS F–10, Atlanta, GA 30341, Telephone: 770–488–6056, E-mail: *skp4@cdc.gov.*

For financial, grants management, or budget assistance, contact: Lakasa Wyatt, Grants Management Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770–488–2728, E-mail: *lgw5@cdc.gov.*

**VIII. Other Information**

For additional information see:

A National Call to Action to Promote Oral Health: *http://www.nidcr.nih.gov/sgr/CallToAction.asp.*

Oral Health in America: A Report of the Surgeon General: *http://www.nidcr.nih.gov/sgr/oralhealth.asp.*

Healthy People 2010: *http://www.healthypeople.gov/document/.*

Dated: March 15, 2004.

**Edward Schultz,**

*Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.*

[FR Doc. 04–6282 Filed 3–19–04; 8:45 am]

BILLING CODE 4163–18–P

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2003N–0328]**

### Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Guidance for Industry on How to Use E-Mail to Submit a Notice of Final Disposition of Animals Not Intended for Immediate Slaughter

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Guidance for Industry on How to Use E-Mail to Submit a Notice of Final Disposition of Animals Not Intended for Immediate Slaughter'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

**FOR FURTHER INFORMATION CONTACT:** Denver Presley, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of January 8, 2004 (69 FR 1299), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0453. The approval expires on February 28, 2007.

Dated: March 15, 2004.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. 04–6250 Filed 3–19–04; 8:45 am]

**BILLING CODE 4160–01–S**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2003D–0057]**

### Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Final Guidance for Industry: How to Use E-Mail to Submit a Protocol

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Final Guidance for Industry: How to Use E-Mail to Submit a Protocol'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (the PRA).

**FOR FURTHER INFORMATION CONTACT:** Denver Presley, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of October 27, 2003 (68 FR 61220 ), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under section 3507 of the PRA (44 U.S.C. 3507). 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. OMB has now approved the information collection and has assigned OMB control number 0910–0524. The approval expires on February 28, 2007. A copy of the supporting statement for this information collection is available on the Internet at *http://www.fda.gov/ohrms/dockets*.

Dated: March 15, 2004.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. 04–6251 Filed 3–19–04; 8:45 am]

**BILLING CODE 4160–01–S**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2004N–0103]**

### Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry on Special Protocol Assessment

**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 information collection in the guidance for industry on special protocol assessment.

**DATES:** Submit written or electronic comments on the collection of information by May 21, 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:** Karen L. Nelson, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

**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 1320.39(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.

**Guidance for Industry on Special Protocol Assessment (OMB Control Number 0910–0470)—Extension**

The ''Guidance for Industry on Special Protocol Assessment'' describes agency procedures to evaluate issues related to the adequacy (e.g., design, conduct, analysis) of certain proposed studies. The guidance describes procedures for sponsors to request special protocol assessment and for the agency to act on such requests. The guidance provides information on how the agency will interpret and apply provisions of the Food and Drug Administration Modernization Act of 1987 and the specific Prescription Drug User Fee Act of 1992 (PDUFA) goals for special protocol assessment associated with the development and review of PDUFA products.

The guidance describes the following two collections of information: (1) The submission of a notice of intent to request special protocol assessment of a carcinogenicity protocol and (2) the submission of a request for special protocol assessment.

*A. Notification for a Carcinogenicity Protocol*

As described in the guidance, a sponsor interested in agency assessment of a carcinogenicity protocol should notify the appropriate division in FDA's Center for Drug Evaluation and Research (CDER) or the Center for Biologics Evaluation and Research (CBER) of an intent to request special protocol

assessment at least 30 days prior to submitting the request. With such notification, the sponsor should submit relevant background information so that the agency may review reference material related to carcinogenicity protocol design prior to receiving the carcinogenicity protocol.

*B. Request for Special Protocol Assessment*

In the guidance, CDER and CBER ask that a request for special protocol assessment be submitted as an amendment to the investigational new drug application (IND) for the underlying product and that it be submitted to the agency in triplicate with Form FDA 1571 attached. The agency also suggests that the sponsor submit the cover letter to a request for special protocol assessment via facsimile to the appropriate division in CDER or CBER. Agency regulations (21 CFR 312.23(d)) state that information provided to the agency as part of an IND is to be submitted in triplicate and with the appropriate cover form, Form FDA 1571. An IND is submitted to FDA under existing regulations in part 312 (21 CFR part 312), which specifies the information that manufacturers must submit so that FDA may properly evaluate the safety and effectiveness of investigational drugs and biological products. The information collection requirements resulting from the preparation and submission of an IND under part 312 have been estimated by FDA and the reporting and recordkeeping burden has been approved by OMB until January 31, 2006, under OMB control number 0910–0014.

FDA suggests that the cover letter to the request for special protocol assessment be submitted via facsimile to the appropriate division in CDER or CBER to enable agency staff to prepare for the arrival of the protocol for assessment. The agency recommends that a request for special protocol assessment be submitted as an amendment to an IND for the following two reasons: (1) To ensure that each request is kept in the administrative file with the entire IND and (2) to ensure that pertinent information about the request is entered into the appropriate tracking databases. Use of the information in the agency's tracking databases enables the appropriate agency official to monitor progress on the evaluation of the protocol and to ensure that appropriate steps will be taken in a timely manner.

CDER and CBER have determined and the guidance recommends that the following information should be submitted to the appropriate center with each request for special protocol assessment so that the center may quickly and efficiently respond to the request:

• Questions to the agency concerning specific issues regarding the protocol; and

• All data, assumptions, and information needed to permit an adequate evaluation of the protocol, including the following: (1) The role of the study in the overall development of the drug; (2) information supporting the proposed trial, including power calculations, the choice of study endpoints, and other critical design features; (3) regulatory outcomes that could be supported by the results of the study; (4) final labeling that could be supported by the results of the study; and (5) for a stability protocol, product characterization and relevant manufacturing data.

*Description of Respondents*: A sponsor, applicant, or manufacturer of a drug or biologic product regulated by the agency under the act or section 351 of the PHS Act who requests special protocol assessment.

*Burden Estimate*: Table 1 of this document provides an estimate of the annual reporting burden for requests for special protocol assessment. The procedures for requesting special protocol assessment that are set forth in the guidance document have not been previously described by the agency, although the PDUFA goals and the requirements of section 505(b)(4)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(4)(B)), have been in effect since October and November 1998, respectively.

*Notification for a Carcinogenicity Protocol*. Based on data collected from the review divisions and offices within CDER and CBER, including the number of notifications for carcinogenicity protocols and the number of carcinogenicity protocols submitted in fiscal year (FY) 2003, CDER estimates that it will receive approximately 40 notifications of an intent to request special protocol assessment of a carcinogenicity protocol per year from approximately 20 sponsors. CBER anticipates one notification. The hours per response, which is the estimated number of hours that a sponsor would spend preparing the notification and background information to be submitted in accordance with the guidance, is estimated to be approximately 8 hours.

*Requests for Special Protocol Assessment*. Based on data collected from the review divisions and offices within CDER and CBER, including the number of requests for special protocol assessment submitted in FY 2003, CDER estimates that it will receive approximately 273 requests for special protocol assessment per year from approximately 102 sponsors. CBER estimates that it will receive approximately 20 requests from approximately 12 sponsors. The hours per response is the estimated number of hours that a respondent would spend preparing the information to be submitted with a request for special protocol assessment, including the time it takes to gather and copy questions to be posed to the agency regarding the protocol and data, assumptions, and information needed to permit an adequate evaluation of the protocol. Based on the agency's experience with these submissions, FDA estimates approximately 15 hours on average would be needed per response. Overall, FDA estimates that respondents will spend 4,523 hours per year to participate in the programs described in the guidance document.

FDA estimates the burden of this collection as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

| | No. of Respondents | Number of Responses per Respondent | Total Annual Responses | Hours per Response | Total Hours |
|---|---|---|---|---|---|
| Notification for Carcinogenicity Protocols | 21 | 1.78 | 41 | 8 | 328 |
| Requests for Special Protocol Assessment | 114 | 2.57 | 293 | 15 | 4,395 |
| Total | | | | | 4,723 |

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: March 15, 2004.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. 04–6252 Filed 3–19–04; 8:45 am]

**BILLING CODE 4160–01–S**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2002D–0369]**

### International Cooperation on Harmonization of Technical Requirements for Approval of Veterinary Medicinal Products; Guidance for Industry on ''Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: Developmental Toxicity Testing; '' Availability

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry (#148) entitled ''Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: Developmental Toxicity Testing'' (VICH GL32). This guidance has been developed by the International Cooperation on Harmonization of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). This guidance document provides harmonized guidance on the core recommendation for a developmental toxicity study for the safety evaluation of veterinary drug residues in human food.

**DATES:** Submit written or electronic comments on agency guidances at any time.

**ADDRESSES:** Submit written requests for single copies of the guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments at any time on the 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*. Comments are to be identified with the full title of the guidance and the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** Louis T. Mulligan, Center for Veterinary Medicine (HFV–153), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6984, e-mail: *lmulliga@cvm.fda.gov*.

**SUPPLEMENTARY INFORMATION:**

### I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities, industry associations, and individual sponsors to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and has expressed its commitment to seek scientifically based harmonized technical procedures for the development of pharmaceutical products. One of the goals of harmonization is to identify and reduce the differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Conference on Harmonization of Technical Requirements for Approval of Pharmaceuticals for Human Use for several years to develop harmonized technical requirements for the approval of human pharmaceutical and biological products among the European Union, Japan, and the United States. The VICH is a parallel initiative for veterinary medicinal products. The VICH is concerned with developing harmonized technical requirements for the approval of veterinary medicinal products in the European Union, Japan, and the United States, and includes input from both regulatory and industry representatives.

The VICH steering committee is composed of member representatives from the European Commission; European Medicines Evaluation Agency; European Federation of Animal Health; Committee on Veterinary Medicinal Products; the United States' FDA; the United States' Department of Agriculture; the Animal Health Institute; the Japanese Veterinary Pharmaceutical Association; the Japanese Association of Veterinary Biologics; and the Japanese Ministry of Agriculture, Forestry, and Fisheries.

Four observers are eligible to participate in the VICH steering committee: One representative from the Government of Australia/New Zealand, one representative from industry in Australia/New Zealand, one representative from the Government of Canada, and one representative from industry in Canada. The VICH Secretariat, which coordinates the preparation of documentation, is provided by the Confédération Mondiale de L'Industrie de la Santé Animale (COMISA). A COMISA representative also participates in the VICH steering committee meetings.

### II. Guidance on Toxicity Testing

In the **Federal Register** of September 4, 2002 (67 FR 56572), FDA published the notice of availability of the VICH draft guidance, giving interested persons until October 4, 2002, to submit comments. After consideration of comments received, the final draft guidance was changed in response to the comments and submitted to the VICH Steering Committee. At a meeting held on October 10 and 11, 2002, the VICH Steering Committee endorsed the guidance for industry, VICH GL32.

This document provides guidance for developmental toxicity testing for those veterinary medicinal products used in food-producing animals. The objective of this guidance is to recommend that developmental toxicity assessment be performed according to an internationally harmonized guidance. This guidance describes recommended testing designed to provide information concerning the effects on the pregnant animal and on the developing organism following prenatal exposure.

### III. Significance of Guidance

This document, developed under the VICH process, has been revised to conform to FDA's good guidance practices regulation (21 CFR 10.115). For example, the document has been designated ''guidance'' rather than ''guideline.'' Because guidance documents are not binding unless specifically supported by statute or regulation, mandatory words such as ''must,'' ''shall,'' and ''will'' in the original VICH documents have been substituted with ''should'' or ''recommended.''

This guidance document represents the agency's current thinking on developmental toxicity testing for those veterinary medicinal products used in food-producing animals. This guidance does not create or confer any rights for or on any person and does not operate to bind FDA or the public. You may use an alternative method as long as it satisfies the requirements of the applicable statutes and regulations.

### IV. Comments

As with all of FDA's guidances, the public is encouraged to submit written or electronic comments pertinent to this

guidance. FDA will periodically review the comments in the docket and, where appropriate, will amend the guidance. The agency will notify the public of any such amendments through a notice in the **Federal Register**.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this guidance document. Two paper copies of any comments are to be submitted, except individuals may submit one paper copy. Comments should be identified with the docket number found in the brackets in the heading of this document. A copy of the document 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.

**V. Electronic Access**

Copies of the guidance document entitled ''Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: Developmental Toxicity Testing'' (VICH GL32) may be obtained on the Internet from FDA's Center for Veterinary Medicine home page at *http://www.fda.gov/cvm*.

Dated: March 12, 2004.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. 04–6287 Filed 3–19–04; 8:45 am]

**BILLING CODE 4160–01–S**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Office of Refugee Resettlement

### Support for Services to Torture Victims

*Funding Opportunity Title:* Support for Services to Torture Victims.

*Announcement Type:* Modification/Renewal.

*Funding Opportunity Number:* HHS–2004–ACF–ORR–ZT–0002.

*CFDA Number:* 93.604.

*Due Date for Application:* May 21, 2004.

*Category of Funding Activity:* Income Security and Social Services.

*Executive Summary:* ORR invites applications to support programs of services to persons who have experienced torture. Services may be for medical, psychological, social and legal needs. Activities may also include training and professional development for health care providers who are outside the treatment centers or programs supported by this announcement. Applications are also invited for one cooperative agreement for technical assistance to programs providing services to torture victims and training and development of service providers.

**I. Funding Opportunity Description**

*Legislative Authority:* The ''Torture Victims Relief Reauthorization Act of 2003'' took effect October 1, 2003. Pub. L.—108–179, Section 2 (a) Authorization of Appropriations for Domestic Treatment Centers for Victims of Torture amends Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 *note*) to read as follows:

> (1) Authorization of Appropriations.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2004 and 2005, there are authorized to be appropriated to carry out subsection (a) (relating to assistance for domestic centers and programs for the treatment of victims of torture) $20,000,000 for fiscal year 2004 and $25,000,000 for fiscal year 2005.

In October 1998, Congress enacted the ''Torture Victims Relief Act of 1998,'' Pub. L. 105–320 (22 U.S.C. 2152 *note*). Sec. 5 (a) of the law provides:

> Assistance for Treatment of Torture Victims—The Secretary of Health and Human Services may provide grants to programs in the United States to cover the cost of the following services:
>
> (1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.
>
> (2) Social and legal services for victims of torture.
>
> (3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).

*Background*

This program announcement is the third iteration of the program ''Assistance for Treatment of Torture Survivors.'' The first notice was issued in 2000 resulting in 16 four-year awards with one additional cooperative agreement for technical assistance. A second notice issued in 2001 increased the number of grants by 9 three-year awards for 25 total grants. Programs have been established in 25 communities across the United States. Approximately 3500 victims of torture have been served. Much has been learned about providing services to persons who have been tortured. The grantees have developed a diverse set of services. In this announcement, ORR is interested in continuing the diversity of effective services for the clients. Also noteworthy is that the medical, psychological, social and legal service providers in most of the 25 communities have had access to training and professional development to better serve persons who have been tortured.

Building upon the experience from the current projects, ORR is interested in supporting renewed efforts at identifying effective treatment and service strategies. ORR expects that many of the current grantees will be successful applicants to this notice. However, ORR also is interested in seeing additional grants awarded in communities where no program for torture victims currently is supported by the federal government or other resources but where the prevalence of torture victims is sufficient to warrant a program of services.

While support of individual programs is the means ORR sees in implementing the legislation and providing the services envisioned in the legislation, it is also of interest to ensure that a collaboration across all the programs provides mutual benefit by sharing the promising practices learned, mentoring across programs, applying effective services and treatment strategies, developing stability in organizations and working toward a sustainable set of services with decreased need for federal funds.

Torture and Torture Victims

The psychosocial and health consequences of violence and traumatic stress have emerged as one of the major public health problems of our time. Torture constitutes one of the most extreme forms of trauma, with the potential for long-term psychological and physical suffering. The term torture has been defined in different ways by different organizations and for different purposes. The two most commonly used definitions of torture were formulated by the World Health Organization (WHO) and by the United Nations (UN). The WHO definition, which governs professional standards and ethics for physicians was developed in 1975. It is frequently called the ''Declaration of Tokyo,'' and it represents a popular definition among the medical community. The ''Declaration of Tokyo'' defines torture as:

> ''* * *the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason.''

The UN definition, developed at the same time and revised in 1989, narrows the concept of torture somewhat by adding the legal and political responsibilities of governments. It states:

''* * * the term ''torture'' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or, a third person, information or a confession, punishing him for an act he or a third person has committed, or intimidating or coercing him or a third person for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.''

This program authorized by the ''Torture Victims Relief Reauthorization Act of 2003'' uses the definition of torture given the term in section 2340(1) of title 18, United States Code and includes the use of rape and other forms of sexual violence by a person acting under the color of the law upon another person under his custody or physical control. This definition is consistent with the UN definition and states that torture is:

''* * * an act committed by a person acting under the *color of law* specifically intended to inflict severe physical pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.''

It should be emphasized that, for purposes of this announcement, it is recognized that the experience of torture may include specific characteristics of torture as documented in personal testimony or in clinical, medical, or detention settings.

Some specific examples of physical and psychological types of torture committed by a person acting under the color of law are: systemic beating, sexual torture, electrical torture, suffocation, burning, bodily suspension, pharmacological torture, mutilations, dental assaults, deprivation and exhaustion, threats about the use of torture, witnessing the torture of others, humiliation, and isolation.

Prevalence of Torture

Estimates of the number of torture survivors have been established primarily by extrapolating from the major populations at risk—refugees and internally displaced persons. In 1997, there were estimated to be more than 13,600,000 refugees and asylum seekers in the world and 20 million internally displaced persons. The estimates of refugees, asylum seekers and displaced persons who have been tortured vary widely from 5% to 35%. This announcement, which focuses on health, social and legal services for torture survivors, as well as education and training of providers, recognizes that torture may have been an experience of many members of groups residing in the United States, including refugees, asylees, immigrants, other displaced persons, and U.S. citizens who were tortured abroad. Using data cited above, it has been estimated that there may be more than 400,000 torture survivors in the United States.

The Consequences of Torture and Services for Torture Survivors

Physical consequences of torture may be extensive and severe. Specific neuropsychological symptoms are often difficult to diagnose because of head injuries, the multiplicity of symptoms, and co-morbidity. Post-traumatic stress disorder, depression, substance abuse, and other anxiety disorders are common diagnoses among torture survivors. Therefore, for many severely tortured individuals, access to medical practitioners and sophisticated diagnostic instruments and testing (*e.g.*; neuro-imaging, cognitive functions, etc.), for the purpose of differential diagnosis, is paramount. When psychotherapeutic services are offered, they should be evidence-based and it should be established in the treatment plan why the proposed approaches should be considered ''promising-practices'' for the treatment of torture survivors.

While medical and psychological services are thought of as primary for persons who have been tortured, a high percentage of torture survivors are in need of social and legal services. Access to legal and immigration services is often a priority for the person. Social services, such as housing, employment assistance and vocational training, may also be extremely important and correlate with successful psychosocial adjustment and well-being. Additional attention may be needed for members of the family who have second-hand experience with torture. Several projects report additional services are needed for the family since domestic violence will occasionally be associated with a torture victim's family. From national experience with refugees and survivors of wartime violence, it has been demonstrated that early and adequate access to social and legal services may also preclude or reduce the need for more specialized psychological treatment services.

Use of case management services that provide information and referral to services to the client can be an important step in restoring an individual's ability to take charge of his/her progress in establishing a life in the new community.

Purpose and Objectives

Flexible Service Delivery

The purpose of the torture treatment program is to provide services to persons who have experienced torture. It is also to conduct training for health care, psychological, legal and social service providers outside the torture treatment centers to provide appropriate services and care to torture survivors. Not all torture survivors have the same medical, psychological, social, or legal needs, and services funded under this announcement will reflect a wide scope of venues for populations to be targeted and services to be provided. Because of the diverse individualized needs of torture survivors, programs should offer client-centered services. Services for medical, psychological, legal and social needs should be provided by the grantee or otherwise be made available through other organizations in the community where the grant is awarded.

In client-centered programs, clients are considered first and foremost in the planning, implementation, and evaluation of service delivery. They recognize that clients are the key to understanding their own personal circumstances. It does not assume that the service providers know what is best, most timely, or a priority. Program staff should gather information with clients to design an appropriate complement of services. Client preferences should guide every aspect of service delivery. In turn, providers should possess the specialized knowledge and skills to help clients make informed choices and to maintain a high quality of care.

Some programs have operated as if one of the services, usually psychological, is essential to restoring health in all torture victims and thus require psychological counseling for all clients. This is not consistent with the client-centered perspective noted above. For example, if a client is seeking legal assistance and employment assistance, access to these services should not be contingent upon mandatory participation in psychological services.

It is also emphasized that within the medical, psychological, social and legal service domains proposals are encouraged that will address a broad menu of services for torture survivors. Providers in underserved geographic locations of the country are encouraged to apply. Ethnic-based, faith-based and community organizations that currently serve or have access to torture survivor populations are also encouraged to apply. For example, funded

partnerships may be established with ethnic-based or faith-based organizations that have access to prospective clients who have been tortured. Also, health education information and referral services may be more effectively delivered by ethnic-based and faith-based organizations with a curriculum developed in partnership with the treatment center grantee.

Cross-Organization Collaboration

Moreover, collaborative relationships and partnerships are encouraged from programs that may provide services in one area, but may have creative ideas for expanding into other service areas. For example, an organization that currently provides legal advice to detained asylum seekers who are torture survivors might team with another social service or clinical organization to pool resources and expand their range of services.

The torture rehabilitation and treatment center movement, which was established in Denmark in the 1970's, and adopted in the U.S., Canada, France and other countries, has led to the growth of specialized torture survivor treatment centers in certain parts of the nation. Although the treatment center movement has created opportunities for treatment and training in specific urban areas, many torture survivors are not aware of the services and do not have access to these highly specialized programs. Medical, social and legal services for torture survivors may need to be developed or expanded in under-served areas and in settings and institutions not as highly specialized and, heretofore, outside of the torture survivor treatment center movement network.

Broad-Based Education and Training for Service Providers

There is also a national need for more broad-based training of medical and mental health practitioners in the identification, diagnosis and treatment of torture survivors. Because the number of torture victims exceeds the number of torture treatment resources supported by this program, ORR is interested in supporting training of those professionals and organizations who are likely to provide services to victims of torture outside of the treatment centers.

Because torture victims may access medical, legal and social services before seeking psychological help for the effects of torture, ORR is interested in broad community efforts to raise the consciousness of service organizations to identify and appropriately refer those who are suffering the result of torture.

Programmatic Sustainability

Applicants should incorporate activities for program sustainability beyond federal funding into their program implementation plans. It may not be possible to achieve complete independence from federal funds in the two years of this program authority, but progress to that end will be viewed favorably. Examples of activities around sustainability include those that build partnerships, communication and media activities, and participation in technical assistance and training offerings. Applicants may also have additional resources from grants to support services to torture victims. Applicants are encouraged to describe the complete program in the community that benefits torture victims with the amount and source of the resources. The portion to be supported by federal funds from this announcement should be described separately and in detail.

Applications may also include unpaid professionals providing services pro bono. This is an important resource, but not without program implications. Recruitment of pro bono professionals, training, oversight and supervision as well as recognition should be thoroughly planned.

Please note that this announcement is divided into two priority areas. The first priority area is Assistance to Torture Survivors Through Direct Services and the second priority area is Assistance to Torture Survivors Through Technical Assistance to Organizations and Institutions Providing Direct Services to Torture Victims. The second program area information immediately follows section VIII of priority area one. An applicant may submit more than one application under this announcement, but must apply separately for each priority area.

*Priority Area 1*

Assistance to Torture Survivors Through Direct Services

*Description:* ORR is interested in awarding up to 30 grants for direct services for persons who have been tortured. Allowable activities include medical, psychological, social and legal services. Applicants may propose all the activities or a combination of the listed services. These services are fully described in the background section of this announcement. However, if the applicant does not propose to provide all the allowable activities, applications should demonstrate how the client can access other services if needed. The applicant may demonstrate partnerships with other service providers in order to provide the full complement of allowable activities in the community.

In addition to direct services, the legislative authority provides for research and training for service providers outside the treatment centers. The applicant may also propose to conduct such trainings and professional development activities so that persons who have experienced torture may have access to a variety of services and service providers.

ORR expects that many of the current grantees will be successful applicants to this announcement. It is also important that communities that do not have an established center but where persons who have been tortured are known to reside will also have successful applicants. These communities include but are not limited to: Atlanta, GA; Miami, FL; Houston and Dallas, TX; and Seattle, WA.

## II. Award Information

*Funding Instrument Type:* Grant.

*Anticipated Total Priority Area Funding:* $9,359,000 per year.

*Anticipated Number of Awards:* 25–30.

*Average Projected Award Amount:* $275,000 per year.

*Ceiling of Individual Awards:* $550,000 per year.

*Floor on Amount of Individual Awards:* $90,000 per year.

*Length of Project Periods:* Twenty-four month (24) project periods with twelve (12) month budgets.

## III. Eligibility Information

*III.1. Eligible Applicants*

State governments;

County governments;

Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education;

Nonprofits that do not have a 501(c)(3) status with the IRS, other than institutions of higher education; and

Others.

*Additional Information on Eligibility:* Faith-based organizations are also eligible applicants.

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 any of the following: (a) 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; (b) a copy of a currently valid IRS tax exemption certificate; (c) 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 that none of the net earnings accrue to any private shareholders or individuals; (d) a certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status; or (e) any of the items referenced 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.

*III.2. Cost-Sharing or Matching*

No.

*III.3. Other*

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. The policy requires Federal grant applications 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 (*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 formal, entitlement and block grant programs, submitted on or after October 1, 2003.

Please ensure that your organization has a DUNS number. You may acquire a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1–866–705–5711, or you may request a number on-line at *www.dnb.com*.

Applicants are cautioned that the ceiling for individual awards is $550,000. Applications exceeding the $550,000 threshold may be returned without review.

## IV. Application and Submission Information

*IV.1. Address To Request Application Package*

Carl Rubenstein, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade, SW., 8th Floor West, Washington, DC 20447, E-mail: *crubenstein@acf.hhs.gov*, Telephone: (202) 205–5933, URL: *http://www.acf.hhs.gov/programs/orr/funding/akit.htm*.

*IV.2. Content and Form of Application Submission*

Application Content

Each application must include the following components:

1. Table of Contents.
2. Project Summary/Abstract of the Proposed Project—very brief, not to exceed one page, that would be suitable for use in an announcement that the application has been selected for a grant award and which identifies the type of project, the target population and the major elements of the work plan.
3. Completed Standard Form 424—that has been signed by an Authorized Official of the organization applying for the grant who has the authority to obligate the organization legally.
4. Standard Form 424A—Budget Information—Non-Construction Programs.
5. Narrative Budget Justification—for each object class category required under Section B, Standard Form 424A.
6. Project Narrative—A narrative that addresses issues described in the ''Application Review Information'' and the ''Review and Selection Criteria'' sections of this announcement.

Application Format

Each application should include one signed original and two additional copies. Faxed applications are not acceptable. Applications should be submitted on white 8.5 x 11 inch paper only. Do not use colored, oversized or folded materials. The font size may be no smaller than 12 pitch and the margins must be at least one inch on all sides.

Page Limitation

Each application narrative should not exceed 20 pages in a double spaced 12 pitch font. Attachments and appendices should not exceed 25 pages and should be used only to provide supporting documentation such as administration charts, position descriptions, resumes, and letters of intent or partnership agreements. A table of contents and an executive summary should be included but will not count in the page limitations. Each page should be numbered sequentially, including the attachments and appendices. This limitation of 20 pages should be considered a maximum, and not necessarily a goal. Application forms are not to be counted in the page limit. Any material submitted beyond the 20 pages will not be reviewed by the review panel.

Please do not include books or videotapes as they are not easily reproduced and are, therefore, inaccessible to the reviewers.

You may submit your application to us in either electronic or paper format.

*Electronic Copy Address Submission:* To submit an application electronically, please use the *www.Grants.gov* apply site. If you use Grants.gov, you will be able to download a copy of the application package, complete it off-line, and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to us.

Please note the following if you plan to submit your application electronically via Grants.gov:

- Electronic submission is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation. We strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.
- To use Grants.gov, you, as the applicant, must have a DUNS Number and register in the Central Contractor Registry (CCR). You should allow a minimum of five days to complete the CCR registration.
- You will not receive additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.
- You may submit all documents electronically, including all information typically included on the SF 424 and all necessary assurances and certifications.
- Your application must comply with any page limitation requirements described in this program announcement.
- After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Administration for Children and Families will retrieve your application from Grants.gov.
- We may request that you provide original signatures on forms at a later date.
- You may access the electronic application for this program on *www.Grants.gov*.
- You must search for the downloadable application package by the CFDA number.

Forms and Certifications

Applicants for financial assistance under this announcement must file the Standard Form (SF) 424, Application for Federal Assistance; SF–424A, Budget Information—Non-Construction Programs; SF–424B, Assurances—Non-

Construction Programs. The forms may be reproduced for use in submitting applications. An application with an original signature and two copies is required.

Applicants must provide a certification concerning lobbying. Prior to receiving an award in excess of $100,000, applicants should furnish an executed copy of the lobbying certification (approved by the Office of Management and Budget under control number 0348–0046). Applicants must sign and return the certification with their application.

Applicants must also understand they will be held accountable for the smoking prohibition included within P.L. 103–227, Title XII Environmental Tobacco Smoke (also known as the PRO-KIDS Act of 1994). A copy of the **Federal Register** notice which implements the smoking prohibition is included with forms. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

Applicants must make the appropriate certification of their compliance with all Federal statutes relating to nondiscrimination. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification form.

Private, nonprofit organizations are encouraged to submit with their applications the additional, voluntary 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.*

Please refer to section V.1 Criteria for further information on required content and form of application submission.

*IV.3. Submission Dates and Times*

*Due Date:* May 21, 2004.

*Explanation of Due Date: Deadline:* The closing time and date for receipt of applications is 4:30 p.m. (Eastern Time Zone) on the date noted above. Mailed or hand carried applications received after 4:30 p.m. on the closing date will be classified as late.

*Late applications:* Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Any application received after 4:30 p.m. on the deadline date will not be considered for competition. Applicants using express/overnight mail services should allow two working days prior to the deadline date for receipt of applications. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed).

*Extension of deadlines:* ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, *etc.*) occur, or when there are widespread disruptions of mail service, or in other rare cases. A determination to extend or waive deadline requirements rests with the Chief Grants Management Officer.

*Required Forms:*

| What to submit | Required content | Required form or format | When to submit |
|---|---|---|---|
| Table of Contents | As described above | Consistent with guidance in ''Application Format'' section of this announcement. | By application due date. |
| Project Summary/Abstract | Summary of application request | Consistent with guidance in ''Application Format'' section of this announcement. | By application due date. |
| SF424, SF424A, SF424B | Per required form | May be found at *http://www.acf.hhs.gov/programs/orr/funding/akit.htm.* | By application due date. |
| Narrative Budget Justification | As described above | Consistent with guidance in ''Application Format'' section of this announcement. | By application due date. |
| Project Narrative | A Narrative that addresses issues described in the ''Application Review Information'' and the ''Review and Selection Criteria'' sections of this announcement. | Consistent with guidance in ''Application Format'' section of this announcement. | By application due date. |
| Certification Regarding Lobbying | Per required form | May be found at *http://www.acf.hhs.gov/programs/orr/funding/akit.htm.* | By application due date. |
| Disclosure of Lobbying Activities (SF–LLL). | Per required form | May be found at *http://www.acf.hhs.gov/programs/orr/funding/akit.htm.* | By application due date. |
| Environmental Tobacco Smoke Certification. | Per required form | May be found at *http://www.acf.hhs.gov/programs/orr/funding/akit.htm.* | By application due date. |

*Additional Forms:* Private-non-profit organizations may submit with their applications the additional, voluntary 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 Applicants. | Per required form | May be found on *http://www.acf.hhs.gov/programs/ofs/forms.htm.* | By application due date. |

*IV.4. Intergovernmental Review State Single Point of Contact (SPOC)*

*Notification under Executive Order 12372:* This program is covered under Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs'', and 45 CFR part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities''. Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. As of January, 2003, of the most recent SPOC list, the following jurisdictions have elected not to participate in the Executive Order process. Applicants from these jurisdictions or for projects administered by federally-recognized Indian Tribes need take no action in regard to E.O. 12372: Alabama, Alaska, Arizona, Colorado, Connecticut, Hawaii, Idaho, Indiana, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington and Wyoming.

Although the jurisdictions listed above no longer participate in the process, entities which have met the eligibility requirements of the program are still eligible to apply for a grant even if a State, Territory, Commonwealth, etc. does not have a SPOC. All remaining jurisdictions participate in the Executive Order process and have established SPOCs. Applicants from participating jurisdictions should contact their SPOCs as soon as possible to alert them of the prospective applications and receive instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. The applicant must submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a. Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants and Audit Resolution, 370 L'Enfant Promenade, SW., Mail Stop 6C–462, Washington, DC 20447. The official list, including addresses, of the jurisdictions elected to participate in E.O. 12372 can be found at: *http://www.whitehouse.gov/omb/grants/spoc.html.*

A list of the Single Points of Contact for each State and Territory is included with the application materials in this announcement.

*IV.5. Funding Restrictions*

Pre-award costs cannot be charged to this grant.

*IV.6. Other Submission Requirements*

*Electronic Submission:* To submit an application electronically, please use the *www.Grants.gov* apply site. For complete details on how to submit electronically, please refer to section IV.2. Content and Form of Application Submission.

*Submission by Mail:* An Applicant must provide an original application with all attachments, signed by an authorized representative and two copies. 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: Sylvia Johnson, Grants Management Officer, Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., 4th Floor West, Washington, DC 20447.

*Submission by Hand Delivery:* Applicant must provide an original application with all attachments, signed by an authorized representative and two copies. Applications shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., EST, at the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants, ACF Mailroom, 2nd Floor (near loading dock), Aerospace Building, 901 D Street, SW., Washington, DC 20024, between Monday and Friday (excluding Federal holidays). This address must appear on the envelope/package containing the application with the note. Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

**V. Application Review Information**

*V.1. Criteria*

Paperwork Reduction Act of 1995 (Public Law 104–13)

Public reporting burden for this collection of information is estimated to average 20 hours per overall response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

The project description is approved under OMB control number 0970–0139, which expires 3/31/2004.

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.

Instructions: ACF Uniform Project Description (UPD)

The following are instructions and guidelines on how to prepare the ''project summary/abstract'' and ''Full Project Description'' sections of the application. Under the evaluation criteria section, note that each criterion is preceded by the generic evaluation requirement under the ACF Uniform Project Description (UPD). The UPD was approved by the Office of Management and Budget (OMB), Control Number 0970–0139, expiration date 3/31/2004.

Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available 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 where they can present information clearly and succinctly. In preparing your project description, all information requested through each specific evaluation criteria should be provided. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application.

General Instructions

ACF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. Cross referencing should be used rather than repetition. Supporting information concerning activities that will not be directly funded by the grant

or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix. Pages should be numbered and a table of contents should be included for easy reference.

*General instructions for preparing a full project description:*

Introduction

Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions and the specified evaluation criteria. The instructions give a broad overview of what your project description should include while the evaluation criteria expands and clarifies more program-specific information that is needed.

Project Summary/Abstract

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 may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Results or Benefits Expected

Identify the results and benefits to be derived.

Approach

Outline a plan of action which 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, or extraordinary social and community involvement.

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 to be served and the number of activities accomplished. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

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.

Geographic Location

Describe the precise location of the project and boundaries of the area to be served by the proposed project. Maps or other graphic aids may be attached.

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 allocability of the proposed costs.

Additional Information

Following are requests for additional information that need to be included in the application:

Staff and Position Data

Provide a biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed.

Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/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.

The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

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.

Letters of Support

Provide statements from community, public and commercial leaders that support the project proposed for funding. All submissions should be included in the application *OR* by application deadline.

*Evaluation Criteria*

Evaluation Criteria I: Approach (Maximum: 25 Points)

The application provides a clear and feasible strategy for assisting torture survivors that demonstrates knowledge of the clients, experience in serving these clients, and knowledge of community resources, including ethnic-based and faith-based organizations. Other organizations in the community may be funded to provide some of the allowable services to assist the clients. These organizations should be specified and negotiations begun for partnerships in providing comprehensive services to the torture victims. The application describes how the proposed services use client-centered approaches to meeting the needs of torture survivors. The service plan and collaborative relationships are reasonable, substantiated with appropriate

documents, and have a likelihood of success in providing a feasible strategy for the torture survivor to become a participating member of the community. Where research and training activities are proposed, applicant provides a plan for research and training demonstrating interest in the health care providers to attend the training activities. When psychotherapeutic services are proposed, they are evidence-based practices, or described as promising practices, with supporting information.

Evaluation Criteria II: Objectives and Need for Assistance (Maximum: 20 Points)

The application clearly demonstrates experience with and knowledge of victims of torture and an assessment of their presence in the proposed geographic area of service. There is a clear description of the process by which the client has access to treatment and to the other allowable services. Where research and training activities are proposed, the applicant identifies professionals outside the treatment centers likely to serve torture victims and demonstrates their interest and willingness to attend training.

Evaluation Criteria III: Organizational Profiles (Maximum: 20 Points)

The application demonstrates the organization's capacity to provide assistance appropriate to torture survivors (and, if appropriate, to the service providers to be trained) that includes: (a) Agency mission and organizational chart; (b) resumes of project staff demonstrating linguistic and cultural access for clients including partnerships with ethnic-based and faith-based organizations; (c) history of experience with torture survivors, such as experience as a treatment center or as an organization that provides social and legal services to survivors of torture; (d) a management plan for the project containing systems of client records, program records, and financial management; (e) timeline for implementation of project activities; and (f) plan for sustaining all or part of the program should federal funds be no longer available.

Evaluation Criteria IV: Results or Benefits Expected (Maximum: 20 Points)

Persons who have been tortured will benefit from the services. Training for professionals outside the treatment centers is clearly explained with schedules for training and training topics are provided. Partnerships with ethnic-based and faith-based organizations are clearly described and documented with letters of agreement for planning purposes. There are clear and understandable outcome measures for services (including the number of clients to be served) and a plan for reporting the outcomes to ORR in providing direct services and in conducting training of professionals outside the treatment centers. Procedures for client-centered treatment planning and client discharge criteria are explained and reasonable.

Evaluation Criteria V: Budget and Budget Justification (Maximum: 15 Points)

The budget is reasonable and clearly justified. The methodologies for estimating the number of client/patients to be served are reasonable. The plan for program income generated by fees, including, Medicaid, Refugee Medical Assistance (RMA), and private health coverage for client fees for treatment, when available, is appropriate, reasonable and viable.

First-time applicants may be awarded up to 10 bonus points for responding to the following criteria:

Evaluation Criteria VI: Geographic Location (First Time Applicants, Only)

First-time applicants have described the community where the treatment center and training programs will be located noting the presence of torture victims, indications of prevalence of the target population, and absence of existing resources for treating torture victims, interest of collaborative ethnic-based or faith-based organizations to provide services, and support in the community for providing services to torture victims.

*V.2. Review and Selection Process*

Initial ORR Screening

Each application submitted under this program announcement will undergo a pre-review to determine that (1) the application was received by the applicable closing date and submitted in accordance with the instructions in this announcement; and (2) the applicant is an eligible public or private non-profit agency, and/or a faith-based or community organization, and therefore eligible for funding. ORR will return to the applicant those applications which are found not eligible or incomplete.

Competitive Review and Evaluation Criteria

Applications which pass the initial ORR screening will be evaluated and rated by an independent review panel on the basis of specific evaluation criteria. The evaluation criteria were designed to assess the quality of a proposed project, and to determine the likelihood of its success. The evaluation criteria are closely related and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications that are responsive to the evaluation criteria within the context of this program announcement.

Non-Federal Reviewers

ORR may use Federal as well as non-Federal reviewers. Therefore, applicants have the option of omitting from the application copies (not the original) of specific salary rates or amounts of individuals specified in the application budget and Social Security Numbers. The copies may include summary salary information.

## VI. Award Administration Information

*VI.1. Award Notices*

Successful applicants will receive, by postal mail, a cover letter signed by the ORR Director, attaching the official notice of award, the Financial Assistance Award (FAA) notice, which is signed by the grants management officer. As indicated in part V.3. above, ORR anticipates that successful and unsuccessful applicants will be notified of the results of this grant competition within 90 days of the application deadline.

*VI.2. Administrative and National Policy Requirements*

45 CFR part 74 and 45 CFR part 92.

*VI.3. Reporting Requirements*

A. Programmatic Reports: Semi-annual.

B. Financial Reports: Semi-annual.

C. Special Reporting Requirements:

Grantees are required to file the Financial Status Report (SF–269) and the Program Progress Reports on a semi-annual basis. Funds issued under these awards must be accounted for and reported upon separately from all other grant activities. A final Financial Status Report and Program Progress Report shall be due 90 days after the project period end date.

Grantees must maintain adequate records to track and report on project outcomes and expenditures by budget line item.

The official receipt point for the original of all reports and correspondence is the ORR Grants Officer. An original and one copy of each report shall be submitted within 30 days of the end of each reporting period: the original addressed to the Grants Officer, Office of Grants Management; a copy addressed to the ORR Project Officer, Office of Refugee Resettlement

(see section VII below for contact information).

A final Financial Status Report and Program Progress Report shall be due 90 days after the project period end date.

**VII. Agency Contacts**

Program Office Contact: Carl Rubenstein, Office of Refugee Resettlement, 370 L'Enfant Promenade, SW., 8th Floor West, Aerospace Building, Washington, DC 20447–0002, E-mail: *crubenstein@acf.hhs.gov,* Telephone: (202) 205–5933.

Grants Management Office Contact: Sylvia Johnson, Office of Grants Management, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., 4th Floor, Aerospace Building, Washington, DC 20447–0002, E-mail: *syjohnson@acf.hhs.gov,* Telephone: (202) 401–4524.

**VIII. Other Information**

The Director reserves the right to award less, or more, than the funds described in this announcement. In the absence of worthy applications, the Director may decide not to make an award if deemed in the best interest of the Government. Funding availability for future years is at the Director's discretion. The Director may invite applications outside of the proposed closing date, if necessary, to respond to the needs of an imminently arriving refugee population.

An applicant may submit more than one application under this announcement, but must apply separately for each priority area.

Applications in Priority Areas 1 and 2 are for project periods of up to two years (24) months. Awards, on a competitive basis, will be for a twelve (12) month budget period although project periods may be up to twenty-four (24) months. Applications for continuation grants funded under these awards, beyond the twelve (12) month budget period but within the twenty-four (24) month project period, will be entertained in subsequent years on a noncompetitive basis, subject to availability of funds, satisfactory progress of the grantee and a determination that continued funding would be in the best interest of the Government.

*Priority Area 2*

Assistance to Torture Survivors Through Technical Assistance to Organizations and Institutions Providing Direct Services to Torture Victims

*Description:* ORR intends to award one grant to provide technical assistance to organizations that serve persons who have been tortured. Allowable services under this grant are those listed under section 5(a)(3) of Torture Victims Relief Act of 1998. They are: research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

**II. Award Information**

*Funding Instrument Type:* Grant.

*Anticipated Total Priority Area Funding:* $550,000 per year.

*Anticipated Number of Awards:* 1.

*Average Projected Award Amount:* $550,000 per year.

*Ceiling of Individual Awards:* $550,000 per year.

*Floor on Amount of Individual Awards:* None.

*Length of Project Periods:* Twenty-four month (24) project periods with twelve (12) month budgets.

**III. Eligibility Information**

*III.1. Eligible Applicants*

State governments;

County governments;

Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education;

Nonprofits that do not have a 501(c)(3) status with the IRS, other than institutions of higher education; and

Other.

*Additional Information on Eligibility:* Faith-based organizations are also eligible applicants.

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 any of the following: (a) 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; (b) a copy of a currently valid IRS tax exemption certificate; (c) 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 that none of the net earnings accrue to any private shareholders or individuals; (d) a certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status; or (e) any of the items referenced 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.

*III.2. Cost-Sharing or Matching:*

No.

*III.3. Other*

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. The policy requires Federal grant applications 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 (*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 formal, entitlement and block grant programs, submitted on or after October 1, 2003.

Please ensure that your organization has a DUNS number. You may acquire a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1–866–705–5711, or you may request a number on-line at *www.dnb.com.*

Applicants are cautioned that the ceiling for individual awards is $550,000. Applications exceeding the $550,000 threshold will be returned without review.

**IV. Application and Submission Information**

*IV.1. Address To Request Application Package*

Carl Rubenstein, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade, SW., 8th Floor West, Washington, DC 20447, E-mail: *crubenstein@acf.hhs.gov,* Telephone: (202) 205–5933, URL: *http://www.acf.hhs.gov/programs/orr/funding/akit.htm.*

*IV.2. Content and Form of Application Submission*

Application Content

Each application must include the following components:

1. Table of Contents.

2. Project Summary/Abstract of the Proposed Project—very brief, not to exceed one page, that would be suitable for use in an announcement that the application has been selected for a grant award and which identifies the type of project, the target population and the major elements of the work plan.

3. Completed Standard Form 424—that has been signed by an Authorized Official of the organization applying for the grant who has the authority to obligate the organization legally.

4. Standard Form 424A—Budget Information-Non-Construction Programs.

5. Narrative Budget Justification—for each object class category required under Section B, Standard Form 424A.

6. Project Narrative—A narrative that addresses issues described in the ''Application Review Information'' and the ''Review and Selection Criteria'' sections of this announcement.

Application Format

Each application should include one signed original and two additional copies. Faxed applications are not acceptable. Applications should be submitted on white 8.5 x 11 inch paper only. Do not use colored, oversized or folded materials. The font size may be no smaller than 12 pitch and the margins must be at least one inch on all sides.

Page Limitation

Each application narrative should not exceed 20 pages in a double spaced 12 pitch font. Attachments and appendices should not exceed 25 pages and should be used only to provide supporting documentation such as administration charts, position descriptions, resumes, and letters of intent or partnership agreements. A table of contents and an executive summary should be included but will not count in the pages limitations. Each page should be numbered sequentially, including the attachments and appendices. This limitation of 20 pages should be considered a maximum, and not necessarily a goal. Application forms are not to be counted in the page limit. Any material submitted beyond the 20 pages will not be reviewed by the review panel.

Please do not include books or videotapes as they are not easily reproduced and are, therefore, inaccessible to the reviewers.

You may submit your application to us in either electronic or paper format.

*Electronic Copy Address Submission:* To submit an application electronically, please use the *www.Grants.gov* apply site. If you use Grants.gov, you will be able to download a copy of the application package, complete it off-line, and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to us.

Please note the following if you plan to submit your application electronically via Grants.gov:

- Electronic submission is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation. We strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov
- To use Grants.gov, you, as the applicant, must have a DUNS Number and register in the Central Contractor Registry (CCR). You should allow a minimum of five days to complete the CCR registration.
- You will not receive additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.
- You may submit all documents electronically, including all information typically included on the SF 424 and all necessary assurances and certifications.
- Your application must comply with any page limitation requirements described in this program announcement.
- After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Administration for Children and Families will retrieve your application from Grants.gov.
- We may request that you provide original signatures on forms at a later date.
- You may access the electronic application for this program on *www.Grants.gov.*
- You must search for the downloadable application package by the CFDA number.

Forms and Certifications

Applicants for financial assistance under this announcement must file the Standard Form (SF) 424, Application for Federal Assistance; SF–424A, Budget Information—Non-Construction Programs; SF–424B, Assurances—Non-Construction Programs. The forms may be reproduced for use in submitting applications. An application with an original signature and two copies is required.

Applicants must provide a certification concerning lobbying. Prior to receiving an award in excess of $100,000, applicants should furnish an executed copy of the lobbying certification (approved by the Office of Management and Budget under control number 0348–0046). Applicants must sign and return the certification with their application.

Applicants must also understand they will be held accountable for the smoking prohibition included within P.L. 103–227, Title XII Environmental Tobacco Smoke (also known as the PRO-KIDS Act of 1994). A copy of the **Federal Register** notice which implements the smoking prohibition is included with forms. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

Applicants must make the appropriate certification of their compliance with all Federal statutes relating to nondiscrimination. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification form.

Private-non-profit organizations may submit with their applications the additional, voluntary survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants.''

Please refer to section V.1 Criteria for further information on required content and form of application submission.

*IV.3. Submission Dates and Times*

*Due Date:* May 21, 2004.

*Explanation of Due Date:*

*Deadline:* The closing time and date for receipt of applications is 4:30 p.m. (Eastern Time Zone) on the date noted above. Mailed or hand carried applications received after 4:30 p.m. on the closing date will be classified as late.

*Late applications:* Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Any application received after 4:30 p.m. on the deadline date will not be considered for competition. Applicants using express/overnight mail services should allow two working days prior to the deadline date for receipt of applications. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed).

*Extension of deadlines:* ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, *etc.*) occur, or when there are widespread disruptions of mail service, or in other rare cases. A determination to extend or waive deadline requirements rests with the Chief Grants Management Officer.

*Required Forms:*

| What to submit | Required content | Required form or format | When to submit |
|---|---|---|---|
| Table of Contents | As described above | Consistent with guidance in ''Application Format'' section of this announcement. | By application due date. |
| Project Summary/Abstract | Summary of application request | Consistent with guidance in ''Application Format'' section of this announcement. | By application due date. |
| SF424, SF424A, SF424B | Per required form | May be found at *http://www.acf.hhs.giv/programs/orr/funding/akit.htm*. | By application due date. |
| Narrative Budget Justification | As described above | Consistent with guidance in ''Application Format'' section of this announcement. | By application due date. |
| Project Narrative | A Narrative that addresses issues described in the ''Application Review Information'' and the ''Review Information'' and the ''Review and Selection Criteria'' sections of this announcement. | Consistent with guidance in ''Application Format'' section of this announcement. | By application due date. |
| Certification Regarding Lobbying | Per required form | May be found at *http://www.acf.hhs.gov/programs/orr/funding/akit.htm*. | By application due date. |
| Disclosure of Lobbying Activities (SF–LLL). | Per required form | May be found at *http://www.acf.hhs.gov/programs/orr/funding/akit.htm*. | By application due date. |

*Additional Forms:* Private-non-profit organizations may submit with their applications the additional, voluntary 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 Applicants. | Per required form | May be found on *http://www.acf.hhs.gov/programs/ofs/forms.htm*. | By application due date. |

*IV.4. Intergovernmental Review State Single Point of Contact (SPOC),*

*Notification under Executive Order 12372:* This program is covered under Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs'', and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities''. Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. As of January, 2003, of the most recent SPOC list, the following jurisdictions have elected not to participate in the Executive Order process. Applicants from these jurisdictions or for projects administered by federally-recognized Indian Tribes need take no action in regard to E.O. 12372: Alabama, Alaska, Arizona, Colorado, Connecticut, Hawaii, Idaho, Indiana, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia Washington and Wyoming.

Although the jurisdictions listed above no longer participate in the process, entities which have met the eligibility requirements of the program are still eligible to apply for a grant even if a State, Territory, Commonwealth, etc. does not have a SPOC. All remaining jurisdictions participate in the Executive Order process and have established SPOCs. Applicants from participating jurisdictions should contact their SPOCs as soon as possible to alert them of the prospective applications and receive instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. The applicant must submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a. Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants and Audit Resolution, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447. The official list, including addresses, of the jurisdictions elected to participate in E.O. 12372 can be found at: *http://www.whitehouse.gov/omb/grants/spoc.html.*

A list of the Single Points of Contact for each State and Territory is included with the application materials in this announcement.

*IV.5. Funding Restrictions*

Pre-award costs cannot be charged to this grant.

*IV.6. Other Submission Requirements*

*Electronic Submission:* To submit an application electronically, please use the *www.Grants.gov* apply site. For

complete details on how to submit electronically, please refer to section IV.2. Content and Form of Application Submission.

*Submission by Mail:* An Applicant must provide an original application with all attachments, signed by an authorized representative and two copies. The Application must be received at the address below by 4:30PM Eastern Standard Time on or before the closing date. Applications should be mailed to: Sylvia Johnson, Grants Management Officer, Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., 4th Floor West, Washington, DC 20447.

*Submission by Hand Delivery:* Applicant must provide an original application with all attachments, signed by an authorized representative and two copies. Applications shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., EST, at the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants, ACF Mailroom, 2nd Floor (near loading dock), Aerospace Building, 901 D Street, SW., Washington, DC 20024, between Monday and Friday (excluding Federal holidays). This address must appear on the envelope/package containing the application with the note. Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

## V. Application Review Information

### *V.1. Criteria*

Paperwork Reduction Act of 1995 (Public Law 104–13)

Public reporting burden for this collection of information is estimated to average 20 hours per overall response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

The project description is approved under OMB control number 0970–0139, which expires 3/31/2004.

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.

Instructions: ACF Uniform Project Description (UPD)

The following are instructions and guidelines on how to prepare the ''project summary/abstract'' and ''Full Project Description'' sections of the application. Under the evaluation criteria section, note that each criterion is preceded by the generic evaluation requirement under the ACF Uniform Project Description (UPD). The UPD was approved by the Office of Management and Budget (OMB), Control Number 0970–0139, expiration date 3/31/2004.

Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available 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 where they can present information clearly and succinctly. In preparing your project description, all information requested through each specific evaluation criteria should be provided. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application.

General Instructions

ACF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. Cross referencing should be used rather than repetition. Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.

Pages should be numbered and a table of contents should be included for easy reference.

*General instructions for preparing a full project description:*

Introduction

Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions and the specified evaluation criteria. The instructions give a broad overview of what your project description should include while the evaluation criteria expands and clarifies more program-specific information that is needed.

Project Summary/Abstract

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 may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Results or Benefits Expected

Identify the results and benefits to be derived.

Approach

Outline a plan of action which 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, or extraordinary social and community involvement.

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 to be served and the number of activities accomplished. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

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.

Geographic Location

Describe the precise location of the project and boundaries of the area to be served by the proposed project. Maps or other graphic aids may be attached.

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 allocability of the proposed costs.

Additional Information

Following are requests for additional information that need to be included in the application:

Staff and Position Data

Provide a biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed.

Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/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.

The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

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.

Letters of Support

Provide statements from community, public and commercial leaders that support the project proposed for funding. All submissions should be included in the application *or* by application deadline.

*Evaluation Criteria*

Evaluation Criteria I: Approach (Maximum: 25 Points)

The application provides a clear and feasible plan for providing technical assistance to approximately 30 treatment facilities. The application provides a clear and feasible strategy and persuasive explanation for technical assistance activities such as research to support training of medical, mental health, social service, and legal services, including: goals and objectives of the training and research; number of training sessions, curriculum for training; access to the targeted participants (such as, organizations and professionals whose services will be improved by training).

Evaluation Criteria II: Results or Benefits Expected (Maximum: 25 Points)

The outcomes and benefits of the assistance are clearly explained and are reasonable. There are clear and understandable outcome measures for the technical assistance and training, and a plan for reporting the outcomes to ORR.

Evaluation Criteria III: Organizational Profiles (Maximum: 25 Points)

The applicant demonstrates that it has the necessary staff and organization capabilities for providing technical assistance to treatment facilities and includes:

(a) Agency mission and organizational chart;

(b) Resumes of project staff demonstrating appropriate professional background and work experience with torture survivors;

(c) Management plan for the project contains plans for reports, program records, and financial management; and

(d) Timeline for implementation of project activities.

Evaluation Criteria IV: Objectives and Need for Assistance (Maximum: 15 Points)

The applicant clearly demonstrates knowledge of and access to treatment organizations providing services to torture survivors. The applicant also demonstrates a clear understanding of the nature and extent of technical assistance needed by the treatment facilities whether they are more or less experienced in managing a treatment program.

Evaluation Criteria V: Budget and Budget Justification (Maximum: 10 Points)

Budget and Budget Justification. The budget is reasonable and clearly justified.

*V.2. Review and Selection Process*

Initial ORR Screening

Each application submitted under this program announcement will undergo a pre-review to determine that (1) the application was received by the applicable closing date and submitted in accordance with the instructions in this announcement; and (2) the applicant is an eligible public or private non-profit agency, and/or a faith-based or community organization, and therefore eligible for funding. ORR will return to the applicant those applications which are found not eligible or incomplete.

Competitive Review and Evaluation Criteria

Applications which pass the initial ORR screening will be evaluated and rated by an independent review panel on the basis of specific evaluation criteria. The evaluation criteria were designed to assess the quality of a proposed project, and to determine the likelihood of its success. The evaluation criteria are closely related and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications that are responsive to the evaluation criteria within the context of this program announcement.

Non-Federal Reviewers

ORR may use Federal as well as non-Federal reviewers. Therefore, applicants have the option of omitting from the application copies (not the original) of specific salary rates or amounts of individuals specified in the application budget and Social Security Numbers.

The copies may include summary salary information.

## VI. Award Administration Information

*VI.1. Award Notices*

Successful applicants will receive, by postal mail, a cover letter signed by the ORR Director, attaching the official notice of award, the Financial Assistance Award (FAA) notice, which is signed by the grants management officer. As indicated in part V. 3. above, ORR anticipates that successful and unsuccessful applicants will be notified of the results of this grant competition within 90 days of the application deadline.

*VI.2. Administrative and National Policy Requirements*

45 CFR part 74 and 45 CFR part 92.

*VI.3. Reporting Requirements*

A. Programmatic Reports: Semi-annual.

B. Financial Reports: Semi-annual.

C. Special Reporting Requirements:

Grantees are required to file the Financial Status Report (SF–269) and the Program Progress Reports on a semi-annual basis. Funds issued under these awards must be accounted for and reported upon separately from all other grant activities. A final Financial Status Report and Program Progress Report shall be due 90 days after the project period end date.

Grantees must maintain adequate records to track and report on project outcomes and expenditures by budget line item.

The official receipt point for the original of all reports and correspondence is the ORR Grants Officer. An original and one copy of each report shall be submitted within 30 days of the end of each reporting period: the original addressed to the Grants Officer, Office of Grants Management; a copy addressed to the ORR Project Officer, Office of Refugee Resettlement (see section VII below for contact information).

A final Financial Status Report and Program Progress Report shall be due 90 days after the project period end date.

## VII. Agency Contacts

Program Office Contact: Carl Rubenstein, Office of Refugee Resettlement, 370 L'Enfant Promenade, SW., 8th Floor West, Aerospace Building, Washington, DC 20447–0002, E-mail: *crubenstein@acf.hhs.gov,* Telephone: (202) 205–5933.

Grants Management Office Contact: Sylvia Johnson, Office of Grants Management, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., 4th Floor, Aerospace Building, Washington, DC 20447–0002, E-mail: *syjohnson@acf.hhs.gov,* Telephone: (202) 401–4524.

## VIII. Other Information

The Director reserves the right to award less, or more than the funds described in this announcement. In the absence of worthy applications, the Director may decide not to make an award if deemed in the best interest of the Government. Funding availability for future years is at the Director's discretion. The Director may invite applications outside of the proposed closing date, if necessary, to respond to the needs of an imminently arriving refugee population.

An applicant may submit more than one application under this announcement, but must apply separately for each priority area.

Applications in Priority Areas 1 and 2 are for project periods of up to two years (24) months. Awards, on a competitive basis, will be for a twelve (12) month budget period although project periods may be up to twenty-four (24) months. Applications for continuation grants funded under these awards, beyond the twelve (12) month budget period but within the twenty-four (24) month project period, will be entertained in subsequent years on a noncompetitive basis, subject to availability of funds, satisfactory progress of the grantee and a determination that continued funding would be in the best interest of the Government.

Dated: March 16, 2004.

**Nguyen Van Hanh,**

*Director, Office of Refugee Resettlement.*

[FR Doc. 04–6293 Filed 3–19–04; 8:45 am]

**BILLING CODE 4184–01–P**

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4903–N–14]**

## Notice of Submission of Proposed Information Collection to OMB: Final Endorsement of Credit Instrument

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This request continued approval for the information collection requesting final endorsement of a credit instrument for multifamily projects. The request for endorsement is submitted by the mortgagee/lender to indicate the schedule of advances made on the project and the final advance to be disbursed immediately upon final endorsement.

**DATES:** *Comments Due Date:* April 21, 2004.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0016) should be sent to: HUD Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503; fax number (202) 395–6974; e-mail *Melanie_Kadlic@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the contact information of an agency official familiar with the proposal and the OMB Desk Officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* Final Endorsement of Credit Instrument.

*OMB Approval Number:* 2502–0016.

*Form Numbers:* HUD–92023.

*Description of the Need for the Information and its Proposed Use:* This request continued approval for the information collection requesting final endorsement of a credit instrument for multifamily projects. The request for endorsement is submitted by the mortgagee/lender to indicate the schedule of advances made on the project and the final advance to be disbursed immediately upon final endorsement.

*Respondents:* Mortgagees and mortgagors of multifamily projects and contractors.

*Frequency of Submission:* On occasion.

| | Number of respondents | Annual responses | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|
| Reporting Burden | 465 | 1 | | 1 | | 465 |

*Total Estimated Burden Hours:* 465.

*Status:* Extension of a currently approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 15, 2004.

**Wayne Eddins,**

*Departmental Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 04–6241 Filed 3–19–04; 8:45 am]

**BILLING CODE 4210–72–M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4903–N–15]**

## Notice of Submission of Proposed Information Collection to OMB: Family Self-Sufficiency Program (FSS) Program

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This is a request for approval to revise the existing information collection for applying for funding for a program coordinator.

**DATES:** *Comments Due Date:* April 21, 2004.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0178) should be sent to: HUD Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503; Fax number (202) 395–6974; E-mail *Melanie_Kadlic@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins or on HUD's Web page at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). The notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the contact information of an agency official familiar with the proposal and the OMB Desk Officer for the Department.

This notice also lists the following information:

*Title of Proposal:* Family Self-Sufficiency Program (FSS) Program.

*OMB Approval Number:* 2577–0178.

*Form Numbers:* HUD–52650, HUD–52651, HUD–52652, plus standard grant forms: SF–424, HUD–424–B, SF LLL, HUD–27061.

*Description of the Need for the Information and Its Proposed Use:* The Family Self-Sufficiency Program promotes the development of local strategies that coordinate the use of public housing assistance and assistance under the Section 8 rental certificate and voucher programs (now known as the Housing Choice Voucher Program) with public and private resources to enable eligible families to achieve economic independence and self-sufficiency. Housing agencies enter into a Contract of Participation with each eligible family that opts to participate in the program; consult with local officials to develop an Action Plan; and report annually to HUD on implementation of the FSS program.

This is a request for approval to revise the existing information collection for applying for funding for a program coordinator.

*Respondents:* State, local, or tribal government.

*Frequency of Submission:* On occasion and annually.

| | Number of respondents | Annual responses | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|
| Reporting Burden | 800 | 46,600 | | 0.8 | | 39,206 |

*Total Estimated Burden Hours:* 2,710.

*Status:* Revision of a currently approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 15, 2004.

**Wayne Eddins,**

*Departmental Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 04–6242 Filed 3–19–04; 8:45 am]

**BILLING CODE 4210–72–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4903–N–16]**

### Notice of Submission of Proposed Information Collection to OMB: Certificate of Need for Health Facility and Assurance of Enforcement of State Standards

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This requests continued approval for the information collection to obtain approval for insured loans for nursing homes and intermediate care facilities.

**DATES:** Comments Due Date: April 21, 2004.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0210) should be sent to: HUD Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503; Fax number (202) 395–6974; E-mail *Melanie_Kadlic@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). The notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the contact information of an agency official familiar with the proposal and the OMB Desk Officer for the Department.

This notice also lists the following information:

*Title of Proposal:* Certificate of Need for Health Facility and Assurance of Enforcement of State Standards.

*OMB Approval Number:* 2502–0210.

*Form Numbers:* HUD–2576–HF.

*Description of the Need for the Information and Its Proposed Use:* Information is used by FHA appraisers, owners, and nonprofit entities to evaluate property as security for a long-term insured mortgage. A Certificate of Need is used to obtain approval for insured loans for nursing homes and intermediate care facilities.

*Respondents:* Business or other for-profit; State, local or tribal government.

*Frequency of Submission:* On occasion.

| | Number of respondents | Annual responses | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|
| Reporting Burden | 50 | 1 | | 0.50 | | 25 |

*Total Estimated Burden Hours:* 25.

*Status:* Extension of a currently approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 16, 2004.

**Wayne Eddins.**

*Departmental Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 04–6243 Filed 3–19–04; 8:45 am]

**BILLING CODE 4210–72–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4903–N–17]**

### Notice of Submission of Proposed Information Collection to OMB: Multifamily Default Status Report

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Mortgagees/lenders must notify HUD when a mortgage payment is more than 30 days past due.

**DATES:** *Comments Due Date:* April 21, 2004.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0041) should be sent to: HUD Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503; Fax number (202) 395–6974; E-mail *Melanie_Kadlic@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents

submitted to OMB may be obtained from Mr. Eddins or on HUD's Web page at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the contact information of an agency official familiar with the proposal and the OMB Desk Officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* Multifamily Default Status Report.

*OMB Approval Number:* 2502–0041.

*Form Numbers:* HUD–92426.

*Description of the Need for the Information and Its Proposed Use:* Mortgagees/Lenders must notify HUD when a mortgage payment is more than 30 days past due.

*Respondents:* Not-for-profit institutions.

*Frequency of Submission:* On occasion and annually.

| | Number of respondents | Annual responses | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|
| Reporting Burden ..... | 90 | 121 | | 0.24 | | 2.721 |

*Total Estimated Burden Hours:* 2,721.

*Status:* Reinstatement, without change, of previously approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 16, 2004.

**Wayne Eddins,**

*Departmental Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 04–6339 Filed 3–19–04; 8:45 am]

**BILLING CODE 4210–72–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4903–N–18]**

## Notice of Submission of Proposed Information Collection to OMB: Housing Opportunities for Persons With AIDS (HOPWA) Program

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This is a request for approval of a revision to the Housing Opportunities for Persons with AIDS (HOPWA) Grant Program to include the new reporting requirement incorporating new performance measure outcomes.

**DATES:** *Comments Due Date:* April 21, 2004.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2506–0133) should be sent to: HUD Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503; Fax number (202) 395–6974; E-mail *Melanie_Kadlic@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins or on HUD's Web page at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the contact information of an agency official familiar with the proposal and the OMB Desk Officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* Housing Opportunities for Persons with AIDS (HOPWA) Grant Program.

*OMB Approval Number:* 2506–0133.

*Form Numbers:* HUD–40110–B, HUD–40110–C, HUD–40010–D.

*Description of the Need for the Information and Its Proposed Use:* The information to be collected is provided in applications for competitively awarded funds and in annual progress reports for the Housing Opportunities for Persons with AIDS (HOPWA) Grant Program. A proposed revision incorporates new performance measure outcomes.

*Respondents:* State, local or tribal governments and non-profits.

*Frequency of Submission:* On occasion and Annually.

| | Number of respondents | Annual responses | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|
| Reporting Burden ..... | 246 | 3 | | 35 | | 25,897 |

*Total Estimated Burden Hours:* 25,897.

*Status:* Revision of a currently approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 16, 2004.

**Wayne Eddins,**

*Departmental Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 04–6340 Filed 3–19–04; 8:45 am]

**BILLING CODE 4210–72–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Receipt of Applications for Permit

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

**DATES:** Written data, comments or requests must be received by April 21, 2004.

**ADDRESSES:** 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, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax (703) 358–2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone (703) 358–2104.

**SUPPLEMENTARY INFORMATION:**

#### Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

*Applicant:* Virginia Polytechnic Institute and State University/ Biomedical Sciences and Pathobiology, Blacksburg, VA, PRT–082597.

The applicant request a permit to import DNA samples isolated from feces of wild chimpanzees (*Pan troglodytes*) collected in Tanzania. The samples being re-exported from Max Planck Institute for Evolutionary Anthropology, Leipzig, Germany, will be imported for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a five year period.

*Applicant:* Jose V. Cardenal, Miami, FL, PRT–083574.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* Jack O. L. Saunders, Las Cruces, NM, PRT–083524.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

#### Endangered Marine Mammals and Marine Mammals

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered marine mammals and/or marine mammals. The applications was/ were submitted to satisfy requirements of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*) and/or the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the regulations governing endangered species (50 CFR Part 17) and/or marine mammals (50 CFR Part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

*Applicant:* Corey Lee Goss, Council Bluffs, IA, PRT–083479.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Western Hudson Bay polar bear population in Canada for personal use.

*Applicant:* Charles S. Harrison, Mechanicsburg, PA, PRT–083389.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Foxe Basin polar bear population in Canada prior to February 18, 1997, for personal use.

*Applicant:* Charles Johnson, New Brighton, MN, PRT–083529.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Southern Beafort Sea polar bear population in Canada for personal use.

Dated: February 27, 2004.

**Monica Farris,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 04–6257 Filed 3–19–04; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Issuance of Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permits for endangered species.

**SUMMARY:** The following permits were issued.

**ADDRESSES:** 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, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax (703) 358–2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone (703) 358–2104.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on the dates below, as authorized by the provisions of the

Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*), and/or the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), the Fish and Wildlife Service issued the requested permit(s) subject to certain conditions set forth therein. For each permit for an endangered species, the Service found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973, as amended.

**Endangered Species**

| Permit number | Applicant | Receipt of application **Federal Register** notice | Permit issuance date |
|---|---|---|---|
| 072462 | International Center for the Preservation of Wild Animals d.b.a. The Wilds. | 68 FR 65727; November 21, 2003. | February 11, 2004 |
| 080765 | Charles W. Murray | 68 FR 75618; December 31, 2003. | February 13, 2004 |
| 080831 | George Carden Circus Intl, Inc. | 68 FR 75618; December 31, 2003. | February 17, 2004 |
| 080867 | Dorothy Jean Harber | 68 FR 75618; December 31, 2003. | February 13, 2004 |

Dated: February 27, 2004.

**Monica Farris,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 04–6258 Filed 3–19–04; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Receipt of Applications for Endangered Species Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permits.

**SUMMARY:** The public is invited to comment on the following applications to conduct certain activities with endangered species. We provide this notice pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

**DATES:** We must receive written data or comments on these applications at the address given below, by April 21, 2004.

**ADDRESSES:** 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, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Victoria Davis, Permit Biologist).

**FOR FURTHER INFORMATION CONTACT:** Victoria Davis, telephone 404/679–4176; facsimile 404/679–7081.

**SUPPLEMENTARY INFORMATION:** The public is invited to comment on the following applications for permits to conduct certain activities with endangered species. If you wish to comment, you may submit comments by any one of the following methods. You may mail comments to the Service's Regional Office (*see* **ADDRESSES** section) or via electronic mail (e-mail) to ''*victoria_davis@fws.gov*''. Please submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your e-mail message. If you do not receive a confirmation from the Service that we have received your e-mail message, contact us directly at the telephone number listed above (*see* **FOR FURTHER INFORMATION CONTACT** section). Finally, you may hand deliver comments to the Service office listed above (see **ADDRESSES** section).

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

*Applicant:* Gerald Pottern, Robert J. Goldstein & Asociates, Inc., Raleigh, North Carolina, TE083026–0.

The applicant requests authorization to take (capture, identify, and release) the following species: Cape Fear shiner (*Notropis mekistocholas*), Waccamaw silverside (*Menidia extensa*), Roanoke logperch (*Percina rex*), yellowfin madtom (*Noturus flavipinnis*), slender chub (*Erimystax* (*Hybopsis*) *cahni*), blue shiner (*Cyprinella caerulea*), blackside dace (*Phoxinus cumberlandensis*), Conasauga logperch (*Percina jenkinsi*), spotfin chub (*Cyprinella* (*Hybopsis*) *monacha*), Cherokee darter (*Etheostoma scotti*), snail darter (*Percina tanasi*), duskytail darter (*Etheostoma percnurum*), goldline darter (*Percina aurolineata*), Amber darter (*Percina antsella*), Etowah darter (*Etheostoma etowahae*), Applachian elktoe (*Alasmidonta raveneliana*), Carolina heelsplitter (*Lasmigona decorata*), Dwarf wedge mussel (*Alasmidonta heterodon*), James spinymussel (*Pleurobema collina*), Little-wing pearlymussel (*Pegias fabula*), Oyster mussel (*Epioblasma capsaeformis*), Tar spinymussel (*Elliptio steinstansana*), bog turtle (*Clemmys* (*Glyptemys*) *muhlenbergii*), Eastern indigo snake (*Drymarchion corais couperi*), gopher tortoise (*Gopherus polyphemus*), and flatwoods salamander (*Ambystoma cingulatum*) while conducting presence and absence studies and population monitoring. The proposed activities would occur in Virginia, North Carolina, South Carolina, and Georgia.

*Applicant:* Jereme N. Phillips, Gulf Shores, Alabama, TE083648–0.

The applicant requests authorization to take (capture, hold temporarily, tissue collection, transport for treatment, nest monitoring, euthanize, and release) the loggerhead sea turtle (*Caretta caretta*), Kemp's Ridley (*Lepidochelys kempi*), green sea turtle (*Chelonia mydas*), Hawksbill sea turtle (*Eretmochelys imbricata*), and leatherback sea turtle

(*Dermochelys coriacea*) while administrating the State stranding program, conducting presence and absence studies, and managing the population. The proposed activities would occur in the State of Alabama. Injured or sick sea turtles would be transported to facilities in Florida, Mississippi, or Louisiana.

*Applicant:* Curtis S. Garriock, Pittsboro, North Carolina, TE083020–0.

The applicant requests authorization to take (capture and release) Saint Francis' Satyr (*Neonympha mitchellii francisci*) while conducting presence and absence studies and population inventories. The activities would take place at Fort Bragg Army Base, Cumberland and Hoke Counties, North Carolina.

*Applicant:* Erin Kathleen Garrison, Tennessee Cooperative Fishery Unit, Cookeville, Tennessee, TE083662–0.

The applicant requests authorization to take (capture, tissue samples, sacrifice one, and release) the bluemask darter (*Etheostoma* (*Doration*) *sp.*) while investigating genetic flow between seemingly isolated populations of the species and determining the amount of genetic variation within populations. The proposed activities would occur on Cane Creek (Van Buren County, Tennessee), the Caney Fork (White County, Tennessee), and Collins River (Grundy and Warren County, Tennessee). These rivers drain into Great Fall Reservoir (White County, Tennessee).

*Applicant:* Dr. Gary O. Graening, The Nature Conservancy, Little Rock, Arkansas, TE083697–0.

The applicant requests authorization to take (use diving lights underwater and collect one voucher specimen from each new location) the *Amblyopsis rosae, Cambarus aculabrum,* and *Cambarus zophonastes* while updating their status and distribution and while performing ongoing monitoring of the populations and their habitat. The activities would take place in Benton, Carroll, Washington, Madison, Boone, Stone, Newton, Marion, Baxter, Sharp, Randolph, Izard, Searcy, Independence, Crawford, and Lawrence Counties, Arkansas; Delaware, Ottawa, Adair, and Cherokee Counties, Oklahoma.

*Applicant:* Fish and Wildlife Associates, Inc., Pamela M. Boaze, Whittier, North Carolina, TE083941–0.

The applicant requests authorization to take (capture, identify, and release) the following species: Blue shiner (*Cyprinella caerulea*), Etowah darter (*Etheostoma etowahae*), Cherokee darter (*Etheostoma scotti*), Amber darter (*Percina antesella*), goldline darter (*Percina aurolineata*), Conasauga logperch (*Percina jenkinsi*), snail darter (*Percina tanasi*), flatwoods salamander (*Ambystoma cingulatum*), fat threeridge (Amblema neislerii), purple bankclimber (*Elliptoideus sloatianus*), upland combshell (*Epioblasma metastriata*), southern acornshell (*Epioblasma othcaloogensis*), southern combshell (*Epioblasma penita*), fine-lined pocketbook (*Lampsilis altilis*), Orange-nacre mucket (*Lampsilis perovalis*), shinyrayed pocketbook (*Lampsilis subangulata*), Alabama moccasinshell (*Medionidus acutissimus*), Coosa moccasinshell (Medionidus parvulus), gulf moccasinshell (*Medionidus penicillatus*), Ochlockonee moccasinshell (*Medionidus simpsonianus*), southern clubshell (*Pleurobema decisum*), southern pigtoe (*Pleurobema georgianum*), ovate clubshell (*Pleurobema perovatum*), oval pigtoe (*Pleurobema pyriforme),* and triangular kidneyshell (*Ptychobranchus greenii*) while conducting presence and absence studies and population monitoring. The proposed activities would occur throughout the State of Georgia.

*Applicant:* USDA Forest Service, Southern Research Station, Charles Andrew Dolloff, Blacksburg, Virginia, TE084010–0.

The applicant requests authorization to take (capture, identify, examine, measure, release) the Carolina heelsplitter (*Lasmigona decorata*). The purpose of the take would be to describe habitat conditions and mussel distribution, density, and population size structure within a 16 km reach of Mountain Creek using quantitative, statistically valid and repeatable methods. Specifically, the proposed activities would take place at the confluence of Mountain Creek and Turkey Creek, south of State Road 62 crossing; Edgefield and Greenwood Counties, South Carolina.

*Applicant:* North Carolina State University, Department of Botany, Qiu-yun Xiang, Raleigh, North Carolina, TE084018–0.

The applicant request authorization to possess (collect leaf material and seeds) from the (*Echinacea laevigata*) smooth coneflower for while conducting genetic diversity analyses and out crossing rates. The proposed activities would occur in the States of Georgia, North Carolina, South Carolina, and Virginia.

*Applicant:* URS Corporation, James R. Orr, Franklin, Tennessee, TE084054–0.

The applicant request authorization to take (capture, identify, release) the Anthony's river snail (*Athernia anthonyi*) while conducting dredging and presence or absence surveys. The proposed activities would occur in Jackson County, Alabama.

Dated: March 10, 2004.

**Sam D. Hamilton,**

*Regional Director.*

[FR Doc. 04–6331 Filed 3–19–04; 8:45 am]

**BILLING CODE 4310–55–P**

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To Delist the Pacific Coast Population of the Western Snowy Plover and Initiation of a 5-Year Review

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding and initiation of status review for the 12-month finding and 5-year review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to remove the Pacific coast population of the western snowy plover (*Charadrius alexandrinus nivosus*) from the Federal List of Threatened and Endangered Wildlife and Plants (List) pursuant to the Endangered Species Act (Act) [16 U.S.C. 1531 *et seq.*]. We find that the petition presents substantial information that delisting the Pacific coast population of the western snowy plover may be warranted, and are initiating a status review. We are requesting submission of any new information on the Pacific coast population of the western snowy plover since its original listing as a threatened species in 1993. Following this status review, we will issue a 12-month finding on the petition to delist. Because a status review is also required for the 5-year review of listed species under section 4(c)(2)(A) of the Act, we are electing to prepare these reviews simultaneously. At the conclusion of these simultaneous reviews, we will issue the 12-month finding on the petition, as provided in section 4(b)(3)(B) of the Act, and make the requisite finding under section 4(c)(2)(B) of the Act based on the results of the 5-year review.

**DATES:** The finding announced in this document was made on February 20, 2004. To be considered in the 12-month finding on this petition or the 5-year review, comments and information

should be submitted to us by May 21, 2004.

**ADDRESSES:** Comments, material, information, or questions concerning this petition and finding should be sent to Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Sacramento, California 95825–1846. The petition, finding, and supporting information are available for public inspection by appointment during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Glen Tarr or Arnold Roessler, Fish and Wildlife Biologists, at the above Sacramento address (telephone: (916) 414–6600).

**SUPPLEMENTARY INFORMATION:**

## Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) [16 U.S.C. 1531 *et seq.*] requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial information to indicate the petitioned action may be warranted. To the maximum extent practicable, we must make the finding within 90 days of receiving the petition, and must promptly publish the finding in the **Federal Register**. If we find substantial information exists to support the petitioned action, we are required to promptly commence a status review of the species (50 CFR 424.14). ''Substantial information'' is defined in 50 CFR 424.14(b) as ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted.'' Petitioners need not prove that the petitioned action is warranted to support a ''substantial'' finding; instead, the key consideration in evaluating a petition for substantiality involves demonstration of the reliability and adequacy of the information supporting the action advocated by the petition.

The factors for listing, delisting, or reclassifying a species are described at 50 CFR 424.11. We may delist a species only if the best scientific and commercial data available substantiate that it is neither endangered nor threatened. Delisting may be warranted as a result of: (1) Extinction; (2) recovery; and/or (3) a determination that the original data used for classification of the species as endangered or threatened were in error.

On March 5, 1993, we listed the Pacific Coast population of the western snowy plover (58 FR 12864). Critical habitat for the species was designated on December 7, 1999 (64 FR 68508). On June 19, 2003, the U.S. District Court for the District of Oregon found that our critical habitat designation was not consistent with the requirements of section 4(b)(2) of the Act, and remanded the designation to us; the Court partially vacated the 1999 critical habitat designation.

## Biology and Distribution

Snowy plovers are small shorebirds, about 16 centimeters (6 inches) long, with pale brown upperparts, buff colored bellies, and darker patches on their shoulders and heads. Their dark gray to black legs are a useful distinguishing feature when comparing to other plover species (Page *et al.* 1995a). Two subspecies of snowy plover nest in North America: the western snowy plover (WSP) and the Cuban snowy plover.

The nesting range of the first subspecies, the western snowy plover (*Charadrius alexandrinus nivosus*), includes sites in Baja California, California, Oregon, Washington, Nevada, Utah, Arizona, Colorado, New Mexico, Kansas, Oklahoma, Texas, and central and northeastern Mexico, as well as irregularly visited sites in Saskatchewan, Wyoming, and Montana (Page *et al.* 1995a). In 1993, we determined that the coastal population of the western snowy plover (Pacific Coast WSP) was a separate distinct population segment from the interior populations and defined the Pacific Coast WSP as only those western snowy plovers ''that nest adjacent to or near tidal waters'' of the Pacific Ocean (58 FR 12864).

The second North American subspecies, the Cuban snowy plover (*Charadrius alexandrinus tenuirostris*), nests generally east of Louisiana at various locations along the Gulf of Mexico, including Florida, the Bahamas, the Yucatan Peninsula, and Puerto Rico. The Cuban snowy plover is distinguished primarily by paler plumage, and some accounts consider it to be simply a paler version of the western snowy plover rather than a separate subspecies (Page *et al.* 1995a).

With the exception of individuals in the Pacific Coast WSP, and in southern California, Arizona, New Mexico, and Texas, western snowy plovers in the United States migrate between winter and summer ranges (Page *et al.* 1995a, 1995b). Breeding takes place only at the summer location. Some Pacific Coast WSP individuals migrate to other Pacific coast sites for breeding, while others remain resident year round. Plovers hatched at interior sites west of the Rocky Mountains migrate to wintering locations on the Pacific coast and in the Gulf of California, where they may mix with birds from the Pacific Coast WSP (Page *et al.* 1995a, 1995b). However, evidence from several banding studies indicates the two populations separate out again to nest (Gary Page, *et al.*, Point Reyes Bird Observatory, *in litt.* 2002.).

The timing of the nesting season varies with location, but in coastal California it tends to run from March through September (Page *et al.* 1995a). Breeding locations tend to be sandy areas close to water, including beaches, salt pans, and alkaline playas. Clutches, which most commonly consist of three eggs, are laid in shallow scrapes or depressions in the sand. Snowy plovers generally form monogamous pair bonds and share incubation duties, but western snowy plover females typically desert the brood shortly after hatching, and may renest with a new male if time remains in the season to do so. Males typically care for the young until they fledge, which takes about a month, and may then also renest with a new partner if sufficient time remains in the season (Stenzel *et al.* 1994). This results in a serially polygamous breeding system in which males may double clutch and females triple clutch during a single season (Page *et al.* 1995a).

## Review of Petition

We received a petition dated July 29, 2002, from the Surf-Ocean Beach Commission of Lompoc, California, to delist the Pacific Coast WSP pursuant to the Act. We also received a similar petition dated May 30, 2003, from the City of Morro Bay, California. As explained in our 1996 Petition Management Guidance (Service 1996), subsequent petitions are treated separately only when they are greater in scope or broaden the area of review of the first petition. The City of Morro Bay petition repeats the same information provided in the Surf-Ocean Beach Commission petition and will therefore be treated as a comment on the first petition received.

The petition states that the original decision to list the Pacific Coast WSP was in error on the grounds that it fails to meet any of the three elements (discreteness, significance, and conservation status) of our policy regarding the recognition of distinct vertebrate population segments (DPS policy) (61 FR 4722). The Act defines listable ''species'' to include taxonomic species, subspecies, and ''any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature'' (16 U.S.C. 1532(16)). Because the Pacific Coast

WSP is not a taxonomic species or subspecies, it must be a distinct vertebrate population segment (DPS) in order to qualify for listing. Although we had not yet published our DPS policy when we listed the Pacific Coast WSP, the policy states that ''[a]ny DPS of a vertebrate taxon that was listed prior to implementation of this policy will be reevaluated on a case-by-case basis as recommendations are made to change the listing status * * *'' (61 FR 4722 at 4725). The petition's application of the DPS policy to the Pacific Coast WSP is addressed below.

To qualify for listing under the DPS policy, a population must demonstrate both discreteness and significance in relation to the remainder of the species (61 FR 4722). The petition states that the Pacific Coast WSP does not meet the discreteness criterion. The relevant condition for satisfying this criterion requires the population to be ''markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors. Quantitative measures of genetic or morphological discontinuity may provide evidence of this separation'' (61 FR 4725).

The petition cites an unpublished master's thesis that found no significant genetic differences between the Pacific Coast WSP and other populations of snowy plover (Gorman 2000). This study was designed to provide a broad overview of genetic differences in western and Cuban snowy plovers across the western hemisphere, rather than to differentiate between the Pacific Coast WSP and its inland neighbor populations (S. Haig, U.S. Geological Survey, *in litt.* 2002). For example, the study only sampled from two highly separated sites within the coastal population (southern Oregon and southern California), and two highly separated sites outside the coastal population west of the Rockies (Abert Lake in eastern Oregon and the Great Salt Lake in Utah). It also compared segments of mitochondrial DNA that varied little across the entire range of subjects studied.

In the final listing rule (58 FR 12864), we determined that the Pacific Coast WSP is isolated based on numerous banding studies and surveys conducted on coastal and interior birds (Spear 1979; Stenzel and Peaslee 1979; Henderson and Page 1979; Widrig 1980; Page and Stenzel 1981; Page *et al.* 1983; Wilson-Jacobs and Meslow 1984; Warriner *et al.* 1986; Herman *et al.* 1988; Page and Bruce 1989; Stern *et al.* 1990a, 1990b, 1991a, 1991b; Page *et al.* 1991). This determination has been supported by additional banding studies and surveys (Oregon Department of Fish and Wildlife (ODFW) 1994; Palacios and Alfaro 1994; Paton 1994; Persons 1994, 1995; Stenzel *et al.* 1994; Page *et al.* 1995b; Gary Page, *et al.*, Point Reyes Bird Observatory, *in litt.* 2002; Steve Henry, Service, *in litt.* 2003). These banding studies and surveys documented numerous examples of coastal and interior birds changing breeding sites within their respective populations (*e.g.,* Stenzel, *et al.* 1994), but only showed two definite cases of interbreeding across populations. Both of these were females that hatched or had bred in the coastal population and had then nested at inland California sites (Page *et al., in litt.* 1989; 58 FR 12864; Stenzel *et al.* 1994).

However, although the banding studies and surveys on which we based our isolation determination showed only two definite instances of interbreeding, they also produced several sightings of birds that might possibly have interbred. For instance: (1) Stenzel *et al.* (1994) mentions four coastal females and four males at inland nesting sites; (2) the Service's draft recovery plan for the species (Service 2001) mentions three coastal females and one male at interior nesting sites; and (3) a letter from G. Page, Point Reyes Bird Observatory (PRBO), (1989) refers to a male ''born on the coast'' and ''found nesting in the interior.'' According to PRBO notes, this last bird, which was also mentioned in Stern (1990a), was actually first banded on the coast in November and so may have hatched inland (L. Stenzel, pers. comm. 2003). Additionally, while the number of banded birds and survey coverage of nesting sites has been extensive, we have not closely examined the extent to which the greatest banding efforts may have coincided with the most comprehensive survey efforts. We also have not looked closely at the extent to which bands may have been overlooked or improperly documented by the surveys.

The Gorman thesis and the information in our files regarding possible interbreeding raise issues relevant to a DPS determination that we conclude should be examined more closely in a status review. During this review, we will reevaluate our DPS determination for this population in accordance with our DPS policy (61 FR 4722). The petition also presents information regarding the significance of the Pacific Coast WSP under the DPS policy, and regarding the extent to which the population may actually be threatened. We will address that information more thoroughly in the status review.

**Finding**

We have reviewed the petition and the supporting documents, as well as other information in our files. We find that the petition and other information in our files presents substantial information that delisting the Pacific Coast WSP may be warranted, and are initiating a status review. We will issue a 12-month finding in accordance with section 4(b)(3)(B) of the Act as to whether or not delisting is warranted.

**Five-Year Review**

Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every five years. We are then, under section 4(c)(2)(B), to determine, on the basis of such a review, whether or not any species should be removed from the List (delisted), or reclassified from endangered to threatened, or threatened to endangered. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the Pacific Coast WSP.

**Public Information Solicited**

We are requesting information for both the 12-month finding and the 5-year review, as we are conducting these reviews simultaneously.

When we make a finding that substantial information exists to indicate that listing or delisting a species may be warranted, we are required to promptly commence a review of the status of the species. To ensure that the status review is complete and based on the best available scientific and commercial information, we are soliciting any additional information, comments, or suggestions on the Pacific Coast WSP from the public, other concerned governmental agencies, Tribes, the scientific community, industry or environmental entities, or any other interested parties. Information sought includes any data regarding interbreeding with other populations, historical and current distribution, biology and ecology, ongoing conservation measures for the species or its habitat, and threats to the species or its habitat. We also request information regarding the adequacy of existing regulatory mechanisms.

The 5-year review considers all new information available at the time of the review. This review will consider the best scientific and commercial data that has become available since the current listing determination or most recent status review, such as:

A. Species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions including, but not limited to, amount, distribution, and suitability;

C. Conservation measures that have been implemented that benefit the species;

D. Threat status and trends;

E. Other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

If you wish to comment for either the 12-month finding or 5-year review, you may submit your comments and materials to the Field Supervisor, Sacramento Fish and Wildlife Office (*see* **ADDRESSES** section). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Respondents may request that we withhold a respondent's identity, as allowable by law. If you wish us to withhold your name or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

### References Cited

A complete list of all references cited in this finding is available, upon request, from the Sacramento Fish and Wildlife Office (*see* **ADDRESSES** section).

### Author

The primary author of this document is Glen Tarr (*see* **ADDRESSES** section).

### Authority

The authority for this action is section 4 of the Endangered Species Act of 1973 (16 U.S.C. 131 *et seq.*).

Dated: February 20, 2004.

**Marshall Jones, Jr.,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 04–6082 Filed 3–19–04; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## Receipt of Applications for Permit

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** The public is invited to comment on the following applications to conduct certain activities with marine mammals.

**DATES:** Written data, comments or requests must be received by April 21, 2004.

**ADDRESSES:** 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, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358–2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone 703/358–2104.

**SUPPLEMENTARY INFORMATION:**

### Marine Mammals

The public is invited to comment on the following applications for a permit to conduct certain activities with marine mammals. The applications were submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

*Applicant: Randall W. Davis, Texas A & M University, Galveston, TX, PRT–078744*

The applicant requests a permit to take by harassment up to 200 wild northern sea otters (*Enhydra lutris lutris*) by positioning a skiff at the location of otter's foraging dives in order to measure foraging depth. The applicant also requests authorization to recover and necropsy dead sea otter carcasses collected opportunistically during other research activities. This notification covers activities to be conducted by the applicant over a five-year period.

*Applicant: Boon And Crockett Club, Missoula, MT, PRT–072586*

The applicant requests a permit to import one Atlantic walrus (*Odobenus rosmarus rosmarus)* trophy harvested from the wild in Canada for the purposes of public display.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Dated: March 15, 2004.

**Michael S. Moore,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 04–6255 Filed 3–19–04; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## Issuance of Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permits for marine mammals.

**SUMMARY:** The following permits were issued.

**ADDRESSES:** 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, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax (703) 358–2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone (703) 358–2104.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on the dates below, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), the Fish and Wildlife Service issued the requested permits subject to certain conditions set forth therein.

### Marine Mammals

| Permit number | Applicant | Receipt of application **Federal Register** notice | Permit issuance date |
|---|---|---|---|
| 080683 | Brian D. Folkman | 68 FR 75618; December 31, 2003. | February 25, 2004. |
| 080685 | Joseph H. Sayers, Jr. | 68 FR 75618; December 31, 2003. | February 24, 2004. |
| 080868 | Harold L. Ahlberg | 68 FR 75618; December 31, 2003. | February 25, 2004. |

Dated: March 5, 2004.

**Michael S. Moore,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 04–6256 Filed 3–19–04; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[CA–610–04–1220–AA]**

### Notice of Cancellation for a Meeting of the California Desert District Advisory Council

**SUMMARY:** Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, has cancelled the field tour of the BLM-administered public lands on Friday, April 23, 2004, and the public meeting on Saturday, April 24, at the Needles City Council Chambers, located 1111 Bailey, Needles, California. The public will be notified when the meeting has been rescheduled.

**FOR FURTHER INFORMATION CONTACT:** Doran Sanchez, BLM California Desert District Public Affairs Specialist (909) 697–5220.

Dated: March 15, 2004.

**Linda Hansen,**

*District Manager.*

[FR Doc. 04–6330 Filed 3–19–04; 8:45 am]

**BILLING CODE 4310–40–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[UT–030–04–1610–PH–241A]**

### Notice of Resource Advisory Committee Meeting

**AGENCY:** Grand Staircase-Escalante National Monument (GSENM), Bureau of Land Management (BLM), Department of the Interior.

**ACTION:** Notice of Grand Staircase-Escalante National Monument Advisory Committee (GSENM) Meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM), Grand Staircase-Escalante National Monument Advisory Committee (GSENMAC) will meet as indicated below.

**DATES:** Two days of meetings are scheduled for April 19–20, 2004, at the GSENM Visitor Center, Conference Room, 745 HWY 89 East, Kanab, UT. The meeting on April 19 will begin at 9:30 a.m. and conclude at 6 p.m.; the meeting on April 20 will begin at 8 a.m. and conclude at 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Allysia Angus, Land Use Planner, GSENM Headquarters Office, 190 East Center, Kanab, UT 84741; phone (435) 644–4364, or e-mail *allysia_angus@blm.gov.*

**SUPPLEMENTARY INFORMATION:** The Grand Staircase-Escalante National Monument (GSENM) Advisory Committee will meet at the GSENM Visitor Center, 745 HWY 89 East, Kanab, UT 84741, 9:30 a.m. to 6 p.m., local time, on April 19, 2004, and 8 a.m. to 5 p.m. on April 20, 2004. The Grand Staircase-Escalante National Monument Advisory Committee (GSENMAC) was appointed by the Secretary of Interior on September 26, 2003, pursuant to the Monument Management Plan, the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA). As specified in the Monument Management Plan, the GSENMAC will have several primary tasks. (1) Review evaluation reports produced by the Management Science Team and make recommendations on protocols and projects to meet overall objectives. (2) Review appropriate research proposals and make recommendations on project necessity and validity. (3) Make recommendations regarding allocation of research funds through review of research and project proposals as well as needs identified through the evaluation process above. (4) Could be consulted on issues such as protocols for specific projects.

This will be the second meeting of the GSENMAC. Topics to be discussed by the GSENMAC include the Rangeland Health Environmental Impact Statement (EIS), the Science Program, the Fee Demonstration Program, and the status of sage grouse. Both days of meetings are open to the public. Members of the public are welcome to address the council from 5 p.m. to 6 p.m., local time on April 19, 2004. Depending on the number of persons wishing to speak, a time limit could be established. Interested persons may make oral statements to the GSENMAC during this time or written statements may be submitted for the GSENMAC's consideration. Written statements can be sent to: Grand Staircase-Escalante National Monument, Attn.: Allysia Angus, 190 E. Center Street, Kanab, UT 84741. Information to be distributed to the GSENMAC is requested 10 days prior to the start of the GSENMAC meeting.

All meetings are open to the public; however, transportation, lodging, and meals are the responsibility of the participating public.

Dated: March 12, 2004.

**Dave Hunsaker,**

*Grand Staircase-Escalante National Monument Manager.*

[FR Doc. 04–6259 Filed 3–19–04; 8:45 am]

**BILLING CODE 4310–0Q–M**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

### Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of an extension of a currently approved information collection (OMB Control Number 1010–0042).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork

requirements in the regulations under 30 CFR Part 208—Sale of Federal Royalty Oil; Royalty-in-Kind (RIK) Program. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements. This information collection request is specific as related only to the Government's program to sell crude oil to eligible small refiners. The ICR is titled ''30 CFR Part 208—Sale of Federal Royalty Oil; Royalty-in-Kind (RIK) Program (Form MMS–4070, Application for the Purchase of Royalty Oil).''

**DATES:** Submit written comments on or before April 21, 2004.

**ADDRESSES:** Submit written comments by either FAX (202) 395–6566 or email (*OIRA_DOCKET@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0042). Mail or hand-carry a copy of your comments to Sharron L. Gebhardt, Lead Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A–614, Denver Federal Center, Denver, Colorado 80225. You may also email your comments to us at *mrm.comments@mms.gov*. Include the title of the information collection and the OMB Control Number in the ''Attention'' line of your comment. Also, include your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your email, contact Ms. Gebhardt at (303) 231–3211.

**FOR FURTHER INFORMATION CONTACT:** Sharron L. Gebhardt, telephone (303) 231–3211, FAX (303) 231–3781, email *Sharron.Gebhardt@mms.gov*. You may also contact Sharron Gebhardt to obtain a copy at no cost of the form and regulations that require the subject collection of information.

**SUPPLEMENTARY INFORMATION:**

*Title:* 30 CFR Part 208—Sale of Federal Royalty Oil; Royalty-in-Kind (RIK) Program (Form MMS–4070, Application for the Purchase of Royalty Oil).

*OMB Control Number:* 1010–0042.

*Bureau Form Number:* Form MMS–4070.

*Abstract:* The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary of the Interior (Secretary) under The Mineral Leasing Act (30 U.S.C. 1923) and The Outer Continental Shelf Lands Act (43 U.S.C. 1353) is responsible for managing the production of minerals from Federal and Indian lands and the OCS, collecting royalties from lessees who produce minerals, and distributing the funds collected in accordance with applicable laws. MMS performs the royalty management functions for the Secretary.

''Royalty oil'' is crude oil produced from leased Federal lands, both onshore and offshore, in instances in which the Government exercises the option to accept a lessee's royalty payment in oil rather than in money. Title to the oil is transferred to the Government and then sold to an eligible refiner. When the Secretary determines that small refiners do not have access to adequate supplies of oil, the Secretary may dispose of any oil taken as royalty by conducting a sale of such oil, or by allocating it to eligible refiners.

When the Secretary decides to offer royalty oil taken in kind for sale to eligible refiners, MMS will publish a ''Notice of Availability of Royalty Oil'' (also known as ''Invitation for Offer'') in the **Federal Register**, or other printed media, or on the MMS web site, when appropriate. The Notice includes administrative details concerning the application, allocation, and the contract award process for royalty oil. Refiners interested in purchasing oil will submit the Form MMS–4070 in accordance with instructions issued by MMS for completion of the form. MMS uses the information collected on the Form MMS–4070 to determine if the applicant meets eligibility requirements to contract to purchase royalty oil. Information collected also provides a basis for the allocation of available royalty oil among qualified refiners. Responses to this information collection are necessary for refiners to participate in royalty oil sales.

We are also revising this ICR to include reporting requirements contained in 30 CFR Part 208 that were inadvertently overlooked when the final rule was published. See the chart below for these requirements and associated burden hours. These reporting requirements are rare and unusual circumstances where the standard procedures set out in the rule are not appropriate.

MMS is requesting OMB's approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge his/her duties and may also result in loss of royalty payments. Proprietary information submitted is protected, and there are no questions of a sensitive nature included in this information collection.

We have also changed the title of this ICR from ''Application of the Purchase of Royalty Oil'' to ''30 CFR Part 208—Sale of Federal Royalty Oil; Royalty-in-Kind (RIK) Program (Form MMS–4070, Application for the Purchase of Royalty Oil)'' to clarify the regulatory language we are covering under 30 CFR Part 208.

*Frequency:* On occasion.

*Estimated Number and Description of Respondents:* 8 small oil refiners.

*Estimated Annual Reporting and Recordkeeping ''Hour'' Burden:* 21 hours (rounded).

The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. Therefore, we consider these to be usual and customary and took that into account in estimating the burden.

RESPONDENT ANNUAL BURDEN HOUR CHART

| 30 CFR section | Reporting requirement | Burden hours per response | Annual number of responses | Annual burden hours |
|---|---|---|---|---|
| 208.4(a) | Royalty oil sales to eligible refiners<br>(a) *Determination to take royalty oil in kind.* * * * The Secretary will review these items [submitted by small refiners] and will determine whether eligible refiners have access to adequate supplies of crude oil * * *..<br>*(Determination process)* | Burden covered by OMB Control Number 1010–0119. | | |

RESPONDENT ANNUAL BURDEN HOUR CHART—Continued

| 30 CFR section | Reporting requirement | Burden hours per response | Annual number of responses | Annual burden hours |
|---|---|---|---|---|
| 208.4(d) | Royalty oil sales to eligible refiners.<br>(d) *Interim sales.* * * * The potentially eligible refiners, individually or collectively, must submit documentation demonstrating that adequate supplies of crude oil at equitable prices are not available for purchase * * *.<br>*(Determination process)* | Burden covered by OMB Control Number 1010–0119. See § 208.4(a) | | |
| 208.6(a) and (b) | General application procedures.<br>(a) To apply for the purchase of royalty oil, an applicant must file a Form MMS–4070 with MMS in accordance with instructions provided in the "Notice of Availability of Royalty Oil" and in accordance with any instructions issued by MMS for completion of Form MMS–4070. The applicant will be required to submit a letter of intent from a qualified financial institution stating that it would be granted surety coverage for the royalty oil for which it is applying, or other such proof of surety coverage, as deemed acceptable by MMS. The letter of intent must be submitted with a completed Form MMS–4070.<br>(b) In addition to any other application requirements specified in the Notice, the following information is required on Form MMS–4070 at the time of application: * * *.<br>*(Application process)* | 1.25 | 8 | 10 |
| 208.7(a) | Determination of eligibility<br>(a) The MMS will examine each application and may request additional information if the information in the application is inadequate * * *.<br>*(Application process)* | 0.25 | 1 | 1 (rounded up from 0.25) |
| 208.8(a) | Transportation and delivery<br>(a) * * * The purchaser must have physical access to the oil at the alternate delivery point and such point must be approved by MMS.<br>*(Application process)* | 1 | 1 | 1 |
| 208.8(b) | Transportation and delivery<br>(b) * * * If the delivery point is on or immediately adjacent to the lease, the royalty oil will be delivered without cost to the Federal Government as an undivided portion of production in marketable condition at pipeline connections or other facilities provided by the lessee, unless other arrangements are approved by MMS. If the delivery point is not on or immediately adjacent to the lease, MMS will reimburse the lessee for the reasonable cost of transportation to such point in an amount not to exceed the transportation allowance determined pursuant to 30 CFR part 206 * * *.<br>*(Application process)* | Burden covered by OMB Control Number 1010–0140<br>This provision is no different than the transportation allowances allowed in Part 206 for royalties paid in value. The lessee enters allowance amount on Form MMS–2014. | | |
| 208.9(a) | Agreements<br>(a) A purchaser must submit to MMS two copies of any written third-party agreements, or two copies of a full written explanation of any oral third-party agreements, relating to the method and costs of delivery of royalty oil, or crude oil exchanged for the royalty oil, from the point of delivery under the contract to the purchaser's refinery. In addition, the purchaser must submit copies of agreements pertaining to quality differentials which may occur between leases and delivery points.<br>*(Application process)* | 1 | 8 | 8 |
| 208.10(d) | Notices<br>(d) After MMS notification that royalty oil will be taken in kind, the operator shall be responsible for notifying each working interest on the Federal lease * * *.<br>*(Application process)* | Burden covered by OMB Control Number 1010–0126. | | |
| 208.10(e) | Notices<br>(e) A purchaser cannot transfer, assign, or sell its rights or interest in a royalty oil contract without written approval of the Director, MMS. * * * Without express written consent from MMS for a change in ownership, the royalty oil contract shall be terminated * * *.<br>*(Application process)* | 1 | 1 | 1 |

RESPONDENT ANNUAL BURDEN HOUR CHART—Continued

| 30 CFR section | Reporting requirement | Burden hours per response | Annual number of responses | Annual burden hours |
|---|---|---|---|---|
| 208.11 (a), (b), (d), and (e). | Surety requirements<br>(a) The eligible purchaser, prior to execution of the contract, shall furnish an "MMS-specified surety instrument," in an amount equal to the estimated value of royalty oil that could be taken by the purchaser in a 99-day period, plus related administrative charges * * *.<br>(b) * * * The purchaser or its surety company may elect not to renew the letter of credit at any monthly anniversary date, but must notify MMS of its intent not to renew at least 30 days prior to the anniversary date * * *.<br>(d) The "MMS-specified surety instrument" shall be in a form specified by MMS instructions or approved by MMS * * *.<br>(e) All surety instruments must be in a form acceptable to MMS and must include such other specific requirements as MMS may require adequately to protect the Government's interest.<br>*(Sureties Forms MMS–4071 and MMS–4072)* | Burden covered by OMB Control Number 1010–0135. | | |
| 208.15 | Audits<br>Audits of the accounts and books of lessees, operators, payors, and/or purchasers of royalty oil taken in kind may be made annually or at such other times as may be directed by MMS * * *. | PRODUCE RECORDS<br>Office of Regulatory Affairs determined that the compliance process is exempt from the PRA because MMS staff ask non-standard questions to resolve exception. | | |
| Total | | 4.5 | 19 | 21 (rounded up from 20.25) |

*Estimated Annual 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, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

*Comments:* Section 3506(c)(2)(A) of the PRA 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.

To comply with the public consultation process, we published a notice in the **Federal Register** on October 30, 2003 (68 FR 61823), announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. We received no comments in response to the notice.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by April 21, 2004.

*Public Comment Policy:* We will post all comments in response to this notice on our web site at *http://www.mrm.mm.gov/Laws_R_D/InfoColl/InfoColCom.htm*. We will also make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we withhold their home addresses from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

*MMS Federal Register Liaison Officer:* Denise Johnson (202) 208–3976.

Dated: March 1, 2004.

**Lucy Querques Denett,**

*Associate Director for Minerals Revenue Management.*

[FR Doc. 04–6261 Filed 3–19–04; 8:45 am]

BILLING CODE 4310–MR–P

## DEPARTMENT OF JUSTICE

### Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 60-day notice of information collection under review: National Center for Victims of Crime: service referral questionnaire.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until May 21, 2004. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information,

please contact Rebekah Dorr, Department of Justice Office of Community Oriented Policing Services, 1100 Vermont Avenue, NW., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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 agencies 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 submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* National Center for Victims of Crime: Service Referral Questionnaire.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. U.S. Department of Justice Office of Community Oriented Policing Services (COPS).

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Non-Profit and For-Profit Crime Victim Service Providers Other: Business or other for-profit and government agencies. The data from this information collection will be used to keep the victim services referral database up-to-date, ensuring that the information is accurate and appropriate.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 10,000 respondents annually will complete the form within 15 minutes.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 2,500 total annual burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: March 11, 2004.

**Brenda E. Dyer,**

*Deputy Clearance Officer, Department of Justice.*

[FR Doc. 04–6245 Filed 3–19–04; 8:45 am]

**BILLING CODE 4410–AT–P**

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## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation

### Agency Information Collection Activities: Proposed New Collection, Comments Requested

**ACTION:** 60 day notice of information collection under review: CJIS customer satisfaction surveys.

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The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with review procedures of the Paperwork Reduction Act of 1995. Comments are encouraged and will be accepted for ''sixty days'' until May 21, 2004. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Rebecca A. Pigott, Management Analyst, Federal Bureau of Investigation, CJIS Division, Module C3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306–0149, or facsimile at (304) 625–5090.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies/components 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 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.

Overview of this information collection:

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* CJIS Customer Satisfaction Surveys.

(3) *Agency Form Number, if Any, and the Applicable Component of the Department Sponsoring the Collection: Form Number:* None. Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected Public Who Will Be Asked or Required To Respond, As Well As a Brief Abstract: Primary:* State, local or tribal governments. *Other:* Federal government and business or other for-profit. *Brief Abstract:* The FBI established the CJIS Division to serve as the focal point and central repository for criminal justice information services within the FBI. The CJIS Division is responsible for the following programs administered by the FBI for the benefit of local, State, Federal, and foreign criminal justice agencies: (a) Integrated Automated Fingerprint Identification System, (b) Law Enforcement Online, (c) National Crime Information Center, (d) National Instant Criminal Background Check System—Federal Firearm Licensees, (e) National Instant Criminal Background Check System: Point of Contact and Partial Point of Contact States, (f) Uniform Crime Reporting, Interstate Identification, and Index, and (g) the CJIS Help Desk. CJIS will be conducting a customer service survey for each of the seven aforementioned programs as well as for the CJIS Help Desk. These surveys will be used to establish approval rating baselines of CJIS Division services in addition to identifying areas where our services can be improved, or new services established to assist the criminal justice community with the performance of their official duties.

(5) *An Estimate of the Total Number of Respondents and the Amount of Time Estimated for an Average Respondent To Respond:* The estimated total number of respondents are 2,485 which are broken into the following areas: (a) Integrated Automated Fingerprint

Identification System, 400 respondents, and 9 minutes average completion time; (b) Law Enforcement Online, 400 respondents, and 2 minutes average completion time; (c) National Crime Information Center, 400 Respondents, and 2 minutes average completion time; (d) National Instant Criminal Background Check System—Federal Firearm Licensees, 400 respondents and 3 minutes average completion time; (e) National Instant Criminal Background Check System—Point of Contact and Partial Point of Contact, 24 respondents, and 2 minutes average completion time; (f) Uniform Crime Reporting , 400 respondents, and 7 minutes average completion time; (g) Interstate Identification Index, 400 respondents, and 3 minutes average completion time; and CJIS Help Desk, 61 respondents and 3 minutes average completion time.

(6) *An Estimate of the Total Public Burden (in Hours) Associated With the Collection:* There are an estimated 177 total public burden hours associated with this collection.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Brenda E. Dyer, Deputy Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: March 16, 2004.

**Brenda E. Dyer,**

*Department Clearance Officer, United States Department of Justice.*

[FR Doc. 04–6244 Filed 3–19–04; 8:45 am]

**BILLING CODE 4410–02–P**

## DEPARTMENT OF LABOR

### Office of Compliance Assistance Policy; Establishment of the DOL Partnerships for Compliance Assistance Program (PCAP) and Request for Applications for Partnerships

**AGENCY:** Office of Assistant Secretary for Policy/Office of Compliance Assistance Policy (ASP/OCA), U.S. Department of Labor (DOL).

**ACTION:** Notice.

**SUMMARY:** This notice announces the establishment of the DOL Partnerships for Compliance Assistance Program (PCAP) and an opportunity for partnerships.

The primary goal of these partnerships is to better inform businesses and workers, through nonprofit third-party membership organizations, of the compliance assistance tools and resources the Department has available to help them comply with its laws and regulations.

**DATES:** Letters of interest from organizations containing information identifying the organization, including promotional literature describing their mission/purpose statement and constituent information; Web site URL; and contact person's name, title, address and telephone number will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on April 21, 2004.

**ADDRESSES:** To submit letter of interest, or for further information on the Partnerships for Compliance Assistance Program (PCAP), you may write to the following address: Office of Compliance Assistance Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, Attention: Barbara Bingham, 200 Constitution Ave. NW., Rm S2312, Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Barbara Bingham, Director of the Office of Compliance Assistance Policy, (202) 693–5080, or visit *http://www.dol.gov/compliance*.

**SUPPLEMENTARY INFORMATION:**

#### Background

In accordance with the Secretary's Compliance Assistance Initiative, the Department of Labor (DOL), through the Office of Compliance Assistance Policy (OCA), will partner with various stakeholder organizations, specifically nonprofit third-party membership organizations, to increase the opportunity to provide DOL's customers with assistance in complying with federal employment laws. OCA is seeking partnership applications from nonprofit trade, professional or labor organizations that share DOL's understanding of the importance of providing clear, accurate and easy-to-access compliance assistance for employers and other stakeholders, in order to protect the wages, health benefits, retirement security, safety and health of America's workforce.

Partnership efforts will be designed to provide nonprofit third-party organizations and their members with an awareness of the various laws and regulations DOL administers and where to get information on compliance assistance. These partnerships will enable DOL to reach a greater number of businesses and workers than it could solely through its own outreach efforts.

Signed at Washington, DC, this 16th day of March, 2004.

**Barbara Bingham,**

*Director, Office of Compliance Assistance Policy.*

[FR Doc. 04–6285 Filed 3–19–04; 8:45 am]

**BILLING CODE 4510–23–M**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice 04–046]**

### Notice of Prospective Patent License

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of prospective patent license.

**SUMMARY:** NASA hereby gives notice that Intergraph Solutions Group of Madison, AL, has applied for a partially exclusive patent license to practice the invention described and claimed in KSC–12278 entitled ''Image Edge Extraction Via Fuzzy Reasoning,'' KSC–12490 ''Optimal Binarization of Gray Scaled Digital Images Via Fuzzy Reasoning,'' KSC–12630 ''Image Processing for Binarization Enhancement via Fuzzy Logic,'' and KSC–12394 ''Hypothesis Support Mechanism for Mid-Level Visual Pattern Recognition,'' which are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Randall M. Heald, Assistant Chief Counsel/Patent Counsel, and John F. Kennedy Space Center.

**DATES:** Responses to this notice must be received by April 6, 2004.

**FOR FURTHER INFORMATION CONTACT:** Randall M. Heald, Assistant Chief Counsel/Patent Counsel, John F. Kennedy Space Center, Mail Code: CC–A, Kennedy Space Center, FL 32899, telephone (321) 867–7214.

Dated: March 12, 2004.

**Robert M. Stephens,**

*Deputy General Counsel.*

[FR Doc. 04–6232 Filed 3–19–04; 8:45 am]

**BILLING CODE 7510–01–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice 04–047]**

### Notice of Prospective Patent License

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of prospective patent license.

**SUMMARY:** NASA hereby gives notice that LumeraCom, Inc., of W. Henrietta, NY, has applied for a partially exclusive patent license to practice the invention described and claimed in KSC–12278 entitled ''Image Edge Extraction Via Fuzzy Reasoning,'' KSC–12490 ''Optimal Binarization of Gray-Scaled Digital Images Via Fuzzy Reasoning,'' KSC–12630 ''Image Processing for Binarization Enhancement via Fuzzy Logic,'' and KSC–12394 ''Hypothesis Support Mechanism for Mid-Level Visual Pattern Recognition,'' which are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Randall M. Heald, Assistant Chief Counsel/Patent Counsel, and John F. Kennedy Space Center.

**DATES:** Responses to this notice must be received by April 6, 2004.

**FOR FURTHER INFORMATION CONTACT:** Randall M. Heald, Assistant Chief Counsel/Patent Counsel, John F. Kennedy Space Center, Mail Code: CC–A, Kennedy Space Center, FL 32899, telephone (321) 867–7214.

Dated: March 12, 2004.

**Robert M. Stephens,**

*Deputy General Counsel.*

[FR Doc. 04–6233 Filed 3–19–04; 8:45 am]

**BILLING CODE 7510–01–P**

## NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

### Public Hearing

**ACTION:** Notice of public hearing.

**SUMMARY:** The National Commission on Terrorist Attacks Upon the United States (also known as the 9–11 Commission) will hold its eighth public hearing on March 23–24, 2004 in Washington, DC. The two-day investigative hearing will investigate the formulaiton and conduct of U.S. counterterrorism policy, with particular emphasis on the period from the August 1998 embassy bombings to September 11, 2001. Seating for the general public will be on a first-come, first-served basis. Representatives of the media must register in advance of the hearing by visiting the Commission's Web site, *http://www.9–11 commission.gov.* Members of the media must register by the close of business on March 19, 2004, by visiting the Commission's Web site, *http://www.9–11 commission.gov.* At the end of the second day, the Chair and Vice Chair will hold a briefing for accredited press registered with the Commission or Congressional galleries.

**DATES:** March 23–24, 2004, 9 a.m. to 5 p.m. Press availability to follow.

**LOCATION:** Hart Senate Office Building, Room 216, Washington, DC, 20510.

**FOR FURTHER INFORMATION CONTACT:** Al Felzenberg or Jonathan Stull at (202) 401–1627, (202) 236–4878 (cellular), or *info@9–11 commission.gov.*

**SUPPLEMENTARY INFORMATION:** Please refer to Pub. L. 107–306 (November 27, 2002), title VI (Legislation creating the Commission), and the Commission's Web site: *http://www.9–11 commission.gov.*

Dated: March 15, 2004.

**Philip Zelikow,**

*Executive Director.*

[FR Doc. 04–6266 Filed 3–19–04; 8:45 am]

**BILLING CODE 8800–01–M**

## NATIONAL CREDIT UNION ADMINISTRATION

### Sunshine Act; Notice of Change in Subject Matter of Meeting

The National Credit Union Administration Board determined that its business required a change in the subject matter of an item from the previously announced open meeting (**Federal Register**, Vol. 69, No. 50, page 12182, March 15, 2004) scheduled for Thursday, March 18, 2004.

1. Notice of Proposed Rulemaking: Part 717 of NCUA's Rules and Regulations implementing the Fair and Accurate Credit Transactions Act of 2003—Notice to Members regarding Release of Negative Information to Credit Reporting Agencies.

The Board voted unanimously that agency business required that this item be revised from a Notice of Proposed Rulemaking to a Board Briefing. Earlier announcement of this change was not possible.

The previously announced items were:

1. Notice of Proposed Rulemaking: Part 717 of NCUA's Rules and Regulations implementing the Fair and Accurate Credit Transactions Act of 2003—Notice to Members regarding Release of Negative Information to Credit Reporting Agencies.

2. Board Briefing: Part 717 of NCUA's Rules and Regulations regarding Medical Information.

*For Further Information Contact:* Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

**Becky Baker,**

*Secretary of the Board.*

[FR Doc. 04–6449 Filed 3–18–04; 11:55 am]

**BILLING CODE 7535–01–M**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 030–33765; License No. 24–26628–01; EA–03–177]**

### KTL Roudebush Testing, Kansas City, MO; Order Suspending License (Effective Immediately) and Demand for Information

KTL Roudebush Testing (Licensee) is the holder of Byproduct Material License No. 24–26628–01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR parts 30 and 34. The license authorizes the possession and use of iridium-192 in sealed sources for industrial radiography, and cesium-137 and americium-241 in sealed sources for measuring physical properties of materials, at temporary job sites of the Licensee anywhere in the United States where the NRC maintains jurisdiction for regulating the use of licensed material. The license identifies Christopher V. Roudebush as the Radiation Safety Officer (RSO). Mr. Roudebush is the President and owner of KTL Roudebush Testing, and he serves as a Licensee radiographer. The license, originally issued on November 20, 1995, was last amended on January 16, 2004, and is due to expire on March 31, 2011.

On April 8, 2003, two NRC inspectors attempted to inspect the Licensee's activities and inquired about radiography at temporary job sites. The Licensee's RSO indicated that the Licensee might be performing radiography work at the Kansas City Power & Light Iatan Generating Station located in Weston, Missouri on either Thursday or Friday (April 10 or 11, 2003). On the morning of April 10, 2003, the inspectors again called the Licensee inquiring about radiography at temporary job sites. A Licensee employee, a radiographer's assistant, answered and stated that the Licensee's staff had just finished radiography at a temporary job site in Weston, Missouri, and was preparing to return to the main office. Following the telephone conversation, the inspectors drove to the Licensee's office at 1606 Cherry Street, Kansas City, Missouri and waited for the work crew to return. When a Licensee

radiographer returned to the office, the inspectors evaluated the Licensee's transport of the radiographic exposure devices within the vehicle and discovered that one of the devices was not properly secured in the vehicle and shipping papers were not present.

When the RSO returned to the office, the inspectors conducted an inspection of the Licensee's records that are required by 10 CFR Part 34. During the inspection, the RSO presented the inspectors with four records of the quarterly maintenance/inspection of radiographic exposure devices. Two records were dated March 30, 2002, and two records were dated March 28, 2003. The records were blank, other than the device identifiers and the dated signature of the RSO. When questioned about the blank records, the RSO stated that the 2002 maintenance/inspections were completed after the dated signature and the resulting records were entered into his office desktop computer. The RSO also stated that the records for the maintenance/inspection of exposure devices for the second through fourth quarters of 2002 were not available. The RSO claimed that a Licensee employee had entered the information into the computer and he was unable to retrieve these records. The RSO also claimed that the employee may have removed these records when he left the company under unfavorable conditions. On April 14, 2003, one of the inspectors interviewed the former employee by telephone. The former employee denied entering any records of radiographic operations into a computer system maintained by the Licensee and recalled the completed records were normally handwritten. The inspection resulted in nine unresolved items.

On April 21, 2003, the NRC Office of Investigation was asked to look into concerns regarding potential willful/deliberate violations of NRC requirements by the RSO. These concerns included: (1) Deliberately falsifying exposure device records; (2) deliberately providing incomplete and inaccurate information regarding the performance of quarterly inspections; (3) deliberately failing to perform quarterly inspections; (4) deliberately failing to properly secure an exposure device during transportation; and (5) deliberately violating the two-man rule requirement at a temporary job site in Joplin, Missouri.

On September 16, 2003, the NRC was contacted by a former Licensee radiographer's assistant, who informed the NRC that the RSO had asked him after the April 2003 NRC inspection to falsify the missing records and to manipulate the computer data so it would not appear as if the records were backdated. After the former Licensee employee told the RSO that he would not be able to manipulate the computer data, the former employee stated that the RSO hid the computer in the attic and subsequently destroyed the computer after he was issued a subpoena for the computer contents. The former Licensee employee also stated that the RSO was hiring personnel with no previous radiography experience from a temporary agency and the temporary personnel were not provided with the required training or radiation dosimetry. On September 18, 2003, these concerns were provided to the NRC Office of Investigations for inclusion in its ongoing investigation.

On October 23, 2003, an NRC inspection was conducted at a temporary job site in Livingston County, Missouri. Based on the results of this inspection, three violations of NRC requirements were identified involving: (1) A failure to have shipping papers readily accessible in the vehicle cab when the driver is not at the vehicle's controls; (2) a failure to provide the emergency response telephone number on the shipping papers; and (3) a failure to amend the license to reflect a name change from PSI Inspection, Inc. to KTL Roudebush Testing.

On February 18, 2004, the NRC Office of Investigation (OI) issued its report (Case No. 3–2003–009) and substantiated nine deliberate violations of NRC requirements. Based on the results of the April 2003 inspection and the OI investigation, the following deliberate violations of regulatory requirements have been identified:

1. On April 10, 2003, October 28 and 29, 2002, and on several occasions between October 2001 and January 2002, the Licensee's RSO, who is also the President and Owner of KTL Roudebush Testing, deliberately conducted radiography at locations other than a permanent radiographic installation (temporary job sites), and the RSO/radiographer was not accompanied by an additional qualified individual who could observe the operations and was capable of providing immediate assistance to prevent unauthorized entry, as required by 10 CFR 34.41.

2. On April 10, 2003, and on October 28 and 29, 2002, the Licensee's RSO deliberately permitted individuals to act as a radiographer's assistant before these individuals had successfully completed the Licensee's training program for radiographer's assistants, as required by 10 CFR 34.43(c) and License Condition 26.

3. On October 28, 2002, the Licensee's RSO deliberately permitted an individual who was not wearing a direct-reading pocket dosimeter, an alarming ratemeter, and either a film badge or a thermoluminescent dosimeter, as required by 10 CFR 34.47(a), to act as a radiographer's assistant.

4. As of April 12, 2003, the Licensee's RSO deliberately failed to conduct inspections and routine maintenance of Licensee radiographic exposure devices and associated equipment during the first quarter of 2003, an interval exceeding three months, as required by 10 CFR 34.31(b).

5. On April 8, 2003, the Licensee's RSO deliberately provided inaccurate and incomplete information to an NRC inspector regarding the maintenance of records of quarterly inspections of radiographic exposure devices, required to be maintained in accordance with 10 CFR 34.73. The RSO stated that the required inspections had been conducted in calendar year 2002 and that electronic records of the subject inspections were prepared by another named individual. Transcribed sworn statements by one or more individuals indicated that the Licensee never prepared the subject records, electronic or handwritten, in calendar year 2002.

6. On August 5, 2003, the Licensee's RSO deliberately provided inaccurate and incomplete information to an NRC Office of Investigations Special Agent and deliberately did not afford the Commission an opportunity to inspect records of quarterly maintenance and inspections of radiographic exposure devices, required to be maintained in accordance with 10 CFR 34.73. The Licensee's RSO deliberately failed to provide information requested in a subpoena for the hard disk drive data, including any magnetic or optical media, floppy disks, zip disks, and compact disks, pertaining to the Licensee's quarterly maintenance and inspection logs for the year 2002. The Licensee's RSO stated that he had thrown the computer in the trash because it was not working. However, a licensee employee notified the NRC that the computer was in the attic in August and was destroyed by the owner, after the subpoena had been served.

7. On April 10, 2003, and between October 2001 and January 2002, the Licensee's RSO transported on public highways a SPEC Model 150 radiographic exposure device (package), containing a nominal 142 curie iridium-192 sealed source, and the Licensee deliberately did not block and brace the package such that it could not change position during conditions normally

incident to transportation, as required by 10 CFR 71.5(a) and 49 CFR 177.842(d). Specifically, two radiographic exposure devices were transported in the back of a company truck and one of the exposure devices was not properly blocked or braced.

8. On April 10, 2003, the Licensee's RSO deliberately transported a SPEC Model 150 radiographic exposure device, containing a nominal 142 curie iridium-192 sealed source, by highway without a shipping paper and the material was not excepted from shipping paper requirements, as required by 10 CFR 71.5(a) and 49 CFR 177.817(a).

9. On April 10, 2003, the Licensee's RSO deliberately transported a radiographic exposure device, containing a nominal 142 curie iridium-192 sealed source, without its safety cover installed to protect the source assembly from water, mud, sand or other foreign matter, as required by 10 CFR 34.20(c)(3).

The NRC must be able to rely on the Licensee and its employees to comply with all NRC requirements and to ensure that radiography is not conducted unless all required qualified individuals are present, have completed all required training, and are wearing all required dosimetry (*i.e.*, a direct-reading pocket dosimeter, alarming ratemeter, and a film badge or a thermoluminescent dosimeter). The failure to ensure that qualified individuals with appropriate dosimetry are present during radiography is a significant safety issue. The purpose of the second qualified individual is to observe radiographic operations, to provide immediate assistance to prevent unauthorized entry into areas where radiography is being conducted, and to assist the radiographer in case of an event involving the radiography source. The purpose of dosimetry, in particular the alarming ratemeter, is to provide information to the individuals involved in radiographic operations that there is a substantial radiation dose rate present, thereby allowing individuals to take appropriate precautions to reduce their exposures and those of the public.

In addition, the NRC must be able to rely on its licensees to maintain accurate records and to provide information to the NRC that is complete and accurate in all material respects. Based on the violations described in Section II above, the Licensee has deliberately failed to comply with NRC requirements, and has deliberately provided inaccurate and incomplete information to the NRC. These actions by the Licensee have raised serious doubt as to whether the Licensee can be relied upon in the future to comply with NRC requirements.

Consequently, I lack the requisite reasonable assurance that the Licensee's current operations under License No. 24–26628–01 can be conducted in compliance with the Commission's requirements and that the health and safety of the public, including the Licensee's employees, will be protected. Therefore, the public health, safety, and interest require that License No. 24–26628–01 be suspended. Furthermore, pursuant to 10 CFR 2.202, the significance of the violations described in Section II above is such that the public health, safety, and interest require that this Order be immediately effective.

In addition to these deliberate violations which occurred within NRC's jurisdiction, and upon which this Order is based, the investigation conducted by the NRC Office of Investigations determined that the following activities occurred in the State of Kansas, an NRC Agreement State. On February 17 and March 6, 2003, and on several occasions between May and October 2002, the Licensee deliberately conducted radiography at temporary job sites and the radiographer was not accompanied by an additional qualified individual. On February 17 and March 6, 2003, the Licensee deliberately permitted individuals to act as a radiographer's assistants before they had successfully completed the Licensee's training program for radiographer's assistants, and these individuals did not wear a direct-reading pocket dosimeter, an alarming ratemeter, and either a film badge or a thermoluminescent dosimeter while conducting radiography.

Accordingly, pursuant to Sections 81, 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 Parts 30 and 34, it is hereby ordered, *effective immediately,* that License No. 24–26628–01 is suspended pending further order:

A. All activities authorized by License No. 24–26628–01 involving the use of licensed material are hereby suspended pending further action by the NRC. All other requirements of the license remain in effect.

B. All activities authorized by 10 CFR 150.20 involving the use of licensed material in Non-Agreement States and areas of exclusive federal jurisdiction are hereby suspended.

C. All NRC-licensed material in the Licensee's possession shall immediately be placed in secured storage at the Licensee's facility located at 1606 Cherry Street, Kansas City, Missouri.

D. Within 24 hours following issuance of this Order, the Licensee shall notify Mr. Marc Dapas, Director, Division of Nuclear Materials Safety, NRC Region III, or his designee, at telephone number (630) 829–9801 and advise him of the current location, physical status, and storage arrangements of licensed materials. A written response documenting this information shall be submitted, under oath or affirmation, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Suite 255, Lisle, IL 60532–3451 within seven days of receipt of this Order.

E. No material authorized by the license shall be ordered, purchased, received, or transferred by the Licensee while this Order is in effect.

F. All records related to licensed activities and materials shall be maintained in their original form and must not be removed, destroyed, or altered in any way.

The Director of the Office of Enforcement, the Director of the Office of Nuclear Materials Safety and Safeguards, or the Regional Administrator, Region III, may, in writing, relax or rescind this Order upon demonstration by the Licensee of good cause.

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 must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and 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 admit or deny each allegation or charge made in this order and 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, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies of the hearing request also should be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, to the Assistant General Counsel for Materials

Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Suite 255, Lisle, IL 60532–4351, and to the Licensee if the hearing request is by a person other than the Licensee. Because of continuing 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 Office of the General Counsel 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 § 2.309.

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.

Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee, or any other person adversely affected by this Order, may, in addition to demanding a hearing at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be 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. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

In addition to issuance of this Order suspending License No. 24–26628–01, the NRC requires further information from the Licensee in order to determine whether the NRC can have reasonable assurance that in the future the Licensee will conduct its activities in accordance with the NRC's requirements.

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the NRC's regulations in 10 CFR 2.204 and 10 CFR parts 30 and 34, in order for the NRC to determine whether the license should be further modified or revoked, or other enforcement action taken, the Licensee is required to submit to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, within 20 days of the date of this Order and Demand for Information, in writing and under oath or affirmation:

1. An explanation as to why, in light of the findings set forth in Section II of this Order and Demand for Information, that License No. 24–26628–01 should not be revoked.

2. If the Licensee believes that the license should not be revoked, the Licensee, in its response, should address, at a minimum, why the NRC should have reasonable assurance that the Licensee, in the future, will ensure appropriate management oversight of licensed activities such that licensed activities will be conducted in accordance with regulatory requirements (this shall include a description of who will be responsible for assuring such activities are conducted in accordance with 10 CFR parts 30 and 34 requirements).

Copies also shall be sent to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region III, 801 Warrenville Road, Suite 255, Lisle, IL 60532–4351.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

Dated this 11th day of March 2004.

For the Nuclear Regulatory Commission.

**Carl J. Paperiello,**

*Deputy Executive Director for Materials, Research and State Programs.*

[FR Doc. 04–6275 Filed 3–19–04; 8:45 am]

BILLING CODE 7590–01–P

## OVERSEAS PRIVATE INVESTMENT CORPORATION

### Agency Report Form Under OMB Review

**AGENCY:** Overseas Private Investment Corporation (OPIC).

**ACTION:** Request for comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to publish a notice in the **Federal Register** notifying the public that the Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of the Agency's burden estimate; the quality, practical utility and clarity of the information to be collected; and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review, OMB control number 3420–0019, is summarized below.

**DATES:** Comments must be received within 60 calendar days of publication of this notice.

**ADDRESSES:** Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency submitting officer. Comments on the form should be submitted to the Agency submitting officer.

**FOR FURTHER INFORMATION CONTACT:**

**OPIC Agency Submitting Officer**

Bruce I. Campbell, Records Management Officer, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527; (202) 336–8563.

**Summary Form Under Review**

*Type of Request:* Revised form.

*Title:* Self Monitoring Questionnaire for Insurance & Finance Projects.

*Form Number:* OPIC–162.

*Frequency of Use:* Annually for duration of project.

*Type of Respondents:* Business or other institution (except farms); individuals.

*Description of Affected Public:* U.S. companies or citizens investing overseas.

*Reporting Hours:* 8.5 hours per project.

*Number of Responses:* 419 per year.

*Federal Cost:* $28,634.

*Authority for Information Collection:* Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.

*Abstract (Needs and Uses):* The questionnaire is completed by OPIC-assisted investors annually. The questionnaire allows OPIC's assessment of effects of OPIC-assisted projects on the U.S. economy and employment, as well as on the environment and economic development abroad.

Dated: March 17, 2004.

**Eli Landy,**

*Senior Counsel, Administrative Affairs, Department of Legal Affairs.*

[FR Doc. 04–6272 Filed 3–19–04; 8:45 am]

BILLING CODE 3210–01–M

## OVERSEAS PRIVATE INVESTMENT CORPORATION

### Agency Report Form Under OMB Review

**AGENCY:** Overseas Private Investment Corporation (OPIC).

**ACTION:** Request for comments.

**SUMMARY:** Under the provision of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of the Agency's burden estimate; the quality, practical utility and clarity of the information to be collected; and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review, OMB control number 3420–0023, is summarized below.

**DATES:** Comments must be received within 60 calendar days of publication of this notice.

**ADDRESSES:** Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency submitting officer. Comments on the form should be submitted to the Agency Submitting Officer.

**FOR FURTHER INFORMATION CONTACT:**

**OPIC Agency Submitting Officer**

Bruce I. Campbell, Record Management Officer, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527; (202) 336–8563.

**Summary Form Under Review**

*Type of Request:* Revised form.

*Title:* Self Monitoring Questionnaire for Investment Funds' Sub-Projects.

*Form Number:* OPIC–217.

*Frequency of Use:* Annually for duration of project.

*Type of Respondents:* Business or other institution (except farms); individuals.

*Description of Affected Public:* U.S. companies or citizens investing overseas.

*Reporting Hours:* 8.5 hours per project.

*Number of Responses:* 419 per year.

*Federal Cost:* $28,634.

*Authority for Information Collection:* Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.

*Abstract (Needs and Uses):* The questionnaire is completed by OPIC-assisted investors annually. The questionnaire allows OPIC's assessment of effects of OPIC-assisted projects on the U.S. economy and employment, as well as on the environment and economic development abroad.

Dated: March 17, 2004.

**Eli Landy,**

*Senior Counsel, Administrative Affairs, Department of Legal Affairs.*

[FR Doc. 04–6273 Filed 3–19–04; 8:45 am]

BILLING CODE 3210–01–M

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

**Extension**

Rule 29; SEC File No. 270–169; and OMB Control No. 3235–0149.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et. seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 29 under the Public Utility Holding Company Act of 1935, as amended, (''Act''), 15 U.S.C. 79, *et seq.*, requires that ''[a] copy of each annual report submitted by any registered holding company or any of its subsidiaries to a state commission covering operations not reported to the Federal Energy Regulatory Commission shall be filed with the Securities and Exchange Commission no later than ten days after its submission.''

The regulation requires that the same reports prepared and filed under state law be filed with the Commission. The information collected under Rule 29 permits the Commission to remain current on developments that are reported to state commissions, but that may not otherwise be reported to the Commission. This information is beneficial to the liaison the Commission maintains with state governments and is also useful in the preparation of annual reports to the U.S. Congress required under Section 23 of the Act, 15 U.S.C. 79(w).

The Commission receives about 62 annual reports per year under this regulation. We estimate, on the basis of informal discussions with respondents, that the rule imposes a burden of about .25 hours each year for each respondent, who makes only one submission. Therefore, a total annual burden of 15.50 hours is imposed. The cost of this reporting burden is estimated to be $100 per hour or $1,550 total for all respondents. The responses are public records so confidentiality is not an issue. All registered companies and their subsidiaries are required to make the filings.

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

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or send an e-mail to: *David_Rostker@omb.eop.gov.;* and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 15, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–6262 Filed 3–22–04; 8:45 am]

BILLING CODE 8010–01–P

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

**Extension**

Rule 1(c) and Form U5S; SEC File No. 270–168; and OMB Control No. 3235–0164.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Under rule 1(c) and section 14 of the Public Utility Holding Company Act of 1935 (''Act''), Form U5S must be filed annually by all registered holding companies. Form U5S contains broad ranging information such as a description of system companies, acquisitions and sales of utility assets, securities transactions, and other information necessary for the staff to ascertain compliance with the Act. The 33 annual responses together incur about 445.5 burden hours to comply with these requirements.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

The Commission needs this information to determine if the registered holding companies and their subsidiaries (and, in certain instances, exempt holding companies) are in compliance with the Public Utility Holding Company Act of 1935. There is no requirement to keep the information confidential because it is public information. An agency may not conduct or sponsor, and a registered holding company is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct general comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an email to: *David_Rostker@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 15, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–6263 Filed 3–19–04; 8:45 am]

BILLING CODE 8010–01–P

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 57(a)—SEC File No. 270–376—OMB Control No. 3235–0428

Form U–57—SEC File No. 270–376—OMB Control No. 3235–0428.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Under rule 57(a) of the Act, Form U–57 must be used by a person filing under sections 33(a)(3)(B) and 33(c)(1) of the Act providing that U–57 is the form on which (1) a company seeking to become a ''foreign utility company'' may inform the Commission of that status, and (2) a registered holding company that acquires an interest in a ''foreign utility company'' may inform the Commission of that acquisition. The 101 annual responses together incur about 405 burden hours to comply with these requirements.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

The Commission needs this information to determine if the registered holding companies and their subsidiaries (and, in certain instances, exempt holding companies) are in compliance with the Public Utility Holding Company Act of 1935. There is no requirement to keep the information confidential because it is public information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to: *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 15, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–6264 Filed 3–19–04; 8:45 am]

BILLING CODE 8010–01–P

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of March 22, 2004: a closed meeting will be held on Thursday, March 25, 2004, at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(5), (7), (9), and (10) and 17 CFR 200.402(a)(5), (7), 9(ii), and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Atkins, 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 25, 2004, will be:

Formal orders of investigation;

Settlement of injunctive actions; and

Institution and settlement of administrative proceedings of an enforcement nature.

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: March 17, 2004.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 04–6402 Filed 3–17–04; 4:41 pm]

BILLING CODE 8010–01–P

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–49409; File No. SR–NASD–2004–035]**

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc., Extending Pilot Regarding the Issuance of Market Participant Identifiers

March 12, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 27, 2004, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. Nasdaq has designated the proposed rule change as ''non-controversial'' under section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is proposing to extend through October 1, 2004, a pilot program that enables members that are registered as market makers or electronic communications networks (''ECNs'') to request and receive a second market participant identifier (''MMID'') with which to enter a second Attributable Quote/Order in the Nasdaq Quotation Montage. The text of the proposed rule change is set forth below. Proposed new language is in *italics*; proposed deletions are in [brackets].

* * * * *

**4613. Character of Quotations**

(a) Quotation Requirements and Obligations.

(1) No Change.

(2) For a six-month pilot period beginning [September 1, 2003] *March 1, 2004*, market makers and ECNs may request the use of a second MMID. A market maker may request the use of a second MMID for displaying Attributable Quotes/Orders in the Nasdaq Quotation Montage for any security in which it is registered and meets the obligations set forth in subparagraph (1) of this rule. An ECN may request the use of a second MMID for displaying Attributable Quotes/Orders in the Nasdaq Quotation Montage for any security in which it meets the obligations set forth in Rule 4623. A market maker or ECN that ceases to meet the obligations appurtenant to its first MMID in any security shall not be permitted to use the second MMID for any purpose in that security.

(3) No Change.

(b)–(e) No Change.

* * * * *

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

An NASD member that registers as a market maker or ECN is permitted to enter one two-sided quotation per security in the Nasdaq Quotation Montage, and it is assigned a unique MMID with which to enter such quotations. The NASD 4600 Rule Series governs the character of such quotations and the rights and obligations of members that display quotations in the Nasdaq Quotation Montage via their MMIDs. The NASD Rule 4700 Series sets forth the rights and obligations of members that participate in the Nasdaq National Market Execution System (''SuperMontage''), including the entry of quotes and orders and the display of quotations. Numerous other NASD and Commission rules govern the conduct of members in their use of MMIDs to enter and execute orders and display quotes, including, for example, NASD IM–2110–2 (the ''Manning Interpretation''), NASD Rule 6950 (the ''Order Audit Trail System''), and NASD Rule 2320 (the ''Best Execution'' rule).

Effective July 1, 2003, Nasdaq amended NASD Rule 4613(a) for a two-month pilot period to permit market makers and ECNs to request the use of a second MMID for displaying Attributable Quotes/Orders in the Nasdaq Quotation Montage (the ''Pilot'').[5] Under the Pilot, a market maker may request the use of a second MMID for displaying Attributable Quotes/Orders in any security in which it is registered and meets the obligations set forth in NASD Rule 4613(a)(1), including the maintenance of a continuous two-sided quotation. The Pilot also provides that an ECN may request the use of a second MMID for displaying Attributable Quotes/Orders in the Nasdaq Quotation Montage for any security in which it meets the obligations set forth in NASD Rule 4623.

Through this rule filing, Nasdaq is proposing to extend the Pilot through October 1, 2004. Since the Pilot began, Nasdaq has granted five market makers' applications for second MMIDs for displaying additional Attributable Quotes/Orders. As of the date of this filing, Nasdaq represents that one market maker has begun displaying additional Attributable Quotes/Orders under the Pilot. In addition, three ECNs are authorized to use second MMIDs for displaying additional Attributable Quotes/Orders in SuperMontage. Nasdaq represents that those ECNs were authorized to use second MMIDs prior to the launch of the Pilot. However, Nasdaq determined that their continued use of the second MMIDs was subsumed within the later-filed Pilot. According to Nasdaq, two of those three ECNs are currently using second MMIDs for displaying additional Attributable Quotes/Orders in SuperMontage.

Nasdaq believes the Pilot, though not yet widely used by NASD members, will prove to be an important step in the evolution of its marketplace. Nasdaq represents that trading of Nasdaq securities has changed rapidly and dramatically due to increasingly sophisticated routing and linkage systems that are available to public investors, institutions, broker/dealers, and vendors. Nasdaq believes that the ability to enter quotes and orders and to display quotations under a second MMID would help Nasdaq keep pace with recent changes and allow it to offer functionality that market participants

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] For a more detailed explanation of the pilot rule change, *see* Securities Exchange Act Release Nos. 47954 (May 30, 2003), 68 FR 34017 (June 6, 2003) (SR–NASD–2003–87) (notice of filing and immediate effectiveness of Pilot); and 48619 (October 9, 2003), 68 FR 59832 (October 17, 2003) (SR–NASD–2003–137) (extension of Pilot for a six-month period beginning September 1, 2003).

already find elsewhere today. Nasdaq believes that the Pilot should also improve the quality of executions within Nasdaq by enabling members to contribute more liquidity to the market and add to the transparency of trading interest. Due to the surveillance procedures described below, Nasdaq believes that the Pilot should also improve the regulation of trading in Nasdaq securities to the extent members consolidate more of their trading activity in Nasdaq.

Nasdaq believes that it is essential to maintain its regulation of trading on Nasdaq at the same high level of compliance with NASD and Commission rules that it has achieved to date. Except as noted in the proposed rule, members that use a second MMID would be required to comply with all NASD and Commission rules applicable to their current use of a single MMID. Members would be prohibited from using a second MMID to accomplish indirectly what they are prohibited from doing directly through a single MMID. For example, members would not be permitted to use a second MMID to avoid their Manning obligations under NASD IM–2110–2, best execution obligations under NASD Rule 2320, or their obligations under the Commission's Order Handling Rules. Members would be required to continue to comply with the firm quote rule, the OATS rules, and the Commission's order routing and execution quality disclosure rules. In addition, NASD Rule 4613(a) specifically prohibits firms from displaying a second Attributable Quote/Order to engage in passive market making or to enter stabilizing bids because this could violate NASD Rules 4614 and 4619 and Regulation M under the Act. To the extent that the allocation of second MMIDs were to create regulatory confusion or ambiguity, every inference would be drawn against the use of a second MMID in a manner that would diminish the quality or rigor of the regulation of the Nasdaq market.

Nasdaq represents that it, in conjunction with the NASD, has developed procedures to maintain a high level of surveillance and member compliance with its rules with respect to members' use of both Primary and Secondary MMIDs to display quotations in Nasdaq systems. Nasdaq and NASD have implemented a review process to ensure that firms utilizing second MMIDs under the pilot would do so in accordance with the terms under which use of the second MMID was granted.

Further, Nasdaq represents that new, fully automated surveillance technology has been developed to enable NASD systems to analyze trading and generate alerts at the firm level (*i.e.*, aggregating activity across all MMIDs for a firm into one primary MMID) or the individual MMID level (*i.e.*, treating each MMID separately), depending on the particular surveillance requirements. Nasdaq believes that the use of firm-level information is essential to detecting market participants that may exceed certain surveillance thresholds at the firm level, but would otherwise go undetected at the individual MMID level. Further, Nasdaq believes that the ability to aggregate data and analyze data at the firm level is critical to identifying instances where a firm is using different MMIDs to engage in conduct such as marking-the-close and trading ahead, among other things. Conversely, Nasdaq believes that the use of specific MMID information is critical for the surveillance of individual quotes, trades, and orders for compliance with firm quote obligations, among other things.

If it were to be determined that a Secondary MMID issued under the Pilot was being used improperly, Nasdaq would withdraw its grant of the Secondary MMID for all purposes for all securities.[6] In addition, if a market maker or ECN were no longer to fulfill the conditions appurtenant to its Primary MMID (*e.g.*, by being placed into an unexcused withdrawal), it would not be permitted to use the Secondary MMID for any purpose in that security.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the Act, including section 15A(b)(6) of the Act,[7] which requires, among other things, that a national securities association's rules be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general to protect investors and the public interest. Nasdaq believes that the proposed rule change is consistent with these requirements because it would facilitate transactions in securities, remove impediments to a free and open market, and protect investors by improving the transparency and efficiency of transactions.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments were neither solicited nor received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Nasdaq has requested that the Commission waive the 5-day pre-filing notification and the 30-day operative delay. The Commission believes that waiving the 5-day pre-filing notification and the 30-day operative delay is consistent with the protection of investors and the public interest, because it will allow Nasdaq to continue the Pilot without interruption. For these reasons, the Commission designates the proposal to be effective and operative upon filing with the Commission.[10]

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

[6] Nasdaq represents that it has had no occasion to withdraw the grant of a Secondary MMID due to improper usage under the Pilot.

[7] 15 U.S.C. 78*o*–3(b)(6).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] For purposes only of waiving the 30-day operative delay of the proposed rule change the Commission considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov.* All comment letters should refer to File No. SR–NASD–2004–035. This file number should be included on the subject line if e-mail is used. To help the Commission process and review comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–2004–035 and should be submitted by April 12, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–6265 Filed 3–19–04; 8:45 am]

**BILLING CODE 8010–01–P**

[11] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–49422; File No. SR–NSCC–2003–20]**

## Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Eliminate the Higher Capital Requirements Imposed on Members for Processing Investment Fund Transactions Through NSCC's Mutual Fund Services

March 16, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on October 9, 2003, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') and on October 22, 2003, amended the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

[1] 15 U.S.C. 78s(b)(1).

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to amend the standards of financial responsibility required for certain NSCC applicants and members using NSCC's Mutual Fund and Insurance Services. Specifically, the proposed rule change will delete Addendum V to NSCC's Rules thereby eliminating the higher capital requirements imposed on NSCC Mutual Fund/Insurance Services Members and Fund Members processing Investment Funds transactions through NSCC's Mutual Fund Services.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

Mutual Fund Services are non-guaranteed services offered by NSCC under NSCC Rule 52. In November 2000, NSCC expanded the types of products eligible for processing through NSCC's Mutual Fund Services to include ''Investment Funds.''[3] An Investment Fund is defined in Rule 1 of NSCC's Rules as a ''fund or investment entity subject to regulation under applicable federal and state banking and/or insurance laws.'' Examples of such funds include stable value funds, guaranteed investment contracts which are regulated as group annuities, and collective bank investment trusts.

NSCC adopted Addendum V, ''Financial Standards for Applicants and Participants Processing Investment Fund Transactions through Mutual Fund Services,'' in connection with making Investment Fund products eligible for processing at NSCC. Addendum V modified the standards of financial responsibility and operational capability set forth in Addenda B and I[4] of NSCC's Rules to impose more stringent capital requirements on Mutual Fund/Insurance Services Members and Fund Members that process Investment Funds through NSCC's Mutual Fund Services. The more stringent financial standards were adopted because of NSCC's unfamiliarity with the product. Since its introduction, however, this service has been actively used and each day brings new requests by firms to become participants in order to take advantage of the services. NSCC has experienced no member defaults in the processing of Investment Funds through NSCC's Mutual Fund Services.

NSCC has determined that the current financial standards are an unnecessary barrier to entry. Based on NSCC's experience to date, the stringency of the financial criteria applicable to members doing transactions in Investment Funds is not commensurate with the associated risks.

Although NSCC is proposing to reduce the financial requirements imposed on all Mutual Fund/Insurance Services Member and Fund Member applicants and members seeking to process Investment Fund transactions at NSCC by deleting Addendum V, such applicants and members shall remain subject to the criteria set forth in Addenda B and I.

NSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[5] and the rules and regulations thereunder applicable to NSCC because it will promote the prompt and accurate clearance and settlement of securities transactions by facilitating more direct access by NSCC members to NSCC Mutual Fund Services for Investment Funds.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

NSCC believes that the proposed rule change will not impose a burden on

[2] The Commission has modified the text of the summaries prepared by NSCC.

[3] Securities Exchange Act Release No. 43606 (November 21, 2000), 65 FR 71182 (November 29, 2000) [File No. SR–NSCC–00–05].

[4] Addendum B applies to Mutual Fund/Insurance Services Members processing mutual funds through NSCC's Mutual Fund Services, and Addendum I applies to Fund Members processing mutual funds through NSCC's Mutual Fund Services.

[5] 15 U.S.C. 78q–1.

competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would remove a barrier to entry to and use of NSCC services for processing Investment Funds at NSCC thereby permitting additional entities to access and use NSCC directly for their processing of these products.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

NSCC has not solicited nor received written comments directly relating to the proposed rule change. Banks and trust company members that process mutual fund transactions at NSCC have informed NSCC that the stringent capital requirements of Addendum V preclude them from processing their Investment Fund transactions directly at NSCC and cause them to incur increased processing costs. These entities have requested that NSCC review the appropriateness of these criteria. NSCC will notify the Commission of any other written comments received by NSCC.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov.* All comment letters should refer to File No. SR–NSCC–2003–20. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC and on NSCC's Web site at *http://www.nscc.com/legal/.*

All submissions should refer to File No. SR–NSCC–2003–20 and should be submitted by April 12, 2004.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 04–6335 Filed 3–19–04; 8:45 am]

BILLING CODE 8010–01–P

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–49420; File No. SR–OCC–2003–08]**

## Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change Related to Delivery Settlement of Exercised Stock Options and Matured Stock Futures

March 16, 2004.

**I. Introduction**

On August 22, 2003, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–OCC–2003–08 pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on February 13, 2004.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

**II. Description**

OCC is restructuring its rules applicable to delivery settlement of exercised stock options and matured stock futures.

The purpose of the proposed rule change is to:

(1) Restructure OCC's Rules applicable to physical settlement of exercised stock options and matured stock futures to reflect that such settlements are normally effected through the National Securities Clearing Corporation (''NSCC'') (*i.e.*, the correspondent clearing corporation) with broker-to-broker (''BTB'') settlement procedures as a backup;

(2) Require that BTB settlements be made on a delivery-versus-payment (''DVP'') basis at The Depository Trust Company (''DTC'') unless OCC directs otherwise;

(3) Revise OCC's Rules applicable to delivery settlement effected on a BTB basis in order to reflect the enhanced system capabilities to track such settlements offered by ENCORE Release 4.0, which was installed on September 26, 2003;[3]

(4) Revise OCC's Rules relating to buy-ins and sell-outs to parallel NSCC's Rules relating to buy-ins with respect to security balance orders; and

(5) Revise OCC's Rule relating to protect provisions so OCC rules parallel NSCC's Rules relating to protect provisions with respect to security balance orders.

OCC's By-Laws define an ''underlying security'' with respect to physically settled stock options and stock futures to mean the security or other asset that OCC is obligated to sell or to purchase upon exercise or maturity of the contract. Normally, underlying securities are delivered and paid for through the facilities of NSCC, but under certain circumstances settlement must be made on a BTB basis.[4] If more than one underlying security is deliverable with respect to an exercised or matured contract, ENCORE Release 4.0 will treat the delivery of each underlying security as a separate settlement obligation. Payment of the aggregate purchase price for an underlying security will also be treated

[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 49208 (February 9, 2004), 69 FR 7275.

[3] ENCORE Release 4.0, which includes updated systems for settlement of physical delivery stock options and stock futures, is a major installation in OCC's multiyear project to rewrite its clearance and settlement system.

[4] Such circumstances include cases when NSCC excludes an underlying security from its continuous net settlement system or when OCC suspends a clearing member with pending settlements that have not yet been guaranteed by NSCC.

as a separate settlement obligation.[5] As is the case today, OCC will allocate a percentage of the exercise price or the final settlement price to each underlying security to be delivered.[6]

OCC will provide clearing members with Delivery Advices indicating whether settlements are to be effected through NSCC or on a BTB basis. Delivery Advices will specify settlement information for the clearing member including each underlying security to be delivered or received, the aggregate purchase price to be received or paid, the delivery date, the exercise price or final settlement price, the percentage of the exercise price allocated to the underlying security, the contra-clearing member to the settlement (for BTB settlements), and in the case of options, the activity (*i.e.*, exercise or assignment) giving rise to the settlement obligation.

OCC will normally require that BTB settlements be made on a DVP basis through the facilities of DTC in order to avoid the need for OCC to margin ''Herstatt risk'' (*i.e.*, the risk that a party may fail to make delivery or payment, as the case may be, after having itself received payment or delivery). However, the proposed rule change retains provisions for BTB settlements outside of DTC to provide for the rare case where an underlying security may not be DTC-eligible and reflects the enhanced ENCORE Release 4.0 system capabilities to process and monitor BTB settlements. For BTB settlements, the delivering clearing member will enter into ENCORE the number of units of the underlying security delivered (up to the total delivery requirement) and the amount received in respect thereof. The receiving clearing member will enter the number of units of the underlying security received and the amount paid. These entries can occur at different times. Only if the entries match (*i.e.*, the number of units delivered equals the number received or the amount received equals the amount paid, as the case may be) will the settlement obligation be discharged. In the event that the matched number of units or payment amounts is less than the total settlement obligation, only the deficiency will be treated as unsettled. An entry for which no response has been given by the second business day after its posting will be deemed settled provided that the specified delivery date has passed. Contradictory entries will be treated as unmatched items and will be deemed unsettled. All unsettled obligations will be margined.[7] Partial deliveries will be permitted but only in round lots except where an adjustment has resulted in a unit of trading other than a round lot, in which case partial deliveries will also be permitted in the odd lot component or multiples thereof.[8]

Chapter IX of OCC's Rules sets forth the delivery and payment rules for stock options and stock futures. Those Rules are being restructured to reflect that settlement normally occurs through NSCC with BTB settlement as the backup. Consistent with other OCC Rule Chapters, an introductory section has been added to Chapter IX of the Rules. This introductory section sets forth OCC's authority to designate a settlement method with regard to exercised stock options and matured stock futures, OCC's general policy to effect such settlement through NSCC, and OCC's authority to alter a previous designation of a settlement method. Former Rule 913, which concerns settlements through NSCC, has been renumbered as Rule 901. Other conforming changes have been made to the Rule to reflect the general policy that settlement will occur through NSCC.

Former Rules 901 through 907, which pertain to BTB settlements, have been renumbered as Rules 902 through 908. These Rules, along with Rule 909, have been modified to reflect the enhanced system for monitoring and tracking BTB settlements described above. Rules 910 and 911, which concern fails to deliver and receive, respectively, and 910A, which concerns protect procedures, have been modified to more closely parallel applicable provisions of NSCC's Rules. Obsolete rule references have been deleted, and conforming changes have been made to other By-Law and rule provisions as necessary.

## III. Discussion

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.[9] The Commission finds that OCC's proposed rule change is consistent with this requirement because it will promote the prompt and accurate clearance and settlement of securities transactions by clarifying its Rules and enhancing its procedures with respect to the physical settlement of exercised options and matured security futures.

## IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–2003–08) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–6336 Filed 3–19–04; 8:45 am]

**BILLING CODE 8010–01–P**

[5] If the underlying security includes a cash component (*e.g.*, cash in lieu amounts or the proceeds of a cash merger), the cash is settled through OCC's cash settlement system.

[6] An adjustment of a contract in response to a corporate action may result in more than one underlying security being deliverable upon exercise or maturity. OCC By-Laws, Article VI, section 11 and Article XIII, section 4.

[7] The total obligation will continue to be margined until the installation of the margin subsystem.

[8] For example, where the unit of trading for an adjusted contract is 133 shares, a writer of three assigned calls could deliver in increments of 100 shares, 200 shares, 300 shares, 33 shares, 66 shares, and/or 99 shares separately or in any combination up to a total of 399 shares.

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 200.30–3(a)(12).

# SMALL BUSINESS ADMINISTRATION

**[Declaration of Disaster #P020]**

## State of South Carolina (Amendment #1)

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency, effective March 10, 2004, the above numbered declaration is hereby amended to include Cherokee, Chester, Darlington, Dillon, Fairfield, Lee, Oconee, Saluda and Union Counties for Public Assistance in the State of South Carolina as disaster areas due to damages caused by a severe ice storm occurring on January 26, 2004 and continuing through January 30, 2004.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is April 13, 2004.

(Catalog of Federal Domestic Assistance Program No. 59008)

Dated: March 16, 2004.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 04–6337 Filed 3–19–04; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

### Federal and State Technology Partnership Program To Provide Outreach and Technical Assistance to Small Technology-Based Businesses Interested in Becoming Involved or Presently Involved in Federal R&D Programs

**AGENCY:** Small Business Administration.

**ACTION:** Program Announcement No. FAST–04–R–0003.

**SUMMARY:** The U.S. Small Business Administration (SBA) plans to issue Program Announcement No. FAST–04–R–0003 and invite applicants from the 50 states, the District of Columbia, American Samoa, Guam, Virgin Islands and the Commonwealth of Puerto Rico to conduct outreach and provide technical assistance services to technology-based small business owners. This program is authorized by § 34(c) of the Small Business Act (15 U.S.C. 657d(c)). There is a one proposal per state limitation on this competition. Only one proposal from each state may be submitted to SBA for consideration, and this application must have an original, signed Letter of Endorsement from the State Governor (Mayor for the District of Columbia). Prospective recipients of SBA funding under this Program Announcement include both new applicants and current FAST Program service providers. Eligible applicants include, but are not limited to, state and local Economic Development Agencies, colleges and universities and Small Businesses Development Centers. Funds will be provided to conduct programs for a 12-month budget and performance period. Applications/proposals must be postmarked by 4 p.m., Eastern Daylight Time, May 5, 2004. If using a delivery service other than the U.S. Postal Service, the application must be delivered and accepted by the Office of Procurement and Grants Management by the deadline specified above. SBA will select successful applicants using a competitive process. Applications will be reviewed and awarded simultaneously for new and incumbent applicants under this Announcement. Applicants must plan to target women and minority small businesses as well as those small businesses not traditionally involved in the SBIR/STTR programs. Applicants' technical proposal must contain information about its current status and past performance (incumbent applicant's only), and a plan describing how the effort will be sustained once the grant expires. The FAST Program is authorized through Fiscal Year 2005 and will be competed annually, subject to availability of funds. There is a cascading non-Federal match requirement for this program. The non-federal match requirement ratios are based on state rankings derived from FY 2002 Phase I SBIR awards. These ratios are 1:1, 2:1, and 3:4. The program announcement will be available at *http://www.sba.gov/sbir.*

**DATES:** The application period will be from March 11, 2004 until May 5, 2004.

**FOR FURTHER INFORMATION CONTACT:** Cherina Hughes, (202) 205–7344 regarding the Program Announcement and Patricia Branch, (202) 205–7081 about budget matters.

**Edsel M. Brown, Jr.,**

*Assistant Administrator, SBA Office of Technology.*

[FR Doc. 04–6352 Filed 3–19–04; 8:45 am]

BILLING CODE 8025–01–P

## DEPARTMENT OF STATE

**[Public Notice 4666]**

### Redesignation of Foreign Terrorist Organizations

Pursuant to section 219 of the Immigration and Nationality Act, as amended, 8 U.S.C. 1189, the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, hereby redesignates, effective March 22, 2004, the following three organizations as foreign terrorist organizations:

Al-Aqsa Martyrs Brigade, also known as the al-Aqsa Martyrs Battalion

Asbat al-Ansar

Salafist Group for Call and Combat, also known as the Salafist Group for Preaching and Combat, also known as GSPC, also known as Groupe Salafiste pour la Predication et le Combat.

Dated: March 15, 2004.

**Cofer Black,**

*Coordinator for Counterterrorism, Department of State.*

[FR Doc. 04–6333 Filed 3–19–04; 5:00 pm]

BILLING CODE 4710–10–P

## DEPARTMENT OF STATE

**[Public Notice 4667]**

### Foreign Terrorists and Terrorist Organizations; Designation: Ansar al-Islam

In the Matter of the Designation of Ansar al-Islam, also known as Devotees of Islam, also known as Followers of Islam in Kurdistan, also known as Helpers of Islam, also known as Jund al-Islam, also known as Kurdistan Supporters of Islam, also known as Kurdish Taliban, also known as Partisans of Islam, also known as Soldiers of Islam, also known as Soldiers of God, also known as Supporters of Islam in Kurdistan, also known as Ansar al-Sunna, also known as Ansar al-Sunna Army, also known as Jaish Ansar al-Sunna, as a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act.

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, the Secretary of State has concluded that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (8 U.S.C. 1189, hereinafter ''INA''), exist with respect to Ansar al-Islam.

Therefore, effective March 22, 2004, the Secretary of State hereby designates that organization as a foreign terrorist organization pursuant to section 219(a) of the INA.

Dated: March 15, 2004.

**Cofer Black,**

*Coordinator for Counterterrorism, Department of State.*

[FR Doc. 04–6334 Filed 3–19–04; 5:00 pm]

BILLING CODE 4710–10–P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Opportunity To Apply for Membership on the 2004 U.S.-Japan Private Sector/Government Commission

**AGENCY:** Office of the United States Trade Representative (USTR).

**ACTION:** Notice of membership opportunity.

**SUMMARY:** The U.S. Government is seeking letters of interest for private sector membership on the U.S. side of the U.S.-Japan Private Sector/Government Commission (Commission) for 2004. President Bush and Japanese Prime Minister Koizumi launched the Commission in June 2001 as part of the U.S.-Japan Economic Partnership for Growth (Partnership). It is expected the 2004 Commission meeting will be held in mid-2004 on the topic of ''Advancing U.S.-Japan Economic Cooperation.''

**DATES:** In order to receive full consideration, letters of interest must be received by the U.S. Government Secretariat no later than April 27, 2004.

**ADDRESSES:** Please send requests for consideration by facsimile or express mail to *only* the U.S. Government Secretariat for the U.S.-Japan Private Sector/Government Commission in care of Karin Ryerson, Office of Japan, U.S. Department of Commerce, Room 2320, 14th Street and Constitution Avenue, NW., Washington, DC 20230, facsimile (202) 482–0469. Requests sent by e-mail *will not* be considered. Candidates chosen for membership will be notified in writing.

**SUPPLEMENTARY INFORMATION:**

## Introduction

The U.S. Government seeks letters of interest for private sector membership on the U.S. side of the 2004 U.S.-Japan Private Sector/Government Commission. President Bush and Japanese Prime Minister Koizumi launched the Commission in June 2001 as part of the Partnership. The Commission is made up of U.S. and Japanese Government and private sector representatives. It aims to integrate the U.S. and Japanese private sectors more fully into the economic work of the two Governments. The Commission enables U.S. and Japanese private sector representatives to present input—including expertise, observations, and recommendations—on an agenda topic agreed to in advance by the two Governments. For a description of the goals and structure of the Commission and the Partnership, see the Annex to the Joint Statement by President Bush and Prime Minister Koizumi on June 30, 2001, on the Department of Commerce Web site at: *http://www.mac.doc.gov/japan/source/menu/partnership/partnership2.html*.

## Topic

The Commission topic is selected annually. This year's topic is ''Advancing U.S.-Japan Economic Cooperation.'' It focuses on how the United States and Japan can most effectively work together to meet the emerging challenges facing the global economy. Discussions would center on greater cooperation in key areas that would include: Developing methods to ensure that goods and services can flow across borders as smoothly and securely as possible; fostering economic growth through new technologies; identifying structural and regulatory reforms that would expand business opportunities, increase market access, and promote a more entrepreneurial business climate; and achieving stronger intellectual property protection.

## Duties and Responsibilities of Private Sector Members

Private sector individuals chosen for the Commission will be expected to be fully involved in all necessary preparatory meetings and attend the Commission's annual 2004 meeting. That meeting is expected to be held in mid-2004 in conjunction with a Subcabinet meeting of U.S. and Japanese Government officials at the Deputy/Vice-Ministerial level from key economic agencies and ministries and other agencies and ministries appropriate to the Commission's topic. The number of private sector Commission members will be limited and will be determined in coordination with the Japanese Government. Members of the private sector delegation from the United States will serve for one term. Members who wish to serve additional terms must apply under the same rules as other future prospective members.

Private sector members are fully responsible for travel, lodging and personal expenses associated with their participation in the Commission. They will receive no compensation. The private sector members will serve in a representative capacity, presenting the views and interests of the particular business sector in which they operate; private sector members are not special government employees. Candidates will be vetted for pending business before USTR and the Department of Commerce. Members from the private sector will be chosen based on criteria set forth in this Notice. Substitutions will not be permitted if a successful candidate is unable to fulfill his or her Commission duties.

## Candidate Eligibility and Selection Procedures

The process for recruiting and selecting Commission members from the U.S. private sector is based on objective, written criteria developed in accordance with the Annex to the Joint Statement by President Bush and Prime Minister Koizumi. To be eligible for consideration, each candidate must be a U.S. citizen, be employed by a U.S. company,[1] and not be a registered foreign agent under the Foreign Agents Registration Act of 1938.

All requests for consideration will be reviewed by the U.S. Government Secretariat (Secretariat) for the Commission, which is composed of officials from USTR and the Department of Commerce. Members of the Secretariat will evaluate each submission based on the evaluation criteria provided below and recommend a roster of candidates to the Assistant USTR for North Asian Affairs and the Department of Commerce's Assistant Secretary for Market Access and Compliance (Selecting Officials). These Selecting Officials will review the Secretariat's recommendations and make the final determination on which candidates will be selected for the 2004 Commission.

## Submission Procedures and Evaluation Criteria

To be considered for Commission membership, prospective candidates must submit a personal resume and a letter of interest on company letterhead that provides the information and responds directly to the criteria outlined below. Please limit submissions to these materials, which must be submitted by individual candidates and not by proxy. Referrals from political organizations and any references to political contributions or other partisan political activities will not be considered in the selection process. The following criteria will be considered:

- Stated reasons the candidate wishes to be considered for the Commission;
- Experience in executive-level positions, such as CEO of U.S. companies;
- Experience doing business with or in Japan;
- Expertise in the topic to be considered by the 2004 Commission;
- Commitment to undertake any necessary preparatory work and to participate in any preparatory meetings and the annual Commission meeting;
- Commitment to assume the costs of travel, lodging and other personal expenses related to Commission participation;
- Contributions to Commission membership diversity based on company size, type, and location; and
- Other considerations relevant to the Commission as described in the Annex to the Joint Statement by President Bush and Prime Minister Koizumi.

[1] A U.S. company is defined in the Procedures and Rules for Industry Sector Advisory Committees as a firm incorporated in the United States (or an unincorporated U.S. firm with its principal places of business in the United States) that is controlled by U.S. citizens or by another U.S. entity. An entity is not a U.S. company if 50 percent plus one share of its stock (if a corporation, or a similar ownership interest of an unincorporated entity) is controlled, directly or indirectly, by non-U.S. citizens or non-U.S. entities. If the candidate is to represent an entity or corporation with 10 percent or greater non-U.S. ownership, the candidate must demonstrate at the time of selection that this ownership interest does not constitute control and will not adversely affect his or her ability to serve on the Commission.

Other required information that must be included in the application materials by candidates are:

- Name and title of the individual requesting consideration;
- Name and address of the company where the candidate is employed;
- The particular business sector the candidate would represent;
- Company's product or service line;
- Company size (market capitalization, annual revenues, number of employees); and
- Company's experience in Japan (exports, sales, employees, years in Japan).

**FOR FURTHER INFORMATION CONTACT:** Karin Ryerson, Office of Japan, Department of Commerce, Room 2320, 14th Street and Constitution Avenue, NW., Washington, DC 20230, facsimile (202) 482–0469; or John Neuffer, Office of North Asian Affairs, Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 20508, facsimile (202) 395–3597.

Dated: March 16, 2004.

**Wendy Cutler,**

*Assistant United States Trade Representative for North Asian Affairs.*

[FR Doc. 04–6267 Filed 3–19–04; 8:45 am]

**BILLING CODE 3190–W3–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Environmental Impact Statement: Hays and Caldwell Counties, State of Texas

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Intent (NOI) to rescind NOI of November 17, 1987.

**SUMMARY:** The FHWA is issuing this notice to advise the public that they are rescinding the NOI to prepare an Environmental Impact Statement (EIS) on a proposal to construct a loop designated as Farm-to-Market (FM) 110 Loop around the City of San Marcos in Hays and Caldwell Counties, Texas.

**FOR FURTHER INFORMATION CONTACT:** Salvador Deocampo, District Engineer, FHWA, Texas Division Office, 300 E. 8th Street, Suite 826, Austin, Texas, 78701, Telephone: (512) 536–5950.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Texas Department of Transportation, is rescinding the NOI published in the **Federal Register** on November 17, 1987, to prepare an EIS for a proposed FM 110 Loop roadway in Hays and Caldwell Counties, Texas. The project limits, study area and the type of environmental documentation for the proposed FM 110 Loop have changed. In 1994, FM 110 was evaluated as a full-circle loop roadway in a Preliminary Draft Environmental Impact Statement (PDEIS), which was never officially approved by FHWA or distributed for agency or public review and comment. Since the preparation of the PDEIS, the western portion of the FM 110 Loop project has been eliminated from further consideration. However, based on the information gathered from the PDEIS, enough environmental analysis was developed to assess any potential impacts associated with the proposed FM 110 portion located east of IH–35. Therefore, based on that information, and since the scope of the original FM 110 has been decreased, an Environmental Assessment (EA) for only the portion of FM 110 east of IH–35 will be prepared instead of an EIS.

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

Issued on: March 11, 2004.

**Salvador Deocampo,**

*District Engineer, Austin, Texas.*

[FR Doc. 04–6314 Filed 3–19–04; 8:45 am]

**BILLING CODE 4910–22–M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Docket No. AB–6 (Sub–No. 408X)]**

### The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Hamilton and Merrick Counties, NE

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon a 15.60-mile line of railroad between BNSF milepost 1.90, near Aurora, and milepost 17.50, near Central City, in Hamilton and Merrick Counties, NE. The line traverses United States Postal Service Zip Codes 68818, 68854, and 68826.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 21, 2004, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 1, 2004. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 12, 2004, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Michael Smith, Freeborn & Peters, 311 S. Wacker Dr., Suite 3000, Chicago, IL 60606–6677.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

BNSF has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by March 26, 2004. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,100. *See* 49 CFR 1002.2(f)(25).

Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by March 22, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''*http://www.stb.dot.gov*.''

Decided: March 12, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 04–6091 Filed 3–19–04; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

**[INT–362–88]**

### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, INTL–362–88 (TD 8618), Definition of a Controlled Foreign Corporation, Foreign Base Company Income and Foreign Personal Holding Company Income of a Controlled Foreign Corporation (§§ 1.954–1 and 1.954–2).

**DATES:** Written comments should be received on or before May 21, 2004, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

**SUPPLEMENTARY INFORMATION:**

*Title:* Definition of a Controlled Foreign Corporation, Foreign Base Company Income and Foreign Personal Holding Company Income of a Controlled Foreign Corporation.

*OMB Number:* 1545–1068.

*Regulation Project Number:* INTL–362–88.

*Abstract:* A U.S. shareholder of a controlled foreign corporation is subject to current U.S. taxation on the subpart F income of the foreign corporation, which consists of several categories of income. The election and recordkeeping requirements in the regulation are necessary to exclude certain high-taxed or active business income from subpart F income or to include certain income in the appropriate category of subpart F income. The record-keeping and election procedures allow the U.S. shareholders and the IRS to know the amount of the controlled foreign corporation's subpart F income.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of OMB approval.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents/Recordkeepers:* 50,500.

*Estimated Time Per Respondent/Recordkeeper:* 1 hour.

*Estimated Total Annual Reporting/Recordkeeping Hours:* 50,417.

The following paragraph applies to all of the collections of 1information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 12, 2004.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. 04–6344 Filed 3–19–04; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Taxpayer Advocacy Panel (TAP) Multilingual Initiative Issue (MLI) Committee Will Be Conducted (Via Teleconference)

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel (TAP) Multilingual Initiative Issue (MLI) Committee will be conducted (via teleconference). 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 Friday, April 16, 2004 from 1 p.m. EDT to 2 p.m. EDT.

**FOR FURTHER INFORMATION CONTACT:** Inez E. De Jesus at 1–888–912–1227, or 954–423–7977.

**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 Multilingual Initiative Issue Committee will be held Friday, April 16, 2004 from 1 p.m. EDT to 2 p.m. EDT via a telephone conference call. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written

statement, please call 1–888–912–1227 or 954–423–7977, or write Inez E. De Jesus, TAP Office, 1000 South Pine Island Rd., Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Inez E. De Jesus. Ms. De Jesus can be reached at 1–888–912–1227 or 954–423–7977, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include the following: Various IRS issues.

Dated: March 16, 2004.

**Bernard Coston,**

*Director, Taxpayer Advocacy Panel.*

[FR Doc. 04–6343 Filed 3–19–04; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Monday,
March 22, 2004

Part II

# Office of Personnel Management

## Senior Executive Service Positions That Were Career Reserved During 2003; Notice

## OFFICE OF PERSONNEL MANAGEMENT

### SES Positions That Were Career Reserved During 2003

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** As required by section 3132(b)(4) of title 5, United States Code, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 2003

**FOR FURTHER INFORMATION CONTACT:** Delores Everett, Center for Leadership and Executive Resources Policy, (202) 606–1050.

**SUPPLEMENTARY INFORMATION:** Below is a list of titles of SES positions that were career reserved at any time during calendar year 2003, regardless of whether those positions were career reserved on December 31, 2003. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish such lists by March 1 of the following year. The Office of Personnel Management is publishing a consolidated list for all agencies.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003

| Agency organization | Career reserved positions |
|---|---|
| Advisory Council on Historic Preservation: | |
| Office of the Executive Director | Executive Director. |
| | Special Assistant. |
| Department of Agriculture: | |
| Office of the Chief Information Officer | Deputy Chief Information Officer. |
| | Associate Deputy Director, National Information Technology Center. |
| Office of the Chief Financial Officer | Deputy Chief Financial Officer. |
| | Project Manager. |
| National Finance Center | Director, Applications Systems Division. |
| | Director, Information Resources Management Division. |
| | Director, Financial Services Division. |
| | Director, Thrift Savings Plan Division. |
| | Deputy Director. |
| Office of the Inspector General | Assistant Inspector General for Investigations. |
| | Deputy Assistant Inspector General for Investigation. |
| | Assistant Inspector General for Audit. |
| | Deputy Assistant Inspector General for Audit. |
| | Deputy Assistant Inspector General for Audit. |
| | Assistant Inspector General for Policy Development and Research Management. |
| | Deputy Assistant Inspector General for Investigations, Immediate Office. |
| | Assistant Inspector General for Planning and Special Projects Deputy Inspector General. |
| Office of the Chief Economist | Director, Office of Risk Assessment and Cost-Benefit Analysis Chairperson. |
| | Director, Global Change Program Office. |
| | Director Office of Energy Policy and New Uses. |
| Office of Operations | Director, Office of Operations. |
| Procurement and Property Management | Director, Procurement and Property Management. |
| | Deputy Director, Office of Property and Procurement Management. |
| Office of Outreach | Director, USDA Program Outreach Division. |
| Rural Housing Service | Controller. |
| | Deputy Administrator for Operations and Management. |
| | Director, Centralized Servicing Center. |
| Rural Business Service | Deputy Administrator for Business Programs. |
| Agricultural Marketing Service | Deputy Administrator, Fruit and Vegetable Programs. |
| | Deputy Administrator, Dairy Programs. |
| | Deputy Administrator, Livestock and Seed Programs. |
| | Deputy Administrator, Tobacco Programs. |
| | Deputy Administrator, Compliance and Analysis. |
| | Deputy Administrator, Cotton Programs. |
| | Deputy Administrator, Science and Technology Programs. |
| | Deputy Administrator, Transportation and Marketing Programs. |
| | Deputy Administrator, Poultry Programs. |
| Grain Inspection, Packers and Stockyards Administration | Director, Field Management Division. |
| Animal and Plant Health Inspection Service | Deputy Administrator for Marketing and Regulatory Programs—Business Services. |
| | Associate Deputy Administrator for Management and Budget. |
| | Deputy Administrator, Animal Care. |
| | Director, Center for Plant Health Science and Technology. |
| | Assistant Deputy Administrator for Emergency Programs, Plant Protection and Quarantine. |
| | Associate Deputy Administrator, Wildlife Services. |
| | Assistant Deputy Administrator for Agricultural Quarantine Inspection. |
| | Deputy Administrator, Biotechnology Regulatory Programs. |
| | Director, Eastern Region, Wildlife Services. |
| | Director, Western Region, Wildlife Services. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Associate Deputy Administrator, Veterinary Services, Emergency Programs. |
| | Animal and Plant Health Inspection Service International Organization Coordinator. |
| Veterinary Services | Director, South Eastern Region, Veterinary Services. |
| | Director, Western Region. |
| | Director, Central Region. |
| | Deputy Administrator, Wildlife Services. |
| | Director, Animal Health Programs, Veterinary Services. |
| | Director, Center for Epidemiology and Animal Health. |
| Plant Protection and Quarantine Service | Deputy Administrator, International Services. |
| | Director, Western Region. |
| | Director, Plant Health Programs, PPQ. |
| | Director, Eastern Region. |
| Food Safety and Inspection Service | Deputy Administrator, Office of Management. |
| | United States Coordinator for Codex Alimentarius. |
| | Assistant Deputy Administrator, Office of Management. |
| | Associate Deputy Administrator, Office of Policy, Program Development and Evaluation. |
| | Assistant Deputy Administrator, Office of Management Deputy Administrator. |
| | Assistant Deputy Administrator. |
| | Deputy Administrator. |
| | Assistant Deputy Administrator, OFO. |
| | Assistant Deputy Administrator. |
| | Assistant Deputy Administrator, District Enforcement Operations. |
| | Director, Technical Service Center, Office of Field Operations Deputy Administrator. |
| | Assistant Deputy Administrator. |
| | Assistant Deputy Administrator, Office of Policy and Program Development. |
| | Assistant Deputy Administrator. |
| | Assistant Deputy Administrator. |
| | Associate Deputy Administrator. |
| | Deputy Administrator. |
| | Associate Administrator. |
| | Assistant Deputy Administrator for Policy Analysis & Formulation. |
| | Assistant Deputy Administrator, District Inspection Operations. |
| | Assistant Administrator, Staff Services. |
| | Director, Enforcement Operations. |
| | Assistant Administrator for Communications. |
| | Assistant Administrator for Food Safety. |
| | Assistant Administrator, Office of Management. |
| Food and Nutrition Service | Deputy Administrator for Financial Management. |
| | Deputy Admr for Management. |
| Beltsville Area Office | Chief Information Officer. |
| North Atlantic Area Office | Director, Eastern Regional Research Center. |
| | Associate Director, North Atlantic Area. |
| | Director, Plum Island Animal Disease Center. |
| | Director, North Atlantic Area. |
| South Atlantic Area Office | Associate Director, South Atlantic Area. |
| | Director, South Atlantic Area. |
| | Director, Center for Medical Agricultural and Veterinary Entomology. |
| Midwest Area Office | Director, Midwest Area. |
| | Associate Director, Midwest Area. |
| | Supervisory Veterinary Medical Officer. |
| | Director, National Center for Agriculture Utilization. |
| Midsouth Area Office | Director, Southern Regional Research Center. |
| | Director, Mid-South Area. |
| | Associate Director, Mid-South Area. |
| Southern Plains Area Office | Director, Southern Plains Area. |
| | Associate Director, Southern Plains Area. |
| Northern Plains Area Office | Director, Northern Plains Area. |
| | Associate Director, Northern Plains Area Office. |
| | Director, United States Meat Animal Research Center. |
| Pacific West Area Office | Director, Western Regional Research Center. |
| | Director, Western Human Nutrition Research Center. |
| | Director, Pacific West Area Office. |
| | Associate Director, Pacific West Area Office. |
| | Director, Western Cotton Research Laboratory. |
| Cooperative State Research, Education and Extension Service | Deputy Administrator Partnerships. |
| | Special Assistant to the Administrator, CSREES. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Deputy Administrator, Economic and Community Systems. |
| | Deputy Administrator, Office of Extramural Programs. |
| | Deputy Administrator, Information Systems and Technology Management. |
| Economic Research Service | Administrator, Economic Research Service. |
| Natural Resources Conservation Service | Director, Resource Economics and Social Sciences Division. |
| | Regional Conservationist—Northern Plains. |
| | Special Assistant to the Chief. |
| Forest Service | Associate Deputy Chief—Business Operations. |
| | Director, Fire and Aviation Staff. |
| | Deputy Chief, Office of Finance (Chief Financial Officer). |
| | Deputy Chief, Business Operations. |
| | Chief Operating Officer. |
| | Director, Financial Management Staff. |
| Research | Director, Vegetation Management and Protection Research Staff. |
| | Director, Resource Valuation and Use Research Staff. |
| | Director, Wildlife, Fish and Watershed Research Staff. |
| | Director, Science Policy, Planning, and Information Staff. |
| National Forest System | Director, Range Management Staff. |
| | Director, Forest Management Staff. |
| | Director, Engineering Staff. |
| | Director, Lands Staff. |
| | Director, Ecosystem Management Coordination. |
| | Director, Wildlife, Fish, and Rare Plants. |
| | Director, Minerals and Geology Management Staff. |
| | Director, Watershed and Air Management Staff. |
| | Director, Recreation, Heritage, and Wilderness Research Staff. |
| State and Private Forestry | Director, Cooperative Forestry. |
| | Director, Forest Health Protection. |
| Field Units | Northeast Area Director, State and Private Forestry. |
| | Station Director, North Eastern Forest Experiment Station (Newtown Square). |
| | Director, North Central Forest Experiment Station (Saint Paul). |
| | Director, Pacific Northwest Forest and Range Experiment Station (Portland). |
| | Director, Pacific Southwest Forest and Range Experiment Station (Vallejo). |
| | Director, Rocky Mountain Forest and Range Experiment Station (Ft. Collins). |
| | Director, Southern Research Station (Asheville). |
| | Director, Forest Products Laboratory (Madison). |
| Field Units | Deputy Regional Forester, Pacific Northwest Region (Portland). |
| International Forest System | Director, International Institute of Tropical Forests (Rio Piedras). |
| American Battle Monuments Commission: | |
| Office of Executive Director | Executive Director. |
| Architectural and Transportation Barriers Compliance Board: | |
| Architectural and Transportation Barriers Compliance Board | Executive Director. |
| Broadcasting Board of Governors: | |
| International Broadcasting Bureau | Director, Engineering and Technical Operations. |
| | Director, Engineering and Technical Operations. |
| | Deputy for Engineering Resource Control. |
| | Deputy for Network Operations. |
| | Deputy for Network Operations. |
| | Associate Director for Management. |
| Department of Commerce: | |
| Department of Commerce | Deputy Assistant Inspector General for Auditing. |
| | Deputy Director for Financial Services/Deputy Chief Financial Officer. |
| | Chief Financial Officer and Chief Administrative Officer. |
| | Deputy Chief Financial Officer/Director of Budget. |
| | Deputy Chief Administrative Officer. |
| | Deputy Chief Financial Officer/Deputy Chief Administrative Officer. |
| | Chief Information Officer. |
| | Deputy Director for Financial Policy. |
| | Chief Information Officer and Director for High Performance Computing and Communications. |
| | Chief, Standard Reference Materials Program. |
| Office of the Secretary | Director, Office of Information Policy, Planning and Review. |
| | Director, Office Information Technology Security, Infrastructure and Technology. |
| Office of the Chief Financial Officer and Assistant Secretary for Administration. | Director for Y2K Outreach. |
| | Deputy Director, Office of Budget. |
| | Deputy Chief Information Officer. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director for Administrative Services. |
| Office of the General Counsel | Assistant General Counsel for Finance and Litigation. |
| | Director, Office of Executive Support. |
| Office of the Assistant Secretary for Administration | Director for Security. |
| Director for Human Resources Management | Director for Human Resources Management. |
| | Deputy Director of Human Resources Management. |
| Director for Financial Management | Director for Financial Management and Deputy Chief Financial Officer. |
| Office of Budget Management and Information and Chief Information Officer. | Director, Office of Budget. |
| Director for Executive Budgeting and Assistance Management | Director for Federal Assistant and Management Support. |
| Office of Security and Administrative Services | Director, Office of Security. |
| | Director, Office of Acquisition Management. |
| Office of the Assistant Secretary for Administration | Director for Technology Management. |
| | Deputy Assistant Secretary and Director for Security. |
| Office of Inspector General | Assistant Inspector General for Administration. |
| | Assistant Inspector General for Systems Evaluation. |
| Office of Counsel to the Inspector General | Counsel to the Inspector General. |
| Office of Inspections and Program Evaluation | Assistant Inspector General for Inspections and Program Evaluation. |
| Office of Audits | Assistant Inspector General for Auditing. |
| Office of Investigations | Assistant Inspector General for Investigations. |
| Economics and Statistics Administration | Director, Statistics—United States of America. |
| | Deputy Director, Office of Policy Development. |
| Office of Policy Development | Senior Executive for Research. |
| Bureau of the Census | Assistant Director for Marketing and Customer Liaison. |
| | Chief, Human Resource Division |
| Office of the Director | Associate Director for Field Operations. |
| | Chief, Decennial System and Contracts Management Office. |
| | Principal Associate Director and Chief Financial Office. |
| | Principal Associate Director for Programs. |
| | Special Advisor to the Deputy Director. |
| | Chief, Policy and Strategic Planning Division. |
| | Assistant to the Director. |
| Administrative and Customer Services Division | Chief Administrator and Customer Services Division. |
| Associate Director for Information Technology | Assistant to the Director for Information Technology. |
| | Associate Director for Information Technology. |
| Data Preparation Division | Chief National Processing Center. |
| Associate Director for Economic Programs | Associate Director for Economic Programs. |
| | Assistant Director for Economic Programs. |
| Economic Planning and Coordination Division | Chief, Economic Planning and Coordination Division. |
| Economic Statistical Methods and Programming Division | Chief, Economic Statistical Methods and Programming Division. |
| Agriculture and Financial Statistics Division | Chief, Company Statistics Division. |
| Services Division | Chief, Service Sector Statistics Division. |
| Foreign Trade Division | Chief, Foreign Trade Division. |
| Governments Division | Chief, Government Division. |
| Manufacturing and Construction Division | Chief, Manufacturing and Construction Division. |
| Associate Director for Decennial Census | Associate Director for Decennial Census. |
| | Assistant to the Associate Director for Decennial Census. |
| | Assistant Director for Decennial Census. |
| Decennial Management Division | Chief, Decennial Management Division. |
| Geography Division | Chief, Geography Division |
| Decennial Statistical Studies Division | Chief, Decennial Statistical Studies Division. |
| Associate Director for Demographic Programs | Associate Director for Demographic Programs. |
| | Chief, Population Division. |
| | Chief, Surveys Division. |
| Housing and Household Economic Statistics Division | Chief, Housing and Household Economic Statistics Division. |
| Demographic Statistical Methods Division | Chief, Statistical Methods Division. |
| Associate Director for Methodology and Standards | Chief, Planning, Research, and Evaluation Division. |
| | Associate Director for Methodology and Standards. |
| Statistical Research Division | Chief, Statistical Research Division. |
| Bureau of Economic Analysis | Associate of Economic Analysis. |
| Office of the Director | Director. |
| | Deputy Director, Bureau of Economic Analysis. |
| | Chief Economist. |
| | Chief Statistician. |
| | Associate Director for Management and Chief Administrative Officer. |
| Associate Director for Regional Economics | Associate Director for Regional Economics. |
| Associate Director for International Economics | Associate Director for International Economics. |
| Associate Director for National Income, Expenditure and Wealth Accounts. | Associate Director for National Income, Expenditure and Wealth Accounts. |
| | Chief, National Income and Wealth Division. |
| | Chief, International Investment Division. |
| | Chief, Computer Systems and Services Division. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Director of Administration | Director of Administration. |
| Office of the Assistant Secretary for Export Enforcement | Deputy Assistant Secretary for Export Enforcement. |
| | Director, Office of Export Enforcement. |
| Office of the Assistant Secretary for Economic Development | Chief Financial Officer/Chief Administrative Officer (Chief Financial Officer/Chief Administrative Officer). |
| International Trade Administration | Director, Office of Environmental Technologies Industries. |
| Office of the Under Secretary | Chief, Financial Officer and Director of Administration. |
| Office of the Director of Administration | Human Resources Manager. |
| Office of Consumer Goods | Director, Office of Consumer Goods. |
| Deputy Assistant Secretary for Market Access and Compliance | Director, Trade Compliance Center. |
| Market Access and Compliance | Director, Office of Eastern Europe, Russia, and Independent States. |
| | Director, Office of Multilateral Affairs. |
| Deputy Assistant Secretary for Agreement Compliance | Associate Director for Management. |
| National Oceanic and Atmospheric Administration | Chief Financial Officer/Chief Administrator Officer. |
| | Director, Staff Office for International Programs. |
| | Director, Office of Operations, Management and Information. |
| Office of International Affairs | Chief Financial Officer/Administrator Officer. |
| Office of Finance and Administration | Director, Budget Office. |
| | Director, Major Projects Office. |
| | Director for Human Resources Management. |
| | Director, Finance Office/Comptroller (Finance Office/Comptroller). |
| Office of High Performance Computing and Communications | Director for High Performance Computing and Communications. |
| Systems Acquisition Office | Chief Information Officer and Information Technology Acquisition Manager. |
| Office of Assistant Administrator, Ocean Services and Coastal Zone Management. | Senior Ocean Policy Advisor. |
| National Ocean Service | Associate Assistant Administrator for Management and Chief Financial Officer/Chief Administrative Officer |
| | Director, National Centers for Coastal Ocean Science and Scientist for National Ocean Service. |
| | Deputy Director, National Centers for Coastal Ocean Science. |
| | Senior Scientist. |
| | Director, Office of National Geodetic Survey (National Geodetic Survey). |
| National Oceanic and Atmospheric Administration Coastal Services Center. | Director, National Centers for Coastal Ocean Science. |
| Strategic Environmental Assessments Division | Chief, Strategic Environmental Assessments Division. |
| Coastal Monitoring and Bioeffects Assessment Division | Chief, Coastal Monitoring Bioeffects Assessment Division. |
| Hazardous Materials Response and Assessment Division | Chief, Hazardous Materials Response and Assessment Division. |
| Office of the Assistant Administrator for Weather Services | Senior Advisor. |
| | Director, Strategic Planning and Policy Office. |
| Office of the Chief Information Officer | Chief Information Officer. |
| Management and Budget Office | Deputy Chief Financial Office/Chief Administrator Officer. |
| Office—Federal Coordinator—Meteorology | Director, Office of the Federal Coordinator for Meteorology. |
| Office of Hydrologic Development | Director, Office of Hydrologic Development. |
| Hydrology Laboratory | Director, Hydrology Laboratory. |
| Office of Science and Technology | Chief, Programs and Plans Division. |
| | Director, Office of Science and Technology. |
| Meteorological Development Laboratory | Director, Meteorological Development Laboratory. |
| Systems Engineering Center | Director, Systems Engineering Center. |
| Office of Operational Systems | Director, Office of Operational Systems. |
| Field Systems Operations Center | Director, Field Systems Operations Center. |
| Telecommunications Operations Center | Chief, Telecommunications Operations Center. |
| Maintenance, Logistics, and Acquisition Division | Chief, Maintenance, Logistics, and Acquisition Division. |
| Radar Operations Center | Director, Nexrad Operational Support Facility. |
| National Data Buoy Center | Director, National Data Buoy Center. |
| Office of Climate, Water, and Weather Services | Director, Office of Climate, Water, and Weather Services. |
| | Chief, Meteorological Services Division. |
| Eastern Region | Director, Eastern Region National Weather Service. |
| Southern Region | Director, Southern Region, Fort Worth. |
| Central Region | Director, Central Region. |
| Western Region | Director, Salt Lake City Region. |
| Alaska Region | Director, Alaska Region, Anchorage. |
| National Centers for Environmental Prediction | Director, National Severe Storms Laboratory. |
| | Director, National Center for Environmental Prediction. |
| | Director, Environmental Modeling Center (Environmental Modeling Center) and Deputy Director for Science. |
| | Director, Aviation Weather Center. |
| National Centers for Environmental Prediction Central Operations | Director, Central Operations. |
| Hydrometeorological Prediction Center | Chief, Meteorological Operations Division. |
| Climate Prediction Center | Director, Climate Prediction Center (Climate Prediction Center). |
| Storm Prediction Center | Director, Storm Prediction Center. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Tropical Prediction Center | Director, Tropical Prediction Center/National Hurricane Center. |
| Office of Assistant Administrator for Fisheries | Director, Office of Management and Budget. |
| National Marine Fisheries Service | Director, Seafood Inspection Program. |
| | Director, Office of Sustainable Fisheries. |
| | Deputy Assistant Administrator for Regulatory Programs. |
| | Director, Office of Habitat Protection. |
| Office of Fisheries Conservation and Management | Chief, Intergovernmental and Recreational Fisheries and Management. |
| Office of Protected Resources | Director, Office of Science and Technology. |
| Northeast Fisheries Science Center | Science and Research Director, Northeast Region. |
| Southeast Fisheries Science Center | Science and Research Director. |
| Northwest Fisheries Science Center | Science and Research Director. |
| Southwest Fisheries Science Center | Science and Research Director, Southwest Region. |
| Alaska Fisheries Science Center | Science and Research Director. |
| Office of Assistant Administrator Satellite, Data Information Service | Chief, Financial Officer/Chief Administrative Officer. |
| | Senior Scientist for Environmental Satellite, Data and Information Services. (National Environmental Satellite, Data and Information Services). |
| Director, National Polar-Orbiting Operational Environmental Satellite System Integrated Program. | Systems Program Director. |
| National Climatic Data Center | Director, National Climatic Data Center. |
| National Oceanographic Data Center | Director, National Oceanographic Data Center. |
| National Geophysical Data Center | Director, National Geophysical Data Center. |
| Office of Systems Development | Director, Requirements, Planning and System Integration Division. |
| | Director, Satellite and Ground Systems Program. |
| | Director, Office of Systems Development. |
| Office of Assistant Administrator, Ocean and Atmospheric Research. | Program Director for Weather Research. |
| | Director, Weather and Air Quality Research. |
| | Chief Financial Officer/Chief Administrative Officer. |
| | Director, National Oceanic and Atmospheric Administration Climate Office. |
| | Deputy Assistant Administrator for Extramural Research. |
| National Sea Grant College Program | Director, National Sea Grant College Program. |
| Aeronomy Laboratory | Director, Aeronomy Laboratory. |
| Air Resources Laboratory | Director, Air Resources Laboratory. |
| Atlantic Ocean and Meterology Laboratory | Director, Atlantic Oceanographic and Meterological. |
| Geophysical Fluid Dynamics Laboratory | Director. |
| Great Lake Environmental Research Laboratory | Director, Great Lakes Environmental Research Laboratory. |
| Pacific Marine Environmental Research Laboratory | Director, Pacific Marine Environmental Laboratory. |
| Space Environment Center | Director, Space Environment Laboratory. |
| Environmental Technology Laboratory | Director. |
| Forecast Systems Laboratory | Director, Forecast Systems Laboratory. |
| Climate Monitoring and Diagnostics Laboratory | Director Climate Monitoring and Diagnostics Laboratory. |
| Institute for Telecommunication Sciences | Associate Administrator for Telecommunications Science. |
| Institute for Telecommunication Sciences, Systems and Networks Division. | Deputy Director for Systems and Networks. |
| Patent and Trademark Office | Deputy Administrator for Legislative and International Affairs. |
| | Group Director. |
| | Group Director. |
| | Group Director. |
| | Deputy General Counsel for Intellectual Property and Solicitor. |
| | Patent Examining Group Director. |
| | Patent Examining Group Director. |
| Chemical Patent Examining Groups | Group Director 110. |
| | Group Director 120. |
| | Group Director 130. |
| | Group Director 150. |
| | Deputy Group Director 110. W≤ |
| | Group Director 180. |
| | Deputy Group Director 150. |
| Office of Assistant Commissioner for Patents | Administrator for Search and Information Research. |
| | Deputy Assistant Commissioner for Patent Process Services. |
| | Deputy Group Director 1300. |
| Examining Group Directors | Group Director. |
| | Group Director. |
| | Group Director. |
| | Group Director. |
| | Group Director. |
| | Patent Examining Group Director. |
| | Patent Examining Group Director. |
| | Patent Examining Group Director. |
| Electrical Patent Examining Groups | Group Director 260. |
| | Group Director 210. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Group Director 220. |
| | Group Director 230. |
| | Group Director 240. |
| | Group Director 250. |
| | Deputy Group Director 250. |
| | Deputy Group Director 260. |
| | Deputy Group Director 230. |
| Mechanical Patent Examining Groups | Group Director 310. |
| | Group Director 320. |
| | Group Director 330. |
| | Group Director 340. |
| | Group Director 350. |
| Office of Assistant Commissioner for Trademarks | Chairman, Trademark Trial and Appeal Board. |
| | Deputy Assistant Commissioner for Trademarks. |
| | Director, Trademark Examining Operation. |
| | Group Director, Trademark Law Offices. |
| | Group Director, Trademark Law Offices. |
| | Deputy Commissioner for Trademark Examination Policy. |
| | Group Director, Trademark Law Offices. |
| | Group Director, Trademark Law Offices. |
| National Institute of Standards and Technology | Deputy Director, National Institute of Standards and Technology. |
| | Center for Neutron Research. |
| | Chief, Optical Technology Division. |
| | Director, Information Technology and Applications Office. |
| Office of the Director, National Institute of Standards and Technology Director for Administration and Chief Financial Officer.. | |
| Deputy Director for Management Services.. | |
| | Deputy Director for Safety and Facilities. |
| | Executive Director, Visiting Committee on Advanced Technology Program. |
| | Chief Information Officer. |
| | Director, Boulder Laboratories. |
| Office of Quality Programs | Director for Quality Programs. |
| | Deputy Director, Office of Quality Programs. |
| Program Office | Director, Program Office. |
| | Deputy Director, Information Technology Laboratory. |
| Office of International and Academic Affairs | Director, International and Academic Affairs. |
| | Chief Financial Officer. |
| Office of the Director for Technology Services | Deputy Director, Technology Services. |
| Manufacturing Extension Partnership Program | Associate Director for National Programs. |
| | Director, Manufacturing Extension Partnership Programs. |
| | Deputy Director, Manufacturing Extension Partnership Program. |
| Directors Office, Technology Innovation | Director, Office of Technology Evaluation and Assessment. |
| Directors Office, Advanced Technology Program | Director, Information Technology Laboratory. |
| | Associate Director for Policy and Operations. |
| | Deputy Director, Advanced Technology Program. |
| | Director, Advanced Technology Program. |
| | Director, Materials and Manufacturing Technology Office. |
| | Director, Electronics and Photonics Technology Office. |
| Economic Assessment Office | Director, Economic Assessment Office. |
| Electronics and Electrical Engineering Laboratory | Director, Electronics and Electrical Engineering Laboratory. |
| | Chief, Optoelectronics Division. |
| | Deputy Director. |
| | Director, Office of Microelectronics Programs. |
| Manufacturing Engineering Laboratory Office | Chief, Office of Manufacturing Programs. |
| | Deputy Director, Manufacturing Engineering Laboratory. |
| | Deputy Director, Manufacturing Engineering Laboratory. |
| Precision Engineering Division | Chief, Precision Engineering Division. |
| Intelligent Systems Division | Chief, Intelligent Systems Division. |
| Chemical Science and Technology Laboratory Office | Chief, Process Measurements Division. |
| | Director, Chemical Science and Technology Laboratory. |
| | Deputy Director, Chemical Scientist and Technology Laboratory. |
| Physical and Chemical Properties Division | Chief, Physical and Chemical Properties Division. |
| Analytical Chemistry Division | Chief, Analytical Chemistry Division. |
| Physics Laboratory Office | Manager, Fundamental Constants Data Center. |
| | Director, Physics Laboratory. |
| | Deputy Director, Physics Laboratory. |
| Electron and Optical Physics Division | Chief, Electron and Optical Physics Division. |
| Atomic Physics Division | Chief, Atomic Physics Division. |
| | Chief, Quantum Metrology Division. |
| Time and Frequency Division | Chief, Time and Frequency Division. |
| Quantum Physics Division | Senior Scientist and Fellow of Joint Institute for Laboratory Astrophysics. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Senior Scientist and Fellow of Joint Institute for Laboratory Astrophysics. |
| | Chief, Quantum Physics Division. |
| Materials Science and Engineering Laboratory Office | Director, Materials Scientist and Engineering Laboratory. |
| Ceramics Division | Deputy Director, Materials Scientist and Engineering Laboratory. |
| | Chief, Ceramics Division. |
| Materials Reliability Division | Chief, Materials Reliability Division. |
| Reactor Radiation Division | Chief, Reactor Radiation Division. |
| | Group Leader Neutron Condensed Matter Science. |
| | Chief, Reactor Operations. |
| Building and Fire Research Laboratory | Chief, Fire Safety Engineering Division. |
| | Director, Building and Fire Research Laboratory. |
| | Deputy Director, Building and Fire Research Laboratory. |
| | Chief, Fire Safety Engineering Division. |
| Building Materials Division | Chief, Building Materials Division. |
| Building Environment Division | Chief, Building Environment Division. |
| Fire Science Division | Chief, Fire Science Division. |
| Computer System Laboratory Office | Associate Director For Program Implementation. |
| Advanced Network Technologies Division | Chief Advanced Network Technologies Division. |
| Computing and Applied Mathematics Laboratory Office | Associate Director For Computing. |
| | Chief High Perf Systems and Services Division. |
| National Technical Information Service | Deputy Director, National Technical Information Service. |
| Office Assistant Director for Financial and Administrative Management. | Associate Director for Finance and Administration Comptroller. |
| Consumer Product Safety Commission: | |
| Office of Executive Director | Assistant Executive Director for Compliance. |
| | Associate Executive Director for Field Operations. |
| | Assistant Executive Director for Information Services. |
| | Director, Office of International Programs and Intergovernmental Affairs. |
| Office of Hazard Identification and Reduction | Associate Executive Director for Engineering Sciences. |
| | Associate Executive Director for Economic Analysis. |
| | Assistant Executive Director for Hazard Identification and Reduction. |
| | Deputy Assistant Executive Director for Hazard Identification and Reduction. |
| | Associate Executive Director for Epidemiology. |
| Office of the Secretary of Defense: | |
| Office of the Secretary | Assistant to the Secretary of Defense Intelligence Oversight. |
| | Deputy Assistant to the Secretary of Defense (Intelligence Oversight). |
| Office of the Assistant Secretary of Defense (International Security Policy). | Director for Nuclear Safety and Security North Atlantic Treaty Organization Policy. |
| Office of the Assistant Secretary of Defense (International Security Affairs). | Foreign Relations and Defense Policy Manager. |
| Office of the Assistant Secretary of Defense (Special Operations and Low Intensity Conflict). | Director for Programs, Resources and Assessments. |
| | Director Requirements and Technology and Acquisition. |
| | Director, Resources. |
| Director, Operational Test and Evaluation | Deputy Director for Live Fire Test and Evaluation. |
| Office of Inspector General | Assistant Inspector General for Administration and Information Management. |
| | Director, Audit Planning and Technical Support. |
| | Director, Contract Management. |
| | Director, Financial Management. |
| | Deputy Assistant Inspector General for Auditing |
| | Director, Acquisition Management Directorate. |
| | Deputy Assistant Inspector General for Criminal Investment Policy and Oversight. |
| | Director, Office of Departmental Inquiries. |
| | Director, Office of Intelligence Review. |
| | Director, Readiness and Logistics Support. |
| | Director for Audit Follow-up and Technical Support. |
| | Deputy Assistant Inspector General for Audit Policy and Oversight. |
| | Director, Office of Administration and Information Management. |
| | Director, Defense Criminal Investigative Service. |
| | Deputy Director, Defense Criminal Investigative Service. |
| | Assistant Inspector General for Inspections and Policy. |
| | Assistant Inspector General for Investigations. |
| | Assistant Inspector General for Auditing. |
| | Director of Program Integrity. |
| | Deputy Inspector General for Investigations. |
| | Deputy Inspector General for Auditing. |
| | Deputy Inspector General for Inspections and Policy. |
| | Deputy Assistant Inspector General for Audit Policy and Oversight. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Deputy Inspector General for Intelligence. |
| | Assistant Inspector General for Intelligence. |
| | Deputy Inspector General for Intelligence. |
| Office of Assistant Secretary of Defense (Reserve Affairs) | Principal Director (Manpower and Personnel). |
| Office Deputy Assistant Secretary of Defense (Requirements and Resources). | Director, Program and Budget Coordination. |
| Department of Defense Education Activity | Associate Director for Management. |
| Office Assistant Secretary of Defense (Health Affairs) | Director Information Management Technical and Engineering. |
| | Director Acquisition Management and Support. |
| | General Counsel. |
| Office of Assistant Secretary of Defense for Public Affairs | Director Armed Forces Radio and Television Service. |
| | Deputy Director, American Forces Information Service. |
| | Special Assistant to the Assistant Secretary of Defense (Public Affairs). |
| Office of the Under Secretary of Defense (Comptroller) | Director, Program and Financial Control. |
| | Deputy Director for Program and Financial Control. |
| | Deputy Chief Financial Officer. |
| Office of Director of Administration and Management | Deputy Director, Pentagon Force Protection Agency. |
| Washington Headquarters Services | Director of Personnel and Security. |
| | Director, Freedom of Information and Security Review. |
| | Director Real Estate and Facilities. |
| | Deputy Director, Real Estate and Facilities. |
| | Deputy Director, Personnel and Security. |
| Office of the General Counsel | Deputy General Counsel (Inspector General). |
| | Director Defense Office of Hearings and Appeals. |
| Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics). | Executive Director, Defense Science Board. |
| | Director, Pacific Armaments Cooperation. |
| | Director Planning and Analysis. |
| | Director, Acquisition Resources and Analysis. |
| | Deputy Director, Resource Analysis. |
| | Principal Deputy, Acquisition Resources and Analysis. |
| | Deputy Director, Office of the Secretary of Defense Studies and Federally Funded Research and Development Center Programs. |
| | Director, Environmental Readiness and Safety. |
| | Deputy Under Secretary of Defense (Acquisition and Technology) Deputy Director Naval Warfare. |
| | Deputy Director, Cost Pricing and Finance. |
| | Deputy Director Munitions. |
| | Senior Staff Special for Air Superiority Systems. |
| | Deputy Director, Contract Policy and Administration. |
| | Deputy Director Land Warfare. |
| | Deputy Director Electronic Warfare. |
| | Deputy Director, Foreign Contracting. |
| | Special Assistant Concepts and Plans. |
| | Principal Deputy Director, Strategies and Tactical Systems. |
| | Deputy Director Air Warfare. |
| | Deputy Director Arms Control Implementation Compliance. |
| | Deputy Director (Missile Warfare). |
| | Deputy Director, Developmental Test and Evaluation. |
| | Assistant Deputy Under Secretary of Defense (Acquisition Process and Policies). |
| | Principal Assistant Deputy Under Secretary of Defense (Acquisition Reform). |
| | Assistant Deputy Director, Air Warfare. |
| | Deputy Director, Acquisition Management. |
| | Deputy Director, Electronic Business. |
| | Deputy Director, Defense Acquisition Regulations System. |
| | Deputy Director, Defense Procurement Strategies. |
| | Deputy Director, Defense Procurement and Acquisition Policy. |
| | Deputy Director, Policy. |
| | Deputy Director, Program Acquisition and International Contracting. |
| | Deputy Director, Acquisition Workforce and Career Management. |
| | Deputy Director, Land Warfare and Munitions. |
| | Assistant Director, Land Systems. |
| | Deputy Director, Treaty Compliance. |
| | Deputy Director, Treaty Compliance. |
| | Assistant Director, Electronic Warfare. |
| | Assistant Director, Electronic Warfare. |
| | Assistant Director, Systems Engineering (Assessments and Support). |
| Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs. | Deputy Assistant to the Under Secretary of Defense (Nuclear Treaty Programs). |
| | Deputy Assistant to the Under Secretary of Defense (Nuclear Matters). |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Deputy Assistant to the Under Secretary of Defense (Chemical and Bioloical Defense). |
| Office of the Director of Defense Research and Engineering | Director, Space and Sensor Technology. |
| | Director for Weapons Systems. |
| | Assistant Deputy Under Secretary of Defense (Full Dimensional Protection). |
| | Director for Biological Systems. |
| | Director for Science and Technology Plans and Programs. |
| | Director for Technology Transition. |
| | Director for Information Technologies. |
| | Director, Plans and Programs. |
| Office of Assistant Secretary (Networks and Information Integration). | Director, Program Analysis and Integration. |
| | Director, Technology and Evaluation. |
| | Director, Counterintelligence. |
| | Director, International Affairs. |
| Defense Advanced Research Projects Agency | Director, Contracts Management Office. |
| | Deputy Director, Defense Advanced Research Project Agency. |
| | Program Manager (Joint Applications Study Group). |
| | Deputy Director, Management Operations. |
| | Director, Microsystems Technology Office. |
| | Joint Applications Study Group Program Manager. |
| | Deputy Director, Advanced Technology Office. |
| | Deputy Director, Tactical Technology Office. |
| | Director, Special Projects Office. |
| Office of the Joint Chiefs of Staff | Deputy Director for Wargaming, Simulation and Analysis. |
| | Deputy Director for Wargaming, Simulation and Analysis. |
| Missile Defense Agency | Deputy for Program Operations. |
| | Director, Contracts Directorate. |
| | Deputy Chief Architect/Engineer. |
| | Executive Director. |
| | Deputy Program Manager, National Missile Defense Joint Program Office. |
| | National Missile Defense Technical Director (National Missile Defense Technical Director). |
| | Deputy for Program Integration. |
| | Director, Advanced Concepts. |
| | Deputy Director, Joint National Integration Center. |
| | Deputy for Systems Engineering and Integration. |
| | Deputy Program Director for Battle Management, Command and Control. |
| | Director, Combined Test Force, Ground-Based Midcourse Defense-Joint Program Office. |
| Defense Contract Audit Agency | Deputy Director, Defense Contract Audit Agency. |
| | Assistant Director, Operations. |
| | Assistant Director, Policy and Plans. |
| | Director, Field Detachment. |
| | Director, Defense Contract Audit Agency. |
| | Deputy Regional Director, Western Region. |
| Regional Managers | Regional Director, Eastern. |
| | Regional Director, Northeastern. |
| | Regional Director, Central. |
| | Regional Director, Western. |
| | Regional Director, Mid-Atlantic. |
| | Deputy Regional Director Eastern Region. |
| | Deputy Regional Director Northeastern Region. |
| | Deputy Regional Director Central Region. |
| | Deputy Regional Director Mid Atlantic Region. |
| Defense Logistics Agency | Chief Actuary. |
| | Director, Defense Manpower Data Center. |
| | Deputy Commander, Defense Construction Supply Center. |
| | Deputy Commander, Defense General Supply Center. |
| | Deputy Commander, Defense Personnel Support Center. |
| | Deputy Commander Defense Distribution Center Comptroller. |
| | Deputy Commander Defense Logistics Support Command. |
| | Executive Director, Resource, Planning and Performance Directorate. |
| | Director, Information Operations. |
| | Director, Civilian Personnel Management Service. |
| | Executive Director Human Resources. |
| | Director, Defense Energy Support Center. |
| | Executive Director, Electronic Business Office. |
| | Executive Director, Business Modernization. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Executive Director, Acquisition, Technical and Supply. |
| | Program Executive Officer. |
| | Executive Director, Business Operations. |
| | Deputy Director, Information Operations/Chief Technical Officer. |
| | Deputy Director for Program Support. |
| | Deputy Director for Advisory Services, Defense Human Resources Activity. |
| | Executive Director, Enterprise Solutions. |
| Office of General Counsel | General Counsel, Defense Logistics Agency. |
| | Deputy General Counsel (Administration). |
| Defense Training and Performance Data Center | Deputy Director Defense Manpower Data Center. |
| Defense Contract Management Agency | Director, Defense Contract Management Agency—East. |
| | Director, Defense Contract Management Agency—West. |
| | Deputy Executive Director, Contract Management Operations. |
| | Executive Director, Contract Management Operations. |
| | Executive Director, Program Integration (Acquisition) |
| | Deputy Director, Defense Contract Management Agency. |
| | Executive Director, Financial and Business Operations and Comptroller. |
| | Chief Information Officer. |
| | General Counsel. |
| | Deputy General Counsel. |
| Defense Information Systems Agency | Comptroller. |
| | Chief Information Officer. |
| | Deputy Manager National Communication Systems. |
| | Director for Strategic Plans and Policy. |
| | Inspector General. |
| | Technical Director Advisor Information Technical Services Joint Programs. |
| | Chief, Satellite Communications Office. |
| | Special Assistant for Liaison Activities. |
| | Chief, Technology and Standards Division |
| | Principal Director for Interoperability. |
| | Director for Technical Integration Services. |
| | Director for Procurement and Logistics. |
| | Special Assistant/Infrastructure and Information Systems Security. |
| | Chief Engineer, Information Systems Security. |
| | Chief Spectrum Analysis and Management Division. |
| | Principal Director for Computing Services. |
| | Chief, Policy, Plans, and Appropriated Programs Division. |
| | Chief, Defense Computing Business Office. |
| | Chief Defense Information Systems Network Business Office. |
| | Assistant for Program Oversight. |
| | Director for Manpower, Personnel and Security. |
| | Principal Director for Applications Engineering. |
| | Deputy Comptroller. |
| | Chief, Plans, Concepts and Command/Control Applications Division. |
| | Assistant for Command, Control, Communications and Intelligence. |
| | Enterprise Program Integration. |
| | Chief Executive Engineer, Network Services Directorate. |
| | Chief, Center for Defense Information Systems Networks Services. |
| | Chief, Customer Focus Center. |
| | Chief Executive for Information Technology Systems and Programs. |
| | Chief Technology Officer, Defense Information Systems Agency Westhem. |
| | Principal Director for Network Services. |
| | Chief, Global Information Grid Network and Information Operations. |
| | Special Assistant to Chief Satellite Communications Division. |
| | Deputy Portfolio Manager, Global Information Grid Enterprise Services. |
| Defense Threat Reduction Agency | Staff Specialist for Special Technology Development Directorate. |
| | Chief, Weapons Lethality Division. |
| | Deputy Director, Operations Directorate. |
| | Director for Electronics and Systems. |
| | Chief, Simulation and Test Division. |
| | Director for Programs. |
| | Program Director, Special Programs Office. |
| | Director for Counterproliferation Programs. |
| | Comptroller. |
| | Deputy Director, On Site Inspection Plans and Resources. |
| | Director, Counterproliferation Support and Operations. |
| | Director, Acquisition Management. |
| | Deputy Director, Technology Security. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Chief Scientist, Technology Development Directorate, Systems Application Division. |
| | Director, System Applications Division. |
| | Director, Chemical-Biological Defense. |
| Defense Security Cooperation Agency | Chief Information Officer. |
| Defense Finance and Accounting Service | Principal Deputy Director Defense Finance and Accounting Service. |
| | Accounting Requirements Officer. |
| Defense Security Service | Director, Defense Investigative Service. |
| | Deputy Director for Developmental Programs. |
| | Deputy Director for Security Programs. |
| | Deputy Director for Program Analysis and Evaluation. |
| | Deputy Director for Resources. |
| | Deputy Director, Defense Security Service. |
| Department of the Air Force: | |
| Office of Administrative Assistant to the Secretary | Administrative Assistant. |
| | Deputy Administrator Assistant. |
| Office of Small and Disadvantaged Business Utilization | Director, Office of Small and Disadvantaged Business Utilization. |
| Auditor General | Auditor General of the Air Force. |
| Air Force Audit Agency (Filed Operating Agency) | Asst Aud Gen (Operations). |
| | Deputy Auditor General of the Air Force. |
| | Assistant Auditor General (Support and Personnel Audits). |
| | Assistant Auditor General (Acquisition and Logistics Audits). |
| | Assistant Auditor General (Financial and Systems Audits). |
| | Deputy Auditor General and Director of Operations. |
| Air Force Office of Special Investigations (Field Operating Agency) | Executive Director. |
| | Executive Director, Defense Cyber Crime Center (Defense Cyber Crime Center). |
| Office of the General Counsel | Deputy General Counsel (Dispute Resolution). |
| Office Deputy Assistant Secretary Budget | Chief, Budget Management Division. |
| | Deputy for Budget. |
| | Chief, Budget Investments Directorate. |
| Office Deputy Assistant Secretary Cost and Economics | Associate Deputy Assistant Secretary (Cost and Economics). |
| | Deputy Assistant Secretary (Cost and Economics). |
| Office Deputy Assistant Secretary Financial Operations | Associate Deputy Assistant Secretary (Financial Operations and Technology). |
| Office of Assistant Secretary Air Force for Acquisition | Director, Air Force Center for Acquisition Excellence. |
| | Director, Air Force Rapid Capabilities Office. |
| Office Deputy Assistant Secretary Science, Technology and Engineering. | Deputy Assistant Secretary (Science, Technology and Engineering). |
| Office Deputy Assistant Secretary Management Policy and Program Integration. | Deputy Assistant Secretary (Management Policy and Program Integration). |
| Office Deputy Assistant Secretary Contracting | Associate Deputy Assistant Secretary (Contracting). |
| Directorate of Space and Nuclear Deterrence | Deputy Director, Space and Nuclear Deterrence. |
| Air Force Program Executive Office (Field Operating Agency) | Deputy Program Executive Officer (Command and Control and Combat Support Systems). |
| | Air Force Program Executive Officer for Services. |
| Air Force Review Boards Agency (Air Force Review Boards Agency)—Field Operating Agency. | Deputy for Air Force Review Boards. |
| Office of Assistant Secretary Air Force, Installations, Environment, and Logistics. | Deputy Assistant Secretary for Basing and Infrastructure Analysis. |
| Air Force Base Conversion Agency (Field Operating Agency) | Director Air Force Base Conversion Agency. |
| Office of the Chief of Staff | Director, Air Force History Office. |
| Air Force Office of Safety and Air Force Safety Center (Field Operating Agency). | Deputy Chief of Safety. |
| Test and Evaluation | Deputy Director, Test and Evaluation. |
| Air Force Studies and Analyses Agency (Direct Reporting Unit (DRU)). | Director, Air Force Studies and Analyses Agency. |
| Deputy Chief of Staff, Warfighting Integration | Assistant Deputy Chief of Staff for Warfighting Integration. |
| | Director, Command and Control, Communications and Computers, Intelligence, Surveillance, and Reconnaissance Architecture and Assessment. |
| Air Force Command and Control and Intelligence Surveillance Reconnaissance Center (Field Operating Agency). | Senior Technical Director, Air Force Command and Control, Intelligence, Surveillance, and Reconnaissance Center (AFC2ISRC). |
| Deputy Chief of Staff, Installations and Logistics | Assistant Deputy Chief of Staff, Installation and Logistics. |
| Civil Engineer | Deputy Civil Engineer. |
| Services | Director of Services. |
| Maintenance | Deputy Director of Maintenance. |
| Logistics Readiness | Deputy Director of Logistics Readiness. |
| Resources | Chief, Aircraft/Missile Support Division. |
| | Deputy Director of Resources. |
| Communications Operations | Deputy Director of Communications Operations. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Innovation and Transformation | Director, Innovation and Transformation. |
| Air Force Center for Environmental Excellence (Field Operating Agency). | Director, Air Force Center for Environmental Excellence. |
| Programs | Associate Director of Programs and Evaluation. |
| Strategic Planning | Deputy Director of Strategic Planning. |
| Deputy Chief of Staff, Personnel | Assistant, Deputy Chief of Staff Personnel. |
| | Director, Palace Compass Program Management Office. |
| | Director, Strategic Plans and Future Systems. |
| | Deputy Director for Personnel Policy. |
| Deputy Chief of Staff, Air and Space Operations | Deputy Director of Operational Requirements. |
| | Associate Director, Nuclear Weapons and Counterproliferation. |
| | Associate Director for Ranges and Airspace |
| | Associate Director for Operations. |
| Air Force Operational Test and Evaluation Center (Direct Reporting Unit). | Scientific Advisor. |
| Air Force Materiel Command | Executive Director. |
| | Chief Technology Officer. |
| Personnel | Director, Personnel. |
| Contracting | Deputy Director Contracting. |
| | Director, Contracting. |
| Logistics | Deputy Director for Depot Maintenance. |
| | Deputy Director for Supply Management |
| Engineering and Technical Management | Director, Engineering and Technical Management. |
| Financial Management and Comptroller | Deputy Director, Financial Management and Comptroller. |
| Plans and Programs | Deputy Director, Plans and Programs. |
| | Director, Plans and Programs. |
| Requirements | Deputy Director, Requirements. |
| Operations Directorate | Deputy Director of Operations. |
| Directorate of Civil Engineer | Deputy Command Civil Engineer. |
| Information Technology | Director, Information Technology. |
| Mission Support Directorate | Command Civil Engineer. |
| Electronic Systems Center | Executive Director. |
| | Program Director Strategic and Nuclear Deterrence C2. |
| | Director, Materiel Systems Group. |
| | Director, Plans and Programs. |
| | Program Director, Defense Information Infrastructure—Air Force. |
| | Director, Contracting. |
| Standard Systems Center | Director, Standard Systems Center. |
| Aeronautical Systems Center | Executive Director. |
| | Director System Management. |
| | Director, Contracting. |
| | Director Financial Management and Comptroller. |
| Directors of Engineering | Director of Engineering F–22. |
| | Director of Engineering Joint Strike Fighter. |
| | Director of Engineering Propulsion. |
| Systems Program Offices | Program Director, Air Combat System Program Office. |
| | Program Director, Mobility System Program Office. |
| | Deputy Program Director, F/A–22 Systems Program Office (SPO). |
| Human Systems Center | Deputy Director. |
| Air Force Research Laboratory | Executive Director, Air Force Research Laboratory. |
| | Director, Plans and Programs. |
| | Associate Director for Investment Strategy. |
| | Director, Air Force Research Laboratory Washington Office. |
| Air Vehicles Directorate | Associate Director for Air Platforms. |
| Air Force Research Laboratory—Munitions Directorate | Associate Director for Weapons. |
| Space Vehicles Directorate | Associate Director for Space Technology. |
| Information Directorate | Director Information. |
| Directed Energy Directorate | Director, Directed Energy. |
| Materials and Manufacturing Directorate | Director, Materials and Manufacturing. |
| | Associate Director for Manufacturing Technology and Affordability. |
| Sensors Directorate | Director Sensors. |
| Human Effectiveness Directorate | Director, Human Effectiveness Directorate. |
| Arnold Engineering Development Center | Executive Director. |
| Air Force Flight Test Center | Executive Director. |
| Air Logistics Center, Oklahoma City | Director, Commodities Management. |
| | Executive Director. |
| | Product Group Manager, Propulsion Systems. |
| | Director, Logistics Management. |
| | Director, Engineering. |
| Air Logistics Center, Warner Robins | Executive Director. |
| | Director, Logistics Management. |
| | Director, Maintenance. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director, Engineering. |
| | Director, Contracting. |
| Air Logistics Center, Ogden | Executive Director. |
| | Director Commodities. |
| | Director Commodities. |
| | Director, Logistics Management. |
| | Director, Engineering. |
| | Director, Contracting. |
| Air Armament Center | Deputy for Acquisition. |
| | Executive Director. |
| | Director, Plans and Programs. |
| Air Armament Center—Systems Program Office | Director, Lethal Strike Joint Program Office. |
| | Program Director, Counterair Joint System Program Office. |
| Air Combat Command | Deputy For Maintenance and Logistics. |
| Air Mobility Command | Deputy Director of Logistics. |
| Air Education and Training Command | Director, Center for Systems Engineering. |
| Air Force Reserve Command | Air Commander 4th Air Force. |
| | Air Commander 10th Air Force. |
| | Air Commander 22nd Air Force. |
| | Assistant Vice Commander. |
| | Director, Plans. |
| | Director of Operations. |
| United States Central Command | Director of Resources, Requirements, Budget and Assessment. |
| United States Space Command | Director of Programs and Resources. |
| Space and Missile Systems Center | Director, Systems Acquisition. |
| | Executive Director. |
| | Director Contracting. |
| | Program Director, Military Satellite Communications Joint Program Office. |
| United States Strategic Command | Associate Director for Strategic Planning. |
| | Deputy Director, Command, Control, Communications, Computer, and Intelligence Systems. |
| | Associate Director, Resources and Requirements. |
| | Associate Director, Concepts and Assessments. |
| United States Transportation Command | Director, Program Analysis and Financial Management. |
| Department of the Army: | |
| | DAS (Army Rev Brds/EEO Complaints). |
| | Assistant Deputy Chief of Staff for Personnel (Installation Management). |
| | Deputy Chief of Staff for Resource Management. |
| | Assistant Deputy Chief of Staff for Logistics (Readiness). |
| | Director of Modernization. |
| | Deputy Director, Logistics and Security Assistance. |
| Office of the Secretary | Interagency Coordinator of Military Support to Civil Authorities. |
| Office Deputy Under Secretary of Army (Operations Research) | Special Assistant for Air and Missile Defense. |
| | Special Assistant for Systems. |
| | Assistant Deputy Under Secretary of the Army for Operations Research. |
| | Director, Test and Evaluation Management Agency. |
| | Special Assistant for Systems. |
| Office Adminstrative Assistant to the Secretary of Army | Administrative Asst to the Secretary. |
| | Deputy Administrator Assistant to the Secretary of the Army. |
| | Director, Single Agency Manager for Pentagon Information. |
| | Technology Services. |
| Office of the General Counsel | Deputy General Counsel (Ethics and Fiscal). |
| Office Assistant Secretary Army (Civil Works) | Deputy Assistant Secretary of the Army (Management and Budget). |
| | Deputy Assistant Secretary of the Army (Policy and Legislation). |
| Office Assistant Secretary Army (Financial Management and Comptroller). | Assistant Deputy Assistant Secretary for Army Budget. |
| | Deputy for Cost Analysis. |
| | Director of Investment. |
| | Deputy Assistant Secretary of the Army (Financial Operations). |
| | Director for Business Resources. |
| | Director of Management and Control. |
| | Director of Business and Investments. |
| | Director, Programs and Strategy. |
| | Director of Operations and Support. |
| Office Assistant Secretary Army (Installations and Environment) | Program Manager for Chemical Demilitarization Operations). |
| | Deputy Program Manager for Chemical Demilitarization. |
| | Deputy Assistant Secretary of the Army (Infrastructure Analysis). |
| Office Assistant Secretary Army (Manpower and Reserve Affairs) | Director of Civilian Personnel Management. |
| | Director for Equal Employment Opportunity/Civil Rights. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Office Assistant Secretary Army (Acquisition, Logistice and Technology). | Deputy Assistant Secretary for Research and Technology/Chief Scientist. |
| | Deputy Assistant Secretary of the Army (Policy and Procurement) |
| | Deputy Assistant Secretary of the Army for Plans, Programs and Policy. |
| | Deputy Assistant Secretary of the Army (Defense Exports and Cooperation). |
| | Director for Research and Laboratory Management. |
| | Director of Technology. |
| | Director for Assessment and Evaluation. |
| | Director, Procurement Policy and Acquisition Reform. |
| | Program Manager for Chemical Demilitarization. |
| | Director, Army Contracting Agency. |
| | Deputy Assistant Secretary of the Army for Integrated Logistics Support. |
| Headquarters Department of the Army Acquisition Executive | Deputy Program Executive Officer, Armored Systems Modernization. |
| | Deputy Program Executive Officer, Command and Control Systems. |
| | Deputy Program Executive Office Communication Systems. |
| | Program Executive Officer Enterprise Information Structure. |
| | Deputy Program Executive Officer for Aviation. |
| | Deputy Program Executive Officer, Air and Missile Defense. |
| | Deputy Program Executive Officer, Tactical Missiles and Smart Munitions. |
| | Deputy Program Executive Officer for Fire Support Systems. |
| | Program Executive Officer, Intelligence, Electronic Warfare and Sensors. |
| | Program Manager, Joint Simulation Systems. |
| Chief Information Officer/G–6 | Deputy Chief Information Officer/G–6. |
| | Director for Enterprise Management. |
| Army Audit Agency | The Auditor General. |
| | Deputy Auditor General. |
| | Director, Logistical and Financial Audits. |
| | Director, Acquisition and Force Management. |
| | Director, Audit Policy, Plans and Resources. |
| Office, Chief of Staff | Director, Facilities, Housing and Environment. |
| | Director, Enterprise Systems Technology Activity. |
| Operations Test and Evaluation Command (Office of the Chief of Staff of the Army, Field Operating Agency). | Technical Director. |
| | Director, United States Army Evaluation Center. |
| Army Center of Military History (Office of the Chief of Staff of the Army, Field Operating Agency). | Chief Historian. |
| Office, Assistant Chief of Staff for Installation Management | Deputy Assistant Chief of Staff for Installation Management. |
| | Deputy, Installation Management Agency. |
| | Financial Manager. |
| | Regional Director (Northeast). |
| | Regional Director (Northwest). |
| | Regional Director (Southeast). |
| | Regional Director (Southwest). |
| | Regional Director (Europe). |
| | Regional Director (Pacific). |
| Office, Deputy Chief of Staff, G–4 | Associate Director, Force Projection and Distribution. |
| | Executive Director, Strategic Logistics Agency. |
| | Chief Aviation Logistics Office. |
| | Associate Director of Sustainment. |
| | Special Assistant to the Deputy Chief of Staff, G–4. |
| Office, Deputy Chief of Staff, G–8 | Assistant Deputy Chief of Staff, G–8. |
| | Assistant Deputy Chief of Staff, G–8. |
| | Assistant Deputy Chief of Staff, G–8. |
| Office, Deputy Chief of Staff, G–3 | Technical Advisor to the Deputy Chief of Staff, G–3. |
| | Director, Army Model and Simulation Office. |
| | Director, Requirements Directorate. |
| | Deputy Director of Training. |
| | Assistant Deputy Chief of Staff, G–3 Homeland Security, Training and Simulations. |
| Office, Deputy Chief of Staff, G–1 | Director, United States Army Research Institute and Chief Psychologist. |
| | Assistant G–1 for Civilian Personnel Policy. |
| | Director for Manprint Directorate. |
| | Chief, Policy and Program Development Division. |
| | Director of Plans, Resources and Operations. |
| | Director of Army Personnel Transformation. |
| Army Research Institute (Deputy Chief of Staff for Personnel, Field Operating Agency). | Director, Manpower and Personnel Research Laboratory and Associate. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director, Army Research Institute. |
| United States Total Army Personnel Command (Deputy Chief of Staff for Personnel, Field Operating Agency). | Director, Army Declassification Activity. |
| National Guard Bureau | Program Executive Officer for Information Systems and Chief Information Officer. |
| United States of America Space and Missile Defense Command | Principle Assistant Response for Contracting. |
| | Director, Advanced Technology Directorate. |
| | Director, Weapons Directorate. |
| | Director, Space and Missile Defense Battle Laboratory. |
| | Director, Integration and Interoperability for Missile Defense. |
| Training and Doctrine Command (Training and Doctrine Command). | Assistant Deputy Chief of Staff for Resources Management. |
| | Assistant Deputy Chief of Staff for Training Policy Plans and Programs. |
| | Deputy to the Commanding General, Combined Arms Support Command. |
| | Assistant Deputy Chief of Staff for Base Operations Support. |
| | Assistant Deputy Chief of Staff for Combat Development. |
| | Deputy Chief of Staff for Base Operations Support. |
| Training and Doctrine Command Analysis Center | Director of Operations. |
| | Director of Operations. |
| | Director. |
| United States Army Nuclear and Chemical Agency | Director, United States Army Nuclear and Chemical Agency. |
| Military Traffic Management Command | Special Assistant for Transportation Engineering. |
| | Deputy to the Commander. |
| United States Army Forces Command | Assistant Deputy Chief of Staff for Personnel and Installation Management. |
| | Assistant Deputy Chief of Staff for Logistics and Readiness. |
| United States Army Signal Command | Technical Director/Chief Engineer. |
| United States Army Corps of Engineers | Director of Real Estate. |
| | Director of Human Resources. |
| | Director of Resource Management. |
| | Principal Assistant Responsible for Contracting. |
| | Director of Corporate Information. |
| | Deputy Director Engineer Research and Development Center. |
| | Military and Technical Director. |
| | Technical Director. |
| Directorate of Research and Development | Director of Research and Development. |
| | Assistant Director for Research and Development (Civil Works Programs). |
| | Deputy Director. |
| Directorate of Civil Works | Chief, Programs Management Division. |
| | Principal Assistant for Civil Works. |
| | Chief, Engineering and Construction Division. |
| | Chief, Operating Division. |
| | Chief, Planning and Policy Division. |
| Directorate of Military Programs | Deputy Director, Military Programs. |
| | Chief, Programs Management Division. |
| | Chief, Environmental Division. |
| | Chief, Interagency and International Services Division. |
| | Chief, Installation Support Division. |
| Directors of Programs Management | Director, Programs Management, Mississippi Valley Division. |
| | Director, Programs Management, North Atlantic Division. |
| | Director of Programs Management. |
| | Director Programs Management. |
| | Director Programs Management, POD. |
| | Civil Works and Management Director, South Atlantic Division. |
| | Civil Works and Management Director, South Pacific Division. |
| | Civil Works and Management Director, Southwestern Division. |
| Directors of Engineering and Technical Services | Director of Engineering and Technical Services. |
| | Military and Technical Director, North Atlantic Division. |
| | Military and Technical Director, Great Lakes and Ohio River Division. |
| | Military and Technical Director, Northwestern Division. |
| | Civil Works and Technical Director, Pacific Ocean Division. |
| | Military and Technical Director, South Atlantic Division. |
| | Military and Technical Director, South Pacific Division. |
| | Military and Technical Director, Southwestern Division. |
| Engineer Research and Development Center | Director Environmental Laboratory. |
| | Director, Coastal and Hydraulics Laboratory. |
| | Director, Engineer Research and Development. |
| | Director, Information Technology Laboratory. |
| | Director Geotechnical and Structures Laboratory. |
| | Director Geotechnical and Structures Laboratory. |
| Engineer Topographic Laboratories, Center of Engineers | Director. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Construction Engineering Research Laboratory Champaign, Illinois | Director. |
| Cold Regions Research and Engineering Laboratory Hanover, New Hampshire. | Director. |
| United States Army Materiel Command | Director for Contracting. |
| | Deputy Chief of Staff for Corporate Information/Chief Information Officer. |
| | Special Assistant to the Executive Deputy to the Commanding General for Army Materiel Command Transformation Integration. |
| | Deputy G–3 for Current Operations. |
| | Director, Simulation and Training Technology Center. |
| Office of Deputy Chief of Staff for Logistics and Operations | Assistant Deputy Chief of Staff for Logistics and Operations. |
| | Director Army Single Stock Fund/Director Army Material Command Logistics Systems and Processes. |
| Special Analysis Office | Chief, Strategic Analysis and Planning Office. |
| Office Deputy Commanding General | Principal Deputy for Logistics. |
| | Principal Deputy for Acquisition. |
| | Senior Advisor for Science and Technology. |
| Office of Deputy Chief of Staff for Research, Development and Acquisition. | Assistant Deputy Chief of Staff for Research, Development and Acquisition Science Technology and Engineering. |
| | Assistant Deputy Chief of Staff for Research, Development and Acquisition—Business Operations/Director Army Material Command TOCR Program. |
| Office of Deputy Chief of Staff for Ammunition | Assistant Deputy Chief of Staff for Ammunition. |
| Office of Deputy Chief of Staff for Personnel | Deputy Chief of Staff for Personnel. |
| Office of the Deputy Chief of Staff for Research Management | Assistant Deputy Chief of Staff for Resource Management/Executive Director for Business. |
| | Deputy Chief of Staff for Resource Management. |
| United States of America Security Assistance Command | Deputy. |
| United States Army Operations Support Command | Deputy to the Commander. |
| Natick Soldier Center | Director, United States Army Natick Research, Development and Engineering Center. |
| United States Army Soldier and Biological Command (Soldier and Biological Command). | Director, Engineering Directorate. |
| | Technical Director. |
| | Deputy to the Commander. |
| | Director for Operations, Remediation and Restoration. |
| | Director, United States Army Robert Morris Acquisition Center. |
| United States Army Communications Election Command (Communication Election Command). | Director CECOM Acquisition Center. |
| | Associate Director, Communications Elect Command Acquisition Center—Washington Operations Office. |
| | Deputy to the Commander. |
| Communications Election Command Research, Development and Engineering Center. | Director—Night Vision/Electromagnetics Sensors Directorate. |
| | Director, Space and Terrestrial Committee Directorate. |
| | Director, Intelligence and Information Warfare Directorate. |
| | Director, Software Engineering Directorate. |
| | Director/Army Systems Engineer. |
| | Director for Command, Control, Communications, Computers, Intelligence Logistics and Readiness Center. |
| | Associate Technical Director Research Development and Engineering Center. |
| | Director, Command, Control and System Integration Directorate. |
| United States Army Research Laboratory | Director, United States Army Research Laboratory. |
| | Associate Director for Plans, Programs and Budget. |
| | Deputy Director. |
| Survivability/Lethality Analysis Directorate Army Research Office | Director, Survivability/Lethality Analysis Directorate. |
| | Director. |
| | Director, Research and Technology Integration. |
| | Director, Engineering Sciences Directorate. |
| | Director, Physical Sciences Directorate. |
| Sensors and Electron Devices Directorate | Deputy Director and Director Electron Devices Research Director. |
| Computational and Information Sciences Directorate | Director. |
| | Deputy Director. |
| Weapons and Materiel Research Directorate | Deputy Director and Directorate Materials Research Director. |
| Human Research and Engineering Directorate (Army Research Laboratory). | Director, Human Research and Engineering Directorate. |
| United States Army Aviation and Missile Command (Army Materiel Command). | Executive Director, Acquisition Center. |
| | Director for Engineering. |
| | Executive Director, Integrated Materiel Management Center. |
| | Deputy Executive Director for Test, Measurement and Diagnostic Equipment. |
| | Deputy to the Commander. |
| | Deputy to the Commander. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Executive Director Acquisition Center. |
| | Executive Director Integrated Material Management Center. |
| Missile Research Development and Engineering Center (Research Development and Engineering Center). | Director for Systems Simulation and Development. |
| | Technology Director for Missiles and Development, Research, Development and Engineering Center. |
| | Associate Director for Systems, Missiles. |
| | Director for Weapons Sciences. |
| | Director for Missile Guidance. |
| | Director for Propulsion and Structures. |
| Aviation Research, Development and Engineering Center | Technical Director (Aviation) and Ed—United States Army Aviation Research, Development and Engineering Center. |
| | Director for Aviation Engineering. |
| | Director for Aeroflight Dynamics. |
| | Director of Advanced Systems/Associate Director for Technology. |
| | Associate Director for Technical Applied/Director of Special Program. |
| Tank-Automotive and Armaments Command (Tank-Automotive and Armaments Command). | Director of Acquisition Center. |
| | Director, Integrated Materiel Management Center. |
| | Director, United States Army Armament and Chemical and Logistics Activity. |
| | Deputy to the Commander. |
| Tank-Automotive Research, Development and Engineering Center (Tank-Automotive Research, Development and Engineering Center). | Vice President for Research. |
| | President/Director. |
| | Vice President for Customer Engineering. |
| | Vice President for Product Development. |
| | Executive Vice President for Technology Transfer/Director, National Automotive Center. |
| United States Army Armament Research, Development and Engineering Center (Armament Research, Development and Engineering Center). | Technical Director for Armament. |
| | Assistant Technical Director (System Development and Engineering). |
| | Assistant Technical Directorate (Systems Concepts and Technology). |
| Warheads, Energetics and Combat Support Armaments Center | Director, Warheads Energetics and Combat Support Armaments Center. |
| Fire Support Armaments Centers | Senior Technical Executive for Fire Support. |
| Close Combat Armaments Center | Senior Technical Executive for Close Combat. |
| United States Army Simulation, Training and Instrumentation Command. | Deputy to the Commander. |
| United States Army Test and Evaluation Command, (Test and Evaluation Command). | Technical Director and Chief Scientist. |
| | Director, Technical Mission. |
| | Director, Joint Program Office for Test and Evaluation. |
| United States Army Materiel Systems Analysis Activity | Director. |
| | Chief, Combat Integration Division. |
| Headquarters, United States Army, Europe | Assistant Deputy Chief of Staff, Personnel (Civilian Personnel). |
| | Assistant Deputy Chief of Staff Engineer for Engineering and Housing. |
| | Deputy Chief of Staff for Resource Management. |
| United States Army Military District of Washington | Director of Cemetery Operations. |
| | Deputy to the Commander for Installation Support. |
| United States Southern Command | Technical Advisor-Sustaining Base/Quality of Life. |
| Department of the Navy: | |
| Office of the Secretary | Chief Information Officer. |
| | Director for Electronic Business and Security. |
| Office of the Under Secretary of the Navy | Assistant for Administration. |
| Office of the Naval Inspector General | Deputy Naval Inspector General. |
| Office of the Auditor General | Assistant Auditor General for Financial Management and Comptroller Audits. |
| | Assistant Auditor General for Manpower and Reserve Affairs Audits. |
| | Auditor General of the Navy. |
| | Deputy Auditor General of the Navy. |
| | Assistant Auditor General for Installation and Environment Audits. |
| | Assistant Auditor General for Research, Development and Acquisition Audits. |
| Office of the Assistant Secretary of Navy (Manpower and Research Affairs). | Assistant General Counsel (Manpower and Reserve Affairs). |
| | Assistant General Counsel (Manpower and Reserve Affairs). |
| | Deputy Assistant Secretary of the Navy (Civilian Human Resources). |
| Office of Civilian Human Resources | Director, Office of Civilian Human Resources. |
| | Director, Human Resource Policy and Program Department. |
| | Director, Human Resource Operations Department. |
| Office Assistant Secretary of Navy (Installations and Environment) | Assistant General Counsel (Installation and Environment). |
| Office Assistant Secretary of the Navy (Research, Development and Acquisition). | Director, Navy Acquisition Reform and Standards Improvement. |
| | Executive Director for Acquisition and Business Management. |
| | Head, Contract Policy. |
| | Assistant General Counsel (Research, Development and Acquisition). |
| | Director, Acquisition Career Management. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Program Executive Officers | Director, Program Analysis and Business Transformation. |
| | Executive Director, Navy International Programs Office. |
| | Deputy Chief Engineer. |
| | Executive Director, Combatants, Program Executive Office Ships. |
| | Deputy Program Executive Officers for Aircraft Carriers. |
| | Executive Director for Program Assessment and Integration/Deputy. |
| | Program Executive Officer for Command, Control, Communications, Computers and Intelligence and Space. |
| | Deputy Program Executive Officer for Unmanned Aerial Vehicles. |
| | Director for Integrated Combat Systems for Integrated Warfare Systems. |
| | Deputy Program Executive Officer for Strike Weapons. |
| | Executive Director, Program Executive Office Submarines. |
| | Deputy Program Executive Officer for Air ASW, Assault and Special Mission Programs. |
| | Deputy Program Executive Officer for Tactical Air Programs. |
| | Executive Director, Program Executive Officer Littoral and Mine Warfare. |
| | Program Executive Officer for Information Technology/Enterprise. |
| | Acquisition Manager for Information Technology. |
| | Executive Director, Fleet Support, Program Executive Office Ships. |
| | Program Executive Officer for Air ASW, Assault and Special Mission Programs. |
| | Deputy Program Executive Officers for Enterprise Solutions. |
| | Deputy Program Executive Officers for Information. |
| | Technology/Technical Director. |
| | Executive Director, Program Executive Office for Integrated Warfare Systems. |
| Strategic Systems Programs | Director, Plans and Programs Division. |
| | Chief Engineer. |
| | Assistant for Shipboard Systems. |
| | Branch Head, Reentry Systems Branch. |
| | Technical Plans Officer. |
| | Head, Resources Branch and Deputy Director, Plans and Program Division. |
| | Assistant for Missile Engineering Systems. |
| | Assistant for Systems Integration and Compatibility. |
| Office of the Assistant Secretary of Navy (Financial Management Comptroller). | Associate Director, Budget and Reports/Fiscal Management Division. |
| | Assistant General Counsel (Financial Management/Comptroller. |
| | Director, Investment and Development Division. |
| | Director, Financial Management Policy and Systems Division. |
| | Director, Program/Budget Coordination Division. |
| | Director, Resource Allocation and Analysis Division. |
| | Director, Naval Cost Analysis Division. |
| | Director, Business and Civilian Resources Division. |
| Naval Center for Cost Analysis | Dir Naval Center for Cost Analysis. |
| Office of the General Counsel | Special Counsel for Litigation. |
| Naval Criminal Investigative Service | Assistant Director for Criminal Investigations. |
| | Assistant Director for Counterterrorism. |
| | Director, Naval Criminal Investigative Service. |
| | Assistant Director of Counterintelligence. |
| | Special Agent-in-Charge, Norfolk Field Office. |
| | Special Agent-in-Charge, San Diego Field Office. |
| | Deputy Director, Naval Criminal Investigative Service. |
| Chief of Naval Operations | Assistant Deputy Chief of Naval Operations (Logistics). |
| | Deputy Director of Naval Training. |
| | Assistant Deputy Chief of Naval Operation (Resources, Warfare Requirements, and Assessments). |
| | Assistant Deputy Chief of Naval Operations (Manpower and Personnel). |
| | Assistant Deputy Chief of Naval Operations (Warfare Requirements and Programs). |
| | Director, Special Programs Division. |
| | Deputy Director, Warfare Integration and Assessment Division. |
| | Deputy Director for Networks Integration and Transformation/Associate Director, Navy Information Officer. |
| | Head, Readiness, Sustainability and Infrastructure Branch. |
| | Associate Director, Assessment Division. |
| | Technical Director, Submarine and Strategic Submarine Ballistic Nuclear Security Program. |
| | Technical Director, Oceanographer of the Navy. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Deputy Director for Programming (N80) and Department of the Navy Program Information Center. |
| | Head, Force Structure and Analysis Branch. |
| | Associate Director, Expeditionary Warfare Division. |
| | Director, Logistics Planning and Innovation. |
| | Director Naval History/Director, Naval Historical Center. |
| | Deputy Director Environmental Protection Safety Occupational Health Division. |
| | Director Strategic Sealift Division. |
| Bureau of Naval Personnel | Assistant Chief of Naval Personnel for Military Personnel, Navy Financial Management. |
| | Deputy Commander, Navy Personnel Command. |
| Commander, Navy Installations | Deputy Commander, Navy Installations. |
| Bureau of Medicine and Surgery | Deputy Commander for Financial Management and Comptroller. |
| Military Sealift Command | Counsel. |
| | Comptroller. |
| | Executive Director. |
| Naval Meteorology and Oceanography Communications, Stennis Space Center, Mississippi. | Technical/Deputy Director. |
| Office of Commander, United States Atlantic Fleet/Joint Forces Command. | Director, Joint Training, Analysis, and Simulation Center. |
| | Deputy Director Fleet Maintenance. |
| | Director, Joint Battle Laboratory. |
| | Director, Command, Control, Communications and Computers Systems. |
| | Director, Joint Interoperability and Integration/Joint Battle. |
| | Management Command and Control. |
| | Deputy Director, Shore Activities Readiness. |
| Office of the Commander, United States Pacific Command | Chief Information Officer. |
| Office of the Commander, United States Pacific Fleet | Deputy Director Fleet Maintenance. |
| | Deputy Director Shore Installation Management. |
| | Executive Director, Planning and Resources. |
| | Executive Director, Total Force Management. |
| Naval Education and Training Command | Comptroller. |
| Naval Personnel Development Command | Executive Director. |
| Navy Reccruiting Command | Deputy Commander. |
| Naval Air Systems Command Headquarters | Program Director for Enterprise Solutions. |
| | Director, Strategic Business Operations. |
| | Deputy Commander for Acquisition and Operations. |
| | Deputy Assistant Commander for Logistics. |
| | Deputy Assistant Commander for Contracts. |
| | Deputy Comptroller. |
| | Counsel, Naval Air Systems Command. |
| | Director, Systems Engineering Department. |
| | Director, Avionics Department. |
| | Director, Air Vehicle Department. |
| | Director, Logistics Management Integration. |
| | Director, Tactical Aircraft and Missiles Contracts Department. |
| | Director, Cost Analysis Department. |
| | Deputy Acquisition Executive. |
| | Deputy Assistant Commander, Research and Engineering. |
| | Director Industrial Operations. |
| | Director, Warfare Analysis Department. |
| | Director, Propulsion and Power. |
| | Director, Air Platform Systems. |
| | Director, Integrated Systems Evaluation Experimentation and Test Department. |
| | Director, Logistics Systems and Analysis Department. |
| | Deputy Commander, Naval Air Systems Command. |
| | Director, Strike Weapons, Unmanned Aviation, Naval Air Programs Contracts Department. |
| | Director Budget Formulation Justification Executive Division. |
| | Executive Director, Office of Counsel. |
| | Deputy Assistant Commander for Aviation Depots. |
| | Director Naval Aviation Science and Technology Office. |
| | Assistant Commander for Corporate Operations. |
| | Director, Design Interface Maintenance Planning and Knowledge Requirements. |
| | Director, Air ASW, Assault and Special Mission Programs Contracts Department. |
| | Deputy Director for Navy Test and Evaluation and Technology Requirements. |
| Naval Air Warfare Center Aircraft Division | Deputy Assistant Commander for Test and Evaluation/Executive. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director, Naval Air Warfare Center Aircraft Division/Director, Test and Evaluation, NAWCAD. |
| | Director, Performance Based Logistics and Material Management Department. |
| | Director, Support Equipment/Aircraft Launch/Recovery Equipment. |
| | Director, Avionics Department. |
| | Director, Test and Experimentation Engineering. |
| | Director of Atlantic Ranges and Facilities Department. |
| Naval Air Warfare Center Weapons Division, China Lake, California. | Assistant Director, NAVSTO/Research/Technology. |
| | Ast. Tec. Dir. for Tst. and Eval. and HD Tst: and Eval. DE. |
| | Director, Avionics Department. |
| | Director, Weapons/Mission Systems Integration Department. |
| | Director for Test and Evaluation. |
| | Director, Weapons and Targets Department. |
| | Executive Director, Naval Air Warfare Center Weapons. |
| | Division/Director, Research/Engineering. |
| | Director of Corporate Operations. |
| | Director, Threat/Target System Department. |
| Naval Air Warfare Center Training Systems Division | Executive Director. |
| | Director, Training and Simulation Systems Department. |
| Space and Naval Warfare Systems Command | Executive Director, Contracts. |
| | Deputy Comptroller. |
| | Counsel Space and Naval Warfare Systems Command. |
| | Executive Director, Space Technology Systems Program Directorate. |
| | Executive Director, Washington Operations. |
| | Program Director, Intelligence Surveillance and Reconnaissance Directorate. |
| | Program Director, Communications Systems Program Directorate. |
| | Deputy Chief Engineer for Integration and Interoperability. |
| | Director, Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance Installations and Logistics Directorate. |
| | Program Director, C2I and Combat Support Applications Directorate. |
| | Deputy Commander. |
| Space and Naval Warfare Systems Command | Deputy Chief Engineer. |
| | Director, Corporate Planning, Operations and Chief Information Officer. |
| | Program Director, Naval Networks and Information Assurance Program Directorate. |
| Space and Naval Warfare Systems Center | Head Intelligence, Surveillance, and Reconnaissance Department. |
| | Executive Director. |
| | Head Navigation and Applied Sciences Department. |
| | Head, Command and Control Department. |
| | Deputy Executive Director, Science, Technology and Engineering. |
| | Head Communication and Information System Department. |
| | Deputy Executive Director for Corporate Operations |
| Space and Naval Warfare Systems Center, Charleston | Executive Director. |
| Naval Facilities Engineering Command | Director Navy Crane Center. |
| | Director, Special Venture Acquisition. |
| | Counsel Naval Facilities Engineering Command. Did not find title for this position. |
| | Director for Contracts Support. |
| | Chief Engineer. |
| | Director of Real Estate Support. |
| | Director of Base Development. |
| | Director of Base Closure. |
| | Director of Environment. |
| | Executive Director. |
| Naval Sea Systems Command | Executive Director. |
| | Counsel, Naval Sea Systems Command. |
| | Executive Director for Contracts. |
| | Executive Director/Deputy Comptroller. |
| | Director, Reactor Materials Divisions. |
| | Deputy Director, Steam Generator Design/Development, Propulsion Plant Pumps. |
| | Head, Advanced Reactor Branch. |
| | Director for Hydrodynamics. |
| | Director for Surface Ship Design and Systems Engineering. |
| | Director Cost Engineering and Industrial Analysis. |
| | Director, Shipbuilding Contracts Division. |
| | Assistant Deputy Commander for Industrial Operations. |
| | Director, In-service Submarine Programs. |
| | Deputy for Weapons Safety. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Deputy Director, Advanced Aircraft Carrier System Division. |
| | Executive Director, Warfare Systems Engineering/Battle Force Systems Engineer. |
| | Director, Corporate Operations Office. |
| | Chief Information Officer. |
| | Executive Director for Logistics, Maintenance and Industrial Operations Directorate. |
| | Deputy Program Manager/Technical Director, New Attack Submarines. |
| | Executive Director, Undersea Warfare Directorate. |
| | Technical Director, Program Executive Officer for Aircraft Carriers. |
| | Director, Reactor Plant Components Auxiliary Equipment Division. |
| | Deputy Director for Advanced Submarine Reactor Servicing and Spent Fuel Management. |
| | Director, Surface Ship Systems Division. |
| | Director, Reactor Safety and Analysis Division. |
| | Director for Ship Survivability and Structural Integrity. |
| | Director, Power Systems Group. |
| | Director, Materials and Assurance Engineering Office. |
| | Director for Submarine/Submersible Design and Systems Engineering. |
| | Executive Director, Ship Design and Engineering Directorate. |
| | Program Manager for Commissioned Submarines. |
| | Director, Surface Systems Contracts Division. |
| | Deputy Program Executive Officer (PEO), Expeditionary Warfare. |
| | Director, Office of Resource Management. |
| | Director, Reactor Refueling Division. |
| | Deputy Counsel, Naval Sea Systems Command. |
| | Director, Environmental Protection Office. |
| | Deputy Director, Environmental Health and Safety. |
| | Executive Director, Amphibious, Auxiliary and Sealift Ships, Program Executive Officer Ships. |
| | Assistant Deputy Commander, Fleet Maintenance Policy and Process Division. |
| | Assistant Deputy Commander, Fleet Logistics Support. |
| | Director, Fleet Readiness Division. |
| | Deputy Commander, Human Systems Integration Directorate. |
| Naval Shipyards | Nuclear Engineering and Planning Manager; Pearl Harbor Naval Shipyard. |
| | Nuclear Engineering and Planning Manager; Portsmouth Naval Shipyard. |
| | Nuclear Shipyard Nuclear Engineering and Planning Manager, Norfolk Naval Shipyard. |
| | Nuclear Engineering and Planning Manager, Puget Sound Naval Shipyard. |
| Naval Surface Warfare Center | Technical Director. |
| Naval Undersea Warfare Center | Technical Director. |
| Naval Surface Warfare Center, Crane Division | Executive Director. |
| Naval Undersea Warfare Center Division, Keyport, Washington | Executive Director. |
| Naval Surface Warfare Center, Port Hueneme Division | Executive Director. |
| Naval Surface Warfare Center, Indian Head Division | Executive Director. |
| Coastal Systems Station, Dahlgren Division; Panama City | Executive Director. |
| | Head, Coastal Warfare Systems Department. |
| Naval Surface Warfare Center, Carderock Division | Executive Director. |
| | Director for Ship Signatures. |
| | Executive Director for Naval Ship Systems Engineering. |
| | Station/Director for Machinery Engineering. |
| Naval Surface Warfare Center, Dahlgren Division | Head, Weapons Systems Department. |
| | Head, Combat Systems Department. |
| | Executive Director. |
| | Head, Strategic and Strike Systems Departments. |
| | Head, Systems Research and Technology Department. |
| | Head, Joint Warfare Applications Department. |
| | Head, Theater Warfare Systems Department. |
| Naval Undersea Warfare Center Division, Newport, Rhode Island | Head, Submarine Sonar Department. |
| | Executive Director. |
| | Head, Test and Evaluation Dept. |
| | Director for Submarine Combat Systems. |
| | Head, Missile and Platform Systems Department. |
| | Director, Surface Undersea Warfare. |
| | Head, Submarine Electromagnetic System Department. |
| | Head, Combat Control Systems Department. |
| | Head, Torpedo Systems Department. |
| Naval Supply Systems Command Headquarters | Assistant Deputy Commander for Financial Management/Comptroller. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director, Defense Technology Analysis Office. |
| | Counsel. |
| | Assistant Deputy Commander for Electronic Business. |
| | Executive Director Office of Special Projects. |
| | Command Information Officer. |
| | Assistant Commander for Fleet Logistics Operations. |
| | Executive Director. |
| Naval Inventory Control Point | Vice Commander. |
| Nanvy Supply Information Systems Activity | Executive Director. |
| Fleet and Industrial Supply Centers | Executive Director, Fleet and Industrial Supply Centers. |
| United States Marine Corps Headquarters Office | Deputy Director, Facilities and Services Division. |
| | Marine Corps Business Enterprise Director. |
| | Assistant Deputy Commandant for Installations and Logistics (Contracts). |
| | Counsel for the Commandant. |
| | Deputy Counsel for the Commandant. |
| | Assistant Deputy Commandant for Plans, Policies and Operations (Security). |
| | Assistant Deputy Commandant for Programs and Resources (Resources) and Director, Fiscal Division. |
| | Assistant Deputy Commandant, Installations and Logistics. |
| | Assistant Deputy Commandant for Manpower and Reserve Affairs. |
| | Assistant Deputy Commandant for Programs and Resources. |
| Marine Corps Systems Command | Deputy Commander, Command, Control, Communications, Computer, Intelligence, Surveillance and Reconnaissance. |
| | Deputy Commander. |
| | Deputy for Financial Management. |
| Marine Corps Materiel Command Albany, Georgia | Executive Director. |
| Office of Naval Research | Director, Ship Structures and Systems Science and Technology Division. |
| | Director, Mechanics and Energy Conversion Science and Technology Division. |
| | Director, Expeditionary Warfare Operations Technology Division. |
| | Director, Physical Sciences Science and Technology Division. |
| | Commercial Technology Transition Officer. |
| | Head, Naval Expeditionary Warfare Science and Technology Department. |
| | Executive Director for Acquisition Management. |
| | Did not find title for this position. |
| | Patent Counsel of the Navy. |
| | Counsel, Office of Naval Research. |
| | Head, Engineering, Materials and Physical Science and Technology Department. |
| | Director Strike Technology Division. |
| | Director, Mathematical, Computer, and Information Sciences Division. |
| | Director, Ocean, Atmosphere and Sciences Science and Technology Processes and Prediction Division. |
| | Director of Science and Technology. |
| | Director, Ocean, Atmosphere, and Space Science and Technology Sensing and Systems Division. |
| | Head, Industrial and Corporate Programs Department. |
| | Director, Cognitive, Neural and Bimolecular Science and Technology Division. |
| | Head, Human Systems Science and Technology (S&T) Department. |
| | Director, Biomolecular and Biosystems Science and Technology (S&T) Division. |
| | Head, Information, Electronics and Surveillance Science and Technology Department. |
| | Director, Surveillance, Communications and Electronics Combat Division. |
| | Director, Electronics Division. |
| | Head, Ocean, Atmosphere and Space Science and Technology Department. |
| | Associate Technical Director (Science and Technology (S&T) Programs). |
| | Director, Naval Fleet/Force Technology Innovation Office. |
| | Director, Materials Science and Technology Division. |
| | Associate for Integration, Ocean, Atmosphere and Space Science and Technology Sensing and Systems Division. |
| Naval Research Laboratory | Chief Scientist, Laboratory for Structure of Matter. |
| | Director of Research. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Associate Director of Research for Material Science and Component Technology. |
| | Superintendent, Chemistry Division. |
| | Superintendent, Optical Sciences Division. |
| | Superintendent, Space Sciences Division. |
| | Superintendent, Radar Division. |
| | Superintendent, Materials Science and Technology Division. |
| | Superintendent, Acoustics Division. |
| | Superintendent, Plasma Physics Division. |
| | Superintendent, Electronics Technology Division. |
| | Superintendent, Information Technology Division. |
| | Superintendent, Tactical Electronic Warfare Division. |
| | Chief Scientist, Laboratory for Computational Physics and Fluid Dynamics. |
| | Superintendent, Remote Sensing Division. |
| | Associate Director of Research for Business Operations. |
| | Chief Scientist and Head, Beam Physics Program. |
| | Superintendent, Marine Meteorology Division. |
| | Manager, Joint Space Systems Technology Programs. |
| | Associate Director of Research for Ocean and Atmospheric Science and Technology. |
| | Superintendent, Center for Bio-Molecular Science and Engineering. |
| | Head, Electronic Warfare Strategic Planning Organization. |
| | Associate Director of Research for Warfare Systems and Sensors Research. |
| | Superintendent, Space System Development Department. |
| | Superintendent, Oceanography Division. |
| | Superintendent, Spacecraft Engineering Department. |
| | Director, Naval Center for Space Technology. |
| | Superintendent, Marine Geosciences Division. |
| Defense Nuclear Facilities Safety Board: | |
| Defense Nuclear Facilities Safety Board | Deputy General Counsel. |
| | Deputy General Manager. |
| | Group Lead for Nuclear Facility Design and Infrastructure. |
| | Technical Advisor for Engineering Studies. |
| | Group Lead for Nuclear Programs and Analysis. |
| | Group Lead for Nuclear Weapon Programs. |
| | Group Lead for Nuclear Materials Processing and Stabilization. |
| | Group Lead for Nuclear Facility Design and Infrastructure. |
| Department of Education: | |
| Office of the Chief Financial Officer | Deputy Chief Financial Officer. |
| | Director, Financial Management Operations. |
| | Director, Financial Improvement and Post Audit Operations. |
| | Director, Financial Improvement and Post Audit Operations. |
| Office of the Chief Information Officer | Deputy Chief Information Officer. |
| | Chief Information Officer. |
| | Chief Information Officer. |
| | Deputy Chief Information Officer (Operations Engineering). |
| | Deputy Chief Information Officer for Information Management. |
| | Deputy Chief Information Officer for Information Assurances. |
| | Deputy Chief Information Officer/Chief Technology Officer. |
| | Director, Contracts and Purchasing Operations. |
| Office of Management | Chairperson, Education Appeal Board. |
| | Director, Human Resources Services. |
| Office of Inspector General | Counsel to the Inspector General. |
| | Deputy Inspector General. |
| | Deputy Inspector General. |
| | Deputy Assistant Inspector General for Audit Services. |
| | Assistant Inspector General for Audit Services. |
| | Assistant Inspector General for Audit Services. |
| | Assistant Inspector General for Investigative Services. |
| | Assistant Inspector General for Information Technology Audits and Computer Crime Investigations. |
| Office of the General Counsel | Assistant General Counsel for Business and Administration Law. |
| | Assistant General Counsel for Educational Equity. |
| | Assistant General Counsel for Regulations. |
| | Assistant General Counsel for Division of Legislative Counsel. |
| | Assistant General Counsel for Postsecondary Education and Educational Resources. |
| Institute of Education Sciences | Associate Commissioner for Data Collection and Dissemination. |
| | Deputy Commissioner. |
| | Associate Commissioner for Assessment. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Federal Student Aid | Chief Financial Officer. |
| | Director, Collections. |
| | Director, Student Aid Awareness. |
| | Deputy Chief Financial Officer. |
| Department of Energy: | |
| National Nuclear Security Administration | Chief of Defense Nuclear Counterintelligence. |
| Deputy Administrator for Naval Reactors | Director, Advanced Submarine Systems Division. |
| | Assistant Program Manager for Surface Ships. |
| | Deputy Director for Naval Reactors. |
| | Senior Naval Reactors Representative (Pearl Harbor). |
| | Director, Reactor Engineering Division. |
| | Deputy Director Reactor Materials Division. |
| | Director, Fiscal Division. |
| | Director, Nuclear Components Division. |
| | Senior Naval Reactors Representative. |
| | Program Manager Submarine Technology Develop. |
| | Director for Submarine Refueling. |
| | Senior Naval Reactors Representative. |
| | Deputy Program Manager for Commissioned Subs. |
| | Program Manager Prototype and Moored Training Ship Operations/Inactivation Programs. |
| | Director, Regulatory Affairs. |
| | Director, Instrumentation and Control Division. |
| | Chief Information Officer. |
| | Senior Technical Director, Regulatory Affairs. |
| | Senior Naval Reactors Representative. |
| Schenectady Naval Reactors | Nuclear Engineer. |
| Office of Management and Administration | Deputy Associate Administrator for Management and Administration. |
| National Nuclear Security Administration Field Site Offices | Chief Counsel. |
| | Manager, Savannah River Site Office. |
| | Manager, Sandia Site Office. |
| | Manager, Livermore Site Office. |
| | Manager, Nevada Site Office. |
| National Nuclear Security Administration Service Center | Director, Office of Field Financial Management. |
| Office of Security | Deputy Director, Office of Security Affairs. |
| Office of Independent Oversight and Performance Assurance | Director, Office of Safeguards and Security Evaluations. |
| Office of Safeguards and Security Evaluations | Director, Office of Independent Oversight and Performance Assurance. |
| | Deputy Director, Office of Independent Oversight and Performance. |
| Assistant Secretary for Energy Efficiency and Renewable Energy | Manager, Golden Field Office. |
| Assistant Secretary for Environment, Safety and Health | Director, Office of Nuclear Safety, Policy and Standards. |
| | Director, Office of Regulatory Liaison. |
| Energy Information Administration | Director, Office of Oil and Gas. |
| | Director, Office of Coal Nuclear Electrical and Alternate Fuels. |
| | Director, Office of Energy Markets and End Use. |
| | Director, Energy Markets and Contingency Infor Division. |
| | Director, Natural Gas Division. |
| | Director, Petroleum Division. |
| | Director, Office of Integration Analysis and Forecasting. |
| | Director, Coal and Electrical Power Division. |
| | Director, Electrical Power Division. |
| Office of Environmental Management | Director, Office of Budget. |
| | Science Advisor. |
| Office of Science | Director, High Energy Physics Division. |
| | Associate Director, Office of Resource Management. |
| | Director, Health Effects and Life Scientist Research Division. |
| | Director, Financial Management Division. |
| Office of Fossil Energy | Director, Materials Partnerships Research Center. |
| Albuqueque Operations Office | Director, Transportation Safeguards Division. |
| | Director, Weapons Programs Division. |
| | Assistant Manager for Management and Administration. |
| | Carlsbad Area Office Manager. |
| Chicago Operations Office | Acquisition and Assistant Group Manager. |
| | Area Manager, Fermi. |
| Idaho Operations Office | Assistant Manager for Administration. |
| | Assistant Manager, Office of Program Execution. |
| | Assistant Manager for Applied E and T Transfer. |
| Ohio Field Office | Manager, Ohio Field Office. |
| | Deputy Manager, Ohio Field Office. |
| | Director, Fernald Environmental Management Projects. |
| Oakland Operations Office | Associate Manager for Site Management. |
| Oak Ridge Operations Office | Assistant Manager for Administration. |
| | Chief Financial Officer. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Rocky Flats Office | Manager, Rocky Flats Field Office. |
| | Assistant Manager for Administration and Transition. |
| Savannah River Operations Office | Assistant Manager, Business and Logistics. |
| Office of Hearings and Appeals | Deputy Director for Legal Analysis. |
| | Deputy Director for Financial Analysis. |
| | Deputy Director for Econ Analysis. |
| Office of Inspector General | Assistant Inspector General for Investigations. |
| | Manager, Western Regional Audit Office. |
| | Director, Audit Policy, Plans and Programs. |
| | Manager, Eastern Regional Audit Office. |
| | Director, Capitol Regional Audit Office. |
| | Deputy Assistant Inspector General for National Nuclear Security. |
| | Administration and Other Departmental Investigations. |
| | Counsel to the Inspector General. |
| | Assistant Inspector General for Resource Management. |
| | Principal Deputy Inspector General. |
| | Deputy Inspector General for Inspections. |
| | Deputy Inspector General for Audits. |
| | Director for Financial Audits. |
| | Director for Performance Audits and Administration. |
| | Assistant Inspector General for Audit Services. |
| | Manager, Capital Regional Audit Office. |
| | Assistant Inspector General for Inspections. |
| | Principal Deputy Inspector General. |
| | Deputy Inspector General for Audit Services. |
| | Director of National Nuclear Security Administration Audits. |
| | Deputy Assistant Inspector General for Audit Services. |
| | Director for Planning and Administration. |
| | Director, Science, Energy, Technology and Financial Audits Division. |
| | Director, National Nuclear Security Administration Audits Division. |
| | Director, Environmental Audits Division. |
| | Assistant Inspector General for Audit Services. |
| | Deputy Inspector General for Investigations and Inspections. |
| Office of Nuclear Energy, Science and Technology | Associate Director, Isotope Production and Distribution. |
| Office of Management, Budget and Evaluation | Director, Office of Administration. |
| | Director, Office of Budget. |
| | Deputy Director OFC of Budget. |
| | Director, Headquarters and Executive Personnel Services. |
| | Deputy Director, Office of Management, Budget and Evaluation/DFCO. |
| Western Area Power Administration | Chief Program Support Officer. |
| | Chief Financial Officer. |
| Environmental Protection Agency: | |
| Office of Homeland Security | Director, Office of Homeland Security. |
| Office of Executive Support | Director, Office of Executive Support. |
| Office of the Chief Financial Officer | Deputy Chief Financial Officer. |
| Office of Planning, Analysis and Accountability | Director, Office of Planning, Analysis and Accountability. |
| | Deputy Director, Office of Planning, Analysis and Accountability. |
| Office of the Comptroller | Comptroller. |
| | Deputy Comptroller. |
| | Director, Annual Planning and Budget Division. |
| Financial Management Division | Director, Financial Management Division. |
| Financial Services Division | Director, Financial Services Division. |
| Office of Environmental Information | Chief Technology Officer. |
| Office of Planning, Resources and Outreach | Director, Office of Planning, Resources and Outreach. |
| Office of Information Analysis and Access | Deputy Director, Office of Information Analysis and Access. |
| Office of Technical Operations and Planning | Director, Office of Technical Operations and Planning. |
| | Deputy Director, Office of Technical Operations and Planning. |
| National Technology Services Division | Director, National Technology Services Division. |
| Office of the Assistant Administrator for Administration and Resources Management. | Director, Office of Policy and Resource Management. |
| | Deputy Assistant Administrator for Administration and Research Management. |
| | Senior Policy Advisor. |
| Office of Policy and Resource Management | Director, Office of Policy and Resource Management. |
| Office of Administration | Director, Office of Administration. |
| | Deputy Director, Office of Administration. |
| | Director, Facilities Management and Services Division. |
| | Director, Safety, Health and Environmental Management Division. |
| Office of Human Resources and Organizational Services | Director, Office of Human Resources and Organizational Services. |
| | Deputy Director, Office of Human Resources and Organizational Services. |
| | Associate Director for Reengineering and Automation. |
| | Director, Executive Resources and Special Programs Staff. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Office of Acquisition Management | Director, Superfund/Resource Conservation and Recovery Act. |
| | Regional Procurement Operations/Division. |
| | Director, Office of Acquisition Management. |
| | Deputy Director, Office of Acquisition Management. |
| Office of Grants and Debarment | Director, Grants Administration Division. |
| | Director, Office of Grants and Debarment. |
| | Associate Director for Competition and Strategic Planning. |
| Office of Administration and Resources Management—Cincinnati, Ohio. | Director, Office of Administration and Resources Management. |
| Office of Administration and Resources Management—Research Triangle Park, North Carolina. | Director, Office of Administration and Research Management Senior Advisor. |
| Federal Facilities Enforcement Office | Director, Federal Facilities Enforcement Office. |
| Office of Environmental Justice | Director, Office of Environmental Justice. |
| Office of Compliance | Director, Office of Compliance. |
| | Director, Enforcement Planning, Targeting and Data Division. |
| | Director, Compliance Assessment and Media Programs Division. |
| | Deputy Director, Office of Compliance. |
| | Director, Import-Export Program. |
| Office of Criminal Enforcement, Forensics and Training | Director, National Enforcement Training Institute. |
| | Director, Office of Criminal Enforcement, Forensics and Training. |
| | Director, Criminal Investigation Division. |
| | Deputy Director, Office of Criminal Enforcement, Forensics Training. |
| Office of Federal Activities | Director, International Enforcement Program Division. |
| Office of Regulatory Enforcement | Director, Office of Regulatory Enforcement. |
| | Deputy Director, Office of Regulatory Enforcement. |
| | Director, Air Enforcement Division. |
| Office of Site Remediation Enforcement | Director, Office of Site Remediation Enforcement. |
| | Deputy Director, Office of Site Remediation Enforcement. |
| Office of Western Hemisphere and Bilateral Affairs | Director, Western Hemisphere and Bilateral Affairs. |
| Office of the Inspector General | Senior Science Advisor. |
| | Deputy General Counsel. |
| Office of Counsel | Counsel to the Inspector General. |
| Office of Audit | Assistant Inspector General for Audit. |
| | Deputy Assistant Inspector General for External Audits. |
| | Deputy Assistant Inspector General for Internal Audits. |
| Office of Investigations | Assistant Inspector General for Investigations. |
| | Deputy Assistant Inspector General for Investigations. |
| Office of Program Evaluation | Assistant Inspector General for Program Evaluation. |
| Office of Human Capital | Assistant Inspector General for Human Capital. |
| Office of Mission Systems | Assistant Inspector General for Mission Systems. |
| Office of Planning, Analysis and Results | Assistant Inspector General for Planning, Analysis and Results. |
| Office of Congressional and Public Liaison | Assistant Inspector General for Congressional and Public Liaison. |
| Office of Management | Assistant Inspector General for Management. |
| Office of Ground Water and Drinking Water | Director, E and P Implementation Division. |
| | Director, Standards and Risk Management Division. |
| | Director, Drinking Water Protection Division. |
| Office of Science and Technology | Director, Standards and Applied Science Division. |
| | Director, Health and Ecological Criteria Division. |
| | Director, Engineering and Analysis Division. |
| Office of Wastewater Management | Director, Municipal Support Division. |
| | Deputy Director, Municipal Support Division. |
| | Director, Water Permits Division. |
| Office of Wetlands, Oceans and Watersheds | Director, Assessment and Watershed Protection Division. |
| | Director, Oceans and Coastal Protection Division. |
| | Director, Wetlands Division. |
| Office of the Assistant Administrator for Solid Waste and Emergency Response. | Director, Outreach and Special Projects Staff Senior Advisor. |
| Federal Facilities Restoration and Reuse Office | Director, Federal Facilities Restoration and Reuse Office. |
| Office of Brownfields Cleanup and Redevelopment | Director, Office of Brownfields Cleanup and Redevelopment. |
| Office of Solid Waste | Director, Hazardous Waste Identification Division. |
| | Director, Hazardous Waste Minimization and Management Division. |
| | Director, Economics, Methods and Risk Analysis Division. |
| Office of the Assistant Administrator for Air and Radiation | Senior Advisor. |
| Office of Air Quality Planning and Standards—Research Triangle Park, North Carolina. | Director, Emission Standards Division. |
| | Director, Air Quality Strategies and Standards Division. |
| | Director, Emissions Monitoring and Analysis Division. |
| | Director, Information Transfer and Program Integration Division. |
| | Deputy Director, Office of Air Quality Planning and Standards. |
| Office of Transportation and Air Quality | Director, Advanced Technology Division. |
| | Director, Transportation and Regional Programs Division. |
| | Director, Assessment and Standards Division. |
| | Director, Certification and Compliance Division. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Office of Radiation and Indoor Air | Director, Indoor Environments Division. |
| | Deputy Director, Office of Radiation and Indoor Air. |
| | Director, Radiation Protection Division. |
| Office of Atmospheric Programs | Director, Clean Air Markets Division. |
| | Director, Climate Protection Partnerships Division. |
| Office of the Assistant Administrator for Prevention Pesticides and Toxic Substances. | Special Assistant to the Assistant Administrator for the Office of Pesticides and Toxic Substances. |
| Office of Program Management Operations | Associate Assistant Administrator (Management). |
| Office of Pesticide Programs | Director, Registration Division. |
| | Director, Biological and Economic Analysis Division. |
| | Director, Special Review and Reregistration Division. |
| | Director, Environmental Fate and Effects Division. |
| | Director, Health Effects Division. |
| | Director, Antimicrobials Division. |
| | Director, Field and External Affairs Division. |
| | Director, Information Resources and Services Division. |
| | Director, Biopesticides and Pollution Prevention Division. |
| | Deputy Director, Office of Pesticides Programs (Management). |
| Office of Pollution Prevention and Toxics | Director, Economics Exposure and Technology Division. |
| | Director, Chemical Control Division. |
| | Director, Information Management Division. |
| | Director, Pollution Prevention Division. |
| | Director, National Program Chemicals Division. |
| | Director, Risk Assessment Division. |
| | Director, Environmental Assistance Division. |
| Office of Science Coordination and Policy | Director, Office of Science Coordination and Policy. |
| Office of the Assistant Administrator for Research and Development. | Director for Sustainable Development. |
| | Chief Scientist to the Science Advisor. |
| The National Home Security Research Center | Director, National Homeland Security Research Center. |
| Office of Resources Management and Administration | Director, Office of Resources Management and Administration. |
| Office of Science Policy | Director, Office of Science Policy. |
| National Health and Environmental Effects Research Laboratory (Research Triangle Park). | Director, National Health and Environmental Effects Research Laboratory. |
| | Associate Director for Health. |
| | Associate Director for Ecology. |
| | Deputy Director for Management. |
| Atlantic Ecology Division—Narragansett, Rhode Island | Director, Atlantic Ecology Division. |
| Western Ecology Division—Corvallis, Oregon | Director, Western Ecology Division Corvallis. |
| Gulf Ecology Division—Gulf Breeze, Florida | Director, Gulf Ecology Division. |
| Mid-Continent Ecology Division | Director, Mid-Continent Ecology Division. |
| Experimental Toxicology Division | Director, Experimental Toxicology Division. |
| National Exposure Research Laboratory (Research Triangle Park) | Director, National Exposure Research Laboratory—Research Triangle Park. |
| | Deputy Director for Management (National Exposure Research Laboratory)—Research Triangle Park. |
| | Associate Director for Ecology (National Exposure Research Laboratory)—Research Triangle Park. |
| Environmental Sciences Division—Las Vegas | Director Environmental Sciences Division. |
| Ecosystems Research Division—Athens | Director Ecosystems Research Division Athens. |
| Human Exposure and Atmospheric Science Division | Director, Human Exposure and Atmospheric Science Division. |
| National Risk Management Research Laboratory—Cincinnati, OH | Director, National Risk Management Research Laboratory—Cinncinati. |
| | Deputy Director for Management (National Risk Management Research Laboratory)—Cincinnati. |
| | Associate Director for Health (National Risk Management Research Laboratory)—Cincinnati. |
| | Director, Water Supply and Water Resources Division. |
| Air Pollution Prevention and Control Division—Research Triangle Park, NC. | Director, Air Pollution Prevention and Control Division. |
| Ground Water and Ecosytems Restoration Division—Ada, OK | Director, Ground Water and Ecosytems Restoration Division. |
| National Center for Environmental assessment | Director, National Center for Environmental Assessment. |
| | Director, National Center for Environmental Assessment. |
| | Associate Director for Health (National Center for Environmental Assessment). |
| | Associate Director for Ecology (National Center for Environmental Assessment). |
| | Deputy Director for Management. |
| National Center for Environmental Assessment—Washington, DC | Director, National Center for Environmental Assessment. |
| National Center for Environmental Assessment—Research Triangle Park, NC. | Director, National Center Environmental Assessment. |
| National Center for Environmental Assessment—Cincinnati, OH | Director, National Center for Environmental Assessment. |
| National Center for Environmental Research and Quality Assurance. | Deputy Director for Management. |
| | Director, Environmental Engineer Research Division. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director, National Center for Environmental Research and Quality Assurance. |
| | Director, Environmental Sciences Research Division. |
| Region 1—Boston, MA | Director, Office of Ecosystem Protection. |
| | Director, Office of Site Remediation Restoration. |
| | Director, Office of Administration and Resources Management. |
| | Director, Office of Strategic Alignment. |
| | Director, Office of Environmental Stewardship. |
| Office of Regional Counsel. | Regional Counsel. |
| Region 2—New York, NY | Assistant Regional Administrator for Policy and Management. |
| | Director, Office of Emergency and Remedial Response. |
| | Director, Environmental Planning and Protection Division. |
| | Director, Division of Enforcement and Compliance Assistant. |
| | Director, Environmental Science and Assessment Division. |
| | Director, Caribbean Environmental Protection Division. |
| | Director, Enforcement and Compliance Assistance Division. |
| Office of Regional Counsel | Regional Counsel. |
| Region 3—Philadelphia, PA | Director, Water Protection Division. |
| | Director, Environmental Assessment and Innovation Division. |
| | Assistant Regional Administrator for Policy and Management. |
| | Director, Chesapeake Bay Program Office. |
| | Director, Air Protection Division. |
| | Director, Hazardous Site Cleanup Division. |
| | Director, Waste and Chemical Management Division. |
| Office of Regional Counsel | Regional Counsel. |
| Region 4—Atlanta, GA | Director, Water Management Division. |
| | Assistant Regional Administrator for Policy and Management. |
| | Director, Waste Management Division. |
| | Director, Science and Ecosystem Support Division. |
| | Director, Air, Pesticides and Toxics Management Division. |
| Office of Regional Counsel | Regional Counsel. |
| Region 5—Chicago, IL | Director, Air and Radiation Division. |
| | Director, Water Management Division. |
| | Director, Waste Management Division. |
| | Director, Great Lakes National Program Office. |
| | Director, Superfund Division. |
| | Assistant Regional Administrator for Resources Management. |
| Office of Regional Counsel | Regional Counsel. |
| Region 6—Dallas, TX | Assistant Regional Administration for Management. |
| | Director, Compliance and Enforcement Division. |
| | Director, Superfund Division. |
| | Director, Water Quality Protection Division. |
| | Director, Multimedia Planning and Permitting Division. |
| Office of Regional Counsel | Regional Counsel. |
| Region 7—Kansas City, KS | Assistant Regional Administrator for Policy and Management. |
| | Director, Superfund Division. |
| | Director, Air, RCRA and Toxics Division. |
| | Director, Water Wetlands and Pesticides Division. |
| | Director, Environmental Services Division. |
| Office of Regional Counsel | Regional Counsel. |
| Region 8—Denver, CO | Assistant Regional Administrator for Ecosystems Protection and Remediation. |
| | Assistant Regional Administrator for Office of Partnerships and Regulatory Assistance. |
| | Assistant Regional Administrator for Technical and Management Services. |
| Office of Regional Counsel | Regional Counsel. |
| Region 9—San Francisco, CA | Director, Water Management Division. |
| | Director, Air Division. |
| | Assistant Regional Administrator for Policy and Management. |
| | Director, Strategic Planning and Emerging Issues. |
| | Director, Superfund Division. |
| | Director, Cross Media Division. |
| | Regional Chief Information Officer (Senior Advisor). |
| Office of Regional Counsel | Regional Counsel. |
| Region 10—Seattle, WA | Assistant Regional Administrator for Management Programs. |
| | Assistant Regional Administrator for Water. |
| | Director, Office of Ecosystems and Communities. |
| | Director, Office of Environmental Cleanup. |
| Office of Regional Counsel | Regional Counsel. |
| Equal Employment Opportunity Commission: | |
| Office of the Inspector General | Inspector General. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Office of Field Programs | District Director—(Baltimore). |
| | District Director—(New York). |
| | District Director—(Atlanta). |
| | District Director—(Houston). |
| | District Director (Detroit). |
| | District Director (San Francisco). |
| | District Director (Dallas). |
| | District Director (Chicago). |
| | District Director (St. Louis). |
| | District Director (Miami). |
| | District Director (Indianapolis). |
| | District Director (Memphis). |
| | District Director (Los Angeles). |
| | District Director (Denver). |
| | District Director (Birmingham). |
| | District Director (New Orleans). |
| | District Director (Phoenix). |
| | District Director (San Antonio). |
| | District Director (Charlotte). |
| | District Director (Seattle). |
| | District Director (Cleveland). |
| | District Director (Philadelphia). |
| | District Director (Milwaukee). |
| Field Management Programs | Director, Field Management Programs. |
| Field Coordination Programs | Director, Field Coordination Programs. |
| Federal Communications Commission: | |
| Office of Inspector General | Inspector General. |
| Office of Engineering and Technology | Associate Office Chief. |
| | Assistant Bureau Chief for Technology. |
| Federal Emergency Management Agency: | |
| Office of Inspector General | Deputy Inspector General. |
| | Assistant Inspector General for Auditing. |
| | Assistant Inspector General for Investigations. |
| Financial and Acquisition Management Division | Deputy Chief Financial Officer. |
| | Senior Procurement Executive. |
| | Chief Financial Officer. |
| Federal Insurance and Mitigation Administration | Deputy Administrator for Insurance. |
| | Deputy Administrator for Mitigation. |
| Hazard Mapping Division | Division Director. |
| Mitigation Planning and Delivery Division | Division Director. |
| Planning & Readiness Division | Division Director. |
| Recovery Division | Division Director. |
| Federal Energy Regulatory Commission: | |
| Office of Energy Projects | Director, Division of Dam Safety and Inspections. |
| Office of the Executive Director | Director, Regulatory Accounting Policy. |
| | Deputy Executive Director and Chief Accountant. |
| Federal Labor Relations Authority: | |
| Office of the Chairman | Solicitor. |
| | Director, Case Management. |
| | Chief Counsel. |
| | Senior Advisor. |
| Office of Member | Chief Counsel. |
| Office of Member | Chief Counsel. |
| Federal Service Impasses Panel | Executive Director, Federal Service Impasses Panel. |
| Office of the Executive Director | Executive Director. |
| Office of the General Counsel | Deputy General Counsel. |
| Regional Offices | Regional Director—Washington, D.C. |
| | Regional Director—Boston. |
| | Regional Director—Atlanta. |
| | Regional Director—Dallas. |
| | Regional Director—Chicago, Illinois. |
| | Regional Director—San Francisco. |
| | Regional Director—Denver. |
| Federal Maritime Commission: | |
| Office of the Secretary | Secretary. |
| Office of the General Counsel | Deputy General Counsel for Reports, Opinions and Decisions. |
| Office of the Executive Director | Deputy Executive Director. |
| Bureau of Consumer Complaints and Licensing | Director, Bureau of Consumer Complaints and Licensing. |
| Bureau of Trade Analysis | Director, Bureau of Trade Analysis. |
| Bureau of Enforcement | Deputy Director, Bureau of Enforcement. |
| Federal Mediation and Conciliation Service: | |
| Office of the Director | Chief of Staff. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Federal Retirement Thrift Investment Board: | |
| Federal Retirement Thrift Investment Board | Director of Investments. |
| | Director of Contracts and Administration. |
| | Director of Automated Systems. |
| | Director of Accounting. |
| | Director of Communications. |
| | Associate General Counsel. |
| | Deputy Director of External Affairs. |
| | Deputy Director of Benefits and Investments. |
| | Director of the Office of Benefits and Investments. |
| Federal Trade Commission: | |
| Office of the Inspector General | Inspector General. |
| Office of the General Counsel | Deputy General Counsel. |
| Office of Executive Director | Deputy Executive Director for Management. |
| | Chief Information Officer. |
| | Deputy Executive Director. |
| Bureau of Consumer Protection | Associate Director for International Division of Consumer Protection. |
| General Services Administration: | |
| Office of Citizen Services and Communications | Director, Federal Citizen Information Center. |
| Office of the Chief People Officer | Chief People Officer. |
| | Director of Management Services. |
| | Chief Information Officer. |
| | Director of Human Resources. |
| | Deputy Chief Information Officer. |
| Office of Governmentwide Policy | Deputy Associate Administrator for Acquisition Policy. |
| | Deputy Associate Administrator for Real Property. |
| | Director of Intergovernmental Solutions. |
| | Deputy Associate Administrator for Transportation and Personal Property. |
| | Deputy Associate Administrator for Electronic Government and Technology. |
| Office of Inspector General | Assistant Inspector General for Auditing. |
| | Deputy Inspector General. |
| | Deputy Assistant Inspector General for Auditing. |
| | Counsel to the Inspector General. |
| | Assistant Inspector General for Investigations. |
| | Deputy Assistant Inspector General for Investigations. |
| Office of the Chief Financial Officer | Director of Finance. |
| | Director of Budget. |
| | Chief Financial Officer. |
| | Director of Financial Management Systems. |
| Public Buildings Service | Assistant Commissioner for Federal Protective Service. |
| | Assistant Commissioner for Portfolio Management. |
| | Assistant Commissioner for Property Disposal. |
| | Assistant Commissioner for Business Performance. |
| | Chief Financial Officer. |
| Federal Technology Service | Assistant Commissioner for Service Development. |
| | Assistant Commissioner for Service Delivery. |
| | Assistant Commissioner for Information Technology Integration. |
| | Assistant Commissioner for Regional Services. |
| | Assistant Commissioner for Acquisition. |
| | Assistant Commissioner for Information Security. |
| | Assistant Commissioner for Sales. |
| | Deputy Assistant Commissioner for Information Technology Integration, Federal Technology Service. |
| | Program Executive for E–Authentication. |
| Office of the Chief Information Officer | Director of Infrastructure Operations. |
| Federal Supply Service | Assistant Commissioner for Commercial Acquisition. |
| | Assistant Commissioner for Transportation and Property Management. |
| | Assistant Commissioner for Business Management and Marketing. |
| | Deputy Assistant Commissioner for Acquisition. |
| | Federal Supply Service Chief Information Officer. |
| | Assistant Commissioner for Vehicle Acquisition and Leasing Services. |
| | Assistant Commissioner for Supply. |
| | Assistant Commissioner for Enterprise Planning. |
| New England Region | Assistant Regional Administrator for Public Buildings Service. |
| Northeast and Caribbean Region | Assistant Regional Administrator for Public Buildings Service. |
| | Assistant Regional Administrator for Federal Supply Service. |
| Mid-Atlantic Region | Assistant Regional Administrator for Public Buildings Service. |
| | Assistant Regional Administrator for Federal Supply Service. |
| | Regional Counsel. |
| National Capital Region | Assistant Regional Administrator, Public Buildings Service, National Capital Region. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Project Management Executive. |
| Southeast Sunbelt Region | Assistant Regional Administrator for Public Buildings Service. |
| | Assistant Regional Administrator for Federal Technology Service. |
| | Assistant Regional Administrator for Federal Supply and Services. |
| | Deputy Assistant Regional Administrator for Real Estate Design, Construction and Development. |
| Great Lakes Region | Assistant Regional Administrator for Public Buildings Service. |
| The Heartland Region | Assistant Regional Administrator for Public Buildings Service. |
| | Assistant Regional Administrator Federal for Technology Service, Region-6. |
| Greater Southwest Region | Assistant Regional Administrator for Public Buildings Service. |
| | Assistant Regional Administrator for Federal Technical Service. |
| | Assistant Regional Administrator for Federal Supply Service. |
| Rocky Mountain Region | Assistant Regional Administrator for Public Buildings Service. |
| Pacific Rim Region | Assistant Regional Administrator for Public Buildings Service. |
| | Assistant Regional Administrator for Federal Supply Service. |
| | Senior Advisor. |
| Northwest/Arctic Region | Assistant Regional Administrator, Public Buildings Service, Region 10. |
| Department of Health and Human Services: | |
| Office of the Deputy Assistant Secretary for Budget | Director, Division of Integrity and Organ Review. |
| Office of the Deputy Assistant Secretary for Finance | Deputy Assistant Secretary, Finance. |
| | Director, Office of Financial Policy. |
| Office of the Deputy Assistant Secretary for Grants and Acquisition Management. | Deputy Assistant Secretary, Office of Grants and Acquisition Management. |
| Office of the Assistant Secretary for Planning and Evaluation | Deputy Assistant Inspector General for Audit. |
| | Deputy to Deputy Assistant Secretary for Planning and Evaluation. |
| Office of the Assistant Secretary for Public Health and Science | Director, Division of Research Investigations. |
| | Director, Office of Human Immunodeficiency Virus and Acquired Immunodeficiency Virus Policy. |
| | Deputy Director, Office of Management. |
| | Regional Health Administrator. |
| | Director, Office of Research Integrity. |
| Associate General Counsel Divisions | Associate General Counsel, Business and Administrative Law Division. |
| | Deputy Associate General Counsel, Business and Administrative Law Division. |
| Office of the Inspector General | Principal Deputy Inspector General. |
| | Deputy Inspector General for Management and Policy. |
| | Deputy Inspector General for Legal Affairs. |
| Office of the Deputy Inspector General for Investigations | Deputy Inspector General for Investigations. |
| | Assistant Inspector General for Criminal Investigations. |
| | Assistant Inspector General for Civil and Administrative Remedies. |
| | Assistant Inspector General for Investigation Policy and Operations. |
| | Deputy Inspector General for Enforcement and Compliance. |
| Office of the Deputy Inspector General for Audit Services | Deputy Inspector General for Audit Services. |
| | Assistant Inspector General for Administration of Care/Financing and Aging Audits. |
| | Assistant Inspector General for Health Care Finance Audits. |
| | Assistant Inspector General for Audit Policy and Oversight. |
| | Assistant Inspector General for Public Health Service Audits. |
| | Deputy Inspector General for Investigations. |
| | Assistant Information for Audit Management Policy. |
| Office of the Deputy Inspector General for Evaluation and Inspections. | Deputy Inspector General for Evaluation and Inspections. |
| Program Support Center | Director Program Support Center. |
| | Deputy Director of Operations. |
| | Deputy Assistant Secretary Program Support Center. |
| Office of Financial Management Service | Director, Financial Management Service. |
| Office of Program Support | Director, Office of Financial Management. |
| Centers for Medicare and Medicaid Services | Deputy Director (Technology). |
| Office of the Actuary | Director, Office of the Actuary (Chief Actuary). |
| | Director, Office of Medicare and Medicaid Cost Estimates. |
| Center for Beneficiary Choices | Deputy Director, Center for Beneficiary Services (Medicare Contractor Management). |
| | Associate Deputy Director, Center for Beneficiary Choices (Contract Management). |
| Office of Internal Customer Support | Director, Office of Internal Customer Support. |
| Office of Information Services | Director, Office of Information Services (Chief Information Officer). |
| | Deputy Director, Office of Information Services. |
| Office of Financial Management | Deputy Director, Office of Financial Management. |
| | Director, Office of Financing Management. |
| | Deputy Director, Office Financial Management. |
| | Director, Program Integrity Group. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director, Financial Services Group. |
| | Deputy Director, Chief Financial Officer Audit Internal Controls. |
| | Director, Financial Services Group. |
| Office of the Administrator | Associate Administrator for Policy and Programs Coordinator. |
| Center for Substance Abuse Prevention | Director, Division of State and Community Systems Development. |
| Center for Mental Health Services | Director, Center for Mental Health Services. |
| | Director, Division of State and Community Systems Development. |
| Centers for Disease Control and Prevention | Director, Financial Management Office. |
| | Director, Office of Facilities Planning and Management. |
| | Deputy Director for Finance and Accounting. |
| | Director, Division of Adult and Community Health. |
| National Institute for Occupational Safety and Health | Deputy Director for Management. |
| National Center for Chronic Disease Prevention and Health Promotion. | Director, Office on Smoking and Health. |
| National Center for Human Immunodeficiency Virus, Sexually Transmitted Disease and Tuberculosis Prevention. | Associate Director for Management and Operations. |
| Office of Chief Counsel | Deputy Chief Counsel for Program Review. |
| | Associate Deupty Chief Counsel for Drugs and Biologics. |
| | Associate Deputy Chief Counsel for Devices, Foods and Veterinary Medicine. |
| Office of Manage and Systems | Director, Office of Financial Management. |
| | Director, Office of Acquisitions and Grants Services. |
| Office of Regulatory Affairs | Associate Commissioner for Regulatory Affairs. |
| | Deputy Associate Commissioner for Regulatory Affairs. |
| | Regional Food and Drug Director, Northeast Region. |
| | Regional Food and Drug Director, Southeast Region. |
| | Regional Food and Drug Director, Southwest Region. |
| | Director, Office of Criminal Investigations. |
| | Regional Food and Drug Director, Central Region. |
| | District Food and Drug Director, New York District. |
| | Deputy Director for Investigations. |
| | District Food and Drug Director, Los Angeles District. |
| Center for Bologics Evaluation and Research | Associate Director for Compliance and Biologic Quality. |
| Center for Drug Evaluation and Research | Director, Office of Management. |
| | Director, Division of Medical Imaging Surgical and Dental Products. |
| | Director, Office of Generic Drugs. |
| | Director, Office of Epidemiology and Biostatistics. |
| | Director, Office of Compliance. |
| | Senior Advisor for Policy. |
| Center for Devices and Radiological Health | Director, Office of Compliance. |
| | Director, Office of Science and Technology. |
| | Director, Office of System and Management. |
| Center for Food Safety and Applied Nutrition | Director, Office of Seafood. |
| | Director, Office of Premarket Approval. |
| | Director, Office of Field Programs. |
| | Director, Office of Plant and Dairy Foods and Beverages. |
| | Director, Office of Regulations and Policy. |
| Center for Veterinary Medicine | Director, Office of Science. |
| | Director, Office of Surveillance and Compliance. |
| Office of Special Programs | Director, Office of Special Programs. |
| Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Bureau. | Director, Office of Science and Epidemiology. |
| Office of the Director | Director, Division of Financial Management. |
| | Director, Office of Contracts Management. |
| | Associate Director for Extramural Affairs. |
| | Associate Director for Disease Prevention. |
| | Director, Office of Medical Applications of Research. |
| | Associate Director for Administration. |
| | Director, Office of Policy for Extramural Research Administration. |
| | Senior Advisor for Policy. |
| | Director, Office of Reports and Analysis. |
| | Scientific Advisor for Capacity Development. |
| National Heart, Lung and Blood Institute | Director, Division of Heart and Vascular Diseases. |
| | Director, Division of Lung Diseases. |
| | Director, Division of Blood Diseases and Resources. |
| | Director, Division of Extramural Affairs. |
| | Associate Director for International Programs. |
| | Director, Office of Biostatistics Research. |
| | Deputy Director, Division of Heart Vascular Diseases. |
| | Deputy Director, Division of Epidemiology and Clinical Application. |
| | Director, Epidemiology and Biometry Program. |
| | Director, National Center for Sleep Disorders. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Intramural Research | Chief Laboratory of Biochemical Genetics. |
| | Chief, Laboratory of Biochemistry. |
| | Chief, Laboratory of Biophysical Chemistry. |
| | Chief, Macromolecules Section. |
| | Chief, Intermediary Metabolism and Bioenergetics Section. |
| | Chief, Laboratory of Kidney and Electrolyte Metabolism. |
| | Chief, Laboratory of Cardiac Energetics. |
| | Chief, Metabolic Regulation Section. |
| National Cancer Institute | Associate Director for Intramural Management. |
| | Associate Director for Intramural Management. |
| | Associate Director, Cancer Diagnosis Program. |
| | Associate Director for Financial Management. |
| | Deputy Director for Management. |
| | Associate Director, Referral Review and Program Coordination. |
| | Deputy Director for Administrative Operations. |
| Division of Cancer Biology, Diagnosis and Centers | Chief, Microbial Genetics and Biochemistry Section, Laboratory of Biochemistry. |
| | Chief, Laboratory of Biochemistry Intramural Research Program. |
| | Associate Director, Extramural Research Program. |
| | Deputy Director, Division of Cancer Biology Diagnosis and Centers. |
| | Chief, Dermatology Branch, Intramural Research Program. |
| | Chief, Cell Mediated Immunity Section. |
| | Chief, Laboratory of Tumor and Biological Immunology, Intramural Research programs. |
| | Director, Division of Cancer Biology Diagnosis and Centers. |
| | Associate Director, Centers Training and Resources Program. |
| Division of Cancer Etiology | Chief, Laboratory of Biology. |
| | Chief, Laboratory of Molecular Carcinogenesis. |
| | Chief, Laboratory of Experimental Pathology. |
| | Director, Division of Cancer Etiology. |
| Division of Cancer Prevention and Control | Deputy Director, Division of Cancer Prevention and Control. |
| | Associate Director, Surveillance Program, Division of Cancer Prevention and Control. |
| | Associate Director, Early Development and Oncology Program. |
| Division of Extramural Activities | Director, Division of Extramural Activities. |
| | Deputy Director, Division of Extramural Activities. |
| Division of Cancer Treatment | Chief-Radiation Oncology Branch. |
| | Associate Director, Cancer Therapy Evaluation Program. |
| National Institute of Diabetes and Digestive and Kidney Diseases | Director, Division Kidney Urologic and Hematologic Diseases. |
| | Director, Division of Extramural Activities. |
| | Chief, Laboratory of Molecular and Cellular Biology. |
| | Deputy Director for Management and Operations. |
| Intramural Research | Chief, Section on Biochemical Mechanisms. |
| | Chief, Section on Metabolic Enzymes. |
| | Chief, Section on Physical Chemistry. |
| | Chief, Section on Molecular Structure. |
| | Chief, Theoretical Biophysics Section. |
| | Chief, Laboratory of Bio-Organic Chemistry. |
| | Chief, Oxidation Mechanisms Section Laboratory of Bioorganic Biochemistry. |
| | Chief, Laboratory of Biochemistry and Metabolism. |
| | Clinical Director and Chief, Kidney Disease Section. |
| | Chief, Section on Molecular Biophysics. |
| | Chief, Section Carbohydrates Laboratory of Chemistry/National Institute of Diabetes and Digestive and Kidney Diseases. |
| | Chief, Laboratory of Neuroscience, National Institute of Diabetes and Digestive and Kidney Diseases. |
| | Chief, Laboratory of Medicinal Chemistry. |
| | Chief, Morphogenesis Section. |
| National Institutes of Arthritis and Musculoskeletal and Skin Diseases. | Director, Extramural Program. |
| | Deputy Director. |
| | Associate Director for Management and Operations. |
| National Library of Medicine | Deputy Director, National Library of Medicine. |
| | Deputy Director for Research and Education. |
| | Associate Director for Library Operations. |
| | Associate Director for Extramural Programs. |
| | Director, Lister Hill National Center for Biomedical Community. |
| | Deputy Director, Lister Hill National Center for Biomedical Commissioners. |
| | Director, Information Systems. |
| | Director, National Center for Biotechnology Information. |
| | Associate Director for Health and Information Program Development. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| National Institutes of Allergy and Infectious Diseases | Associate Director for Administrative Management. |
| | Director, Division of Allergy/Immunology/Transplantation. |
| | Chief, Laboratory of Parasitic Diseases. |
| | Director, Division of Microbiology/Infectious Diseases. |
| | Chief, Laboratory of Immunogenetics. |
| | Director, Division of Extramural Activities. |
| | Chief, Laboratory of Microbial Structure and Function. |
| | Chief, Laboratory of Molecular Microbiology. |
| | Director, Division Acquired Immuniodeficiency Syndrome. |
| | Chief, Biological Resources Branch. |
| | Head, Lymphocyte Biology Section. |
| | Chief, Laboratory of Infectious Diseases. |
| | Deputy Director, Division of Acquired Immunodeficiency. |
| | Head, Epidemiology Section. |
| | Chief, Laboratory of Malaria Research. |
| | Director, Division of Intramural Research. |
| | Deputy Chief, Laboratory of Immunology and Head, Lymphocyte Biology Section. |
| National Institutes on Aging | Scientific Director, Gerontology Research Center. |
| | Clinical Director and Chief, Clinical Physiology Branch. |
| | Associate Director for Behavioral Sciences Research. |
| | Associate Director, Biology of Aging Program. |
| | Associate Director, Office of Extramural Affairs. |
| | Associate Director, Epidemiology, Demography, and Biometry Program. |
| | Associate Director, Office of Planning, Analysis and International Activities. |
| | Associate Director, Neuroscience and Neuropsychologist of Aging Programs. |
| | Associate Director for Administration. |
| National Institutes of Child Health and Human Development | Chief, Laboratory of Molecular Genetics |
| | Chief, Endocrinology and Reproduction Research Branch. |
| | Director, Center for Research for Mothers and Children. |
| | Director, Center for Population Research. |
| | Chief, Section on Growth Factors. |
| | Associate Director for Prevention Research. |
| | Chief, Laboratory of Mamalian Genes and Development. |
| | Chief, Section on Molecular Endocrinology. |
| | Chief, Section Neuroendocrinology. |
| | Chief, Section on Microbial Genetics. |
| | Chief, Laboratory of Comparative Ethology. |
| | Associate Director for Administration. |
| | Director, National Center for Medical Rehabilitation Research. |
| National Institute of Dental and Craniofacial Research | Chief, Laboratory of Immunology. |
| | Director, Extramural Program. |
| | Associate Director for International Health. |
| | Associate Director for Management. |
| | Associate Director for Program Development. |
| National Institutes of Environmental Health Sciences | Chief, Laboratory of Pulmonary Pathobiology. |
| | Head, Mutagenesis Section. |
| | Head, Mammalian Mutagenesis Section. |
| | Senior Scientific Advisor. |
| | Associate Director for Management. |
| | Chief, Laboratory of Molecular Carcinogenesis. |
| | Director, National Institute of Environmental Health Science. |
| | Director, Environmental Toxicology Program. |
| National Institutes of General Medical Sciences | Director, Genetics Program. |
| | Associate Director for Extramural Activities. |
| | Director, Division of Pharmacology, Physiology, and Biological Chemistry. |
| | Director, Biophysics Physiological Sciences Program Branch. |
| | Deputy Director, National Institute of General Medical Sciences. |
| | Director, Minority Opportunities in Research Program Branch. |
| | Associate Director for Administration and Operations. |
| National Institutes of Neurological Disorders and Stroke | Director, Division of Fundamental Neurosciences. |
| | Associate Director for Administration. |
| | Director, Basic Neuroscientist Program/Chief/Laboratory of Neurochemist. |
| | Chief, Laboratory of Molecular and Cellular Neurobiology. |
| Intramural Research | Chief Laboratory of Central Nervous System Studies. |
| | Chief, Development and Metabolic Neurology Branch. |
| | Deputy Chief, Laboratory of Central Nervous System Studies. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| National Eye Institute | Chief, Neuroimaging Branch. |
| | Chief, Laboratory of Neurobiology. |
| | Chief, Laboratory of Neural Control. |
| | Chief, Brain Structural Plasticity Section. |
| | Chief, Stroke Branch. |
| | Chief, Laboratory of Retinal Cell and Molecular Biology. |
| | Chief, Laboratory of Molecular and Development Biology. |
| | Chief, Laboratory of Sensorimotor Research. |
| National Institutes on Deafness and Other Communication Disorders. | Director, Division of Human Communication. |
| | Chief, Laboratory of Cellular Biology. |
| National Institutes of Health Clinical Center | Associate Director for Administration. |
| | Director, Division of Extramural Research. |
| | Associate Director for Planning. |
| | Associate Chief, Positron Emission Tomography and Radiochemistry. |
| Center for Information Technology | Deputy Director for Management and Operations. |
| | Chief Financial Officer. |
| | Chief Operating Officer. |
| | Chief, Computer Center Branch. |
| | Deputy Director. |
| | Associate Director Office of Computing Resources Services. |
| | Senior Advisor to Director, Center for Information Technology. |
| John E. Fogarty International Center | Deputy Director, Fogarty International Center. |
| | Associate Director for International Advanced Studies. |
| National Center for Research Resources | Director, National Center for Research Resources. |
| | Director, General Clinical Research Center for Research Resources. |
| | Deputy Director, National Center for Research Resources. |
| | Associate Director for Biomedical Technology. |
| | Associate Director for Comparative Medicine. |
| | Associate Director for Research Infrastructure. |
| Center for Scientific Review | Associate Director for Referral and Review. |
| | Associate Director for Statistics and Analysis. |
| | Director, Division of Molecular and Cellular Mechanisms. |
| | Director, Division of Physiological Systems. |
| | Director, Division of Clinical and Population-Based Studies. |
| | Director, Division of Biologic Basis of Disease. |
| National Institute of Nursing Research | Director, National Center for Nursing Research. |
| | Deputy Director/Director, Division of Extramural Activities. |
| National Human Genome Research Institute | Deputy Director. |
| | Director Division of Intramural Research National Center Human Genome Research. |
| | Chief, Diagnosis Development Branch National Center Human Genome Research Institute. |
| | Chief, Laboratory of Genetic Disease Research National Center for Human Genome Research Institute. |
| National Institute on Drug Abuse | Associate Director for Management. |
| | Associate Director for Planning and Resources Management. |
| | Director, Office of Extramural Program Review. |
| | Director, Division of Clinical Research. |
| | Director, Medications Development Division. |
| National Institute of Mental Health | Chief, Neuroscience Research Branch. |
| | Associate Director for Clinical Neuroscience and Medical Affairs, Division of Treatment Research and Development. |
| | Deputy Director, National Institute of Mental Health. |
| | Associate Director for Special Populations. |
| | Associate Director for Prevention. |
| | Executive Officer, National Institute of Mental Health. |
| | Director, Office of Legislative Analysis and Coordinator. |
| | Director, Division of Neuroscience and Behavioral Scientist. |
| | Chief, Neuropsychiatry Branch. |
| | Chief, Child Psychiatry Branch. |
| | Chief, Biological Psychiatry Branch. |
| | Chief, Laboratory of Clinical Science. |
| | Chief, Section on Histopharmacology. |
| | Director, Office on Acquired Immunodeficiency Syndrome. |
| | Chief, Section on Clinical and Experimental Neuropsychology. |
| | Director, Division of Mental Disorders, Behavioral Research and Acquired Immunodeficiency Syndrome. |
| | Director, Division of Services and Intervention Research. |
| | Chief, Section on Cognitive Neuroscience. |
| National Institute on Alcohol Abuse and Alcoholism | Director, Division of Basic Research. |
| | Associate Director for Administration. |
| Agency for Healthcare Research and Quality | Director Center for Outcomes and Effectiveness Research. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Executive Officer. |
| | Director, Office of Research Review, Education, and Policy. |
| Department of Homeland Security: | |
| Department of Homeland Security | Director, Departmental Human Resources Policy. |
| | Director, Departmental Budget. |
| | Senior Director, Office of Information Plans and Programs (Chief Information Officer). |
| | Director, Program Analysis and Evaluation. |
| | Director, Counternarcotics Policies and Programs. |
| | Director, Financial Management. |
| Bureau of Citizenship and Immigration Services | Senior Management Consultant. |
| | Associate Commissioner, Policy and Planning. |
| | Director, Asylum. |
| | District Director. |
| | Deputy Executive Associate Commissioners, Field Operations. |
| | Associate Commissioner, Service Center Operations 1. |
| | Associate Commissioner, Field Services Operations. |
| | Senior Management Consultant. |
| | Assistant Deputy Executive Associate Commissioner for ISD. |
| | Assistant Commissioner, Adjudication and Naturalization. |
| United States Secret Service | Special Agent in Charge, Intelligence Division. |
| | Deputy Special Agent in Charge, Presidential Protective Division. |
| | Deputy Assistant Director. |
| | Deputy Assistant Director. |
| | Director of the Secret Service. |
| | Deputy Director. |
| | Assistant Director, Investigations. |
| | Assistant Director, Protective Operations. |
| | Assistant Director, Protective Research. |
| | Assistant Director—Administration/Chief Financial Officer. |
| | Assistant Director, Inspection. |
| | Deputy Assistant Director, Protective Operations. |
| | Special Agent in Charge—Presidential Protective Division. |
| | Special Agent in Charge—New York Field Office. |
| | Assistant Director—Human Resources and Training. |
| | Assistant Director—Government and Public Affairs. |
| | Special Agent in Charge—Vice Presidential Protective Division. |
| | Special Agent in Charge—Technical Security Division. |
| | Special Agent in Charge—Philadelphia Field Office. |
| | Assistant Director—Homeland Security. |
| | Chief Counsel. |
| | Special Agent in Charge—San Francisco Field Office. |
| | Special Agent in Charge—Dallas Field Office. |
| | Deputy Chief Counsel. |
| | Deputy Special Agent in Charge—Presidential Protective Division. |
| | Deputy Assistant Director—Administration. |
| | Special Agent in Charge—Washington Field Office. |
| | Deputy Special Agent in Charge—Presidential Protective Division. |
| | Deputy Assistant Director—Human Resources and Training. |
| | Deputy Assistant Director—Investigations. |
| | Special Agent in Charge—Houston Field Office. |
| | Deputy Assistant Director—Rowley Training Center. |
| | Deputy Assistant Director—Technology (Chief Technology, Officer)/Protective Research. |
| | Special Agent in Charge—Miami Field Office. |
| | Chief, Information Resources Management Division/Chief Information Officer. |
| | Deputy Assistant Director—Government and Public Affairs. |
| | Special Agent in Charge—Atlanta Field Office. |
| | Chief of Staff. |
| | Deputy Assistant Director—Protective Operations. |
| | Special Agent in Charge—Honolulu Field Office. |
| United States Coast Guard | Director of Finance, Procurement and Security. |
| | Deputy Program Executive Officer. |
| Office of the Inspector General | Assistant Inspector General for Information Technology. |
| Bureau of Immigration and Customs Enforcement | Chief of Staff. |
| | Assistant Commissioner, Internal Affairs. |
| | Assistant Commissioner, Federal Protective Service. |
| | Special Agent in Charge, Miami. |
| | Special Agent in Charge, Los Angeles. |
| | Deputy Assistant Commissioner, Internal Affairs. |
| | Regional Special Agent in Charge, El Paso. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Bureau of Customs and Border Protection | Deputy Assistant Commissioner, Investigations.<br>Special Agent in Charge, New Orleans.<br>Director, Terrorist Financial Investigations.<br>Executive Director, Air and Marine Interdiction.<br>Special Agent in Charge, San Juan .<br>Special Agent in Charge, Houston.<br>Special Agent in Charge, Chicago.<br>Special Agent in Charge, San Diego.<br>Regional Special Agent in Charge, Plantation.<br>Assistant Commissioner, Human Resources and Development.<br>Executive Director, Support Operations.<br>District Director, New York.<br>Assistant Commissioner for Investigations.<br>Chief Information Officer.<br>Regional Director.<br>Executive Associate Commissioner for Management.<br>Director of Internal Audit.<br>Regional Director.<br>Executive Associate Commissioner, Field Operations.<br>Assistant Commissioner for Administration.<br>Deputy General Counsel.<br>Deputy Executive Associate Commissioner, Detention and Removal.<br>Senior Management Advisor.<br>Regional Counsel.<br>Executive Director, Investigative Programs.<br>Executive Director Central.<br>Special Agent in Charge, El Paso.<br>Special Agent in Charge, Tucson.<br>Special Agent in Charge, San Juan.<br>Special Agent in Charge, San Antonio.<br>Special Agent in Charge, El Paso.<br>Area Director, JFK Airport.<br>Executive Director, Field Operations.<br>Deputy Chief Counsel.<br>Director, Field Operations (Detroit).<br>Director, Field Operations (Seattle).<br>Director, Field Operations (Buffalo).<br>Director, Field Operations (Tucson).<br>Director, Field Operations (Boston).<br>Deputy Chief Counsel.<br>Associate Chief Counsel—Administration.<br>Associate Chief Counsel—Southeast.<br>Associate Chief Counsel—North Central.<br>Associate Chief Counsel—New York.<br>Assistant Deputy Administrator, Agriculture Quarantine Inspection.<br>Director, Regulatory Audit.<br>Associate Chief Counsel—Enforcement.<br>Associate Chief Counsel—Trade.<br>Associate Chief Counsel—Southwest.<br>Deputy Assistant Commissioner, Human Resources Management.<br>Executive Director, Communications Management.<br>Executive Director, Asset Acquisition Management.<br>Executive Director, Labor and Employee Relations.<br>Director, International Trade Compliance.<br>Director, Customs Modernization.<br>Director, Field Operations (New York).<br>Area Director, Newark.<br>Assistant Commissioner, Field Operations.<br>Assistant Commissioner, Regulations and Rulings.<br>Director, Strategic Trade Center (Chicago).<br>Associate Chief Counsel—Pacific.<br>Area Director, JFK Airport.<br>Assistant Commissioner, Information and Technology.<br>Assistant Commissioner, Public Affairs.<br>Director, Laboratories and Scientific Services.<br>Director, Trade Programs.<br>Deputy Assistant Commissioner, Field Operations.<br>Director, Field Operations (El Paso).<br>Executive Director, Passenger Services.<br>Director, Field Operations (Houston).<br>Executive Director, Enforcement Planning.<br>Assistant Commissioner, Finance. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director, Field Operations (Miami). |
| | Director, Academy, Glynco. |
| | Director, Field Operations (San Diego). |
| | Executive Director, Budget. |
| | Executive Director, Field Operations. |
| | Director, Field Operations (Chicago). |
| | Executive Director, Southwest Border. |
| | Director, Field Operations (Los Angeles). |
| | Director, Field Operations (Laredo). |
| | Assistant Commissioner, Strategic Trade. |
| | Assistant Commissioner, Human Resources. |
| | Port Director, Miami International Airport. |
| | Assistant Commissioner, Training and Development. |
| | Assistant Commissioner, Policy and Inspection. |
| | Assistant Commissioner, Border Patrol. |
| | District Director, San Diego. |
| | District Director, El Paso. |
| | Chief Patrol Agent (San Diego). |
| | Chief Patrol Agent (El Paso). |
| | Chief Patrol Agent (McAllen). |
| | Chief Patrol Agent (Tucson). |
| | Executive Director, Infrastructure Services. |
| | Deputy Chief Financial Officer. |
| Federal Law Enforcement Training Center—Treasury | Deputy Director, Federal Law Enforcement Training Center. |
| | Director, Federal Law Enforcement Training Center. |
| | Senior Assistant Director, Washington Operations. |
| | Assistant Director, Training Directorate. |
| | Assistant Director, Administration. |
| | Assistant Director, Field Training. |
| Federal Emergency Management Agency | Division Director. |
| | Deputy Administrator for Insurance. |
| | Deputy Chief Financial Officer. |
| | Deputy Administrator for Mitigation. |
| | Senior Procurement Executive. |
| | Division Director. |
| | Division Director. |
| | Deputy Inspector General. |
| | Assistant Inspector General for Auditing. |
| | Assistant Inspector General for Investigations. |
| Office of the Under Secretary for Management | Director of Asset Management. |
| Department of Housing and Urban Development: | |
| Office of the General Counsel | Deputy Director, Departmental Enforcement Center. |
| | Associate General Counsel for Program Enforcement. |
| Office of the Inspector General | Assistant Inspector General for Investigations. |
| | Assistant Inspector General for Audit. |
| | Deputy Inspector General. |
| | Assistant Inspector General for Management and Policy. |
| | Deputy Assistant Inspector for Investigation. |
| | Deputy Assistant Inspector General for Audit. |
| | Deputy Assistant Inspector General for Investigation. |
| | Counsel to the Inspector General. |
| | Deputy Assistant Inspector General for Management and Policy. |
| Office of the Chief Financial Officer | Assistant Chief Financial Officer for Budget. |
| | Deputy Chief Financial Officer. |
| | Assistant Chief Financial Officer for Financial Management. |
| | Assistant Chief Financial Officer for Accounting. |
| Office of the Chief Procurement Officer | Deputy Chief Procurement Officer. |
| Departmental Enforcement Center | Chief Counsel. |
| | Associate Director, Departmental Enforcement Center. |
| | Director, Departmental Enforcement Center. |
| Assistant Secretary for Administration | Director, Office of Procurement and Contracts. |
| | Director, Grants Management Center. |
| | Senior Advisor for Procurement Planning and Program Liaison. |
| Office of the Chief Information Officer | Information Technology Advisor. |
| | Deputy Chief Information Officer for Information Technology Reform. |
| Assistant Secretary for Housing | Housing/Federal Housing Administration Comptroller. |
| | Housing—Family Housing Authority Deputy Comptroller. |
| | Director, Office of Asset Management. |
| | Director, Office of Program Systems Management. |
| | Deputy Assistant Secretary for Finance and Budget. |
| Assistant Secretary for Fair Housing and Equal Opportunity | Director, Office of Enforcement. |
| Office of Departmental Equal Employment Opportunity | Director, Office of Departmental Equal Employment Opportunity. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Assistant Secretary for Community Planning and Development | Director, Office of Community Viability. |
| | Comptroller. |
| Government National Mortgage Association | Senior Vice President Office of Capital Markets and Policy. |
| | Senior Vice President, Office of Finance. |
| | Senior Vice President, Office of Multifamily Programs. |
| | Senior Vice President, Office of Program Operations and Support. |
| | Senior Vice President, Office of Management and Communication. |
| | Senior Vice President, Office of Management Operations. |
| | Senior Vice President, Office of Program Operations. |
| | Senior Advisor to the President, Government National Mortgage Association. |
| Assistant Secretary for Public and Indian Housing | General Deputy Assistant Secretary for Public and Indian Housing. |
| | Deputy Public and Indian Housing Comptroller. |
| | Director, Office of Public Housing Partnership. |
| | Deputy Assistant Secretary, Office of Troubled Agency Recovery. |
| | Deputy Director for Finance. |
| | Comptroller, Real Estate Assessment Center. |
| | Director, Real Estate Assessment Center. |
| | Director, Administrative Operations. |
| | Deputy Assistant Secretary for Administrator and Budget/Chief Financial Officer. |
| Department of the Interior: | |
| Office of the Inspector General | Assistant Inspector General for Auditing. |
| | Assistant Inspector General for Investigations. |
| | Assistant Inspector General for Management and Policy. |
| | Assistant Inspector General for Strategic Initiatives. |
| | Assistant Inspector General for Program Integrity. |
| | Chief of Staff. |
| | Assistant Inspector General for Administrative Services and Information Management. |
| | Assistant Inspector General for Human Capital Management. |
| | Deputy Assistant Inspector General for Investigations. |
| | Deputy Assistant Inspector General for Administrative Services and Information Management. |
| | General Counsel. |
| | Deputy Assistant Inspector General for Audits. |
| | Deputy Assistant Inspector General for Audits. |
| Office of the Solicitor | Deputy Associate Solicitor, General Law. |
| | Deputy Associate Solicitor, Division of Parks and Wildlife. |
| | Deputy Associate Solicitor—Mineral Resources. |
| | Associate Solicitor for Administration. |
| | Deputy Associate Solicitor, Division of Land and Water Resources. |
| Assistant Secretary—Policy, Management and Budget | Assistant Director for Economics. |
| | Manager, Science and Engineering. |
| | Designated Agency Ethics Official. |
| | Deputy Assistant Secretary—Law Enforcement and Security. |
| | Associate Director for Financial Policy and Operations. |
| | Deputy Assistant Secretary Budget and Finance. |
| | Director, Office of Financial Management and Deputy Chief Financial Officer. |
| | Chief Division of Budget and Program Review. |
| | Deputy Agency Ethics Staff Officer. |
| Assistant Secretary—Fish and Wildlife and Parks | Director for Everglades Restoration. |
| National Park Service | Financial Advisor (Comptroller). |
| | Park Manager—Grand Canyon. |
| Field Offices | Park Manager—Yosemite (Superintendent). |
| | Park Manager—Everglades. |
| | Park Manager—Yellowstone (Superintendent). |
| | Assistant Director, Design and Construction (Manager). |
| | Park Manager—Independence National Historic Park. |
| United States Fish and Wildlife Service | Executive Director—Regional Ecosystem Office. |
| Field Offices | Director, Technical Services Center. |
| | Director, Management Services Office. |
| United States Geological Survey | Regional Geographer, Western Region. |
| | Regional Hydrologist, Western Region. |
| | Chief Scientist for Hydrology. |
| Directors Office | Geographic Information Officer. |
| | Deputy Director, United States Geological Survey. |
| | Regional Director, Eastern Region. |
| | Regional Director, Western Region. |
| | Physical Scientist. |
| | Chief, Office of Administrative Policy and Services. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Associate Director for Geography. |
| National Mapping Division | Associate Division Chief for Operations. |
| Field Offices | Chief, EROS Data Center. |
| | Regional Geographer, Eastern Region. |
| Water Resources Division | Associate Division Chief for Water. |
| | Associate Chief Hydrologist for Program Operations. |
| | Assistant Chief Hydrologic for Research. |
| Field Offices | Regional Hydrologist, Central Region. |
| | Regional Hydrologist, Southeastern Region. |
| | Regional Hydrologist, Western Region. |
| | Regional Hydrologist, Northeastern Region. |
| Geologic Division | Associate Director for Geology. |
| | Regional Geologist, Western Region. |
| | Regional Geologist, Eastern Region. |
| | Chief Scientist for Geology. |
| Biological Resources Division | Associate Chief Biologist for Information. |
| Field Offices | Regional Chief Biologist, Eastern Region. |
| | Regional Biologist, Western Region. |
| Field Offices | Regional Director. |
| | Regional Director. |
| | Regional Director. |
| Minerals Management Service | Associate Director for Policy and Management Improvement. |
| Field Offices | Regional Director, Gulf of Mexico Outer Continental Shelf Region. |
| | Assistant Program Director for Offshore Compliance and Asset Management. |
| | Assistant Program Director for Onshore Compliance and Asset Management. |
| | Regional Director, Alaska Outer Continental Shelf Region. |
| | Regional Director, Pacific Outer Continental Shelf Region. |
| | Deputy Associate Director for Minerals Revenue Management. |
| Assistant Secretary—Indian Affairs | Chief Financial Officer. |
| | Director, Planning and Policy Analysis. |
| Bureau of Indian Affairs | Deputy Director, Field Operations. |
| | Deputy Director, Office of Indian Education Programs. |
| Office of Hearings and Appeals | Director, Office of Hearings and Appeals. |
| Department of Justice: | |
| Office of the Legal Counsel | Special Counsel. |
| | Special Counsel. |
| Office of Intelligence Policy and Review | Deputy Counsel for Intelligence Law. |
| Office of the Inspector General | Assistant Inspector General, Evaluation and Inspections Division. |
| | Assistant Inspector General for Audit. |
| | Assistant Inspector General for Investigation. |
| | Assistant Inspector General for Management and Planning. |
| | Deputy Inspector General. |
| | General Counsel. |
| | Director, Office of Oversight and Review. |
| Office of Professional Responsibility | Counsel on Professional Responsibility. |
| | Deputy Counsel on Professional Responsibility. |
| Justice Management Division | Assistant Attorney General for Administration. |
| | Deputy Assistant Attorney General, Policy, Management, and Planning. |
| | Director, Human Resources. |
| | Director, Security and Emergency Planning Staff. |
| | Director, Computer Services Staff. |
| | Director Finance Staff. |
| | Deputy Assistant Attorney General Controller. |
| | Deputy Assistant Attorney General Human Resources/Administration. |
| | Director Library Staff. |
| | Director, Systems Policy Staff. |
| | Director, Facilities and Administrative Services Staff. |
| | Director, Office of Attorney Personnel Management. |
| | Director Telecommunications Services Staff. |
| | Information Technology Project Manager. |
| | Information Technology Security Project Manager. |
| | Chief of Staff. |
| | Director, Operations Services Staff. |
| | Information Technology Policy and Planning Manager. |
| | Director Management and Planning Staff. |
| | Director, Budget Staff. |
| | Director, Debt Collection Management Staff. |
| | Assistant Director, Management and Planning Staff. |
| | Senior Policy Advisor. |
| | Chief Information Officer. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director Procurement Services Staff. |
| | Director, Systems Technology Staff. |
| | General Counsel. |
| | Director, Equal Employment Opportunity Staff. |
| | Senior Counsel. |
| | Director, Department of Ethics Office. |
| | Deputy Director, Budget Staff. |
| | Director, Systems Engineering and Development Staff. |
| | Senior Program Manager. |
| Professional Responsibility Advisory Office | Director, Professional Responsibility Advisory Office. |
| Office of Federal Detention Trustee | Federal Detention Trustee. |
| Executive Office for United States Trustees | Executive Officer. |
| Executive Office for Immigration Review | Chief Immigration Judge. |
| | Assistant to the Director. |
| | Chairman, Board of Immigration Appeals. |
| | General Counsel. |
| | Attorney-Examiner (Immigration). |
| | Chief Administrator Hearing Officer. |
| Antitrust Division | Deputy Director of Operations. |
| | Chief, Competition Policy Section. |
| | Senior Litigator. |
| | Executive Officer. |
| | Chief Computers and Finance Section. |
| | Senior Litigator. |
| | Senior Litigator, Atlanta Field Office. |
| | Deputy Chief, Litigation II Section. |
| Civil Division | Special Litigation Counsel (Foreign Litigation). |
| | Special Litigation Counsel. |
| | Special Litigation Counsel. |
| | Special Litigation Counsel (Federal Programs). |
| | Special Litigation Counsel, Commercial Litigation Branch. |
| | Deputy Branch Director. |
| | Deputy Branch Director/Commercial Litigation. |
| | Deputy Branch Director. |
| | Director of Management Programs. |
| | Deputy Branch Director. |
| | Deputy Branch Director Civil Frauds. |
| | Deputy Branch Director. |
| | Director Office of Consumer Litigation. |
| | Deputy Director, Commercial Litigation Branch. |
| | Appellate Litigation Counsel. |
| | Deputy Branch Director. |
| | Deputy Director, Tobacco Litigation Team. |
| | Deputy Director, Appellate Staff. |
| Civil Rights Divisions. | Special Litigation Counsel. |
| | Executive Officer. |
| Environment and Natural Resources Division | Senior Litigation Counsel. |
| | Deputy Chief, Environmental Enforcement Section. |
| | Executive Officer. |
| | Principal Deputy Chief Environment Enforcement Section. |
| | Supervisory Trial Attorney. |
| Tax Division | Special Litigation Counsel. |
| | South Region Trial Attorney. |
| | Special Litigation Counsel. |
| | Special Litigation Counsel. |
| | Chief Civil Trial Section Southwestern Region. |
| | Executive Officer. |
| Immigration and Naturalization Service | Assistant Commissioner for Border Patrol. |
| | Director of Internal Audit. |
| | Regional Director Central Region. |
| | Assistant Commissioner Administration. |
| | Chief Patrol Agent. |
| | District Director, Western Region, Phoenix District. |
| | Chief Patrol Agent, El Paso, Texas. |
| | Deputy Executive Associate Commissioner for Detention and Removals. |
| | Associate Commissioner, Field Services Operations. |
| Associate Commissioner for Examinations | Assistant Commissioner for Inspections. |
| Associate Commissioner for Enforcement | Assistant Commissioner for Investigations. |
| | Assistant Deputy Executive Associate Commissioner, Field Operations. |
| Executive Associate Commissioner for Management | Assistant Commissioner, Human Resources and Development |
| Regional Offices—Immigration and Naturalization Service | District Director, Newark, District |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Chief Patrol Agent, McAllen, Texas. |
| | Chief Patrol Agent, Tucson, Arizona. |
| | Regional Counsel, Western Region. |
| Office of the Associate Attorney General | Deputy Director for Support Services. |
| Executive Office for United States Attorneys | Promis Project Manager. |
| | Director, Office of Administration and Review. |
| | Deputy Director for Operations. |
| | Executive Officer (Principal Associate Director) |
| | Director, Office of Legal Education. |
| | Deputy Director, Financial Management Staff. |
| Criminal Division | Senior Counsel to the Assistant Attorney General. |
| | Director, Organized Crime Drug Enforcement Task Forces. |
| | Deputy Chief, Fraud Section. |
| | Chief, Asset Forfeiture and Money Laundering Section. |
| | Senior Appellate Counsel. |
| | Senior Counsel. |
| | Executive Officer. |
| | Director International Criminal Investigative Training Assistance Program. |
| | Chief, General Litigation and Legal Advice Section. |
| | Senior Counsel for National Security Matters. |
| | Deputy Chief Terrorism and Violent Crime Section. |
| | Deputy Chief, Computer Crime and Intellectual Property Section. |
| | Chief of International Training and Development Programs. |
| | Senior Counsel to the Assistant Attorney General. |
| | Principal Deputy Chief, Narcotic and Dangerous Drug Section. |
| | Director, Office of Overseas Prosecutorial Development, Assistance, and Training. |
| | Chief, Asset Forfeiture Office. |
| | Senior Counsel for National Security Matters. |
| Office of Senior Counsels | Senior Counsel for Litigation. |
| Office of Deputy Assistant Attorney General I | Counsel to the Office Fraud Section. |
| Office of Deputy Assistant Attorney General II | Chief Public Integrity Section. |
| | Deputy Chief Public Integrity Section. |
| Federal Bureau of Prisons | Assistant Director for Administration. |
| | General Counsel. |
| | Associate Commissioner, Federal Prisons Industries, Unicore. |
| | Deputy Associate Commissioner Federal Prison Industries. |
| | Warden Fort Worth Texas. |
| | Warden Marianna Florida. |
| | Assistant Director for Human Resources Management. |
| | (Warden) Miami, Florida. |
| | Senior Deputy Assistant Director Health Services Division. |
| | Regional Director Middle Atlantic Division. |
| | Assistant Director, Community Corrections and Detention. |
| | Assistant Director, Information, Policy, and Public Affairs Division. |
| | Warden Talladega, Alabama. |
| | General Counsel, Federal Prison Industries (UNICOR). |
| | Warden, Allenwood, Pennsylvania. |
| | Senior Management Counsel, (Federal Bureau of Prisons). |
| | (Warden) Fort Dix, New Jersey. |
| | (Warden) Federal Correctional Complex, Floren, Colorado |
| | Correctional Institution Administrator (Assistant Regional Director) South Central Region, Dallas, Texas. |
| | Correctional Institution Administrator (Senior Deputy Assistant Director) Community Corrections and Detention Division, Washington, District of Columbia. |
| | Warden, United States Penitentiary, Florence, Colorado. |
| | Central Intelligence Agency (Warden) Federal Medical Center. |
| | Carswell, Texas. |
| | CIA (Warden) United States Penitentiary, Allenwood, Pennsylvania. |
| | (Warden) Federal Transfer Center, Oklahoma City, Oklahoma. |
| | Senior Deputy Assistant Director (Administration). |
| | Correctional Institution Administrator (Warden) Federal Correctional Institute/EL Reno, Oklahoma. |
| | Correctional Institution Administrator (Warden) Federal Medical Center/Miami, Florida. |
| | Correctional Program Officer/Senior Deputy Regional Director. |
| | Correctional Institution Administrator (Warden) Federal Correctional Institution. |
| | Correctional Program Officer/Senior Deputy Assistant Director. |
| | Program Review Division. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Correctional Program Officer. |
| | Correctional Program Officer (Warden Federal Correctional Institution, Estill, South Carolina). |
| | Correctional Program Officer (Warden Federal Correctional Institution, South Carolina). |
| | Correctional Institution Administrator (Warden, Federal Medical Center, Federal Transfer Center, Massachusetts). |
| | Correctional Institution Administrator. |
| | Correctional Institution Administrator (Warden). |
| | Correctional Institution Administrator (Warden, United States Penitentiary, Beaumont, Texas). |
| | Assistant Director, Health Services Division. |
| | Deputy Assistant Director for Administration. |
| | Correctional Program Officer. |
| | Warden. |
| | Correctional Institution Administrator (Warden). |
| | Correctional Institution Administrator (Warden). |
| | Correction Program Officer (Senior Deputy Assistant Director). |
| | Budget Officer. |
| | Warden. |
| | Warden. |
| | Warden, United States Penitentiary, Lee, Virginia. |
| | Warden, Federal Correctional Institution. |
| | Senior Counsel. |
| | Correctional Institution Administrator (Warden, United States Penitentiary Victorville, California). |
| | Correctional Institution Administrator (Warden, United States Penitentiary McCreary, Kentucky). |
| Office of Correctional Programs | Assistant Director Correctional Programs Division. |
| Northeast Region | Regional Director, Northeast Region. |
| | Warden, Lewisburg, Pennsylvania. |
| | Warden, McKean, Pennsylvania. |
| | (Warden), Oakdale, Louisiana. |
| | Warden, Federal Correctional Institution, Fairton, New Jersey. |
| | Warden. |
| | Warden, Federal Correctional Institution, McKean, Pennsylvania. |
| | Correctional Institution Administrator (Warden). |
| | Correctional Institution Administrator (Warden). |
| | Warden, Federal Detention Center, Philadelphia, Pennsylvania. |
| | Correctional Institution Administrator (Warden). |
| Southeast Region | Regional Director, Southeast Region. |
| | Warden Atlanta. |
| | Warden, Lexington Kentucky. |
| | Warden Butner North Carolina. |
| | Correctional Institution Administrator (Warden). |
| | Warden, Federal Correctional Institution, Jesup, Georgia. |
| | Correctional Institution Administrator (Warden). |
| | Warden, Federal Correction Institution, Petersburg, Virginia. |
| | Warden, United States Penitentiary, Big Sandy, Kentucky. |
| North Central Region | Regional Director, North Central Region. |
| | Warden Leavenworth Kansas. |
| | Warden Springfield Missouri. |
| | Warden Marion Illinois. |
| | Warden Terre Haute, Indiana. |
| | Correctional Institution Administrator (Warden, Federal Medical Center, Rochester, Minnesota). |
| | Correctional Institution Administrator (Warden). |
| | Correctional Institution Administrator (Warden). |
| | Correctional Institution Administrator (Warden). |
| | Correctional Institution Administrator (Warden). |
| South Central Region | Regional Director, South Central Region. |
| | Warden El Reno Oklahoma. |
| | Warden, Federal Correctional Institution, Medium, Beaumont, Texas. |
| | Warden, Federal Correctional Institution, Three Rivers, Texas. |
| Western Region | Regional Director, Western Region. |
| | Warden, Lompoc, California. |
| | Warden Phoenix, Arizona. |
| | Warden Federal Correctional Institution. |
| | Correctional Institution Administrator (Warden). |
| | Correctional Institution Administrator (Warden). |
| | Correctional Institution Administrator (Warden). |
| Office of Justice Programs | Director of Administration. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Deputy Director, National Institute of Justice. |
| | Comptroller. |
| | Budget Officer. |
| | Deputy Director, Office for Victims of Crime (Policy and International Programs). |
| | Assistant Director, Office of Administration. |
| | Principal Deputy Director, Office of Victims of Crime. |
| | Senior Counsel. |
| Office of Juvenile Justice and Delinquency Prevention | Deputy Administrator, Office Discretionary Grants Special Advisor. |
| | Special Advisor. |
| National Institute of Justice | Special Advisor. |
| | Assistant Director. |
| Bureau of Justice Statistics | Supervisory Statistician. |
| United States Marshals Service | Assistant Director for Operations Support. |
| | Assistant Director for Human Resources. |
| | Associate Director for Operational Support. |
| | Senior Management Advisor. |
| | Assistant Director for Prisoner Services. |
| | Assistant Director for Business Services. |
| | Assistant Director for Management and Budget. |
| | Assistant Director for Executive Service. |
| | Assistant Director for Investigative Service. |
| | Assistant Director for Judicial Security. |
| | Assistant Director for Organizational Development. |
| | Assistant Director for Training. |
| | Assistant Director, Justice Prisoner and Alien Transportation System. |
| | Assistant Director, for Investigative Services. |
| Community Oriented Policing Services | Deputy Director, Office of Community Policing Development. |
| Office of the Alcohol, Tobacco, Firearms and Explosives | Deputy Director. |
| | Assistant Director (Liaison and Public Information). |
| | Assistant Director (Field Operations). |
| | Assistant Director (Field Operations). |
| | Deputy Assistant Director (Criminal Enforcement Field Operations—Central). |
| | Assistant Director (Firearms, Explosives and Arson). |
| | Deputy Assistant Director (Firearms, Explosives and Arson). |
| | Assistant Director (Inspection). |
| | Deputy Assistant Director (Recruitment and Hiring). |
| | Chair, Professional Review Board. |
| | Deputy Assistant Director (Science and Technology). |
| | Assistant Director (Science and Technology). |
| | Director, Laboratory Services. |
| | Associate Chief Counsel (Administration and Ethics). |
| | Deputy Assistant Director (Field Operations—West). |
| | Division Director/Special-Agent-In-Charge, Los Angeles. |
| | Division Director/Special-Agent-In-Charge, Phoenix. |
| | Division Director/Special-Agent-In-Charge, Chicago. |
| | Division Director/Special-Agent-In-Charge, New York. |
| | Division Director/Special-Agent-In-Charge, Washington. |
| | Division Director/Special Agent In Charge. |
| Department of Labor: | |
| Office of the Inspector General | Deputy Inspector General. |
| | Assistant Inspector General for Investigations. |
| | Assistant Inspector General for Audit. |
| | Assistant Inspector General for Labor Racketeering. |
| | Assistant Inspector General for Management and Counsel. |
| | Assistant Inspector General/Analysis Complaints/Evaluation. |
| | Assistant Inspector General for Analysis, Complaints and Evaluations. |
| | Assistant Inspector General for Communications, Inspections and Evaluations. |
| | Counsel to the Inspector General. |
| | Assistant Inspector General for Management and Policy. |
| | Deputy Assistant Inspector General for Audit. |
| Bureau of International Labor Affairs | Associate Deputy Under Secretary. |
| Office of the Solicitor | Associate Solicitor for Labor-Management Laws. |
| | Associate Solicitor for Plan Benefits Security. |
| | Regional Solicitor Chicago. |
| | Associate Solicitor for Civil Rights. |
| | Associate Solicitor for Occupational Safety and Health. |
| | Associate Solicitor for Mine Safety and Health. |
| | Associate Solicitor for Fair Labor Standards. |
| | Regional Solicitor Atlanta. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Associate Solicitor for Employee Benefits. |
| | Regional Solicitor Boston. |
| | Regional Solicitor New York. |
| | Regional Solicitor Philadelphia. |
| | Regional Solicitor Dallas. |
| | Regional Solicitor Kansas City. |
| | Regional Solicitor San Francisco. |
| | Deputy Solicitor (Regional Operations). |
| | Associate Solicitor For Special Appeal and Supreme Court Litigation. |
| | Deputy Solicitor for Planning and Coordination. |
| | Associate Solicitor for Black Lung Benefits. |
| Office of Chief Financial Officer | Deputy Chief Financial Officer. |
| | Associate Deputy Chief Financial Officer. |
| Office of the Assistant Secretary for Administration and Management. | Director of Human Resources. |
| | Deputy Director, Information Technology Center. |
| | Director, Office of Budget. |
| | Director, Business Operations Center. |
| | Director of Civil Rights. |
| | Director, Management Systems Development and Innovation. |
| | Director of Safety and Health. |
| | Director of Information Technology Operations. |
| | Deputy Assistant Secretary for Budget and Strategic and Performance Planning. |
| | Deputy Assistant Secretary for Operations. |
| | Director, Program Planning and Results Center. |
| | Deputy Assistant Secretary for Security and Emergency Management. |
| Employment Standards Administration | Director, Office of Management, Administration and Planning. |
| Office of Federal Contract Compliance Programs | Director, Division of Programs Operations. |
| Wage and Hour Division | Deputy, National Office Program Administration. |
| | Deputy, Wage and Hour Administrator (Operations). |
| | Principal Deputy, Wage and Hour Administrator. |
| Office of Workers Compensation Programs | Director, Federal Employees Compensation. |
| | Director, Coal Mine Workers Compensation. |
| Office of Labor-Management Standards | Deputy Director, Employment Standards Administration. |
| Employee Benefits Security Administration | Director of Regulations and Interpretations. |
| | Deputy Assistant Secretary for Program Operations. |
| | Director of Exemption Determinations. |
| | Senior Policy Advisor. |
| | Regional Director—Boston. |
| | Regional Director—Atlanta. |
| | Regional Director—Kansas City. |
| | Regional Director—San Francisco. |
| | Director of Enforcement. |
| | Director of Health Plan Standards Compliance and Assistance. |
| | Director of Participant Assistance and Communications. |
| | Director of Information Management. |
| | Chief Accountant. |
| Bureau of Labor Statistics | Associate Commissioner for Field Operations. |
| | Associate Commissioner for Field Operations. |
| | Associate Commissioner for Administration. |
| | Associate Commissioner for Employment Projections. |
| | Associate Commissioner for Prices and Living Conditions. |
| | Associate Commissioner Productivity and Technology. |
| | Deputy Commissioner. |
| | Associate Commissioner/Survey Methods Research. |
| | Associate Commissioner for Employment and Unemployment Statistics. |
| | Assistant Commissioner for Industry Prices and Price Indexes. |
| | Director of Survey Processing. |
| | Director of Technology and Computing Services. |
| | Assistant Commission for Current Employee Analysis. |
| | Associate Commissioner for Technology and Survey Processing. |
| | Assistant Commission for Compensation Levels and Trends. |
| | Assistant Commissioner for Safety, Health and Working Conditions. |
| | Associate Commissioner Compensation and Working Conditions. |
| | Assistant Commissioner for International Prices. |
| | Associate Commissioner for Publication and Special Studies. |
| | Assistant Commissioner for Consumer Prices/Price Indexes. |
| | Assistant Commissioner for Federal/State Cooperative Statistics Programs. |
| Employment and Training Administration | Administrator, Office of Financial and Administrative Management. |
| | Director, Office of Career Transition Assistance. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Administrator, Office of National Programs. |
| | Administrator, Office of Workforce Investment. |
| | Administrator, Office of National Response. |
| | Administrator, Office of Performance Results. |
| | Administrator, Office of Workforce Security. |
| | Director, Office of Adult Services. |
| | Director, Office of Youth Services. |
| Occupational Safety and Health Administration | Director, Directorate of Science, Technology and Medicine. |
| | Director, Safety Standards Programs. |
| | Director, Directorate of Cooperative and State Programs. |
| | Director, Health Standards Programs. |
| | Director, Administrator Programs. |
| | Director, Directorate of Standards and Guidance. |
| | Senior Safety and Health Advisor. |
| Mine Safety and Health Administration | Director of Administration and Management. |
| | Director of Technical Support. |
| | Director of Program Evaluation and Information Resources. |
| Veterans Employment and Training Service | Director of Resource Management. |
| | Director of Operations and Programs. |
| Office of Disability Employment Policy | Director, Office of Policy and Research. |
| | Director, Office of Operations. |
| Merit Systems Protection Board: | |
| Office of the Clerk of the Board | Clerk of the Board. |
| Office of Financial and Administrative Management | Director, Financial and Administrative Management. |
| Office of Policy and Evaluation | Director, Office of Policy and Evaluation. |
| Office of Information Resources Management | Director, Information Resources Management. |
| Office of Regional Operations | Director, Office of Regional Operations. |
| Atlanta Regional Office | Regional Director, Atlanta. |
| Central Region, Chicago Regional Office | Regional Director, Chicago. |
| Northeast Region, Philadelphia Regional Office | Regional Director, Philadelphia. |
| Western Region, San Francisco Regional Office | Regional Director, San Francisco. |
| Washington, DC Region, Washington Regional Office | Regional Director, Washington, D.C. |
| National Aeronautics and Space Administration: | |
| National Aeronautics and Space Administration | Senior Program Executive, Advanced Technology Program Management. |
| | Senior Systems Engineer. |
| Office of the Administrator | Associate Administrator for Education. |
| Office of the Chief Financial Officer/Comptroller | Deputy Chief Financial Officer. |
| | Director, Financial Management Division. |
| | Director, Resources Analysis Division. |
| | Associate Chief Financial Officer for Integrated Financial Management Program. |
| | Special Assistant. |
| | Director, Strategic Management and Planning. |
| Office of Equal Opportunity Programs | Director, Discrimination Complaints Division. |
| Office of Human Resources and Education | Director, Management System Division. |
| | Assistant Administrator for Human Resources and Education. |
| | Director, Education Division. |
| | Director, Personnel Division. |
| | Director, Management Systems Division. |
| | Director, Training and Development Division. |
| Office of Procurement | Associate Administrator for Procurement. |
| | Director, Program Operations Division. |
| | Director, Contract Management Division. |
| | Director Analysis Division. |
| Office of External Relations | Deputy Associate Administrator for External Relations (Space Flight). |
| | Manager, International Technology Transfer Policy. |
| | Director, Space Flight Division. |
| | Director, Research Division. |
| | Director, Earth Science Division. |
| | Director, Space Science and Aeronautics Division. |
| | Manager, International Technology Transfer Policy. |
| Space Flight | Program Executive Officer for Human Space Flight. |
| Office of Management Systems and Facilities | Director, Facilities Engineering Division. |
| | Director Environmental Management Division. |
| Information Resources Management | Director, Information Resources Mgmt Division. |
| Office of Small and Disadvantaged Business Utilization | Associate Administrator for Small and Disadvantaged Business Utilization. |
| Office of Legislative Affairs | Deputy Associate Administrator. |
| | Deputy Associate Administrator for Programs. |
| | Director, Liaison Division. |
| Office of Space Flight | Deputy Chief. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director, Advanced Project Office. |
| | Deputy Associate Administrator for Business Management. |
| | Deputy Associate Administrator for Space Operations. |
| | Special Assistant to the Associate Administrator. |
| Institutions | Deputy Associate Administrator for Interagency Enterprise |
| Space Flight Development | Deputy Associate Administrator for Space Development. |
| Johnson Space Center | Chief Financial Officer. |
| | Director of Human Resources. |
| | Director of Technical Transfer and Commercialization. |
| | Chief Information Officer. |
| | Deputy Chief Information Officer. |
| | Associate Director (Technical). |
| | Assistant Director, Space Operations. |
| | Manager Advanced Communications Operations. |
| | Associate Director (Management). |
| | Assistant Director for University Research and Affairs. |
| | Director, Public Affairs Office. |
| | Manager for International Operations. |
| | Chief Engineer. |
| | Associate Director (Space Development and Commerce). |
| Space Operations Office | Manager, Space Operation Management Office. |
| | Manager, Space Operations Engineering Office. |
| | Director, Space Operations Office. |
| | Deputy Director, Space Operations Office. |
| | Director Space Operations. |
| | Space Operations Commercialization Manager. |
| | National Aeronautics and Space Administration Representative to Headquarters, Air Force Space Command. |
| Space Station Program Office | Space Stations Vehicle Manager. |
| | Director, Management Operations. |
| | Deputy Space Station Vehicle Manager. |
| | Manager International Partners Office. |
| | Technical Assistant to the Manager, Space Station Program. |
| | Deputy Program Manager for Business Management. |
| | Deputy Program Manager for Technical Development. |
| | Manager, Research Programs. |
| | Technical Assistant for External Reviews. |
| | Business Manager. |
| | Manager, Space Station Payloads Office. |
| | Space Station Program Manager. |
| | Deputy Manager, International Space Station Program. |
| | Manager, Avionics and Software Office. |
| | Manager, Program Integration Office. |
| | Manager, Mission Integration and Operations Office. |
| | Manager for Commercialization. |
| | Manager for Commercialization. |
| Space Shuttle Program Office | Manager, Space Shuttle Vehicle Engineer Office. |
| | Manager, Shuttle Projects Office (Marshall Space Flight Center). |
| | Manager, Launch Integration (Kennedy Space Center). |
| | Manager, Space Shuttle Business Office. |
| | Assistant Manager Space Shuttle Program. |
| | Manager for Space Shuttle Program Development. |
| | Manager, Space Shuttle Program Integration. |
| Mission Operations | Director, Mission Operations. |
| | Chief Flight Director Office. |
| | Deputy Director, Mission Operations. |
| | Assistant Director for Operations. |
| | Chief Engineer, Mission Operations Directorate. |
| | Chief Flight Director Office. |
| | Chief, Advanced Operations and Development Division. |
| Flight Crew Operations | Chief, Aircraft Operations Division. |
| | Deputy Director, Flight Crew Operations. |
| | Manager, Phase One Program Office. |
| | Assistant Chief, Aircraft Operations Division. |
| | Chief Astronaut Office. |
| Engineering | Chief Structures and Mechanics Division. |
| | Chief, Crew and Thermal Systems Division. |
| | Deputy Director, Engineering. |
| | Chief, Automation, Robotics and Simulation Division. |
| | Director, Engineering. |
| | Chief Engineer Space Station Program. |
| | Chief Avionic Systems Division. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Assistant to the Director, Engineering. |
| | Deputy Chief, Avionic Systems Division. |
| | Chief, Aeroscience and Flight Mechanics Division. |
| | Manager, Advanced Development Office. |
| | Deputy Manager, Advanced Development Office. |
| | Assistant Manager, Advanced Development Office. |
| | Deputy Manager for Exploration. |
| | Chief Energy Systems Division. |
| | Chief, Manufacturing, Materials, and Process Technical Division. |
| | Deputy Director of Engineering for Flight. |
| | Assistant to the Director. |
| Space and Life Sciences | Chief, Medical Sciences Division. |
| | Assistant Director for Engineering. |
| | Assistant to the Director for Russian Programs. |
| | Chief, Flight Crew Support Division. |
| | Associate Director, Space and Life Sciences. |
| | Chief, Solar System Exploration Division. |
| | Deputy Director, Space and Life Sciences. |
| | Assistant Director for Flight Programs. |
| | Assistant Director for Space Medicine. |
| | Assistant Director, Space and Life Sciences. |
| | Deputy Director, Astromaterials Research and Exploration Science. |
| | Associate Director, Technical. |
| Information System | Deputy Director, Information System. |
| | Director, Information Systems. |
| | Deputy Director, Information Systems. |
| | Assistant to the Director. |
| Office of Procurement | Procurement Officer. |
| | Assistant Director, Business and Information Systems. |
| | Special Assistant to the Director. |
| | Manager, Space Station Business Office. |
| | Assistant Director, Business Management. |
| | Deputy Director, Business Management. |
| Center Operations | Director, Center Operations. |
| | Deputy Director, Center Operations. |
| Safety, Reliability and Quality Assurance | Director, Safety, Reliability, and Quality Assurance. |
| | Deputy Director for Russian Projects. |
| | Deputy Director, Safety, Reliability and Quality Assurance. |
| | Assistant Director for Space Flight Awareness. |
| White Sands Test Facility | Manager, National Aeronautics and Space Administration, White Sands, Test Facility. |
| EVA Project Office | Manager EVA Project Office. |
| Kennedy Space Center | Director, Space Station Hardware Integration Office. |
| | Director, Safety Assurance. |
| | Deputy Director for Planning and Projects. |
| | Manager, Launch Integration (KSC). |
| | Deputy Manager, Elevation and Payload Carriers Program Office. |
| | Director, John F. Kennedy Space Center. |
| | Associate Director, John F. Kennedy Space Center. |
| | Director, Workforce and Diversity Management. |
| | Chief Financial Officer. |
| | Executive Director, Joint Performance Management Office. |
| | Director, Procurement Office. |
| | Deputy Director of Safety, Health and Independent Assessment. |
| | Director, External Relations and Business Development. |
| | Special Assistant to the Director. |
| Shuttle Processing | Director of Shuttle Processing. |
| | Deputy Director of Shuttle Processing. |
| Safety, Health and Independent Assessment | Director of Safety, Health and Independent Assessment. |
| | Associate Director for Agency Occupational Health Program. |
| | Associate Director for Safety and Mission Assurance. |
| | Associate Director for Systems Management. |
| | Associate Director for Management Systems. |
| Spaceport Engineering and Technology | Deputy Director of Spaceport Engineering and Technology. |
| | Associate Director for Advanced Space Transportation Support. |
| | Associate Director for Spaceport Technology Projects. |
| Spaceport Services | Director, Installation Operations. |
| | Deputy Director of Installation Management and Operations. |
| | Director of Spaceport Services. |
| | Deputy Director of Spaceport Services and Chief Information Officer. |
| | Associate Director of Spaceport Services and Chief Medical Officer. |
| International Space Station and Payload Processing | Director of International Space Station/Payload Processing. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Deputy Director, International Space Station/Payload Processing. |
| Procurement | Director, Procurement. |
| External Relations and Business Development | Director, Biomedical Office. |
| | Deputy Director, External Relations and Business Development. |
| | Associate Director, External Relations and Business Development. |
| | Associate Director, External Relations and Business Development (Washington, DC). |
| | Associate Director, External Relations and Business Development and Senior Public Communications Officer. |
| Expendable Launch Vehicle and Payload Carriers Program | Director of Expendable Launch Vehicle and Payload Carriers Program. |
| | Deputy Director of Expendable Launch Vehicle and Payload Carries Program. |
| | Director, Expendable Launch Vehicle Launch Services. |
| Marshall Space Flight Center | Chief Financial Officer. |
| | Director, Safety and Mission Assurance Office. |
| | Associate Director. |
| | Deputy Manager, Space Shuttle Projects Office. |
| | Integrated Financial Management Program Administrative Systems Implementation Manager. |
| | Integrated Financial Management Program Competency Center Manager. |
| | Deputy Chief Financial Officer. |
| | Special Assistant to the National Aeronautics and Space Administration Associate Administrator for Education. |
| | Manager, Space Shuttle Propulsion Office. |
| | Business Integration Executive. |
| Science Directorate | Deputy for Management. |
| | Deputy Director, Science. |
| | Manager, Microgravity Science and Applications Department. |
| | Chief Operating Officer, National Space Science and Technology Center. |
| | Manager, Gravity Probe-B Program Office. |
| Engineering Directorate | Manager, Engineering Systems Department. |
| | Manager, Avionics Department. |
| | Director Structures Dynamics Laboratory. |
| | Chief Engineer Space Shuttle Maintainence Engineering Project. |
| | Assistant to the Director, Engineering. |
| | Deputy Director, Engineering. |
| | Deputy Manager, Materials, Processes and Manufacturing Department. |
| | Deputy Manager, Structures, Mechanics and Thermal Department. |
| Avionics Department | Deputy Manager, Avionics Department. |
| Center Operations Directorate | Director, Information Systems Services Office. |
| | Director, Procurement Office. |
| | Director Environmental Engineering and Management Office. |
| | Director Center Operations. |
| | Deputy Director, Center Operations. |
| | Manager, Information Services Department. |
| Space Shuttle Projects | Manager, External Tank Project. |
| | Manager Solid Rocket Booster Project. |
| | Manager Space Shuttle Maintenance Engineering Projects. |
| | Manager, Reusable Solid Rocket Motor Project. |
| | Chief, Engineer Space Shuttle Maintainence Engineering Program. |
| Safety and Mission Assurance Office | Director, Safety and Assurance Requirements Division. |
| | Director, Review and Assessment Division. |
| Global Hydrology Research Office | Manager, Materials, Processes, and Manufacturing Department. |
| | Manager Microgravity Research Program Office. |
| Flight Projects Directorate | Deputy Director, Flight Projects. |
| | Deputy Associate Director for Earth Observing Systems (Earth, Observing Systems) Development. |
| | Manager, Payload Operations and Integration Department. |
| | Chief Engineer. |
| | Manager, Ground Systems Department. |
| | Manager, Flight Systems Department. |
| Space Transportation Directorate | Director, Advanced Transportation System Office. |
| | Manager, Vehicles and Systems Development Department. |
| | Manager, Test And Evaluation Department. |
| | Manager, Second Generation Reusable Launch Vehicle Program Office. |
| | Manager, Subsystem and Components Development Department. |
| | Deputy Director, Space Transportation Directorate. |
| | Chief Engineer, Space Transportation. |
| | Manager, Propulsion Research Center. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Customer and Employee Relations Directorate | Director, Customer and Employee Relations. |
| | Deputy Director, Customer and Employee Relations. |
| Stennis Space Center | Deputy Director, National Aeronautics and Space Administration, Stennis Space Center. |
| | Director, Propulsion Test Directorate. |
| | Deputy Director, Propulsion Test Directorate. |
| | Chief Financial Officer. |
| | Special Assistant to the Director. |
| | Director, Center Operations and Support Directorate. |
| | Manager, Propulsion Test Program Office. |
| | Assistant to the Director. |
| | Director, Earth Science Applications Directorate. |
| Office of Public Affairs | Director of Program Operations. |
| Office of Safety and Mission Assurance | Deputy Associate Administrator for Safety and Mission Quality. |
| | Director, Enterprise Safety and Mission Assurance. |
| Safety and Risk Management | Director, Safety and Risk Management Division. |
| Office of Aerospace Technology | Director, Commercial Development and Technology Transfer. |
| | Senior Engineer. |
| | Director, Research Support Division. |
| | Director, Goals Division. |
| | Deputy Assistant Administrator for Aerospace Technology (Space Transportation). |
| Resources and Management Systems | Director, Resources Management Office. |
| Ames Research Center | Chief Financial Officer. |
| | Deputy Director, Information Science and Technology. |
| | Deputy Director, Ames Research Center. |
| | Assistant Director for Information Technology. |
| | Director, Office of Safety, Environment and Mission Assurance, Assistant to the Director. |
| | Chief, Computational Sciences Division. |
| | Associate Director for Astrobiology and Space Programs. |
| | Chief Counsel. |
| | Associate Director for Systems Management and Planning. |
| | Special Assistant for Software Integration. |
| Aerospace | Deputy Director Flight Projects Office. |
| | Chief, Space Technology Division. |
| | Chief, Aviation Systems Research Technology and Simulation. |
| | Chief, Army/National Aeronautics and Space Administration Rotorcraft Division. |
| | Deputy Director of Aerospace. |
| Aerophysics | Chief, National Aeronautics and Space Administration Systems Division |
| Astrobiology and Space Research | Director of Astrobiology and Space Research. |
| | Chief, Life Sciences Division. |
| | Deputy Director of Astrobiology and Space Research. |
| Center Operations | Deputy Director, Center Operations. |
| Research and Development Services | Chief Systems Engineering Division. |
| | Chief, Wind Tunnel Operations Division. |
| | Director, Research and Development Services. |
| | Deputy Director, Research and Development Services. |
| Information Sciences and Technology | Chief, Human Factors Research and Technology Division. |
| Dryden Flight Research Center | Aerospace Engineer (Chief Engineer). |
| | Director, Research Facilities Directorate. |
| | Chief Financial Officer (Financial Manager). |
| | Director, Flight OPS Directorate. |
| | Chief Information Officer. |
| | Director, Aerospace Project Directorate. |
| | Deputy Director, Aerospace Projects. |
| | Associate Director for Planning. |
| Langley Research Center | Chief, Atmospheric Sciences Division. |
| | Facility Group Director for the Aerospace Technology Enterprise. |
| | Director, Independent Program Assess Office. |
| | Director of Education Programs. |
| | Assistant Director for Planning. |
| | Assistant Director for Planning. |
| | Director, Research Facilities Management Office. |
| | Special Assistant for Outreach. |
| | Manager, Hyper-X Phase One Program. |
| | Deputy Director, Independent Program Assessment Office. |
| | Director, Airborne Systems. |
| | Director. |
| | Associate Director for Business Management. |
| | Deputy Director, Structures and Materials Competency. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director, Space Access and Exploration Program Office. |
| | Deputy Director, Airborne Systems Competency. |
| | Special Assistant to the Director. |
| | Director, NASA Engineering and Safety Center. |
| | Director, Airspace Systems Program Office. |
| | Manager, Business Management and Support Office. |
| | Director, Project Implementation Office. |
| | Director, Aviation Safety Program Office. |
| | Associate Director for Program Integration. |
| | Director, Earth and Space Science Program Office. |
| | Director, Aerodynamics, Aerothermodynamic, and Aeropropulsion Facility Group. |
| | Deputy Director, Facilities and Test Techniques, AAAC. |
| | Deputy Director, Independent Program Assessment Office. |
| Aeronautics | Deputy Director, Airframe Systems Prog Office. |
| Space and Atmospheric Sciences | Deputy Director, Space and Atmospheric Sciences Program Group. |
| | Director, Aerospace Transportation Program Office. |
| | Chief, Space Systems and Concepts Division. |
| Research and Technology Competencies | Director. |
| | Chief, Information and Electromagnetic Tech. |
| | Chief, Flight Dynamics and Controls Division. |
| | Deputy Director, Research and Technology Group. |
| | Director, Research and Technology Group. |
| | Chief, Aero and Gas Dynamics Division. |
| | Chief, Materials Division. |
| Internal Operations | Chief, Aerospace Mechanical Systems Division. |
| | Chief, Experimental Testing Technology Division. |
| | Procurement Officer. |
| | Chief, Simulation and Research Aircraft Division. |
| High-Speed Research Project | Director for High-Speed Research Project Office. |
| | Chief Engineer, High-Speed Research. |
| Aerospace Vehicle Systems Technology Program Office | Deputy Director, Aerospace Transportation Technology Office. |
| | Deputy Director, Aerospace Transportation Technology Office. |
| | Director, Aerospace Transport Technology Office. |
| Safety and Mission Assurance | Director, Office of Safety and Mission Assurance. |
| Comptroller | Chief Financial Officer. |
| Glenn Research Center | Chief Financial Officer. |
| | Deputy Director for Operations. |
| | Assistant Deputy Director for Policy. |
| | Chief, Engineering Design and Analysis Division. |
| | Director, Systems Management Office. |
| | Chief, Space Transportation Office. |
| | Chief, Systems Engineering Division. |
| | Chief, Aeropropulsion Project Office. |
| Aeronautics | Deputy Director of Aeronautics. |
| | Chief, Ultra Efficient Engine Technology Office. |
| Research and Technology | Chief, Turbomachinery and Propulsion System Division. |
| National Aeronautics and Space Administration: | |
| Research and Technology | Chief, Materials Division. |
| | Chief, Structures and Acoustics Division. |
| | Chief, Power and On-Board Propulsion Technical Division. |
| Space | Chief Microgravity Division. |
| | Deputy Director of Space. |
| | Chief Power Systems Project Office. |
| Engineering and Technical Services | Chief, Computer Services Division. |
| | Director of Engineering and Technical Services. |
| | Deputy Director of Engineering and Technical Services. |
| | Chief, Systems Engineering Division. |
| External Programs | Director, External Programs. |
| Mission Safety and Assurance | Director, Office of Safety, Environmental and Mission Assurance. |
| Office of Space Science | Director, Research Program Management. |
| | Technical Assistant to the Director, Office of Space Science. |
| | Science Program Director. |
| | Director, Administration and Resource Management Division. |
| | Senior Program Executive, Space Science Program Management. |
| | Deputy Director, Research Program Management Division. |
| | Deputy Director, Flight Program Division. |
| | Senior Program Executive for Decadal Planning Team (Science). |
| | Associate Director, Sun-Earth Connection Division. |
| Solar System Exploration | Science Program Director. |
| | Director, Mission and Payload Development Division. |
| | Director, Advanced Technology and Mission Studies Division. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Space Physics | Science Program Director, Sun-Earth Connection. |
| | Senior Scientist Program Executive for Review and Evaluation. |
| Technology and Information Systems | Director, Headquarters Information, Technology and Comm Division. |
| | Senior Scientist Program Executive for Information Systems. |
| Astrophysics | Science Program Director, Galaxy and Universe. |
| | Assistant Associate Administrator for Education and Outreach. |
| | Science Program Director, Origins and Planetary Systems. |
| Office of Biological and Physical Research | Chief, Advanced Plans Office (Staff). |
| | Manager, Life Sciences and Technology. |
| | Director, Life and Biomedical Science and Applications Division. |
| | Director, Microgravity Sciences and Applications Division. |
| | Director, Space Processing Division. |
| | Director, Space Utilization and Product Development Division. |
| Office of Inspector General | Assistant Inspector General for Audits. |
| | Assistant Inspector General for Investigation. |
| | Assistant Inspector General for Inspections, Administrative Investigations, and Assessments. |
| | Counsel to the Inspector General. |
| | Assistant Inspector General, Network and Advanced Technology Protections Office. |
| | Director, Technical Services Office. |
| | Director, Computer and Technology Crimes Office. |
| Office of Earth Science | Senior Engineer, Program Integration. |
| | Director, Business Division. |
| | Manager, Earth Sciences Department. |
| | Deputy Associate Administrator, Advanced Planning. |
| | Deputy Associate Administrator for Mission to Planet Earth. |
| | Assistant Associate Administrator for Office of Earth Science. |
| Goddard Space Flight Center | Director of University Programs. |
| | Chief, National Aeronautics and Space Administration Space Operations Management Office, Mission Services Offices. |
| | Associate Director/Program Manager for Explorers. |
| | Deputy Associate Director for Earth Observing System—Goddard Development. |
| | Associate Director/Program Manager for the Hubble Space Telescope (Hubble Space Telescope). |
| | Deputy Associate Director for Hubble Space Telescope (Hubble Space Telescope) Development. |
| | Deputy Director for Systems Management. |
| | Deputy Director of Applied Engineering and Technology for Planning and Development. |
| Human Resources | Director of Human Resources. |
| Comptroller | Chief Financial Officer/Comptroller. |
| Management Operations | Deputy Director of Management Operations. |
| | Associate Director for Acquisition. |
| Flight Assurance | Director of Flight Assurance. |
| | Deputy Director of Flight Assurance. |
| Flight Projects | Deputy Director of Flight Projects. |
| | Project Manager, Operations and Ground System. |
| | Project Manager, Earth Observing Systems Morning Crossing (Descending) Mission Project. |
| | Geostationary Operational Environmental Satellite Afternoon Crossing (Ascending) Mission PM. |
| | Director of Flight Project. |
| | Tracking and Data Relay Satellite Project Manager. |
| | Associate Director for Earth Scientist Data and Information System. |
| | Project Manager, Earth Observing System—Afternoon Crossing (Ascending) Mission Project Flight Proj Direct. |
| | Deputy Director Flight Projects for Plan and Business Management. |
| | Project Manager, Polar Operational Environmental Satellite Program. |
| | Associate Director of Flight Projects for EOS. |
| | Associate Director/Program Manager for the Earth Explorers Program Office. |
| | Associate Director/Program Manager for the Sun-Earth Connection Program Office. |
| Applied Engineering and Technology Directorate | Deputy Associate Director of Flight Project Cornet and Mission Service Project. |
| | Associate Director of Flight Project for Network and Mission Service Project. |
| | Deputy Director of Applied Engineering and Technology. |
| | Chief Information Systems Center. |
| | Chief, Electrical Systems Center. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Chief, Instrument Systems and Technology Center. |
| | Chief, Mission Engineering and Systems Analysis Division. |
| Systems, Technology and Advanced Concepts | Deputy Director of Systems, Technology and Advanced Concepts. |
| Space Sciences | Chief, Laboratory for Astronomy and Solar Physics. |
| | Chiefs, Laboratory for Extraterrestrial Physics. |
| | Director of Space Sciences. |
| | Chief, Goddard Institute for Space Studies. |
| | Chief Laboratory for High Energy Astrophysics. |
| | Deputy Director of Space Sciences. |
| Engineering | Chief Engineer. |
| | Associate Director of Flight Projects. |
| | Chief, Mechanical System Center. |
| | Chief, Systems Engineering Division. |
| | Chief Technology Commercialization Office. |
| Earth Sciences | Chief Laboratory for Hydrospheric Processes. |
| | Assistant Director of Earth Scientist for Projects Engineering. |
| | Chief, Laboratory for Atmospheres. |
| | Deputy Director for Earth Sciences. |
| | Director for Earth Sciences. |
| | Chief Laboratory for Terrestrial Physics. |
| | Assistant Director of Mission to Planet Earth Program for Globe. |
| | Chief, Earth and Space Data Computing Division. |
| | Globe Project Manager. |
| Office of Policy and Plans | Director of Special Studies. |
| Chief Information Officer | Deputy Chief Information Officer. |
| National Archives and Records Administration: | |
| Archivist of United States and Deputy Archivist of the United States/Chief of Staff. | Deputy Archivist of the United States. |
| Office of Administrative Services | Assistant Archivist for Administrative Services. |
| Office of the Federal Register | Director of the Federal Register. |
| Office of Regional Records Services | Assistant Archivist for Regional Records Services. |
| Office of Human Resources and Information Services | Assistant Archivist for Human Resources and Information Services. |
| Office of Records Services—Washington, DC | Assistant Archivist for Records Services. |
| Office Presidential Libraries | Assistant Archivist for Presidential Libraries. |
| National Capital Planning Commission: | |
| National Capital Planning Commission Staff | Executive Director. |
| | Assistant Executive Director (Management). |
| | Deputy Executive Director. |
| | Chief Operating Officer. |
| | General Counsel. |
| | Deputy Executive Director. |
| National Endowment for the Arts: | |
| National Endowment for the Arts | Deputy Chairman for Guidelines, Panel and Council Operations. |
| | Deputy Chairman for Management and Budget. |
| | Deputy Chairman for Guidelines and Panel Operations. |
| | Chief Information Officer. |
| National Endowment for the Humanities: | |
| National Endowment for the Humanities | Assistant Chairman for Planning and Operations. |
| National Labor Relations Board: | |
| Office of the Board Members | Executive Secretary. |
| | Deputy Executive Secretary. |
| | Inspector General. |
| Division of Enforcement Litigation | Deputy Associate General Counsel, Appellate Court Branch. |
| | Director, Office of Appeals. |
| Division of Advice | Associate General Counsel, Division of Advice. |
| | Deputy Associate General Counsel, Division of Advice. |
| Division of Administration | Director, Division of Administration. |
| | Deputy Director, Division of Administration. |
| | Chief, Information Technology Branch. |
| Division of Operations Management | Associate General Counsel, Division of Operations-Management. |
| | Deputy Associate General Counsel, Division of Operations-Management. |
| | Assistant General Counsel. |
| | Assistant General Counsel. |
| | Assistant General Counsel. |
| | Assistant General Counsel. |
| | Assistant General Counsel. |
| | Assistant to General Counsel. |
| Regional Offices | Regional Director, Region 1, Boston, Massachusetts. |
| | Regional Director, Region 2, New York. |
| | Regional Director, Region 3, Buffalo, New York. |
| | Regional Director, Region 4, Philadelphia, Pennsylvania. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Regional Director, Region 5, Baltimore, Maryland. |
| | Regional Director, Region 6, Pittsburgh, Pennsylvania. |
| | Regional Director, Region 7, Detroit, Michigan. |
| | Regional Director, Region 8, Cleveland, Ohio. |
| | Regional Director, Region 9, Cincinnati, Ohio. |
| | Regional Director, Region 10, Atlanta, Georgia. |
| | Regional Director, Region 11, Winston Salem, North Carolina. |
| | Regional Director, Region 12, Tampa, Florida. |
| | Regional Director, Region 13, Chicago, Illinois. |
| | Regional Director, Region 14, Saint Louis, Missouri. |
| | Regional Director, Region 15, New Orleans, Louisiana. |
| | Regional Director, Region 16, Fort Worth, Texas. |
| | Regional Director, Region 17, Kansas City, Kansas. |
| | Regional Director, Region 18, Minneapolis, Minnesota. |
| | Regional Director, Region 19, Seattle, Washington. |
| | Regional Director, Region 20, San Francisco, California. |
| | Regional Director, Region 21, Los Angeles, California. |
| | Regional Director, Region 22, Newark, New Jersey. |
| | Regional Director, Region 24, Hato Rey, Puerto Rico. |
| | Regional Director, Region 25, Indianapolis, Indiana. |
| | Regional Director, Region 26, Memphis, Tennessee. |
| | Regional Director, Region 27, Denver, Colorado. |
| | Regional Director, Region 28, Phoenix, Arizona. |
| | Regional Director, Region 29, Brooklyn, New York. |
| | Regional Director, Region 30, Milwaukee, Wisconsin. |
| | Regional Director, Region 31, Los Angeles, California. |
| | Regional Director, Region 32, Oakland, California. |
| | Regional Director, Region 33, Peoria, Illinois. |
| | Regional Director, Region 34, Hartford, Connecticut. |
| National Science Foundation: | |
| Office of the Director | Senior Advisor. |
| | Senior Advisor. |
| | Senior Staff Associate. |
| | Senior Advisor. |
| | Senior Advisor. |
| Office of Integrative Activities | Senior Scientist. |
| | Senior Advisor. |
| Office of the General Counsel | Deputy General Counsel. |
| Office of Polar Programs | Head Polar Research Support Section. |
| Office of the Inspector General | Inspector General. |
| | Deputy Inspector General. |
| | Associate Inspector General for Audit. |
| | Associate Inspector General for Investigations. |
| National Science Board | Senior Policy Officer. |
| Division of Atmospheric Sciences | Head, Upper Atmosphere Section. |
| | Section Head, Lower Atmosphere Research Section. |
| | Section Head, Lower Atmosphere Research Section. |
| | Section Head, Lower Atmosphere Research Section. |
| Division of Earth Sciences | Section Head, Special Projects Section. |
| | Head, Research Grants Section. |
| Division of Ocean Sciences | Head, Oceans Section. |
| | Senior Scientist/Section Head. |
| Directorate for Engineering | Senior Advisor. |
| Division of Engineering Education and Centers | Deputy Division Director (Education). |
| | Senior Staff Associate. |
| Division of Design, Manufacture and Industrial Innovation | Senior Advisor, Technology Integration. |
| | Senior Advisor. |
| Directorate for Biological Sciences | Deputy Assistant Director. |
| | Executive Officer. |
| Division of Environmental Biology | Deputy Division Director. |
| Division of Integrative Biology and Neurosciences | Deputy Division Director. |
| Directorate for Mathematical and Physical Sciences | Executive Officer. |
| | Senior Science Associate. |
| | Senior Science Advisor. |
| | Senior Advisor. |
| Division of Physics | Executive Officer. |
| Division of Mathematical Sciences | Executive Officer. |
| Division of Materials Research | Executive Officer. |
| Directorate for Education and Human Resources | Deputy Assistant Director. |
| | Deputy Assistant Director for Integrative Activities. |
| Division of Research, Evaluation and Communication | Senior Advisor for Research. |
| Office of International Science and Engineering | Deputy Division Director. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Senior Staff Associate. |
| | Senior Advisor. |
| | Senior Staff Associate. |
| Directorate for Computer and Information Science and Engineering | Executive Officer. |
| | Deputy Assistant Director. |
| Office of Budget, Finance and Award Management | Director, Budget, Finance and Award and Chief Financial Officer. |
| | Deputy Director—Management, Operations and Policy. |
| | Deputy Director—Planning, Coordination and Analysis. |
| | Senior Advisor. |
| Budget Division | Division Director. |
| | Senior Staff Associate. |
| Division of Financial Management | Division Director and Deputy Chief Financial Officer. |
| | Deputy Division Director, Division of Financial Management. |
| Division of Grants and Agreements | Division Director. |
| Division of Acquisition and Cost Support | Division Director. |
| Office of Information and Resource Management | Deputy Director. |
| Division of Information Systems | Deputy Division Director. |
| Division of Human Resource Management | Division Director. |
| Nuclear Regulatory Commission: | |
| Office of the Chief Financial Officer | Director, Division of Financial Management. |
| Office of the Inspector General | Assistant Inspector General for Audits. |
| | Deputy Inspector General. |
| | Assistant Inspector General for Investigations. |
| Associate General Counsel for Licensing and Regulation | Deputy Assistant General Counsel-Legislative Counsel. |
| Associate General Counsel for Hearings, Enforcement and Administration. | Deputy Assistant General Counsel for Administration. |
| Office of Commission Appellate Adjudication | Director, Office of Commission Appellate Adjudication. |
| Office of Administration | Director, Division of Contracts. |
| | Director, Division of Administrative Services. |
| | Director, Division of Facilities and Security. |
| Office of Nuclear Security and Incident Response | Director, Division of Incident Response Operations. |
| | Deputy Director, Division of Incident Response Operations. |
| | Deputy Director, Office of Nuclear Security and Incident Response. |
| | Director, Division of Nuclear Security. |
| | Deputy Director, Division of Nuclear Security. |
| | Project Director, Nuclear Security Policy. |
| | Project Director, Nuclear Security Operations. |
| | Director, Program Management, Policy Development, and Analysis Staff. |
| Office of Investigations | Deputy Director, Office of Investigations. |
| Office of Small Business and Civil Rights | Director, Office of Small Business and Civil Rights. |
| Office of Nuclear Reactor Regulation | Director, Program Management, Policy Development and Planning Staff. |
| | Director, Work Planning Center. |
| Division of Licensing Project Management | Project Director, Project Directorate I. |
| | Project Director, Project Directorate II. |
| | Project Director, Project Directorate IV. |
| | Project Director, Project Directorate III. |
| Associate Director for Inspection and Programs | Director, New Reactor Licensing Project Office. |
| Division of Inspection Program Management | Chief, Emergency Preparedness and Plant Support Branch. |
| | Chief, Reactor Safeguards, Radiation Safety and Emergency Preparedness. |
| | Chief, Inspection Program Branch. |
| | Chief, Reactor Operations Branch. |
| Division of Regulatory Improvement Programs | Chief, License Renewal and Standardization Branch. |
| | Chief, Events Assessment, Generic Communications and Non-Power Reactors Branch. |
| | Chief, Generic Issues, Envir, Financial and Rulemaking Branch. |
| | Chief, Technical Specifications Branch. |
| | Program Director, Operating Reactors Improvement Program. |
| | Program Director, License Renewal and Environmental Impacts Program. |
| | Program Director, Policy and Rulemaking Program. |
| | Program Director, New, Research, and Test Reactor Programs. |
| Division of Engineering | Chief, Materials and Chemical Engineering Branch. |
| | Chief, Mechanical and Civil Engineering Branch. |
| | Chief, Electrical and Instrumentation and Controls Branch. |
| Division of Systems Safety and Analysis | Chief, Plant Systems Branch. |
| | Chief, Reactor Systems Branch. |
| | Chief, Probablistic Safety Assessment Branch. |
| | Chief, Containment System and Severe Accident Branch. |
| Office of Nuclear Material Safety and Safeguards | Director, High-Level Waste Business and Program Integration Staff. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Division of Fuel Cycle Safety and Safeguards | Chief, Fuel Cycle Licensing Branch. |
| | Chief, Special Projects. |
| | Chief, Safety and Safeguards Support Branch. |
| Division of Industrial and Medical Nuclear Safety | Chief, Operations Branch. |
| | Chief, Medical, Academic and Commercial Use Safety Branch. |
| | Chief, Rulemaking and Guidance Branch. |
| | Chief, Materials Safety and Inspection Branch. |
| Division of Waste Management | Chief, Engineering and Geosciences Branch. |
| | Chief, Decommissioning Branch. |
| | Chief, High-Level Waste Branch. |
| | Chief, Environmental and Performance Asssessment Branch. |
| Spent Fuel Project Office | Deputy Director, Licensing and Inspection Directorate. |
| | Deputy Director, Technical Review Directorate. |
| Office of Nuclear Regulatory Research | Director, Program Management, Policy Development and Analysis Staff. |
| Division of Engineering Technology | Chief, Generic Safety Issues Branch. |
| | Chief, Electrical, Mechanical and Materials Engineering Branch. |
| | Chief, Structural and Geological Engineering Branch. |
| | Chief, Materials Engineering Branch. |
| | Chief, Engineering Research Applications Branch. |
| Division of Systems Analysis and Regulatory Effectiveness | Chief, Regulatory Effectiveness and Human Factors Branch. |
| | Chief, Safety Margins and Systems Analysis Branch. |
| | Chief, Radiation Protection, Environmental Risk and Waste Management Branch. |
| | Deputy Director, Division of Systems Analysis and Regulatory Effectiveness. |
| Division of Risk Analysis and Application | Chief, Operating Experience Risk Analysis Branch. |
| | Chief, Probabilistic Risk Analysis Branch. |
| Region I | Deputy Regional Administrator. |
| | Director, Division of Nuclear Materials Safety. |
| | Deputy Director, Division of Reactor Safety. |
| | Director, Division of Reactor Safety. |
| | Director, Division of Reactor Projects. |
| | Deputy Director, Division of Reactor Projects. |
| | Deputy Director, Division of Nuclear Materials Safety. |
| Region II | Deputy Regional Administrator Region II. |
| | Director, Division of Nuclear Materials Safety. |
| | Deputy Director, Division of Reactor Projects. |
| | Director, Division of Reactor Projects. |
| | Director, Division of Reactor Safety. |
| | Deputy Director, Division of Reactor Safety. |
| Region III | Director, Division of Reactor Safety. |
| | Director, Division of Reactor Projects. |
| | Deputy Regional Administrator Region III. |
| | Director, Division of Nuclear Materials Safety. |
| | Deputy Director, Division of Nuclear Materials Safety. |
| | Deputy Director, Division of Projects. |
| | Deputy Director, Division of Reactor Safety. |
| Region IV | Deputy Regional Administrator Region IV. |
| | Deputy Director, Division of Reactor Projects. |
| | Director, Division of Reactor Projects. |
| | Director, Division of Nuclear Materials Safety. |
| | Director, Division of Reactor Safety. |
| | Deputy Director, Division of Reactor Safety. |
| Office of Government Ethics: | |
| Office of Government Ethics | Deputy Director. |
| | Deputy Director for Government Relations and Special Projects. |
| | Senior Associate Director for Agency Programs. |
| Office of Management and Budget: | |
| Office of the Director | Deputy Assistant Director for Management. |
| | Deputy Associate Director for Economic Policy. |
| | Senior Advisor to the Deputy Director for Management. |
| | Deputy Associate Director for Legislative Affairs. |
| | Deputy Assistant Director for Administration. |
| Legislative Reference Division | Assistant Director Legislative Reference. |
| | Chief, Economics, Science and Government Branch. |
| | Chief, Resources-Defense-International Branch. |
| | Chief, Labor, Welfare, Personnel Branch. |
| Office of Federal Procurement Policy | Associate Administrator for Procurement Law and Legislation. |
| | Associate Administrator for Acquisition Implementation. |
| | Associate Administrator (Acquisition Policy). |
| General Counsel | Associate General Counsel for Budget. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Office of Information and Regulatory Affairs | Chief, Information Policy and Technology Branch. |
| | (Did not find title for this position). |
| | Chief Statistical Policy Branch. |
| | Counselor to the Deputy Director for Management. |
| | Senior Advisor. |
| | Senior Advisor. |
| | Chief, Natural Resources, Energy and Agriculture Branch. |
| | Chief, Health, Transportation and General Government. |
| Office of E-Government and Information Technology | Chief Architect. |
| Office of Federal Financial Management | Chief, Financial Standards, Reporting and Management Integrity Branch. |
| | Deputy Controller. |
| | Chief Federal Financial Systems Branch. |
| | Senior Advisor to the Director. |
| Budget Review | Deputy Assistant Director for Budget Review and Concepts. |
| | Deputy Chief, Budget Analysis Branch. |
| | Chief, Budget Analysis Branch. |
| | Assistant Director for Budget Review. |
| | Deputy Assistant Director for Budget Analysis and Systems. |
| | Chief, Budget Concepts Branch. |
| | Chief, Budget Systems Branch. |
| | Chief, Budget Review Branch. |
| International Affairs Division | Chief, State/United States International Affairs Branch. |
| | Chief, Economic Affairs Branch. |
| | Deputy Associate Director for International Affairs. |
| National Security Division | Chief, Command, Control, Communications, and Intelligence Branch. |
| | Chief, Force Structure and Investment Branch. |
| | Chief, Veteran Affairs Branch. |
| | Deputy Associate Director for National Security. |
| | Chief, Operations and Support Branch. |
| Human Resource Programs | Chief, Labor Branch. |
| | Chief, Education Branch. |
| | Deputy Associate Director for Education, Income Maintenance and Labor. |
| | Chief, Income Maintenance Branch. |
| | Chief, Personnel Policy Branch. |
| | Senior Advisor. |
| Health Division | Deputy Associate Director for Health. |
| | Chief, Health and Financing Branch. |
| Office of Personnel Management: | |
| Center for Retirement and Insurance Services | Assistant Director for Retirement Services. |
| Center for Merit System Compliance | Deputy Associate Director for Merit System Compliance. |
| Division for Management and Chief Financial Officer | Associate Director for Management and Chief Financial Officer. |
| Center for Financial Services and Deputy Chief Financial Officer | Deputy Associate Director and Deputy Chief Financial Officer. |
| | Assistant Director for Business Control Units and Financial Services. |
| | Chief, Deputy Associate Director for Financial Services and Deputy Chief Financial Officer. |
| Center for Management Services and Chief Human Capital Officer | Assistant Director for Contracting, Facilities, and Administrative Services. |
| Center for Information Services and Chief Information Officer | Deputy Associate Director and Chief Information Officer. |
| Center for Security and Emergency Actions | Deputy Associate Director for Security and Emergency Actions. |
| Center for Workforce Planning and Policy Analysis | Deputy Associate Director for Workforce Planning and Policy Analysis. |
| Center for Workforce Relations and Accountability Policy | Deputy Associate Director for Workforce Relations and Accountability Policy. |
| Office of Workforce Relations | Director, Office of Workforce Relations. |
| Investigations Service | Assistant Director for Operations. |
| Office of Contracting and Administrative Services | Director of Contracting and Administrative Services. |
| Office of Special Counsel: | |
| Headquarters, Office of Special Counsel | Associate Special Counsel for Investigation and Prosecution Division I. |
| | Associate Special Counsel for Investigation and Prosecution Division II. |
| | Associate Special Counsel for Investigation and Prosecution Division III. |
| | Associate Special Counsel for Complaints and Disclosure Analysis. |
| | Director for Management. |
| | Associate Special Counsel for Planning and Oversight. |
| | Associate Special Counsel for Legal Counsel and Policy. |
| Railroad Retirement Board: | |
| Board Staff | Chief of Technology Service. |
| | Director of Hearings and Appeals. |
| | Chief Actuary. |
| | Director of Field Service. |
| | Director of Administration. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Deputy General Counsel. |
| | Assistant Inspector General for Investigations. |
| | Chief Financial Officer. |
| | Assistant Inspector General for Audit. |
| | Director of Taxation. |
| | General Counsel. |
| | Director of Programs. |
| | Chief Information Officer. |
| | Director of Operations. |
| | Director of Policy and Systems. |
| | Director of Fiscal Operations. |
| Selective Service System: | |
| Office of the Director | Director for Operations. |
| Small Business Administration: | |
| Office of the Inspector General | Assistant Inspector General for Auditing. |
| | Assistant Inspector General for Investigations. |
| | Counsel to the Inspector General. |
| | Deputy Inspector General. |
| | Assistant Inspector General for Inspections and Evaluation. |
| | Assistant Inspector General for Management and Legal Counsel. |
| | Assistant Inspector General for Inspections and Evaluation. |
| Office of the General Counsel | Associate General Counsel for General Law. |
| | Associate General Counsel Litigation. |
| | Associate General Counsel for Procurement Law. |
| Office of Field Operations | District Director. |
| | District Director. |
| | District Director. |
| | District Director. |
| | District Director. |
| | District Director. |
| | District Director. |
| | District Director. |
| Office of Equal Employment Opportunity and Civil Rights Compliance. | Assistant Administrator for Equal Employment Opportunity and Civil Rights Compliance. |
| Office of Hearings and Appeals | Assistant Administrator for Hearings and Appeals. |
| Office of the Chief Financial Officer | Deputy Chief Financial Officer. |
| | Deputy Chief Financial Officer. |
| | Chief Financial Officer. |
| Office of Capital Access | Deputy to the Associate Deputy Administrator for Capital Access. |
| Office of Financial Assistance | Associate Administrator for Financial Assistance. |
| | Deputy Associate Administrator for Financial Assistance. |
| | Assistant Administrator for Portfolio Management. |
| Office of Surety Guarantees | Associate Administrator for Surety Guarantees. |
| Office of Entrepreneurial Development | Deputy to the Associate Deputy Administrator for Entrepreneurial Development. |
| Office of the Chief Information Officer | Chief Information Officer. |
| Office of Human Resources | Chief Human Capital Officer. |
| Office of Government Contracting and Business Development | Associate Administrator for Business Development. |
| Office of Business Development | Associate Administrator for Business Development. |
| Office of Policy, Planning and Liaison | Associate Administrator for Procurement Policy and Liaison. |
| Social Security Administration: | |
| Office of the Chief Information Officer | Director, Office of Information Technology Systems Review. |
| Office of Chief Strategic Officer | Chief Strategic Officer. |
| Office of the Inspector General | Deputy Inspector General. |
| | Counsel to the Inspector General. |
| Office of Investigations | Assistant Inspector General for Investigations. |
| | Deputy Assistant Inspector General for Investigations. |
| | Deputy Assistant Inspector General for Investigations (Field Operations). |
| | Deputy Assistant Inspector General for Investigations (National Investigative Operations). |
| Office of Audits | Assistant Inspector General for Audits. |
| | Deputy Assistant Inspector General for Audits. |
| Office of Executive Operations | Assistant Inspector General for Executive Operations. |
| Office of Disability Determinations | Associate Commissioner for Disability Determinations. |
| | Deputy Associate Commissioner for Disability Determinations. |
| Office of Hearings and Appeals | Associate Commissioner for Hearing and Appeals. |
| | Deputy Associate Commissioner for Hearings and Appeals (Field Operations). |
| | Executive Director, Office of Appellate Operations. |
| Office of Actuary | Chief Actuary. |
| | Deputy Chief Actuary (Long-Range). |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Deputy Chief Actuary (Short-Range). |
| Office of Civil Rights and Equal Opportunity | Deputy Associate Commissioner for Civil Rights and Equal Opportunity. |
| Office of Labor-Management and Employee Relations | Associate Commissioner for Labor-Management and Employment Relations. |
| Office of Finance, Assessment and Management | Senior Financial Executive. |
| Office of Financial Policy and Operations | Associate Commissioner, Office of Finance Policy and Operations. |
| | Deputy Associate Commissioner Financial Policy and Operations. |
| Office of Quality Assurance and Performance Assessment | Associate Commissioner for Quality Assurance and Performance Assessment. |
| | Deputy Associate Commissioner for Quality Assurance and Performance Assessment. |
| Office of Acquisition and Grants | Associate Commissioner for Acquisition and Grants. |
| Office of Telecommunications and Systems Operations | Associate Commissioner for Telecommunications and Systems Operations. |
| | Deputy Associate Commissioner for Telecommunications and Systems Operations (Systems Operations). |
| | Deputy Associate Commissioner for Telecommunications and Systems Operations (Telecommunications). |
| Office of General Law | Associate General Counsel for General Law. |
| | Deputy Associate General Counsel for General Law. |
| Office of Public Disclosure | Executive Director for Public Disclosure. |
| Department of State: | |
| Office of the Inspector General | Assistant Inspector General for Audits. |
| | Assistant Inspector General for Investigations. |
| | Counsel to the Inspector General. |
| | Deputy Assistant Inspector General for Audits. |
| | Deputy Assistant Inspector General for Inspections. |
| | Deputy Inspector General. |
| | Assistant Inspector General for Security Oversight. |
| | Senior Inspector—Thematic Review. |
| | Assistant Inspector General for Audits. |
| Bureau of Intelligence and Research | Executive Director. |
| Bureau of International Organizational Affairs | Director, Office of International Conferences. |
| Office of Under Secretary for Management | Principal Deputy Assistant Secretary. |
| Bureau of Administration | Director, Office of Acquisitions. |
| Bureau of Personnel | Human Resources Officer, Long Term Training. |
| Bureau of Arms Control | Office Director. |
| | Office Director. |
| | Office Director. |
| | Office Director. |
| | Deputy Assistant Secretary. |
| | Director, Office of Strategic Negotiations and Implementation. |
| Bureau of Nonproliferation | Office Director. |
| Department of Transportation: | |
| Office of Environment, Energy and Safety | Director. |
| Assistant Secretary for Budget and Programs | Deputy Chief Financial Officer. |
| Assistant Secretary for Administration | Assistant Secretary for Administration. |
| Office of the Senior Procurement Executive | Senior Procurement Executive. |
| Office of Inspector General | Deputy Inspector General. |
| | Assistant Inspector General for Legal, Legislative and External Affairs. |
| Principal Assistant Inspector General for Auditing and Evaluation | Principal Assistant Inspector General for Auditing and Evaluation. |
| | Deputy Assistant Inspector General for Auditing. |
| Assistant Inspector General for Financial and Information Technology Audits. | Assistant Inspector General for Financial and Information Technology Audits. |
| | Director for Information Technology and Computer Security. |
| Assistant Inspector General for Aviation Audits | Assistant Inspector General for Aviation Audits. |
| Assistant Inspector General for Investigations | Assistant Inspector General for Investigations. |
| | Deputy Assistant Inspector General for Investigations. |
| Assistant Inspector General for Highway Infrastructure and Safety Programs. | Assistant Inspector General for Highway Infrastructure and Safety Programs. |
| Assistant Inspector General for Transit, Rail Safety and Maritime Programs. | Assistant Inspector General for Transit, Rail Safety and Maritime Programs. |
| Assistant Inspector General for Competition and Economic Analysis. | Assistant Inspector General for Competition and Economic analysis. |
| Associate Administrator for Safety | Associate Administrator for Safety. |
| Office of Safety Assurance and Compliance | Director, Office of Safety Assurance and Compliance. |
| Associate Administrator for Pipeline Safety | Associate Administrator for Pipeline Safety. |
| Associate Administrator for Ship Analysis and Cargo Preference | Associate Administrator for Ship Analysis and Cargo Preference. |
| Associate Administrator for Shipbuilding | Director, Office of Shipbuilding and Marine Technology. |
| Administrator | Executive Director. |
| Office of Real Estate Services | Director, Office of Real Estate Services. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Safety | Associate Administrator for Safety. |
| Office of Budget and Finance | Director, Office of Budget and Finance. |
| Office of Acquisition Management | Director, Office of Acquisition Management. |
| Office of Safety Research and Development | Director, Office of Safety Research and Development. |
| Administrator | Assistant Administrator/Chief Safety Officer. |
| Office of Bus and Truck Standards and Operations | Director, Office of Bus and Truck Standards and Operations. |
| Office of Enforcement and Compliance | Director, Office of Enforcement and Compliance. |
| Associate Administrator for Enforcement | Associate Administrator for Enforcement. |
| | Director, Office of Defects Investigation. |
| | Director, Office of Vehicle Safety Compliance. |
| Chief of Staff | Director of Finance and Procurement. |
| Deepwater Program Executive Office | Deputy Program Executive Officer. |
| Office of the Assistant Commandant for Acquisition | Deputy Assistant Commandant for Acquisition. |
| Proceedings | Deputy Director—Legal Analysis. |
| Economic Environmental Analysis and Administration | Director of Economics, Environmental Analysis and Administration. |
| Office of the Administrator | Senior Advisor. |
| Department of the Treasury: | |
| Under Secretary for Domestic Finance | Director, Office of Procurement. |
| Fiscal Assistant Secretary | Fiscal Assistant Secretary. |
| | Deputy Assistant Secretary for Fiscal Operations and Policy. |
| | Deputy Assistant Secretary (Accounting Policy). |
| Financial Management Service | Director, Regional Financial Center (San Francisco). |
| | Director, Regional Financial Center (Austin). |
| | Director, Platform Services Directorate. |
| | Assistant Commissioner, Governmentwide Accounting. |
| | Director, Regional Financial Center (Kansas City). |
| | Commissioner, Financial Management Service. |
| | Assistant Commissioner, Information Resources. |
| | Assistant Commissioner, Federal Finance. |
| | Director, Operations Group. |
| | Deputy Commissioner, Financial Management Service. |
| | Director, Cash Management Directorate. |
| | Director, Birmingham Debt Management Operations Center. |
| | Assistant Commissioner, Regional Operations. |
| | Assistant Commissioner, Management (Chief Financial Officer). |
| | Director, Systems Management Directorate. |
| | Assistant Commissioner (Agency Services). |
| | Assistant Commissioner, Financial Operations. |
| | Deputy Director, Operations Directorate. |
| | Director, Asset Management Directorate. |
| | Assistant Commissioner, Governmentwide Accounting Operations. |
| | Assistant Commissioner, Debt Management Services. |
| Bureau of the Public Debt | Commissioner of the Public Debt. |
| | Deputy Commissioner of the Public Debt. |
| | Assistant Commissioner (Financing). |
| | Executive Director (Administrative Resource Center). |
| | Executive Director, Government Securities Regulations. |
| | Assistant Commissioner, Office of Securities Operatiions. |
| | Assistant Commissioner, Office of Investor Services. |
| | Assistant Commissioner (Office of Information Technology). |
| | Deputy Executive Director (Administrative Resource Center). |
| | Executive Director, Marketing. |
| | Executive Director (Investor Education and Communication Staff). |
| | Assistant Commissioner (Public Debt Accounting). |
| Assistant Secretary (Enforcement) | Director, Executive Office of Foreign Asset Forfeiture. |
| Bureau of Alcohol, Tobacco and Firearms | Special Agent in Charge (NY Field Division). |
| | Special Agent in Charge (Washington Field Division). |
| | Assistant Director (Inspection). |
| | Deputy Assistant Director (Liaison and Public Information). |
| | Division Director/Special Agent in Charge. |
| | Division Director/Special Agent in Charge. |
| | Division Director/SAC, Atlanta. |
| | Dep. Assoc. Dir. Reg. Enforcement Field Operation. |
| | Deputy Assistant Director (Inspection). |
| | Division Director/Special Agent in Charge. |
| | Deputy Assistant Director (CE Field Operations)—East. |
| | Deputy Assistant Director (CE Field Operations)—Central. |
| | Assistant Director (Science and Technology). |
| | Assistant Director (Field Operations). |
| | Associate Chief Counsel (Administrator and Ethics). |
| | Deputy Assistant Director (CE Field Operations)—West. |
| | Deputy Asst. Dir. (Science and Technology). |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| United States Customs Service | Director, Laboratory Services. |
| | Deputy Director. |
| | Division Director—Special Agent in Charge—Chicago. |
| | Assistant Director (Alcohol and Tobacco). |
| | Deputy Assistant Director (Recruitment/Hiring). |
| | Deputy Assistant Director (Firearms explosives Arson). |
| | Assistant Director (Firearms, Explosives, and Arson). |
| | Assistant Director (Liaison and Public Information). |
| | Chair, Professional Review Board. |
| | Division/Special Agent in Charge, New York. |
| | Assistant Commissioner for Internal Affairs. |
| | Associate Chief Counsel (Miami). |
| | Associate Chief Counsel (Chicago). |
| | Associate Chief Counsel (New York). |
| | Director, Office of Regulatory Audit. |
| | Special Agent in Charge, Miami. |
| | Associate Chief Counsel Enforcement. |
| | Associate Chief Counsel (Trade Tariff and Leg). |
| | Associate Chief Counsel (Houston). |
| | Director, Applied Technology. |
| | Special Agent in Charge—New York. |
| | Special Agent in Charge—Los Angeles. |
| | Deputy Assistant Commissioner, Human Resources. |
| | Deputy Assistant Commissioner, International Affairs. |
| | Regional Special Agent in Charge (Special Agent in Charge). |
| | Regional Special Agent in Charge (Special Agent in Charge). |
| | Regional Special Agent in Charge (Special Agent in Charge). |
| | Deputy Assistant Commissioner, Office of Training and Development. |
| | Executive Director, Communications Management. |
| | Director, Asset Acquisition and Management. |
| | Executive Director, Labor and Employee Relations. |
| | Director, Office of Trade Compliance. |
| | Director, Field Operations, New York. |
| | Area Dir., Newark. |
| | Director, Customs Management Center North Atlantic. |
| | Assistant Commissioner, Field Operations. |
| | Assistant Commissioner, Regulations and Rulings. |
| | Director, Strategic Trade Center Chicago. |
| | Deputy Assistant Commissioner (Investigations). |
| | Associate Chief Counsel (Administration). |
| | Associate Chief Counsel (Los Angeles). |
| | Assistant Commissioner Chief Information Officer. |
| | Special Agent in Charge (New Orleans). |
| | Assistant Commissioner, Public Affairs. |
| | Director, Strategic Trade Center—Plantation. |
| | Director, Laboratories and Scientific Services. |
| | Project Executive. |
| | Deputy Assistant Commissioner, Field Operations. |
| | Director, Field Operations, El Paso. |
| | Director, Passenger Programs. |
| | Director, Field Operations—Houston. |
| | Executive Director, Field Programs. |
| | Executive Director, Mission Support Service. |
| | Dir. Tariff Classification, Appeals Division. |
| | Dir. Strategic Trade Center, Long Beach. |
| | Director, Field Operations—Miami. |
| | Deputy Assistant Commissioner, International Affairs. |
| | Director, United States Customs Academy. |
| | Director, Terrorist Financial Investigations. |
| | Director, Office of Air Interdiction. |
| | Director, Customs Management Center—Southern California. |
| | Director, Strategic Trade Center Operations. |
| | Director, Intelligence and Communications Division. |
| | Director, Software Development. |
| | Director, Budget Division. |
| Secret Service | Assistant Director—Government Liaison and Public Affairs. |
| | Special Agent in Charge—Vice President Protect Division. |
| | Special Agent in Charge—Technology Section Division. |
| | Special Agent in Charge—Washington Field Office |
| | Special Agent in Charge—Philadelphia Field Office. |
| | Special Agent in Charge—San Francisco Office. |
| | Special Agent in Charge—Dallas Field Office. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Deputy Chief Counsel. |
| | Deputy Assistant Director, Government Liaison and Public Affairs. |
| | 2002 Winter Olympics Coordinator. |
| | Deputy Special Agent in Charge, Protective Operations (Tactical Operations). |
| | Deputy Assistant Director—Administration. |
| | Executive Assistant to the Director. |
| | Deputy Special Agent in Charge—Presidential Projective Division. |
| | Deputy Assistant Director (Uniformed Forces, Firearms and Employee Development). |
| | Deputy Special Agent in Charge—PPD White House. |
| | Deputy Assistant Director—Investigations. |
| | Special Agent in Charge—Houston Field Office. |
| | Deputy Assistant Director, Rowley Training Center. |
| | Special Agent in Charge, Paris. |
| | Deputy Assistant Director (Chief Technology Officer). |
| | Special Asst to the Director. |
| | Special Asst to the Director. |
| | Special Agent in Charge—Miami Field Office. |
| | Deputy Special Agency in Charge—Vice President Protect Division. |
| | Deputy Assistant Director, Protective Operations. |
| | Chief, Information Resources Management Division. |
| | Deputy Assistant Director (Homeland Security). |
| | Special Agent in Charge—Atlanta Field Office. |
| | Chief of Staff. |
| | Deputy Assistant Director, Protective Operations. |
| | Special Agent in Charge. |
| Financial Crimes Enforcement Network | Deputy Director, Financial Crimes Enforcement Network. |
| | Director, Financial Crimes Enforcement Network. |
| | Executive Assistant Director, Financial Crimes Enforcement Network. |
| | Chief Counsel, Financial Crimes Enforcement Network. |
| | Deputy Director, Administration. |
| | Executive Associate Director, Regulatory Programs. |
| | Deputy Director, Operations. |
| Office of the Inspector General | Deputy Assistant Inspector General for Audit (Financial Management). |
| | Deputy Assistant Inspector General for Investigations. |
| | Counsel to the Inspector General. |
| | Assistant Inspector General for Management Services. |
| | Assistant Inspector General for Audit. |
| | Deputy Assistant Inspector General for Audit (Program Audits). |
| | Assistant Inspector General for Investigations. |
| Inspector General for Tax Administration | Deputy Assistant Inspector General for Investigations. |
| | Assistant Inspector General for Management Services. |
| | Deputy Inspector General for Investigations. |
| | Assistant Inspector General for Audit (Headquarters Operations). |
| | Counsel to the Treasury Inspector General for Tax Administration. |
| | Assistant Inspector General for Audit (Wage and Investment). |
| | Assistant Inspector General for Audit (Small Business and Corporate Entities). |
| | Assistant Inspector General for Audit (Information Systems Programs). |
| | Deputy Inspector General for Audit. |
| | Assistant Inspector General for Information Technology. |
| | Assistant Inspector General for Investigation (Investigative Support). |
| | Assistant Inspector General for Investigations (Field Operations). |
| Assistant Secretary (Economic Policy) | SR Economist. |
| Assistant Secretary (Tax Policy) | Director, Economic Modeling and Computer Applications. |
| Alcohol and Tobacco Tax and Trade Bureau | Deputy Administrator, Alcohol and Tobacco Tax and Trade Bureau. |
| | Deputy Assistant Director (Alcohol and Tobacco). |
| Assistant Secrtary (Management) | Deputy Chief Financial Officer. |
| United States Mint | Associate Director, Information Resources/Chief Information Officer. |
| | Associate Director for Circulations. |
| | Associate Director for Sales and Marketing. |
| | Associate Director for Sales and Marketing. |
| | Associate Director for Policy and Management/Chief Financial Officer. |
| Internal Revenue Service | Chief, Equal Employment Opportunity and Diversity. |
| | Director, Technical Contract Management Division. |
| | Director, Submission Processing Division. |
| | Director, Complaint Processing and Analysis Group. |
| | Assistant to the Commissioner. |
| | Director, Workforce Relations. |
| | Director of Research. |
| | Director, Compliance. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director of Compliance, Atlanta—Wage and Investment. |
| | Deputy Director, General Appeals. |
| | Area Director, Stakeholder, Partnership, Education and Communication. |
| | Compliance Services Field Director. |
| | Director, Leadership and Organizational Development—National Headquarters. |
| | Director, National Customer Research Study. |
| | Deputy Chief Financial Officer (Finance). |
| | Special Agent in Charge, New York. |
| | Special Agent in Charge, Chicago. |
| | Deputy Director, Personnel Services. |
| | Director, Field Operations—Finance Service and Healthcare. |
| | Director, Centralized Workload Selection and Delivery—Small Business and Self Employed. |
| | Director, Compliance, Los Angeles Area Office—Small Business and Self Employed. |
| | Director, Compliance, New York Area Office—Small Business and Self Employed. |
| | Director, Human Resources—Small Business and Self Employed. |
| | Director, Filing and Payment Compliance—Small Business and Self Employed. |
| | Director, Business Systems Planning. |
| | Accounts Management Field Director, Atlanta, Wage and Investment. |
| | Area Director, Field Assistance (San Francisco)—Wage and Investment. |
| | Transition Executive for Strategy, Criminal Investigation. |
| | Transition Executive for Operations, Criminal Investigation. |
| | Project Manager, Service Center Transition—Wage and Investment. |
| | Director, Competitive Sourcing. |
| | Director, Communications—Small Business and Self Employed. |
| | Director, Organizational Performance. |
| | Commissioner, Tax Exempt and Government Entities Division. |
| | Director, Exempt Organizations Examinations. |
| | Director, Facilities Operations—Agencywide Shared Services. |
| | Director, Customer Support—Agencywide Shared Services. |
| | Director, Compliance Area, Laguna Niguel—Small Business and Self Employed. |
| | Director, Retailers, Food, Pharmaceuticals, and Health Care. |
| | Director, Taxpayer Education Area, Brooklyn—Small Business and Self Employed. |
| | Director, Compliance Area. |
| | Director, Revenue Accounting. |
| | Director, Legislative Affairs Division. |
| | Director, Statistics of Income. |
| | Director, Electronic Tax Administration—Wage and Investment. |
| | Submission Processing Field Director, Memphis. |
| | Deputy Division Commissioner, Large and Mid-Size Business. |
| | Director, Government Entities. |
| | Director, Field Assistance Area (Greensboro) Wage and Investment. |
| | Director, Taxpayer Education Area, Nashville—Small Business and Self Employed. |
| | Compliance Service Field Director, Austin—Wage and Investment. |
| | Director, Management and Finance, SBSE. |
| | Division Information Officer—Small Business and Self Employed. |
| | Special Agent in Charge, Los Angeles. |
| | Director, Field Assistance Area (Phoenix)—Wage and Investment. |
| | Deputy Director, Strategic Human Resources. |
| | Project Director. |
| | Deputy Director, International. |
| | Director, Field Assistance Area, Hartford—Wages and Investments. |
| | Privacy Advocate. |
| | Director, Taxpayer Education Area, Baltimore—SBSE. |
| | Director, Enterprise Operations. |
| | National Director of Appeals. |
| | Director, Appeals—Large and Mid-Size Business. |
| | Area Director of Information Technology—Western. |
| | Director of Investigations, Central Area of Operations. |
| | Project Manager. |
| | Chief Communications and Liaison. |
| | Project Director. |
| | Director, Technical Services, Appeals. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director, Tax Administration Modernization. |
| | Accounts Management Field Director, Fresno—Wage and Investment. |
| | Project Director, Wage and Investment. |
| | Director, Strategic Planning—Wage and Investment. |
| | Director, Reporting Compliance. |
| | Director of Finance—Small Business and Self-Employed. |
| | Assistant Deputy Director Compliance Field Operations. |
| | Director, Strategy, Research, and Program Planning—Large and Mid-Size Business. |
| | Project Director. |
| | Deputy Associate Commissioner (Business Integration). |
| | Privacy Advocate. |
| | Director, Customer Applications Development Management Division. |
| | Deputy Commissioner (Operations). |
| | Director, Compliance Area, Baltimore—Small Business and Self Employed. |
| | Director, Stakeholder, Partnership, Education and Communication—Wage and Investment. |
| | Director, Employee Plans. |
| | Director, Electronic Crimes Program Office. |
| | Deputy National Taxpayer Advocate. |
| | Director, Learning and Education. |
| | Chief, Criminal Investigation. |
| | Director, Systems Engineering and Integration. |
| | Deputy Commissioner, Operations Support. |
| | Director, Statistics. |
| | Area Director, Stakeholder, Partnership, Education, and Communication, Hartford—Wage and Investment. |
| | Director of Research, Wages and Investments. |
| | Deputy Chief, Information Technology Services. |
| | Director, Field Assistance—Wage and Investment. |
| | Director, Submission Processing (Cincinnati)—Wage and Investment. |
| | Area Director, Stakeholder, Partnership, Education and Communication—Wage and Investment. |
| | Director, Submission Processing Center, Fresno. |
| | Accounts Management Field Director, Cincinnati. |
| | Accounts Management Field Director—Ogden. |
| | Accounts Management Field Director, Austin—Wage and Investment. |
| | Area Director Information System Technology (Southeast). |
| | Commissioner, Large and Mid-Sized Business Division. |
| | Deputy Chief, Appeals. |
| | Project Director. |
| | Area Director, Stakeholder Partnership Education and Communication. |
| | Compliance Services Field Director. |
| | Director, Joint Operations Center. |
| | Director, Field Operations. |
| | Director, Field Operations. |
| | Director, Compliance Area, Chicago—Small Business and Self Employed. |
| | Director, Examining, Strategy and Selection—Wages and Investments. |
| | Director, Media and Publications Publishing Division. |
| | Deputy Chief, Criminal Investigation. |
| | Deputy Director, Field Specialists—Large and Mid-Sized Business. |
| | Submission Processing Field Director—Fresno, California. |
| | Deputy Director, Accounts Management. |
| | Project Director. |
| | Director, Compliance Area, Oakland—Small Business and Self-Employed. |
| | Director, Field Operations West, Appeals. |
| | Deputy Director, End User Equipment and Services. |
| | Director, Operations Policy and Support—Criminal Investigations. |
| | Director, Tennessee Computing Center. |
| | Director of Field Operations (Pacific Area)—Criminal Investigations. |
| | Director, Refund Crimes. |
| | Associate Director, Facilities Operations. |
| | District Director, S. Florida. |
| | Director, Natural Resources Industry Group. |
| | Director, Compliance Area, Philadelphia—Small Business and Self Employed. |
| | Director, Field Operations, Communications, Technology and Media—Large and Mid-Size Business. |
| | Deputy Director, Compliance Services—Small Business. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Director, Field Operations (Natural Resources), Houston. |
| | Director of Field Operations (Midstates Area)—Criminal Investigation. |
| | Director, Commissioner's Office of Employee Issues and Professional Conduct. |
| | Director, Program Analysis Customer Account Services—Wage and Investment. |
| | Deputy Associate Commissioner for Program Management. |
| | Director, Internal Management Systems Development Division. |
| | Director, Office of Program Evaluation and Risk Analysis. |
| | Director, Field Assistance Area. |
| | Deputy Commissioner, Services and Enforcement. |
| | Director, Communications. |
| | Director, Business Systems Planning—LMSB. |
| | Deputy Director, Prefiling and Technical Guidance. |
| | Director, Taxpayer Education Area, Denver—Small Business and Self Employed. |
| | Director, National Public Liaison. |
| | Accounts Management Field Director. |
| | Director, Data Management Modernization. |
| | Deputy Chief, Management and Finance. |
| | Director, Field Operations, Special—Wage and Investment. |
| | Director, Customer Account Services—Small Business and Self Employed. |
| | Director of Field Operations—Criminal Investigation, North Atlantic. |
| | Project Director. |
| | Project Director—LMSB. |
| | Director, Infrastructure Modernization Project Office. |
| | Director, Filing and Campus Compliance. |
| | Director, General Appeals. |
| | Director, Field Assistance Area, Saint Louis—Wages and Investments. |
| | Director, Case Management—Small Business and Self Employed. |
| | Director, Reporting Compliance. |
| | Accounts Management Field Director—Andover. |
| | Director, New Customer Development. |
| | Submission Processing Field Director. |
| | Director, Employee Plans Examination. |
| | Submission Processing Field Director—Philadelphia. |
| | Director, Competitive Sourcing. |
| | Project Director. |
| | Director, Field Operations. |
| | Director, Business Systems Planning—Large and Mid-Size Business. |
| | Chief, Agencywide Shared Services. |
| | Project Director. |
| | Director, Communication, Assistance, Research and Education. |
| | Director, Compliance Area, Nashville—Small Business and Self Employed. |
| | Submission Processing Field Director—Brookhaven. |
| | Accounts Management Field Director, Kansas City—Wage and Investment. |
| | Regional Commissioner, Western. |
| | Director, Tax Exempt Bonds. |
| | Director, Human Resources—Wage and Investment. |
| | Director, Strategy and Finance—Wage and Investment. |
| | Deputy Commissioner, Small Business/Self Employed Division. |
| | Deputy Director, Taxpayer Education and Communication, SBSE. |
| | Deputy Division Commissioner, Tax Exempt and Government Entities. |
| | Director, Exempt Organizations. |
| | Deputy Director, Submission Processing. |
| | District Director, South Texas. |
| | Director, Administrative Accounting. |
| | Director, Business Systems Development. |
| | Director, Internal Management Modernization. |
| | Deputy Director, Compliance—Small Business and Self Employed. |
| | Director, Business Systems Requirements. |
| | Deputy Chief, Appeals. |
| | Director, Collection Strategy—Wages and Investments. |
| | Project Director, Customer Account Data Engine Project. |
| | Director, Strategy and Finance. |
| | Director, Research, Analysis and Statistics of Income. |
| | Project Director, BSMO. |
| | Director, Office of Tax Administration. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Submission Processing Field Director, Ogden—Small Business and Self Employed. |
| | Director, Martinsburg Computing Center. |
| | Chief, Security Services. |
| | Director, Accounts Management, Wage and Investment. |
| | Director, Filing Systems Division. |
| | Deputy Director, Compliance Policy. |
| | Project Director—Small Business and Self Employed. |
| | Compliance Service Field Director—Philadelphia. |
| | Director, Compliance Area, Baltimore—Small Business and Self Employed. |
| | Chief of Staff, Internal Revenue Service. |
| | Deputy Director, Office of Professional Responsibility. |
| | Director, Management and Support. |
| | Director, Field Assistance Area. |
| | Director, Field Operations, East, Appeals. |
| | Submission Processing Field Director—Atlanta. |
| | Submission Processing Field Director—Austin. |
| | Director, Mission Assurance. |
| | Director, Release Management. |
| | Director, Heavy Manufacturing, Transportation and Construction Industry. |
| | Director, Multimedia—Wages and Investments. |
| | Director, Strategic Planning and Program Management. |
| | Director, Accounts Management—Wages and Investments. |
| | Deputy Associate Commissioner, Systems Integration. |
| | Director, Compliance Area. |
| | Project Manager. |
| | Area Director, Stakeholder, Partnership, Education, and Communication, Dallas—Wage and Investment. |
| | Director, Product Assurance. |
| | Chief, Management and Finance—Large and Mid Size Business. |
| | Chief Human Capital Officer, Internal Revenue Service. |
| | Director, Safety and Security. |
| | Chief Financial Officer. |
| | Deputy Director, Business Systems Development Division. |
| | Director, Personnel Policy. |
| | Director, Field Specialists—Large and Mid Size Business. |
| | Director, Customer Account Manager. |
| | Director, Real Estate and Facilities Management. |
| | Director, Field Operations (Financial Services), Laguna Niguel. |
| | Submission Processing Field Director—Cincinnati. |
| | Deputy Director, Enterprise Operations Services. |
| | Director of Field Operations, New York—Large and Mid Size Business. |
| | Director, Exempt Organizations, Rulings and Agreements. |
| | Commissioner, Small Business and Self Employed. |
| | Project Director—Appeals. |
| | Director, Procurement. |
| | Chief, Information Technology Services. |
| | Director, Professional Responsibility. |
| | Project Director. |
| | Compliance Service Field Director. |
| | Director, Security Policy, Support and Oversight. |
| | Associate Chief Financial Officer for Internal Finance Management—National Headquarters. |
| | Director, Taxpayer Education and Communication Area, St. Louis—Small Business and Self Employed. |
| | Project Director. |
| | Director, Compliance Area—Denver, Small Business and Self Employed. |
| | Deputy Director, Strategic Planning and Client Services—IS. |
| | Director, Compliance Area, Dallas—Small Business and Self Employed. |
| | Director, Personnel Services. |
| | Director, Pre-filing and Technical Guidance. |
| | Compliance Service, Field Director—Atlanta. |
| | Commissioner, Wage and Investment. |
| | Director, Strategic Services. |
| | Project Director. |
| | Senior Counselor to the Commissioner (Tax Administration, Practice and Professional Responsibility). |
| | Deputy Associate Commissioner Business Integration. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Electronic Tax Administration Modernization Executive. |
| | Director, Compliance Area. |
| | Director, Communications, Technology and Media Industry—Large and Mid Size Business. |
| | Executive Director, Systemic Advocacy—National Taxpayer Advocate. |
| | Division Information Officer—Large and Mid Size Business. |
| | Compliance Service Field Director, Andover—Wage and Investment. |
| | Director, Detroit Computing Center. |
| | Director, Systems Division. |
| | Director, Media and Publications. |
| | Director, Media and Publications Distribution Division. |
| | Director, Customer Account Services—Wage and Investment. |
| | Project Director—Wages and Investments. |
| | Compliance Service Field Director—Kansas City. |
| | Deputy Director, Submission Processing, Cincinnati—Small Business and Self Employed. |
| | Project Director. |
| | Chief Information Officer. |
| | Director, Portfolio Management. |
| | Deputy Chief, Agencywide Shared Services. |
| | Deputy Director, Procurement. |
| | Director, Electronic Program Enhancement—W and I. |
| | Director, Taxpayer Education Area—Los Angeles. |
| | Accounts Management Field Director. |
| | Director, Strategy, Criminal Investigations. |
| | Director, Compliance, Detroit—Small Business and Self Employed. |
| | Area Director, Stakeholder, Partnership, Education and Communications—New Orleans. |
| | Director, Taxpayer Education Area, Chicago—Small Business and Self Employed. |
| | Area Director, Information Technology. |
| | Area Director, Information Technology. |
| | Director, Equal Employment Opportunity and Diversity. |
| | Director, Compliance Systems Division. |
| | Assistant Deputy Commissioner. |
| | Assistant Deputy Commissioner for Operations Support. |
| | Information Technology Manager, Policy and Planning. |
| | Director, Internet Development Services. |
| | Director, Corporate Data and Systems Management Division. |
| | Director, Taxpayer Education and Communication—Small Business and Self Employed. |
| | Director, Field Operations, NY—LMSB. |
| | Submission Processing Field Director—Andover. |
| | Field Director, Accounts Management, Wage and Investment. |
| | Accounts Management Field Director, Fresno. |
| | Director, Financial Management Services. |
| | Director, Development Services. |
| | Director, Performance, Quality and Innovation—Large and Mid Size Business. |
| | Director, Strategy and Finance, Appeals. |
| | Assistant to Director, Real Estate and Facilities Management. |
| | Director of Field Operations (Southeast Area)—Criminal Investigation. |
| | Director, Management Services. |
| | Industry Director—Financial Services—Large and Mid Size Business. |
| | Director, Enterprise Operations Services. |
| | Deputy Director, Taxpayer Education and Communication. |
| | Associate Chief Financial Officer for Corporate Strategy. |
| | Division Information Officer (Wage and Investment). |
| | Director, Strategy, Research and Performance Management. |
| | Director, Business Systems Planning. |
| Internal Revenue Service Chief Counsel | District Counsel, New Jersey. |
| | Assistant Chief Counsel (International) (Litigation). |
| | Assistant Chief Counsel (Collection, Bankruptcy and Summonses). |
| | Division Counsel (Wage and Investment). |
| | Deputy Division Counsel/Deputy Assistant Chief Counsel (Criminal Tax). |
| | Deputy Associate Chief Counsel (General Legal Services). |
| | Assistant Chief Counsel (Disclosure and Privacy Law). |
| | Area Counsel (Small Business and Self Employed) (Area 7). |
| | Area Counsel (Small Business and Self Employed)—Los Angeles. |
| | Deputy Associate Chief Counsel (General Legal Services) (Labor and Personnel Law). |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| | Area Counsel (Small Business and Self Employed)—Philadelphia. |
| | Special Counsel to the Chief Counsel. |
| | Area Counsel (Small Business and Self Employed)—Chicago. |
| | Area Counsel (Small Business and Self Employed)—New York. |
| | Deputy Division Counsel # (Small Business and Self Employed). |
| | Division Counsel (Large and Mid-Size Business). |
| | Division Counsel (Small Business and Self Employed). |
| | Deputy Associate Chief Counsel (Corporate). |
| | Deputy Associate Chief Counsel (Corporate). |
| | Assistant Chief Counsel (Financial Institutions and Products). |
| | Area Counsel Large and Mid-Size Business) (Area 1) (Financial Services and Health Care). |
| | Deputy Associate Chief Counsel #2 (Passthroughs and Special Industries). |
| | Associate Chief Counsel (Procedure and Administration). |
| | Associate Chief Counsel (Passthroughs and Special Industries). |
| | Associate Chief Counsel (Corporate). |
| | Deputy Division Counsel #2 (Small Business and Self Employed). |
| | Deputy Associate Chief Counsel (Finance and Management). |
| | Deputy Associate Chief Counsel #1 (Income Tax and Accounting). |
| | Area Counsel (Large and Mid-Size Business) (Area 2) (Heavy Manufacturing, Construction and Transportation). |
| | Special Counsel to the National Taxpayer Advocate. |
| | Deputy Associate Chief Counsel (International Technical). |
| | Associate Chief Counsel (General Legal Services). |
| | Area Counsel (Large and Mid-Size Business) (Area 5) (Communications, Technology, and Media). |
| | Assistant Chief Counsel (Administrative Provisions and Judicial Practice). |
| | Area Counsel (Small Business and Self Employed)—Jacksonville. |
| | Assistant Chief Counsel (Employee Benefits). |
| | Deputy Associate Chief Counsel (Procedure and Administration). |
| | Deputy Associate Chief Counsel (Strategic International Programs). |
| | Deputy Division Counsel (Large and Mid-Size Business). |
| | Deputy Chief Counsel (Technical). |
| | Area Counsel (Small Business and Self Employed)—Dallas. |
| | Deputy Associate Chief Counsel #2 (Income Tax and Accounting). |
| | Deputy Division Counsel and Deputy Associate Chief Counsel (Tax Exempt and Government Entities). |
| | Area Counsel, Large and Mid-Size Business (Area 3) (Food, Mass Retailers, and Pharmaceuticals). |
| | Associate Chief Counsel (International). |
| | Associate Chief Counsel (Finance and Management). |
| | Deputy Associate Chief Counsel (Financial Institutions and Products). |
| | Associate Chief Counsel/Operating Division Counsel (Tax Exempt and Government Entities). |
| | Deputy Chief Counsel (Operations). |
| | Assistant Chief Counsel (Exempt Organizations, Employment Tax, and Government Entities). |
| | Associate Chief Counsel (Income Tax and Accounting). |
| | Area Counsel (Large and Mid-Size Business) (Area 4) (Natural Resources). |
| | Area Counsel (Small Business and Self Employed)—Denver. |
| | Deputy Associate Chief Counsel #1 (Passthroughs and Special Industries). |
| | Division Counsel/Associate Chief Counsel (Criminal Tax). |
| United States Agency for International Development: | |
| Office of the Administrator | Counselor to the Agency. |
| Office of the General Counsel | Deputy General Counsel. |
| | Assistant General Counsel for Ethics and Administrations. |
| Office of the Inspector General | Assistant Inspector General for Management. |
| | Deputy Assistant Inspector General for Audit. |
| | Counsel to the Inspector General. |
| | Deputy Inspector General. |
| Office of Security | Director Office of Security. |
| Office of Equal Opportunity Programs | Director Office of Equal Opportunity Programs. |
| Bureau for Global Health | Associate Assistant Administrator Center for Economic Growth. |
| | Senior Deputy Assistant Administrator. |
| | Deputy Assistant Administrator, Center for Population, Health, and Nutrition. |
| | Associate Assistant Administrator. |
| Bureau for Europe and Eurasia | Deputy Assistant Administrator. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Bureau for Management | Chief Financial Officer, Office of Financial Management. |
| | Director Office of Information Resource Management. |
| | Deputy Director Office of Procurement. |
| | Deputy Director, Office of Human Resources. |
| | Director, Office of Administration Services. |
| | Deputy Director, Office of Procurement. |
| | Deputy Assistant Administrator Bureau for Management. |
| | Deputy Director, Office of Financial Management. |
| | Financial Officer for Credit Policy. |
| | Financial Officer for Credit Policy. |
| United States International Trade Commission: | |
| Office of Industries | Director, Office of Industries. |
| Office of Investigations | Director, Office of Investigations. |
| Department of Veterans Affairs: | |
| Office of the Secretary and Deputy | Director, Office of Employment Discrimination Complaint Adjudication. |
| Office of the Inspector General | Assistant Inspector General for Auditing. |
| | Assistant Inspector General for Investigations. |
| | Deputy Inspector General. |
| | Assistant Inspector General for Department Reviews and Management Support. |
| | Deputy Assistant Inspector General for Investigations. |
| | Counselor to the Inspector General. |
| | Assistant Inspector General for Healthcare Inspections. |
| | Deputy Assistant Inspector General for Auditing. |
| | Deputy Assistant Inspector General for Healthcare Inspections. |
| | Deputy Assistant Inspector General for Management and Administration. |
| | Director of Medical Consultation and Review. |
| | Associate Director of Medical Consultation and Review. |
| Board of Veterans Appeals | Vice Chairman. |
| Office of the General Counsel | Regional Counsel. |
| | Regional Counsel. |
| | Regional Counsel. |
| | Regional Counsel. |
| | Regional Counsel. |
| | Regional Counsel. |
| Office Assistant Secretary for Management | Principal Deputy Assistant Secretary for Management. |
| | Corefls Project Director. |
| Office of Finance | Deputy Assistant Secretary for Finance. |
| | Associate Deputy Assistant Secretary for Financial Operations. |
| | Director, Financial Services Center. |
| Office of Acquisition and Material Management | Deputy Assistant Secretary for Acquisition and Material Management. |
| | Associate Deputy Assistant Secretary for Acquisitions. |
| | Associate Deputy Assistant Secretary for Program Management and Operations. |
| | Executive Director/Chief Operating Officer. |
| Office of Asset Enterprise Management | Deputy Director, Asset Enterprise Management. |
| Office Assistant Secretary for Policy, Planning and Preparedness | Chief Actuary. |
| Office of Security and Law Enforcement | Deputy Assistant Secretary for Security and Law Enforcement. |
| Office of Human Resources Management | Associate Deputy Assistant Secretary for Human Resources Management. |
| | Associate Deputy Assistant Secretary Human Resources Management. |
| Office Assistant Secretary for Information and Technology | Director, Veterans Affairs Automation Center, Austin, Texas. |
| | Associate Deputy Assistant Secretary for Telecommunications. |
| | Associate Deputy Assistant Secretary for Policies, Plans and Programs. |
| | Associate Deputy Assistant Secretary for Cyber Security. |
| National Cemetery Administration | Director, Office of Finance and Planning. |
| | Director, Office of Construction Management. |
| Veterans Benefits Administration | Deputy Chief Financial Officer |
| | Deputy Director Compensation and Pension Service. |
| | Chief Financial Officer. |

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2003—Continued

| Agency organization | Career reserved positions |
|---|---|
| Veterans Health Administration | ACFO for Revenue.<br>Chief Financial Officer.<br>Associate Chief Financial Officer for Compliance.<br>Deputy Chief Financial Officer.<br>Associate Chief Facilities Management Officer for Strategic Management<br>Associate Chief Facilities Management Officer for Service Delivery.<br>Associate Chief Facilities Management Officer for Resource Management. |

[FR Doc. 04–5427 Filed 3–19–04; 8:45 am]
**BILLING CODE 6325–39–M**

Federal Register

Monday,
March 22, 2004

# Part III

# Securities and Exchange Commission

**17 CFR Parts 232, 239, 249, et al.**
**Mandated Electronic Filing for Form ID; Proposed Rule**

## SECURITIES AND EXCHANGE COMMISSION

## 17 CFR Parts 232, 239, 249, 259, 269 and 274

**[Release Nos. 33–8399, 34–49416, 35–27815, 39–2416, IC–26385; File No. S7–14–04]**

**RIN 3235–AJ09**

## Mandated Electronic Filing for Form ID

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing rule and form amendments to mandate the electronic filing of Form ID. Form ID is the application for access codes to file on EDGAR. The intended effect of the proposals is to facilitate the more efficient transmission and processing of the information Form ID requires in a manner that will benefit investors, filers and the Commission.

**DATES:** Comments should be submitted on or before April 5, 2004.

**ADDRESSES:** Comments may be submitted electronically or by paper. Electronic comments may be submitted by: (1) Electronic form on the SEC Web site (*http://www.sec.gov*) or (2) e-mail to *rule-comments@sec.gov*. Mail paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. All submissions should refer to file number S7–14–04; this file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov*). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. We do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Mark W. Green, Senior Special Counsel (Regulatory Policy), at (202) 942–1940, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20459–0301.

**SUPPLEMENTARY INFORMATION:** We propose to amend Rules 10 [1], 101 [2], 104 [3], 201 [4] and 202 [5] under Regulation S–T [6] and Form ID [7].

### I. Background and New Filing System

Currently, applicants applying for access codes to file on the Commission's Electronic Data Gathering, Analysis and Retrieval System (''EDGAR'') must file a Form ID in paper [8] by fax.[9] When we initially launched the EDGAR system, we required applicants [10] to file Form ID in paper by mail. In November 2001, however, we began to require that applicants file Form ID solely by fax.[11] The electronic filing of Form ID will facilitate the more efficient transmission and processing of the information Form ID requires in a manner that will benefit investors, filers and the Commission. The information will be transmitted in a speedy, secure and reliable manner and will directly enter the Commission's records rather than having to be keyed in by Commission personnel.

We currently expect that the rules requiring electronic filing of Forms ID will be effective in late April, possibly after little further notice. By that time, a related new on-line filing system accessed through an EDGAR Filer Management website is scheduled to be completed.[12]

Applicants who are new filers will be required to file Forms ID.[13] Applicants will be required to access the EDGAR Filer Management website to fill out and submit the forms, as EDGARLink filing will not be available for submission of these forms. Other types of filers (*i.e.*, those who are not new filers) that wish to obtain access codes will be able to do so through the EDGAR Filer Management website or, in generally the same manner as available today, the current EDGAR Filer or Online Forms websites, in all cases without filing a Form ID.[14]

To access and file Forms ID through our EDGAR Filer Management website, each applicant must have available all the information Form ID requires when the applicant accesses the website because the system will not provide a way to save an incomplete form on-line from session to session. A time-out that ends the session will occur one hour following the user's last activity on the system. We expect that there will be more than enough time to prepare, review and submit a Form ID given the nature and quantity of information required. Unlike the current system, only one applicant per Form ID will be permitted. The system will validate for data type and required fields as many fields as possible during the submission process. Applicants will have the chance to correct errors and verify the accuracy of the information prior to submission. An on-line help function will be available. The applicant will be able to add attachments before submission and print the information submitted after submission.

### II. The Proposed Rule Amendments

#### *A. Required Electronic Filing of Form ID*

We propose to amend Regulation S–T [15] to require applicants who are new filers to file Forms ID with us

[1] 17 CFR 232.10.

[2] 17 CFR 232.101.

[3] 17 CFR 232.104.

[4] 17 CFR 232.201.

[5] 17 CFR 232.202.

[6] 17 CFR 232.10 *et seq.*

[7] 17 CFR 239.63, 249.446, 259.602, 269.7 and 274.402.

[8] Regulation S-T Rule 10(b) [17 CFR 232.10(b)].

[9] Section 1.3.1 of EDGAR Release 8.6 EDGARLink Filer Manual (Volume I) and Onlineforms Filer Manual (Volume III). In some instances, applicants can acquire replacement codes through our EDGAR website without use of a Form ID. Applicants will be able to continue this practice under specified circumstances.

[10] The three categories of individuals or entities that apply for access codes are ''filers'', ''filing agents'' and ''training agents'' (collectively, ''applicants''). A filer is an individual or entity on whose behalf an electronic filing is made. A filing agent is an individual or entity that uses access codes to send all or part of a filing on behalf of a filer. A training agent is an individual or entity that will be sending only test filings in connection with training others.

[11] The former requirement to file by mail still is reflected in Part V of the General Instructions to Form ID. This requirement, however, has been superseded by the fax requirement in the Filer Manual.

[12] An on-line filing system currently is available for Forms 3 [17 CFR 249.103 and 274.202], 4 [17 CFR 249.104 and 274.203] and 5 [249.105] filed under Section 16(a) of the Securities Exchange Act of 1934 (''Exchange Act'') [15 U.S.C. 78p(a)].

[13] A ''new filer'' is an applicant that has not previously filed with the Commission or has filed only paper Forms 3, 4 or 5 (all required to be filed electronically since June 30, 2003) or paper Forms 144 [17 CFR 239.144], under the Securities Act of 1933 (''Securities Act'') [15 U.S.C. 77a *et seq.*], and, as a result, has not been assigned by the Commission a Central Index Key (CIK) code. The CIK code is a unique publicly available identifier and EDGAR access code.

[14] Modifications to EDGAR in connection with establishing the EDGAR Filer Management Web site will require applicants who file Form ID and users who log onto EDGAR for filing to choose a passphrase. A passphrase will enable a user to change its access codes easily. The passphrase system will provide advantages over the current system for changing access codes. In the current system, users often forget the access code needed to change easily another access code and have greater difficulty changing a code that has expired. Under the new system, users should remember more easily their passphrase since they choose it and an access code's expiration will not affect the passphrase. A passphrase remains valid unless and until the user changes it. Further details about passphrases and access codes will be provided in revisions to the EDGAR Filer Manual.

[15] Regulation S–T is the general regulation governing electronic filing. In addition to complying with Regulation S–T, filers must submit electronic documents in accordance with the instructions in the EDGAR Filer Manual.

electronically. As noted above, Rule 10 of Regulation S–T currently requires Forms ID to be filed in paper.[16] The proposed amendment would revise subparagraph (b) of Rule 10 to replace the paper filing requirement with an electronic filing requirement.[17] For clarity and ease of reference, the amendment also would revise subparagraph (a)(1) of Rule 101 of Regulation S–T [18] to add a new subparagraph (ix) to add Form ID to the rule's list of documents required to be filed electronically.[19]

We also propose to amend Regulation S–T to make hardship exemptions unavailable to Forms ID. The proposed amendments would revise subparagraph (a) of Rules 201 [20] and 202 [21] to exclude Form ID from the filings for which hardship exemptions are available. We believe hardship exemptions should not be available to Forms ID because a filer unable to file electronically a Form ID also, presumably, would be unable to file on EDGAR even with the access codes obtained in response to a Form ID filing. Consequently it appears that there would be no practical need for a hardship exemption, and granting the exemption could undermine the purposes of mandated electronic filing of Forms ID.[22]

*B. Required Faxing of Confirming Document Authenticating Form ID*

Because only new filers will file the electronic Form ID, we believe the form should be supplemented with additional verification to help ensure the security of the system. Accordingly, we also propose to amend Regulation S–T to require these applicants to file in paper by fax within two business days before or after electronically filing Form ID a notarized document, manually signed by the applicant over its typed signature, that includes the information contained in the Form ID filed or to be filed and confirms the authenticity of the Form ID.[23] The purpose of this requirement is to help assure that the Form ID is authentic. We expect that eventually we will replace this procedure with a requirement that applicants use a certificate from a certification authority to authenticate their Form ID filings.[24]

*C. Form ID*

We propose some minor changes to Form ID to facilitate the electronic filing provisions, as follows:

1. Amend the section immediately above the heading for Part I to delete the phrase ''Applicant's CIK (if known)'', the checkboxes and the checkboxes' related labels ''Initial Application'' and ''Amendment.'' A new filer would not have a CIK or have filed a Form ID to amend. Information previously reported on Form ID will continue to be able to be corrected or updated through the EDGAR Filer or EDGAR Online Forms website. As a result, applicants will not need to amend Forms ID.

2. Amend Part I of Form ID to:

- Refer consistently to ''applicant'' rather than ''registrant'';
- Clarify how to present an individual's name;
- Delete the subsection regarding former name as unnecessary;
- Clarify that a foreign address must include the name of the foreign country rather than the name of a state;
- Clarify that a foreign telephone number must include a country code in addition to an area code; [25]
- Add applicant type checkboxes for individual and foreign private issuer [26] applicants that are to be marked by applicants, as applicable, in addition to one of the three types (filer, filing agent and training agent) currently on the form; and
- Delete the last three subsections of the part relating to the superseded concepts of initial and amended applications.

3. Amend Part II of Form ID to:

- Revise the heading of the part to clarify that it applies only to filers that are not individuals;
- Delete the subsection asking whether the applicant currently files with the Commission and, if so, what at least one of the applicant's Commission file numbers is (this information no longer is necessary);
- Refer consistently to ''filer'' rather than ''registrant'';
- Add subsections for the name under which the filer does business and, for foreign private issuer filers, the name of the filer in any language other than English; and
- Clarify that a Social Security number must not be entered as the filer's tax or federal identification number.

4. Amend Part III of Form ID to delete the subsection regarding the EDGAR Private Mail system that no longer exists.

5. Amend Part V of Form ID to add a warning regarding federal criminal liability for misstatements or omissions.

6. Amend the statutory authority section immediately below Part V of Form ID to make two authority citations more precise and to correct a typographical error in another citation.

7. Amend the introductory section of the General Instructions to Form ID to

- Delete the superseded reference to amendments;
- Delete the language cautioning that an incomplete form may delay codes because a complete form will be necessary to obtain codes;
- Add descriptions of the requirements to file Form ID electronically and fax to the Commission a notarized document, manually signed by the applicant over a typed signature, that confirms the authenticity of the Form ID; and

[16] As also noted above, currently, the EDGAR Filer Manual requires Form ID to be filed by fax and Form ID contains a superseded instruction to file Form ID by mail.

[17] We plan to amend the EDGAR Filer Manual accordingly. We also plan to amend Rule 104(a) of Regulation S–T to make it clear that unofficial PDF copy submissions are unavailable to Form ID.

[18] 17 CFR 232.101(a)(1).

[19] Rule 101(a)(1) also requires the electronic submission of any related correspondence and supplemental information pertaining to a document that is the subject of mandated electronic filing ''except as otherwise provided.'' Proposed Rule 101(a)(1)(ix) would prohibit electronic submission of the notarized confirming authenticating document described in Section II.B of this release. Further, the proposed rule would prohibit electronic submission of related correspondence and supplemental information submitted after electronic filing of Form ID and before the Commission assigns access codes to the applicant to file on EDGAR.

[20] 17 CFR 232.201(a).

[21] 17 CFR 232.202(a).

[22] *See* the note to Rule 10 of Regulation S–T [17 CFR 232.10] (''The Commission strongly urges any person or entity about to become subject to the disclosure and filing requirements of the federal securities laws to submit a Form ID well in advance of the first required filing, including a registration statement relating to an initial public offering, in order to facilitate electronic filing on a timely basis.'').

[23] The proposed amendment also would revise subparagraph (b) of Rule 10 of Regulation S–T to add this requirement. One way to satisfy the authenticating document requirement, though only after electronic submission, would be to use a print-out of the Form ID application acknowledgement generated by the EDGAR Filer Management website. To use the print-out to satisfy the requirement, the applicant must notarize the print-out and add an authenticity confirming statement. Before faxing the print-out, the applicant also should make illegible the passphrase that appears on it. The passphrase should be made illegible because, as a code that enables the acquisition of new EDGAR access codes, it should be kept highly confidential.

[24] A certification authority issues a certificate that works like an electronic ''pass card'' that verifies the holder's identity when filing. The certification authority's digital signature would allow us to verify that the certificate is authentic. Certificates currently are optional for filing on EDGAR. They may be purchased from Verisign, the current certification authority for EDGAR.

[25] The described amendments to clarify what foreign addresses and telephone numbers must include also are proposed as to Parts II, III and IV of Form ID.

[26] The term ''foreign private issuer'' is used in this release as defined in Securities Act Rule 405 [17 CFR 230.405] and Exchange Act Rule 3b–4(c) [17 CFR 240.3b–4(c)].

• Add contact information for questions.

8. Amend Part I of the General Instructions to Form ID to

• Add and define the applicant type ''Individual'';

• Place the applicant type definitions in bullet format;

• Add the requirement that the applicant's individual or foreign private issuer status be indicated, as applicable; and

• Delete all the text after the applicant type definitions because that text addresses the superseded notions of initial and amended Form ID filings.

9. Amend Part II of the General Instructions to Form ID to

• Clarify in the parenthetical in the heading that Part II of Form ID only should be completed by filers that are not individuals;

• Refer consistently to ''filer'' rather than ''registrant'';

• Clarify in the text that Part II of Form ID does not apply to individuals and that, accordingly, a Social Security number must not be entered as a tax or federal identification number;

• Clarify that if an investment company filer is organized as a series company, the investment company may use the tax or federal identification number of any one of its constituent series;

• Clarify that issuers that have applied for but not yet received their tax or federal identification number must include all zeroes;

• Provide that if the filer's fiscal year does not end on the same date each year (*e.g.*, falls on the last Saturday in December), the filer must enter the date the current fiscal year will end; and

• Delete the sentence regarding individuals' providing state of incorporation or organization information since individuals no longer will be filling in Part II of Form ID.

10. Amend Part III of the General Instructions to Form ID to replace all the text, after the first sentence, regarding EDGAR Private Mail system and Internet e-mail with text that omits reference to the now defunct EDGAR Private Mail system and instead provides guidance regarding default and additional per filing e-mail contact addresses.

11. Amend Part IV of the General Instructions to Form ID to add a sentence directing applicants to advise us through the EDGAR filing website of changed address information to help assure that account statements reach the specified contact person.

12. Amend Part V of the General Instructions to Form ID to add guidance on how to sign the form.

*D. Comment Solicited*

We request comment on the rule and form changes we propose in this release. Questions regarding safeguards to help us authenticate Form ID filings:

• Is the proposed faxed notarized document to help authenticate Form ID filings an effective safeguard? Would it be overly burdensome to filers?

• Would its operation, effectiveness or burden differ for foreign applicants and, if so, how?

• If a faxed notarized document can be an effective safeguard:

• What document should we require to be notarized and faxed (*e.g.*, Form ID itself, a document similar to Form ID or a letter)?

• Within how many business days before or after the electronic filing of Form ID should we require the notarized document to be faxed?

• If a faxed notarized document is not adequate to help authenticate Form ID filings or is overly burdensome to filers, what safeguard would be adequate as to domestic or foreign applicants before it is feasible to use a certification authority?

Question regarding hardship exemptions:

• Is there a practical need for a hardship exemption to allow paper filing of Form ID and, if so, under what circumstances?

## III. General Request for Comments

We request and encourage any interested person to submit comments regarding:

• The proposed changes that are the subject of this release;

• Additional or different changes; or

• Other matters that may have an effect on the proposals contained in this release.

We request comment from the point of view of investors, applicants, issuers and others who use or otherwise are involved with electronic filing. With regard to any comments, we note that comments are of greatest assistance to our rulemaking initiative if accompanied by supporting data and analysis of the issues addressed in those comments.

## IV. Paperwork Reduction Act

The proposed rule amendments would affect one form that contains ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995.[27] The title of the affected information collection is the EDGAR Form ID.

Form ID (OMB Control Number 3235–0328) is used by applicants to request the assignment of access codes that permit the filing of securities documents on EDGAR. This form enables the Commission to assign an identification number (''CIK''), confirmation code (''CCC''), password (''PW'') and password modification authorization code (''PMAC'') to each EDGAR filer, each of which is essential to the security of the EDGAR system.

Compliance with the proposed amendments would be mandatory. The information required by the proposed amendments would be kept confidential by the Commission, subject to a request under the Freedom of Information Act.[28]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. We expect that, if adopted, the proposed amendments would obligate applicants to disclose on Forms ID essentially the same information that they are required to disclose today.[29] We therefore believe that the overall information collection burden of Form ID would remain approximately the same. As a result, we have not submitted the revisions to the collections of information to the Office of Management and Budget for review under 44 U.S.C. 3507(d) and 5 CFR 1320.11.

We are soliciting comment on the expected Paperwork Reduction Act effects of the proposed rule amendments. In particular, we solicit comment on the accuracy of our estimate that no additional burden would result from the proposed amendments. We further request comment on whether the proposed changes to the collection of information are necessary for the proper performance of the Commission's functions, including whether the additional information garnered will have practical utility. In addition, we solicit comment on whether there are ways to enhance the quality, utility, and clarity of the information to be collected. We further solicit comment on whether there are ways to minimize the burden of information collection on those applicants who file Form ID, including through the use of automated collection techniques or other forms of information technology. Finally, we solicit comment on whether the proposed amendments will have any effects on any other collection of

[27] 44 U.S.C. 3501 *et seq.*

[28] 5 U.S.C. 552. The Commission's regulations that implement the Act are at 17 CFR 200.80 *et seq.*

[29] The information required in any notarized confirming authenticating document would be no more extensive than would be needed for the Form ID itself.

information not previously identified in this section.

## V. Cost-Benefit Analysis

We expect that the proposed amendments will benefit investors, applicants and the Commission.

### *A. Expected Benefits*

The proposed amendments should benefit investors, applicants and the Commission because the information contained in Form ID would be transmitted in a speedy, secure and reliable manner and would directly enter the Commission's records rather than be keyed in by Commission personnel, which currently must be done. This should improve the speed and accuracy of the process that leads to applicants' receipt of the codes needed to file on EDGAR. This improvement would enable applicants to disseminate information sooner to investors.

### *B. Expected Costs*

We expect that the proposed amendments would result in some costs to applicants. However, we expect that many applicants will not bear the full range of costs resulting from the adoption of these amendments for the reasons described below.

As noted above, we expect that, if adopted, the proposed amendments would obligate applicants to disclose on Form ID essentially the same information that they are required to disclose today. We therefore believe that the overall information collection burden of Form ID would remain approximately the same. As a result, the cost of collecting the information would remain approximately the same.

The expected costs of mandated electronic filing of Form ID consist of both initial and ongoing costs. Initial costs include those associated with learning about the electronic filing system, obtaining a computer, placing the filing data in electronic format for the initial electronic filing and subscribing to an Internet service provider. Ongoing costs are those associated with maintaining the framework developed through the initial costs by updating information required by Form ID.

We expect that most applicants will need to incur few, if any, additional costs from electronic filing. Applicants who are new filers likely would be prepared to become electronic filers and, accordingly, would be prepared to access the EDGAR Filer Management Web site.

To the extent applicants who file Forms ID are officers or directors, we understand that many issuers will help them or make their filings for them. To the extent officers and directors do not receive this help, we believe many already will have the computer equipment and Internet access to enable them to file using the EDGAR Filer Management Web site.

Even issuers that file Form ID electronically on their own behalf or help their officers or directors, whether to a greater or lesser extent, to file electronically are not likely to incur additional costs. Issuers are required to file on EDGAR and generally have the needed computer equipment and Internet service provider access to enable them to file or facilitate filing using the EDGAR Filer Management Web site.

Finally, we believe that faxing a notarized confirming authenticating document would result in negligible additional costs. An applicant currently must incur the cost of faxing a Form ID, and the information in the confirming authenticating document would be no more extensive than would be needed for the Form ID itself. Based on what appear to be common practices at Washington, DC area banks, we believe that banks generally will notarize customer documents for no additional fee and that those banks that notarize for non-customers generally will notarize a document for less than ten dollars.

### *C. Comment Solicited*

We solicit comments on the costs and benefits of the proposed amendments for applicants. We request your views on the costs and benefits described above as well as on any other costs and benefits that could result from adoption of the mandated electronic filing requirements. We also request data as to what percentage of Form ID filings by non-issuers are done by or with the help of an issuer.

## VI. Effect on Efficiency, Competition and Capital Formation

Section 23(a)(2) of the Exchange Act [30] requires us, when adopting rules under the Exchange Act, to consider the impact that any new rule would have on competition. In addition, Section 23(a)(2) prohibits us from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. Furthermore, Section 2(b) of the Securities Act [31] and Section 3(f) of the Exchange Act [32] require us, when engaging in rulemaking where we are required to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.

The proposed amendments regarding mandated electronic filing of Form ID are intended to facilitate the more efficient transmission and processing of the information that Form ID requires. This should improve the speed and accuracy of the process that leads to applicants' receipt of the codes needed to file on EDGAR. This improvement would enable applicants to disseminate information sooner to investors. As a result, the amendments should improve investors' ability to make informed investment and voting decisions. Informed investor decisions generally promote market efficiency and capital formation. We believe the proposed amendments would not impose a burden on competition.

We request comment on whether the proposed amendments, if adopted, would impose a burden on competition. We also request comment on whether the proposed amendments, if adopted, would promote efficiency, competition and capital formation. Finally, we request commenters to provide empirical data and other factual support for their views if possible.

## VII. Initial Regulatory Flexibility Analysis

This Initial Regulatory Flexibility Analysis has been prepared in accordance with 5 U.S.C. 603. It relates to proposed amendments regarding mandated electronic filing of Form ID.

### *A. Reasons for the Proposed Action*

An applicant uses Form ID to apply for the access codes required to file electronically on EDGAR. We believe the proposed amendments will benefit investors, applicants and the Commission.

### *B. Objectives*

Our objective in proposing the mandated electronic filing amendments is to facilitate the more efficient transmission and processing of the information Form ID requires in a manner that will benefit investors, applicants and the Commission.

### *C. Legal Basis*

We are proposing the amendments under the authority set forth in Section 19(a) [33] of the Securities Act, Sections

[30] 15 U.S.C. 78w(a)(2).

[31] 15 U.S.C. 77b(b).

[32] 15 U.S.C. 78c(f).

[33] 15 U.S.C. 77s(a).

3(b),[34] 13(a),[35] 23(a) [36] and 35A [37] of the Exchange Act, Section 20 [38] of the Public Utility Holding Company Act (''Public Utility Act''), Section 319 [39] of the Trust Indenture Act of 1939 (''Trust Indenture Act'') and Sections 30 [40] and 38 [41] of the Investment Company Act of 1940 (''Investment Company Act'').

*D. Small Entities Subject to the Proposed Revisions*

The proposed amendments would affect small entities that are applicants that are not natural persons. Exchange Act Rule 0–10(a) [42] defines an entity, other than an investment company, to be a ''small business'' or ''small organization'' if it had total assets of $5 million or less on the last day of its most recent fiscal year. For purposes of the Regulatory Flexibility Act, an investment company is a small entity if it, together with other investment companies in the same group of related investment companies, has net assets of $50 million or less as of the end of its most recent fiscal year. The proposed amendments would apply to all small entities that are applicants.

*E. Reporting, Recordkeeping and Other Compliance Requirements*

Currently, applicants must file Forms ID in paper by fax. The amendments would require applicants to file these forms electronically and fax to the Commission a notarized confirming authenticating document containing at least the information the Form ID contains. Because applicants already file Forms ID in paper by fax, the only additional professional skills applicants would need would be those required to file electronically. We expect that filing electronically would increase costs incurred by some small entities. However, we expect that many small entities would not bear the full range of costs resulting from the adoption of these amendments for the reasons described below.

The expected costs of mandated electronic filing consist of both initial and ongoing costs. Initial costs include those associated with learning about the electronic filing system, obtaining a computer, placing the filing data in electronic format for the initial electronic filing and subscribing to an Internet service provider. Ongoing costs are those associated with maintaining the framework developed through the initial costs by updating information required by Form ID.

We expect that many small entity applicants will need to incur few, if any, additional costs from electronic filing. Some issuers may help related small entity applicants (such as subsidiaries) or make the related small entity applicants' filings for them. To the extent small entity applicants do not receive this help, we believe many already will have the computer equipment and Internet access to enable them to file using the EDGAR Filer Management Web site.

Even small entity issuers that file Form ID electronically on their own behalf or help their related small entity applicants, whether to a greater or lesser extent, to file electronically are not likely to incur additional costs. Small entity issuers are required to file on EDGAR and generally have the needed computer equipment and Internet service provider access to enable them to file or facilitate filing using the EDGAR Filer Management Web site.

Finally, we believe that faxing a notarized confirming authenticating document would result in negligible additional costs. A small entity applicant currently must incur the cost of faxing a Form ID and the information in the authenticating document would be no more extensive than would be needed for the Form ID itself. Based on what appear to be common practices at Washington, DC area banks, we believe that banks generally will notarize customer documents for no additional fee and that those banks that notarize for non-customers generally will notarize a document for less than ten dollars.

*F. Duplicative, Overlapping, or Conflicting Federal Rules*

The proposed mandated electronic filing amendments would not duplicate, overlap, or conflict with other federal rules.

*G. Significant Alternatives*

The Regulatory Flexibility Act directs the Commission to consider significant alternatives that would accomplish the stated objective, while minimizing any significant adverse impact on small entities. In connection with the proposed mandated electronic filing amendments, we considered the following alternatives:

- The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;
- The clarification, consolidation, or simplification of filing requirements;
- The use of performance rather than design standards; and
- An exemption from the electronic filing requirements, or any part of them, for small entities.

We believe that differing compliance or reporting requirements or timetables for small entities or a partial or complete exemption would be inconsistent with the more efficient transmission and processing of the information Form ID requires in a manner that will benefit investors, applicants and the Commission. We solicit comment, however, on whether differing compliance or reporting requirements or timetables for small entities would be consistent with the described goals. We believe that the proposed electronic filing requirements are clear and straightforward. We are attempting to design an electronic filing system for Forms ID that will be simple for all filers to use. Therefore, it does not seem necessary to develop separate requirements for small entities. We have used design rather than performance standards in connection with the proposed electronic filing revisions because we want the Commission to be able to process readily the information involved. We do not believe that performance standards for small entities would be consistent with the purpose of the proposed revisions.

*H. Solicitation of Comments*

We encourage commenters to submit comments with respect to any aspect of this Initial Regulatory Flexibility Analysis. In particular, we request comments regarding:

- The number of small entities that may be affected by the proposed revisions;
- The existence or nature of the potential impact of the proposed revisions on small entities as discussed in the analysis; and
- How to quantify the impact of the proposed revisions.

We ask commenters to describe the nature of any impact and provide empirical data supporting the extent of the impact. These comments will be considered in the preparation of the Final Regulatory Flexibility Analysis or certification, if the proposed revisions are adopted, and will be placed in the same public file as comments on the proposed amendments themselves.

**VIII. Small Business Regulatory Enforcement Fairness Act**

For purposes of the Small Business Regulatory Enforcement Fairness Act of

[34] 15 U.S.C. 78c(b).
[35] 15 U.S.C. 78m(a).
[36] 15 U.S.C. 78w(a).
[37] 15 U.S.C. 78ll.
[38] 15 U.S.C. 79t.
[39] 15 U.S.C. 77sss.
[40] 15 U.S.C. 80–29.
[41] 15 U.S.C. 80–37.
[42] 17 CFR 240.0–10(a).

1996 (''SBREFA''),[43] a rule is ''major'' if it has resulted, or is likely to result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers or individual industries; or
- Significant adverse effects on competition, investment or innovation.

We request that commenters provide empirical data on (a) the annual effect on the economy; (b) any increase in costs or prices for consumers or individual industries; and (c) any effect on competition, investment or innovation. We also request comment on the reasonableness of this estimate.

## IX. Statutory Basis

We are proposing the amendments to Regulation S–T and Form ID under the authority in Section 19(a) of the Securities Act, Sections 3(b), 13(a), 23(a) and 35A of the Exchange Act, Section 20 of the Public Utility Act, Section 319 of the Trust Indenture Act and Sections 30 and 38 of the Investment Company Act.

## Text of Proposed Rule Amendments

### List of Subjects in 17 CFR Parts 232, 239, 249, 259, 269 and 274

Reporting and recordkeeping requirements, Securities.

For the reasons set forth above, we propose to amend title 17, chapter II of the Code of Federal Regulations as follows.

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

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

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

* * * * *

2. Amend § 232.10 by revising paragraph (b) to read as follows:

### § 232.10 Application of part 232.

* * * * *

(b) Each registrant, third party filer, or agent to whom the Commission previously has not assigned a Central Index Key (CIK) code, must, before filing on EDGAR:

(1) File electronically a Form ID (§§ 239.63, 249.446, 259.602, 269.7 and 274.402 of this chapter), the uniform application for access codes to file on EDGAR, and

(2) File in paper by fax, within two business days before or after electronically filing the Form ID, a notarized document, manually signed by the applicant over the applicant's typed signature, that includes the information contained in the Form ID and confirms the authenticity of the Form ID.

* * * * *

3. Amend § 232.101 by adding paragraph (a)(1)(ix) to read as follows:

### § 232.101 Mandated electronic submissions and exceptions.

(a) * * *

(1) * * *

(ix) Form ID (§§ 239.63, 249.446, 259.602, 269.7 and 274.402 of this chapter), except that the authenticating document required by Rule 10(b) of Regulation S–T (§ 232.10(b)) shall not be filed in electronic format, and related correspondence and supplemental information submitted after filing Form ID and before the Commission assigns access codes to file on EDGAR, shall not be submitted in electronic format.

* * * * *

4. Amend § 232.104 by revising paragraph (a) to read as follows:

### § 232.104 Unofficial PDF copies included in an electronic submission.

(a) An electronic submission, other than a Form 3 (§ 249.103 of this chapter), a Form 4 (§ 249.104 of this chapter), a Form 5 (§ 249.105 of this chapter) or a Form ID (§§ 239.63, 249.446, 259.602, 269.7 and 274.402 of this chapter), may include one unofficial PDF copy of each electronic document contained within that submission, tagged in the format required by the EDGAR filer manual.

* * * * *

5. Amend § 232.201 by revising paragraph (a) introductory text to read as follows:

### § 232.201 Temporary hardship exemption.

(a) If an electronic filer experiences unanticipated technical difficulties preventing the timely preparation and submission of an electronic filing, other than a Form 3 (§ 249.103 of this chapter), a Form 4 (§ 249.104 of this chapter), a Form 5 (§ 249.105 of this chapter) or a Form ID (§§ 239.63, 249.446, 259.602, 269.7 and 274.402 of this chapter), the electronic filer may file the subject filing, under cover of Form TH (§§ 239.65, 249.447, 259.604, 269.10 and 274.404 of this chapter), in paper format no later than one business day after the date on which the filing was to be made.

* * * * *

6. Amend § 232.202 by revising paragraph (a) introductory text to read as follows:

### § 232.202 Continuing hardship exemption.

(a) An electronic filer may apply in writing for a continuing hardship exemption if all or part of a filing or group of filings, other than a Form ID (§§ 239.63, 249.446, 259.602, 269.7 and 274.402 of this chapter), otherwise to be filed in electronic format cannot be so filed without undue burden or expense. Such written application shall be made at least ten business days prior to the required due date of the filing(s) or the proposed filing date, as appropriate, or within such shorter period as may be permitted. The written application shall contain the information set forth in paragraph (b) of this section.

* * * * *

## PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

7. The authority citation for Part 239 continues to read in part as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77z–2, 77sss, 78c, 78*l*, 78m, 78n, 78o(d), 78u–5, 78w(a), 78*ll*(d), 79(e), 79f, 79g, 79j, 79*l*, 79m, 79n, 79q, 79t, 80a–8, 80a–24, 80a–26, 80a–29, 80a–30 and 80a–37, unless otherwise noted.

* * * * *

## PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

8. The authority citation for Part 249 continues to read in part as follows:

**Authority:** 15 U.S.C. 78a *et seq.*, unless otherwise noted.

## PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

9. The authority citation for Part 259 continues to read as follows:

**Authority:** 15 U.S.C. 79e, 79f, 79g, 79j, 79*l*, 79m, 79n, 79q, 79t.

## PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939

10. The authority citation for Part 269 continues to read as follows:

**Authority:** 15 U.S.C. 77ddd(c), 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77sss, 78*ll*(d), unless otherwise noted.

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[43] Pub. L. No. 104–121, Title II, 110 Stat. 857 (1996).

## PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

## PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

## PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

## PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939

## PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

11. The authority citation for Part 274 continues to read in part as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78c(b), 78*l*, 78m, 78n, 78o(d), 80a–8, 80a–24, 80a–26, and 80a–29, unless otherwise noted.

* * * * *

12. Revise §§ 239.63, 249.446, 259.602, 269.7, and 274.402 to read as follows:

### § 239.63 Form ID, uniform application for access codes to file on EDGAR.

### § 249.446 Form ID, uniform application for access codes to file on EDGAR.

### § 259.602 Form ID, uniform application for access codes to file on EDGAR.

### § 269.7 Form ID, uniform application for access codes to file on EDGAR.

### § 274.402 Form ID, uniform application for access codes to file on EDGAR.

Form ID must be filed by registrants, third party filers, or their agents, to whom the Commission previously has not assigned a Central Index Key (CIK) code, to request the following access codes to permit filing on EDGAR:

(a) Central Index Key (CIK)—uniquely identifies each filer, filing agent, and training agent.

(b) CIK Confirmation Code (CCC)—used in the header of a filing in conjunction with the CIK of the filer to ensure that the filing has been authorized by the filer.

(c) Password (PW)—allows a filer, filing agent or training agent to log on to the EDGAR system, submit filings, and change its CCC.

(d) Password Modification Authorization Code (PMAC)—allows a filer, filing agent or training agent to change its Password.

13. Revise Form ID (referenced in § 239.63, § 249.446, § 259.602, § 269.7 and § 274.402) to read as follows:

**Note:** The text of Form ID does not and this amendment will not appear in the Code of Federal Regulations.

BILLING CODE 8010–01–P

**Form ID Uniform Application for Access Codes to File on EDGAR**

Form ID

| OMB APPROVAL |
| --- |
| OMB Number: 3235-0328 |
| Expires: January 31, 2005 |
| Estimated average burden hours per response: . .0.15 |

**United States**
**Securities and Exchange Commission**
**Washington, D.C. 20549**

## FORM ID
## UNIFORM APPLICATION FOR ACCESS CODES TO FILE ON EDGAR

### PART I — APPLICATION FOR ACCESS CODES TO FILE ON EDGAR

Name of applicant (applicant's name as specified in its charter, except, if individual, last name, first name, middle name, suffix (e.g., "Jr.")

Mailing Address or Post Office Box No.

City State or Country Zip

Telephone number (Include Area and, if Foreign, Country Code) ( )

Applicant is (*see* definitions in the General Instructions)

☐ Filer ☐ Filing Agent ☐ Training Agent ☐ Individual (if check this box, must also check Filer, Filing Agent or Training Agent box)

☐ Foreign Private Issuer (if check this box, must also check Filer, Filing Agent or Training Agent box)

**PART II — FILER INFORMATION (To be completed only by filers that are not individuals)**

Filer's Tax Number or Federal Identification Number (Do Not Enter a Social Security Number)

Doing Business As

Foreign Name (if Foreign Private Issuer Filer)

Primary Business Address or Post Office Box No. (if different from mailing address)

City State or Country Zip

State of Incorporation/Organization Fiscal Year End (mm/dd)

**PART III — CONTACT INFORMATION (To be completed by all applicants)**

Person to receive EDGAR Information, Inquiries and Access Codes

Telephone Number (Include Area and, if foreign, Country Code) ( )

Mailing Address or Post Office Box No. (if different from applicant's mailing address)

City State or Country Zip

E-Mail Address

**PART IV — ACCOUNT INFORMATION (To be completed by filers and filing agents only)**

Person to receive SEC Account Information and Billing Invoices

Telephone Number (Include Area and, if Foreign, Country Code)
( )

Mailing Address or Post Office Box No. (if different from applicant's mailing address)

City State or Country Zip

**PART V — SIGNATURE (To be Completed by all Applicants)**

Signature: Type or Print Name:

Position or Title: Date:

Intentional misstatements or omissions of facts constitute federal criminal violations. *See* 18 U.S.C. 1001.

Section 19(a) of the Securities Act of 1933 (15 U.S.C. 77s(a)), sections 13(a) and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a) and 78w(a)), section 319 of the Trust Indenture Act of 1939 (15 U.S.C. 77sss), section 20 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79t) and sections 30 and 38 of the Investment Company Act of 1940 (15 U.S.C. 80a-29 and 80a-37) authorize solicitation of this information. We will use this information to assign system identification to filers, filing agents, and training agents. This will allow the Commission to identify persons sending electronic submissions and grant secure access to the EDGAR system.

SEC 2084
(02-02)
Previous
form obsolete

**Persons who potentially are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.**

## Form ID
## GENERAL INSTRUCTIONS

USING AND PREPARING FORM ID

Form ID must be filed by registrants, third party filers, or their agents, to whom the Commission previously has not assigned a Central Index Key (CIK) code, to request the following access codes to permit filing on EDGAR:

- Central Index Key (CIK) - The CIK uniquely identifies each filer, filing agent, and training agent. We assign the CIK at the time you make an initial application. You may not change this code. The CIK is a public number.
- CIK Confirmation Code (CCC) - You will use the CCC in the header of your filings in conjunction with your CIK to ensure that you authorized the filing.
- Password (PW) - The PW allows you to log onto the EDGAR system, submit filings, and change your CCC.
- Password Modification Authorization Code (PMAC) - The PMAC allows you to change your password.

An applicant must file this Form in electronic format via the Commission's EDGAR Filer Management website. Please see Regulation S-T (17 CFR Part 232) and the EDGAR Filer Manual for instructions on how to file electronically, including how to use the access codes.

An applicant also must file in paper by fax within two business days before or after filing electronically Form ID the notarized document, manually signed by the applicant over the applicant's typed signature, required by Regulation S-T Rule 10(b)(2) that includes the information contained in the Form ID filed or to be filed and confirms the authenticity of the Form ID. The applicant must fax the confirming document to the Branch of Filer Support of the Office of Filings and Information Services at (202) 504-2474 or (703) 914-4240. If the fax is not received timely, the application for access codes will not be approved. The applicant will receive an e-mail message at the contact's e-mail address informing the applicant of the staff's response to the application and providing further guidance. If the application is not approved, the message will state why. For assistance with technical questions about electronic filing, call the Branch of Filer Support at (202) 942-8900. For assistance with questions about the EDGAR rules, Division of Corporation Finance filers may call the Office of EDGAR and Information Analysis at (202) 942-2940; and Division of Investment Management filers may call the IM EDGAR Inquiry Line at (202) 942-0978.

**You must complete all items in any parts that apply to you. If any item in any part does not apply to you, please mark that part "NA."**

**PART I - APPLICANT INFORMATION** (to be completed by all applicants)

Provide the applicant's name in English.

Please check one of the boxes to indicate whether you will be sending electronic submissions as a filer, filing agent, or training agent. Mark only one of these boxes per application. If you are an individual or foreign private issuer, however, also mark the "Individual" or "Foreign Private Issuer" box, respectively, as applicable.

- "Filer" - Any individual or entity on whose behalf an electronic filing is made.
- "Filing Agent" - A financial printer, law firm, or other party, which will be using these access codes to send a filing or portion of a filing on behalf of a filer.
- "Training Agent" - Any individual or entity that will be sending only test filings in conjunction with training other persons.
- "Individual" – A natural person.
- "Foreign Private Issuer" – An entity so defined by Securities Act of 1933 (15 U.S.C. 77a et seq.) Rule 405 (17 CFR 230.405) and Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) Rule 3b-4(c) (17 CFR 240.3b-4(c)).

**PART II - FILER INFORMATION** (to be completed only by filers that are not individuals)

The filer's tax or federal identification number is the number issued by the Internal Revenue Service. This section does not apply to individuals. Accordingly, do not enter a Social Security number. If an investment company filer is organized as a series company, the investment company may use the tax or federal identification number of any one of its constituent series. Issuers that have applied for but not yet received their tax or federal identification number and foreign private issuers that do not have a tax or federal identification number must include all zeroes. Foreign private issuers should include their country of organization.

A foreign private issuer filer must provide its "doing business as" name in the language of the name under which it does business and must provide its foreign language name in the space so marked.

If the filer's fiscal year does not end on the same date each year (e.g., falls on the last Saturday in December), the filer must enter the date the current fiscal year will end.

**PART III - CONTACT INFORMATION** (to be completed by all applicants)

In this section, identify the individual who should receive the access codes and other EDGAR-related information. Please include an e-mail address that will become your default notification address for EDGAR filings; it will be stored in the Company Contact Information on the EDGAR Database. EDGAR will send all subsequent filing notifications automatically to that address. You can have one e-mail address in the EDGAR Company Contact Information. For information on including additional e-mail addresses on a per filing basis, refer to Chapter 1 of the EDGAR Filer Manual.

**PART IV - ACCOUNT INFORMATION** (to be completed by filers and filing agents only)

Identify in this section the individual who should receive account information and/or billing invoices from us. We will use this information to process electronically fee payments and billings.

If the address changes, update it via the EDGAR filing website, or your account statements may be returned to us as undeliverable.

**PART V - SIGNATURE** (to be completed by all applicants)

If the applicant is a corporation, partnership, trust or other entity, state the capacity in which the representative individual, who must be duly authorized, signs the Form on behalf of the applicant.

If the applicant is an individual, the applicant must sign the form.

If another person signs on behalf of the representative individual or the individual applicant, confirm the authority of the other person to sign in writing in an electronic attachment to the Form. The confirming statement need only indicate that the representative individual or individual applicant authorizes and designates the named person or persons to file the Form on behalf of the applicant and state the duration of the authorization.

BILLING CODE 8010–01–C

By the Commission.

Dated: March 15, 2004.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 04–6187 Filed 3–19–04; 8:45 am]

BILLING CODE 8010–01–P

Federal Register

Monday,
March 22, 2004

# Part IV

# Department of the Interior

## Fish and Wildlife Service

**50 CFR Part 20**

**Migratory Bird Hunting; Proposed 2004–05 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals and Requests for 2004 Spring/Summer Migratory Bird Subsistence Harvest Proposals in Alaska; Proposed Rule**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 20**

**RIN 1018–AT53**

## Migratory Bird Hunting; Proposed 2004–05 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals and Requests for 2004 Spring/Summer Migratory Bird Subsistence Harvest Proposals in Alaska

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; availability of supplemental information.

**SUMMARY:** The U.S. Fish and Wildlife Service (hereinafter the Service or we) proposes to establish annual hunting regulations for certain migratory game birds for the 2004–05 hunting season. We annually prescribe outside limits (frameworks) within which States may select hunting seasons. This proposed rule provides the regulatory schedule, describes proposed changes to the regulatory alternatives for the 2004–05 duck hunting seasons, requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands, requests proposals for the 2004 spring/summer migratory bird subsistence season in Alaska, and announces the availability of an updated cost-benefit analysis. Migratory game bird hunting seasons provide hunting opportunities for recreation and sustenance, aid Federal, State, and tribal governments in the management of migratory game birds, and permit harvests at levels compatible with migratory game bird population status and habitat conditions.

**DATES:** You must submit comments on the proposed regulatory alternatives for the 2004–05 duck hunting seasons and the updated cost/benefit analysis by May 15, 2004. Following later **Federal Register** notices, you will be given an opportunity to submit comments for proposed early-season frameworks by July 30, 2004, and for proposed late-season frameworks and subsistence migratory bird seasons in Alaska by August 30, 2004. Tribes must submit proposals and related comments by June 1, 2004. Proposals from the Co-management Council for the 2005 spring/summer migratory bird subsistence harvest season must be submitted to the Flyway Councils and the Service by June 15, 2004.

**ADDRESSES:** Send your comments on the proposals to the Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP–4107–ARLSQ, 1849 C Street, NW., Washington, DC 20240. All comments received, including names and addresses, will become part of the public record. You may inspect comments during normal business hours in room 4107, Arlington Square Building, 4501 North Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel, at: Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP–4107–ARLSQ, 1849 C Street, NW., Washington, DC 20240, (703) 358–1714.

**SUPPLEMENTARY INFORMATION:**

### Background and Overview

Migratory game birds are those bird species so designated in conventions between the United States and several foreign nations for the protection and management of these birds. Under the Migratory Bird Treaty Act (16 U.S.C. 703–712), the Secretary of the Interior is authorized to determine when ''hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any . . . bird, or any part, nest or egg'' of migratory game birds can take place, and to adopt regulations for this purpose. These regulations are written based on ''the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds'' and are updated annually. This responsibility has been delegated to the U.S. Fish and Wildlife Service (Service) of the Department of the Interior as the lead Federal agency for managing and conserving migratory birds in the United States.

The Service develops migratory game bird hunting regulations by establishing the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. Acknowledging regional differences in hunting conditions, the Service has administratively divided the nation into four Flyways for the primary purpose of managing migratory game birds. Each Flyway (Atlantic, Mississippi, Central, and Pacific) has a Flyway Council, a formal organization generally composed of one member from each State and Province in that Flyway. The Flyway Councils, established through the International Association of Fish and Wildlife Agencies (IAFWA), also assist in researching and providing migratory game bird management information for Federal, State, and Provincial Governments, as well as private conservation agencies and the general public.

The migratory game bird hunting regulations, located at 50 CFR part 20, are constrained by three primary factors. Legal and administrative considerations dictate how long the rulemaking process will last. Most importantly, however, the biological cycle of migratory game birds controls the timing of data-gathering activities and thus the dates on which these results are available for consideration and deliberation.

The process includes two separate regulations-development schedules, based on early and late hunting season regulations. Early hunting seasons pertain to all migratory game bird species in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; migratory game birds other than waterfowl (*i.e.*, dove, woodcock, *etc.*); and special early waterfowl seasons, such as teal or resident Canada geese. Early hunting seasons generally begin prior to October 1. Late hunting seasons generally start on or after October 1 and include most waterfowl seasons not already established.

There are basically no differences in the processes for establishing either early or late hunting seasons. For each cycle, Service biologists gather, analyze, and interpret biological survey data and provide this information to all those involved in the process through a series of published status reports and presentations to Flyway Councils and other interested parties. Because the Service is required to take abundance of migratory game birds and other factors into consideration, the Service undertakes a number of surveys throughout the year in conjunction with Service Regional Offices, the Canadian Wildlife Service, and State and Provincial wildlife-management agencies. To determine the appropriate frameworks for each species, we consider factors such as population size and trend, geographical distribution, annual breeding effort, the condition of breeding and wintering habitat, the number of hunters, and the anticipated harvest.

After frameworks, or outside limits, are established for season lengths, bag limits, and areas for migratory game bird hunting, migratory game bird management becomes a cooperative effort of State and Federal governments. After Service establishment of final frameworks for hunting seasons, the States may select season dates, bag limits, and other regulatory options for the hunting seasons. States may always be more conservative in their selections

than the Federal frameworks but never more liberal.

**Notice of Intent To Establish Open Seasons**

This notice announces our intent to establish open hunting seasons and daily bag and possession limits for certain designated groups or species of migratory game birds for 2004–05 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands, under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K of 50 CFR part 20.

For the 2004–05 migratory game bird hunting season, we will propose regulations for certain designated members of the avian families Anatidae (ducks, geese, and swans); Columbidae (doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, moorhens, and gallinules); and Scolopacidae (woodcock and snipe). We describe these proposals under Proposed 2004–05 Migratory Game Bird Hunting Regulations (Preliminary) in this document. We published definitions of waterfowl flyways and mourning dove management units, as well as a description of the data used in and the factors affecting the regulatory process in the March 14, 1990, **Federal Register** (55 FR 9618).

**Regulatory Schedule for 2004–05**

This document is the first in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations. We will publish additional supplemental proposals for public comment in the **Federal Register** as population, habitat, harvest, and other information become available. Because of the late dates when certain portions of these data become available, we anticipate abbreviated comment periods on some proposals. Special circumstances limit the amount of time we can allow for public comment on these regulations.

Specifically, two considerations compress the time for the rulemaking process: The need, on one hand, to establish final rules early enough in the summer to allow resource agencies to select and publish season dates and bag limits prior to the beginning of hunting seasons and, on the other hand, the lack of current status data on most migratory game birds until later in the summer. Because the regulatory process is strongly influenced by the times when information is available for consideration, we divide the regulatory process into two segments: early seasons and late seasons (further described and discussed under the **Background and Overview** section).

Major steps in the 2004–05 regulatory cycle relating to open public meetings and **Federal Register** notifications are illustrated in the diagram at the end of this proposed rule. All publication dates of **Federal Register** documents are target dates.

All sections of this and subsequent documents outlining hunting frameworks and guidelines are organized under numbered headings. These headings are:

1. Ducks

A. General Harvest Strategy
B. Regulatory Alternatives
C. Zones and Split Seasons
D. Special Seasons/Species Management
  i. September Teal Seasons
  ii. September Teal/Wood Duck Seasons
  iii. Black ducks
  iv. Canvasbacks
  v. Pintails
  vi. Scaup
  vii. Youth Hunt

2. Sea Ducks

3. Mergansers

4. Canada Geese

A. Special Seasons
B. Regular Seasons
C. Special Late Seasons

5. White-fronted Geese

6. Brant

7. Snow and Ross's (Light) Geese

8. Swans

9. Sandhill Cranes

10. Coots

11. Moorhens and Gallinules

12. Rails

13. Snipe

14. Woodcock

15. Band-tailed Pigeons

16. Mourning Doves

17. White-winged and White-tipped Doves

18. Alaska

19. Hawaii

20. Puerto Rico

21. Virgin Islands

22. Falconry

23. Other

Later sections of this and subsequent documents will refer only to numbered items requiring your attention. Therefore, it is important to note that we will omit those items requiring no attention, and remaining numbered items will be discontinuous and appear incomplete.

We will publish final regulatory alternatives for the 2004–05 duck hunting seasons in early June. We will publish proposed early season frameworks in mid-July and late season frameworks in mid-August. We will publish final regulatory frameworks for early seasons on or about August 20, 2004, and those for late seasons on or about September 15, 2004.

**Request for 2004 Spring/Summer Migratory Bird Subsistence Harvest Proposals in Alaska**

*Background*

The 1916 Convention for the Protection of Migratory Birds between the United States and Great Britain (for Canada) established a closed season for the taking of migratory birds between March 10 and September 1. Residents of northern Alaska and Canada traditionally harvested migratory birds for nutritional purposes during the spring and summer months. The governments of Canada, Mexico, and the United States recently amended the 1916 Convention and the subsequent 1936 Mexico Convention for the Protection of Migratory Birds and Game Mammals. The amended treaties provide for the legal subsistence harvest of migratory birds and their eggs in Alaska and Canada during the closed season.

On August 16, 2002, we published in the **Federal Register** (67 FR 53511) a final rule that established procedures for incorporating subsistence management into the continental migratory bird management program. These regulations, developed under a new co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives, established an annual procedure to develop harvest guidelines for implementation of a spring/summer migratory bird subsistence harvest. Eligibility and inclusion requirements necessary to participate in the spring/summer migratory bird subsistence season in Alaska are outlined in 50 CFR part 92.

This proposed rule calls for proposals for regulations that will expire on August 31, 2005, for the spring/summer subsistence harvest of migratory birds in Alaska. Each year, seasons will open after March 11 and close prior to September 1.

**Alaska Spring/Summer Subsistence Harvest Proposal Procedures**

We will publish details of the Alaska spring/summer subsistence harvest proposals in later **Federal Register** documents under 50 CFR part 92. The general relationship to the process for developing national hunting regulations for migratory game birds is as follows:

*(a) Alaska Migratory Bird Co-Management Council*

Proposals may be submitted by the public to the Co-management Council during the period of November 1–December 15, 2004, to be acted upon for the 2005 migratory bird subsistence harvest season. Proposals should be submitted to the Executive Director of the Co-management Council, listed above under the caption **ADDRESSES.**

*(b) Flyway Councils*

(1) Proposed 2005 regulations recommended by the Co-management Council will be submitted to all Flyway Councils for review and comment. The Council's recommendations must be submitted prior to the Service Regulations Committee's last regular meeting of the calendar year in order to be approved for spring/summer harvest beginning March 11 of the following calendar year.

(2) Alaska Native representatives may be appointed by the Co-management Council to attend meetings of one or more of the four Flyway Councils to discuss recommended regulations or other proposed management actions.

*(c) Service Regulations Committee*

Proposed annual regulations recommended by the Co-management Council will be submitted to the Service Regulations Committee for their review and recommendation to the Service Director. Following the Service Director's review and recommendation, the proposals will be forwarded to the Department of the Interior for approval. Proposed annual regulations will then be published in the **Federal Register** for public review and comment, similar to the annual migratory game bird hunting regulations. Final spring/summer regulations for Alaska will be published in the **Federal Register** in the preceding fall.

Because of the time required for review by us and the public, proposals from the Co-management Council for the 2005 spring/summer migratory bird subsistence harvest season must be submitted to the Flyway Councils and the Service by June 15, 2004, for Council comments and Service action at the late-season SRC meeting.

**Review of Public Comments**

This proposed rulemaking contains the proposed regulatory alternatives for the 2004–05 duck hunting seasons. This proposed rulemaking also describes other recommended changes or specific preliminary proposals that vary from the 2003–04 final frameworks (see August 27, 2003, **Federal Register** (68 FR 51658) for early seasons and September 26, 2003, **Federal Register** (68 FR 55784) for late seasons) and issues requiring early discussion, action, or the attention of the States or tribes. We will publish responses to all proposals and written comments when we develop final frameworks for the 2004–05 season. We seek additional information and comments on the recommendations in this proposed rule.

**Consolidation of Notices**

For administrative purposes, this document consolidates the notice of intent to establish open migratory game bird hunting seasons, the request for tribal proposals, and the request for Alaska migratory bird subsistence seasons with the preliminary proposals for the annual hunting regulations-development process. We will publish the remaining proposed and final rulemaking documents separately. For inquiries on tribal guidelines and proposals, tribes should contact the following personnel:

Region 1 (California, Idaho, Nevada, Oregon, Washington, Hawaii, and the Pacific Islands)—Brad Bortner, U.S. Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232–4181; (503) 231–6164.

Region 2 (Arizona, New Mexico, Oklahoma, and Texas)—Jeff Haskins, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103; (505) 248–7885.

Region 3 (Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Ohio, and Wisconsin)—Steve Wilds, U.S. Fish and Wildlife Service, Federal Building, One Federal Drive, Fort Snelling, Minnesota 55111–4056; (612) 713–5432.

Region 4 (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico/Virgin Islands, South Carolina, and Tennessee)—Frank Bowers, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Room 324, Atlanta, Georgia 30345; (404) 679–4000.

Region 5 (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia)—George Haas, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035–9589; (413) 253–8576.

Region 6 (Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, and Wyoming)—John Cornely, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Building, Denver, Colorado 80225; (303) 236–8145.

Region 7 (Alaska)—Robert Leedy, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503; (907) 786–3423.

**Requests for Tribal Proposals**

*Background*

Beginning with the 1985–86 hunting season, we have employed guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467) to establish special migratory game bird hunting regulations on Federal Indian reservations (including off-reservation trust lands) and ceded lands. We developed these guidelines in response to tribal requests for our recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal and nontribal members throughout their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal and nontribal members, with hunting by nontribal members on some reservations to take place within Federal frameworks, but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, tribal regulations established under the guidelines must be consistent with the annual March 10 to September 1 closed season mandated by the 1916 Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (Convention). The guidelines are applicable to those tribes that have reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and ceded lands. They also may be applied to the establishment of migratory game bird hunting regulations for nontribal members on all lands within the exterior boundaries of reservations where tribes have full wildlife management authority over such hunting, or where the tribes and affected States otherwise have reached agreement over hunting by nontribal members on non-Indian lands.

Tribes usually have the authority to regulate migratory game bird hunting by nonmembers on Indian-owned reservation lands, subject to our approval. The question of jurisdiction is

more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing migratory bird hunting by non-Indians on these lands. In such cases, we encourage the tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, we will consult with a tribe and State with the aim of facilitating an accord. We also will consult jointly with tribal and State officials in the affected States where tribes may wish to establish special hunting regulations for tribal members on ceded lands. It is incumbent upon the tribe and/or the State to request consultation as a result of the proposal being published in the **Federal Register**. We will not presume to make a determination, without being advised by either a tribe or a State, that any issue is or is not worthy of formal consultation.

One of the guidelines provides for the continuation of tribal members' harvest of migratory game birds on reservations where such harvest is a customary practice. We do not oppose this harvest, provided it does not take place during the closed season required by the Convention, and it is not so large as to adversely affect the status of the migratory game bird resource. Since the inception of these guidelines, we have reached annual agreement with tribes for migratory game bird hunting by tribal members on their lands or on lands where they have reserved hunting rights. We will continue to consult with tribes that wish to reach a mutual agreement on hunting regulations for on-reservation hunting by tribal members.

Tribes should not view the guidelines as inflexible. We believe that they provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian tribes while also ensuring that the migratory game bird resource receives necessary protection. The conservation of this important international resource is paramount. Use of the guidelines is not required if a tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

*Details Needed in Tribal Proposals*

Tribes that wish to use the guidelines to establish special hunting regulations for the 2003–04 migratory game bird hunting season should submit a proposal that includes:

(1) The requested migratory game bird hunting season dates and other details regarding the proposed regulations;

(2) Harvest anticipated under the proposed regulations;

(3) Methods that will be employed to measure or monitor harvest (mail-questionnaire survey, bag checks, etc.);

(4) Steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would seriously impact the migratory game bird resource; and

(5) Tribal capabilities to establish and enforce migratory game bird hunting regulations.

A tribe that desires the earliest possible opening of the migratory game bird season for nontribal members should specify this request in its proposal, rather than request a date that might not be within the final Federal frameworks. Similarly, unless a tribe wishes to set more restrictive regulations than Federal regulations will permit for nontribal members, the proposal should request the same daily bag and possession limits and season length for migratory game birds that Federal regulations are likely to permit the States in the Flyway in which the reservation is located.

*Tribal Proposal Procedures*

We will publish details of tribal proposals for public review in later **Federal Register** documents. Because of the time required for review by us and the public, Indian tribes that desire special migratory game bird hunting regulations for the 2004–05 hunting season should submit their proposals as soon as possible, but no later than June 1, 2004.

Tribes should direct inquiries regarding the guidelines and proposals to the appropriate Service Regional Office listed above under the caption Consolidation of Notices. Tribes that request special migratory game bird hunting regulations for tribal members on ceded lands should send a courtesy copy of the proposal to officials in the affected State(s).

**Public Comments Solicited**

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments received. Such comments, and any additional information received, may lead to final regulations that differ from these proposals. We invite interested persons to participate in this rulemaking by submitting written comments to the address indicated under the caption **ADDRESSES**.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may also be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

You may inspect comments received on the proposed annual regulations during normal business hours at the Service's Division of Migratory Bird Management office in room 4107, 4501 North Fairfax Drive, Arlington, Virginia. For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments received during the comment period and respond to them after the closing date in any final rules.

**NEPA Consideration**

NEPA considerations are covered by the programmatic document ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14),'' filed with the Environmental Protection Agency on June 9, 1988. We published Notice of Availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the address indicated under the caption **ADDRESSES**.

In a proposed rule published in the April 30, 2001, **Federal Register** (66 FR 21298), we expressed our intent to begin the process of developing a new Supplemental Environmental Impact Statement for the migratory bird hunting

program. We plan to begin the public scoping process in 2005.

**Endangered Species Act Consideration**

Prior to issuance of the 2004–05 migratory game bird hunting regulations, we will comply with provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; hereinafter the Act), to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of this Act may cause us to change proposals in this and future supplemental proposed rulemaking documents.

**Executive Order 12866**

The migratory bird hunting regulations are economically significant and were reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. As such, a cost/benefit analysis was initially prepared in 1981. This analysis was subsequently revised annually from 1990–96, and then updated in 1998. We have updated again this year. It is further discussed below under the heading Regulatory Flexibility Act. Results from the 2004 analysis indicate that the expected welfare benefit of the annual migratory bird hunting frameworks is on the order of $734 to $1,064 million, with a mid-point estimate of $899 million. To make our cost/benefit analysis as complete as possible, we seek additional information and comments. You must submit comments on the analysis by May 15, 2004. Copies of the cost/benefit analysis are available upon request from the address indicated under **ADDRESSES** or from our Web site at *www.migratorybirds.gov.*

Executive Order 12866 also requires each agency to write regulations that are easy to understand. We invite comments on how to make this rule easier to understand, including answers to questions such as the following:

(1) Are the requirements in the rule clearly stated?

(2) Does the rule contain technical language or jargon that interferes with its clarity?

(3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, *etc.*) aid or reduce its clarity?

(4) Would the rule be easier to understand if it were divided into more (but shorter) sections?

(5) Is the description of the rule in the ''**SUPPLEMENTARY INFORMATION**'' section of the preamble helpful in understanding the rule?

(6) What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240. You may also e-mail the comments to this address: *Exsec@ios.doi.gov.*

**Regulatory Flexibility Act**

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis discussed under Executive Order 12866. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, and 2004. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2004 Analysis was based on the 2001 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend between $481 million and $1.2 billion at small businesses in 2004. To make our cost/benefit analysis as complete as possible, we seek additional information and comments. You must submit comments on the analysis by May 15, 2004. Copies of the Analysis are available upon request from the address indicated under **ADDRESSES** or from our Web site at *www.migratorybirds.gov.*

**Small Business Regulatory Enforcement Fairness Act**

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808 (1).

**Paperwork Reduction Act**

We examined these regulations under the Paperwork Reduction Act of 1995. The various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, are utilized in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the surveys associated with the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 10/31/2004). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Sandhill Crane Harvest Survey and assigned clearance number 1018–0023 (expires 10/31/2004). The information from this survey is used to estimate the magnitude and the geographical and temporal distribution of the harvest, and the portion it constitutes of the total population. Lastly, OMB has approved the information collection requirements of the Alaska Subsistence Household Survey, an associated voluntary annual household survey used to determine levels of subsistence take in Alaska. The OMB control number for the information collection is 1018–0124 (expires 10/31/2006).

A Federal 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.

**Unfunded Mandates Reform Act**

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

**Civil Justice Reform—Executive Order 12988**

The Department, in promulgating this proposed rule, has determined that this proposed rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

**Takings Implication Assessment**

In accordance with Executive Order 12630, this proposed rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any

property. In fact, these rules allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

**Energy Effects—Executive Order 13211**

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this proposed rule is a significant regulatory action under Executive Order 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

**Federalism Effects**

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**List of Subjects in 50 CFR Part 20**

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2004–05 hunting season are authorized under 16 U.S.C. 703–711, 16 U.S.C. 712, and 16 U.S.C. 742 a–j.

Dated: March 5, 2004.

**Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

**Proposed 2004–05 Migratory Game Bird Hunting Regulations (Preliminary)**

Pending current information on populations, harvest, and habitat conditions, and receipt of recommendations from the four Flyway Councils, we may defer specific regulatory proposals. At this time, we are proposing no changes from the final 2003–04 frameworks established on August 27 and September 26, 2003 (68 FR 51658 and 55784). Other issues requiring early discussion, action, or the attention of the States or tribes are contained below:

**1. Ducks**

Categories used to discuss issues related to duck harvest management are: (A) General Harvest Strategy, (B) Regulatory Alternatives, (C) Zones and Split Seasons, and (D) Special Seasons/Species Management. Only those containing substantial recommendations are discussed below.

*A. General Harvest Strategy*

We propose to continue use of adaptive harvest management (AHM) to help determine appropriate duck-hunting regulations for the 2004–05 season. AHM is a tool that permits sound resource decisions in the face of uncertain regulatory impacts, as well as providing a mechanism for reducing that uncertainty over time. The current AHM protocol is used to evaluate four alternative regulatory levels based on the population status of mallards (special hunting restrictions are enacted for species of special concern, such as canvasbacks, scaup, and pintails).

The prescribed regulatory alternative for the Mississippi, Central, and Pacific Flyways would be based on the status of mallards and breeding-habitat conditions in central North America (Federal survey strata 1–18, 20–50, and 75–77, and State surveys in Minnesota, Wisconsin, and Michigan). We propose to continue the constraint on closed seasons enacted last year. This constraint explicitly excludes from consideration closed hunting seasons in the Mississippi, Central, and Pacific Flyways whenever the mid-continent mallard population is at least 5.5 million. Closed seasons targeted at particular species or populations could still be necessary in some situations regardless of the status of mallards.

The prescribed regulatory alternative for the Atlantic Flyway would be based on the population status of mallards breeding in eastern North America (Federal survey strata 51–54 and 56, and State surveys in New England and the mid-Atlantic region) and, thus, may differ from that in the remainder of the country.

We will propose a specific regulatory alternative for each of the Flyways during the 2004–05 season after survey information becomes available in late summer. More information on AHM is located at *http://migratorybirds.fws.gov/mgmt/ahm/ahm-intro.htm*.

*B. Regulatory Alternatives*

The basic structure of the current regulatory alternatives for AHM was adopted in 1997. The alternatives remained largely unchanged until 2002, when we (based on recommendations from the Flyway Councils) extended framework dates in the ''moderate'' and ''liberal'' regulatory alternatives by changing the opening date from the Saturday nearest October 1 to the Saturday nearest September 24, and changing the closing date from the Sunday nearest January 20 to the last Sunday in January. These extended dates were made available with no associated penalty in season length or bag limits. At that time we stated our desire to keep these changes in place for 3 years to allow for a reasonable opportunity to monitor the impacts of framework-date extensions on harvest distribution and rates of harvest prior to considering any subsequent use (67 FR 12501). Last year, based on recommendations from the Flyway Councils, we eliminated the ''very restrictive'' alternative. Expected harvest rates under the ''very restrictive'' alternative did not differ significantly from those under the ''restrictive'' alternative, and moreover, the ''very restrictive'' alternative would be expected to be prescribed for only about 5 percent or less of all hunting seasons.

For 2004–05, we are proposing to maintain the same regulatory alternatives that were in effect last year (see accompanying table for specifics of the proposed regulatory alternatives). Alternatives are specified for each Flyway and are designated as ''RES'' for the restrictive, ''MOD'' for the moderate, and ''LIB'' for the liberal alternative. We will announce final regulatory alternatives in early June. Public comments will be accepted until May 15, 2004, and should be sent to the address under the caption **ADDRESSES**.

*D. Special Seasons/Species Management*

iv. Canvasbacks

In the past few seasons, the Flyway Councils have recommended that the Service depart from the Canvasback Harvest Strategy (adopted in 1994) and adopt a strategy to allow for a limited harvest when the population and habitat conditions would not support a full season length set for ducks. We have accommodated these requests by allowing a shortened season at the ''restrictive'' regulatory-alternative level. However, rather than continuing to depart from the current strategy, we believe that the strategy should be amended to address these types of situations. Last year, we agreed (68 FR 55786) to work with Flyway Councils in the coming year to consider modification of the current strategy for years when a full season would not be allowed, with the intent to reduce harvest and allow the population to attain the spring-abundance objective. Therefore, we would appreciate Flyway Councils reviewing the current Canvasback Harvest Strategy and propose any modification during the early-season regulations process, to allow for proposed changes to be incorporated into the strategy for this year's late-season regulations process.

v. Pintails

The Service and the majority (3 of 4) of the Flyway Councils have recommended and the Service subsequently adopted regulations that depart from a specific provision in the interim pintail harvest strategy during the past two seasons. We have stated that we would like to amend the existing strategy to reflect this modified approach and have requested that the Councils review the specific provision that recommends seasons that are projected to reduce subsequent breeding populations in the existing strategy. Specifically, we are seeking the Councils' input on the provision that recommends a 1-bird daily bag limit on pintails in all Flyways when the May Breeding Population Survey in the traditional survey areas is above 1.5 million or the projected fall flight is predicted to be at least 2 million (as calculated by the models in the interim strategy). This is the level established as the closure threshold for pintails in the strategy. The practice that we have followed in the past two seasons has been to adopt the season length in each flyway that was projected to keep harvest at levels that would provide for the 6 percent annual growth identified as an objective in the strategy. Season-length choices have been limited to the 4 alternative season lengths available in the AHM regulatory alternatives. We would appreciate the Councils' review and recommendation regarding this provision of the interim strategy during the early-season regulations process, to allow for any proposed changes to be incorporated into the strategy for this year's late-season regulations process.

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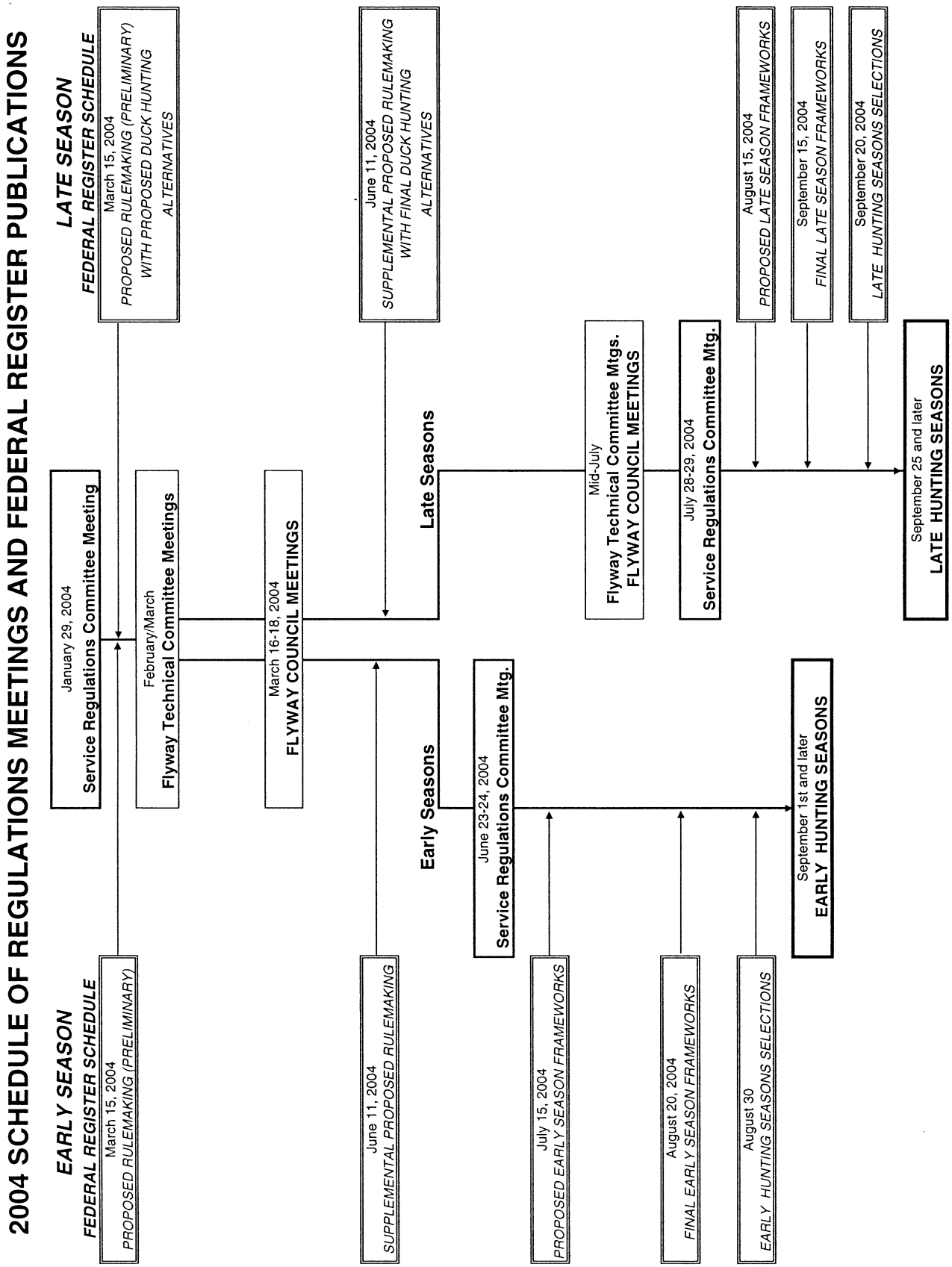
2004 SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS
EARLY SEASON
FEDERAL REGISTER SCHEDULE
March 15, 2004
PROPOSED RULEMAKING (PRELIMINARY)
LATE SEASON
FEDERAL REGISTER SCHEDULE
March 15, 2004
PROPOSED RULEMAKING (PRELIMINARY) WITH PROPOSED DUCK HUNTING ALTERNATIVES
January 29, 2004
Service Regulations Committee Meeting
February/March
Flyway Technical Committee Meetings
March 16-18, 2004
FLYWAY COUNCIL MEETINGS
June 11, 2004
SUPPLEMENTAL PROPOSED RULEMAKING
Early Seasons
June 11, 2004
SUPPLEMENTAL PROPOSED RULEMAKING WITH FINAL DUCK HUNTING ALTERNATIVES
Late Seasons
June 23-24, 2004
Service Regulations Committee Mtg.
July 15, 2004
PROPOSED EARLY SEASON FRAMEWORKS
August 20, 2004
FINAL EARLY SEASON FRAMEWORKS
August 30
EARLY HUNTING SEASONS SELECTIONS
September 1st and later
EARLY HUNTING SEASONS
Mid-July
Flyway Technical Committee Mtgs.
FLYWAY COUNCIL MEETINGS
July 28-29, 2004
Service Regulations Committee Mtg.
August 15, 2004
PROPOSED LATE SEASON FRAMEWORKS
September 15, 2004
FINAL LATE SEASON FRAMEWORKS
September 20, 2004
LATE HUNTING SEASONS SELECTIONS
September 25 and later
LATE HUNTING SEASONS

# PROPOSED REGULATORY ALTERNATIVES FOR DUCK HUNTING DURING THE 2004-05 SEASON

| | ATLANTIC FLYWAY | | | MISSISSIPPI FLYWAY | | | CENTRAL FLYWAY (a) | | | PACIFIC FLYWAY (b)(c) | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | RES | MOD | LIB | RES | MOD | LIB | RES | MOD | LIB | RES | MOD | LIB |
| Beginning Shooting Time | 1/2 hr. before sunrise | 1/2 hr. before sunrise | 1/2 hr. before sunrise | 1/2 hr. before sunrise | 1/2 hr. before sunrise | 1/2 hr. before sunrise | 1/2 hr. before sunrise | 1/2 hr. before sunrise | 1/2 hr. before sunrise | 1/2 hr. before sunrise | 1/2 hr. before sunrise | 1/2 hr. before sunrise |
| Ending Shooting Time | Sunset | Sunset | Sunset | Sunset | Sunset | Sunset | Sunset | Sunset | Sunset | Sunset | Sunset | Sunset |
| Opening Date | Oct. 1 | Sat. nearest Sept. 24 | Sat. nearest Sept. 24 | Sat. nearest Oct. 1 | Sat. nearest Sept. 24 | Sat. nearest Sept. 24 | Sat. nearest Oct. 1 | Sat. nearest Sept. 24 | Sat. nearest Sept. 24 | Sat. nearest Oct. 1 | Sat. nearest Sept. 24 | Sat. nearest Sept. 24 |
| Closing Date | Jan. 20 | Last Sunday in Jan. | Last Sunday in Jan. | Sun. nearest Jan. 20 | Last Sunday in Jan. | Last Sunday in Jan. | Sun. nearest Jan. 20 | Last Sunday in Jan. | Last Sunday in Jan. | Sun. nearest Jan. 20 | Last Sunday in Jan. | Last Sunday in Jan. |
| Season Length (in days) | 30 | 45 | 60 | 30 | 45 | 60 | 39 | 60 | 74 | 60 | 86 | 107 |
| Daily Bag/ Possession Limit | 3<br>6 | 6<br>12 | 6<br>12 | 3<br>6 | 6<br>12 | 6<br>12 | 3<br>6 | 6<br>12 | 6<br>12 | 4<br>8 | 7<br>14 | 7<br>14 |
| **Species/Sex Limits within the Overall Daily Bag Limit** | | | | | | | | | | | | |
| Mallard (Total/Female) | 3/1 | 4/2 | 4/2 | 2/1 | 4/1 | 4/2 | 3/1 | 5/1 | 5/2 | 3/1 | 5/2 | 7/2 |
| Pintail | <--ACCORDING TO THE PINTAIL INTERIM HARVEST STRATEGY--> | | | | | | | | | | | |
| Black Duck | 1 | 1 | 1 | 1 | 1 | 1 | - | - | - | - | - | - |
| Scaup (d) | <--TO BE DETERMINED BASED ON CURRENT SCAUP STATUS INFORMATION--> | | | | | | | | | | | |
| Canvasback | <--0 OR 1, ACCORDING TO THE CANVASBACK HARVEST STRATEGY--> | | | | | | | | | | | |
| Redhead | 2 | 2 | 2 | 1 | 2 | 2 | 1 | 2 | 2 | 2 | 2 | 2 |
| Wood Duck | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | - | - | - |
| Whistling Ducks | 1 | 1 | 1 | - | - | - | - | - | - | - | - | - |
| Harlequin | Closed | Closed | Closed | - | - | - | - | - | - | - | - | - |
| Mottled Duck | 1 | 1 | 1 | 3 | 3 | 3 | 1 | 1 | 1 | - | - | - |

(a) In the High Plains Mallard Management Unit, all regulations would be the same as the remainder of the Central Flyway, with the exception of season length. Additional days would be allowed under the various alternatives as follows: restrictive - 12, moderate and liberal - 23. Under all alternatives, additional days must be on or after the Saturday nearest December 10.

(b) In the Columbia Basin Mallard Management Unit, all regulations would be the same as the remainder of the Pacific Flyway, with the exception of season length. Under all alternatives except the liberal alternative, an additional 7 days would be allowed.

(c) In Alaska, framework dates, bag limits, and season length would be different from the remainder of the Pacific Flyway. The bag limit would be 5-7 under the restrictive alternative, and 8-10 under the moderate and liberal alternatives. There would be no restrictions on pintails, and canvasback limits would follow those for the remainder of the Pacific Flyway. Under all alternatives, season length would be 107 days and framework dates would be Sep 1 - Jan 26.

(d) Scaup daily bag limits will be based on current scaup status information until an agreed upon harvest strategy is completed and implemented.

[FR Doc. 04–6315 Filed 3–19–04; 8:45 am]

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Federal Register

Monday,
March 22, 2004

# Part V

# Department of Housing and Urban Development

## America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's FY 2004 Competitive Funding Allocations; Notice

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4882–N–03]**

## America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's FY 2004 Competitive Funding Allocations

**AGENCY:** Office of the General Counsel, HUD.

**ACTION:** Notice.

**SUMMARY:** Through this notice HUD announces its intention to proceed to establish in the majority of its Fiscal Year (FY) 2004 notices of funding availability (NOFAs), including HUD's SuperNOFA, a policy priority for increasing the supply of affordable housing through the removal of regulatory barriers to affordable housing as proposed in a notice published on November 25, 2003. In proceeding to implement this proposal, HUD took into consideration the public comments received on the November 25, 2003, notice and changes were made in response to public comment as more fully discussed in this notice.

**FOR FURTHER INFORMATION CONTACT:** Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Room 10282, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500, telephone (202) 708–1793 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

**SUPPLEMENTARY INFORMATION:**

### I. Background

On November 25, 2003 (68 FR 66294), HUD published in the **Federal Register** a notice that announced its proposal to provide incentives to regulatory barrier removal in HUD's funding allocations, commencing with FY2004 competitive funding process. HUD proposed in the November 25, 2003, notice to establish in the majority of its FY2004 NOFAs, including HUD's SuperNOFA, a policy priority for increasing the supply of affordable housing through the removal of regulatory barriers.

*Policies Restricting Affordable Housing*

HUD's proposal published on November 25, 2003, derives from HUD's continuing efforts to increase opportunities for affordable rental and homeownership housing, which is one of the highest priorities of the Department. Over the last 15 years, there has been increased recognition that unnecessary, duplicative, excessive or discriminatory public processes often significantly increase the cost of housing development and rehabilitation. Often referred to as ''regulatory barriers to affordable housing,'' many public statutes, ordinances, regulatory requirements, or processes and procedures significantly impede the development or availability of affordable housing without providing a commensurate or demonstrable health or safety benefit. ''Affordable housing'' is decent quality housing that low-, moderate-, and middle-income families can afford to buy or rent without spending more than 30 percent of their income. Spending more than 30 percent of income on shelter may require families to sacrifice other necessities of life.

Addressing these barriers to housing affordability is a necessary component of any overall national housing policy. However, addressing such barriers must be viewed as a complement, not a substitute for other efforts to meet affordable housing needs. For many families, federal, state and local subsidies are fundamental tools for meeting these affordable housing needs. In many instances, however, other sometimes well-intentioned public policies work at cross-purposes with subsidy programs by imposing significant constraints. From exclusionary zoning that keeps out affordable housing, especially multifamily housing, to other regulations and requirements that unnecessarily raise the costs of construction, the need to address this issue is clear. For example, affordable rehabilitation is often constrained by outmoded building codes that require excessive renovation. Barrier removal will not only make it easier to find and get approval for affordable housing sites but it will also allow available subsidies to go further in meeting these needs. For housing for moderate-income families often referred to as ''work force'' housing, barrier removal can be the most essential component of meeting housing needs.

The Advisory Commission on Regulatory Barriers to Affordable Housing in its 1991 report ''Not in My Backyard: Removing Barriers to Affordable Housing'' (*see http://www.huduser.org/bibliodb/Bibliography.asp?id=5806*), estimated that these policies and procedures directly increase construction or rehabilitation costs by up to 35 percent. Over the past twelve years, numerous academic studies have confirmed this finding. In addition to direct cost impacts, many policies and processes further exacerbate the problem by constraining overall housing supply with a general deleterious impact upon overall housing affordability. A 35 percent reduction in development costs would allow millions of American families to buy or rent housing that they currently cannot afford.

In 1990, in the Cranston-Gonzales National Affordable Housing Act, Congress, for the first time, recognized the importance of public policies and processes to the supply of affordable housing. Section 105(b)(4) requires state and local governments to explain as part of their Comprehensive Housing Affordability Strategy (CHAS)—now included in HUD's Consolidated Plan—whether a proposed public policy affects housing affordability and describe the jurisdiction's strategy to remove or ameliorate negative effects, if any, of such policies (*see* 24 CFR 91.210(e) and 24 CFR 91.310(d)). Congress, in Title XII of the 1992 Housing and Community Development Act, reiterated its interest in this important subject by authorizing grants for regulatory barrier removal and established a Regulatory Barriers Clearinghouse (*see www.regbarriers.org*). In the American Homeownership Act of 2000, Congress reauthorized the Clearinghouse and simplified procedures for a barrier removal grant program. In June 2003, HUD announced ''America's Affordable Communities Initiative: Bringing Homes within Reach through Regulatory Reform.'' This departmentwide initiative will work with state and local governments to address regulatory barriers as well as address how HUD's own regulations may present barriers to affordable housing. Against this background, HUD developed the proposal published in the **Federal Register** on November 25, 2003.

*HUD's November 25, 2003, Proposal*

HUD's proposal, published on November 25, 2003, called for a new policy priority to be added to the list of policy priorities that HUD traditionally includes in its NOFAs. As a policy priority in HUD's NOFAs (and like other policy priorities in HUD NOFAs), higher rating points would be available to (1) governmental applicants that are able to demonstrate successful efforts in removing regulatory barriers to affordable housing, and (2) nongovernmental applicants that are associated with jurisdictions that have undertaken successful efforts in removing barriers. The proposal advised

that for the higher rating points to be obtained applicants had to respond to a series of evaluative questions that HUD determined were significantly important and have broad-based applicability to measure state, local, and tribal government efforts at regulatory reform and which serve as good ''markers'' for effective regulatory reform.

HUD solicited public comment from prospective applicants of HUD funding as well as other interested members of the public. The November 25, 2003, notice originally called for a public comment deadline of December 29, 2003, but HUD extended the deadline to January 12, 2004.

## II. Overview of Comments Received on Proposal

HUD received 37 public comments in response to the November 25, 2003, notice. The commenters consisted of state and local housing agencies, state and local community development agencies, nonprofit organizations that provide housing services, and organizations representative of the building industry, including manufactured housing; model code developers, and states, counties and cities.

The majority of the commenters were supportive of HUD's proposal, and within this group, several of the commenters offered suggestions on how the proposal could be strengthened and improved. Other comments applauded the objective of the proposal but expressed concern whether HUD's proposal was the best vehicle to achieve this objective. Some of the commenters offered alternative proposals for HUD's consideration and others also offered suggestions on revisions to the proposal that they believed might lead to more effective implementation.

Concerns expressed by some of the commenters included: A possible adverse impact on nonprofit organizations that are unable to influence the actions of the governments in the areas in which they do business; the possible adverse impact on small rural communities that might find it difficult to compete in this category with large urban communities and large nonprofit organizations; the additional administrative burden that may be imposed on applicants seeking the higher points under this priority; the proposal fails to consider the great variety of regulations used by cities across the nation, which may be viewed as barriers; and the proposed policy priority will inappropriately affect local land use decisionmaking (*e.g.*, limiting a government's access to funding unless it compromises its local authority). Suggestions submitted by the commenters included limiting the policy priority to those funding allocations limited to housing production; delaying the implementation to allow HUD additional time to educate jurisdictions and the public about this policy; testing the effectiveness of this policy through a pilot program; and reducing the points to one point for the first year of implementation, and gradually increasing the points in each fiscal year. Two commenters recommended that HUD's Self-Help Homeownership Opportunities Program (SHOP) program not be subject to the proposal. Many commenters offered revisions, deletions or additions to the evaluative criteria proposed to be used in the November 25, 2003, notice. Several comments included requests for definitions in the final notice to ensure consistent application by all applicants.

HUD appreciated the comments submitted in response to the November 25, 2003, notice. Although HUD is not delaying implementation, or implementing as a pilot, or limiting to funding allocations for housing production, or reducing points, or removing the SHOP program from the covered list of programs, HUD is making several changes to the evaluative criteria. The following section highlights the more significant changes being made to the criteria.

## III. Overview of Changes Made to the Evaluative Criteria

Based upon the comments received, extensive changes and additions have been made to the evaluative criteria in the notice published on November 25, 2003. PART A now contains 20 questions as opposed to 13 questions in the November 25, 2003, notice. PART B now contains 15 questions as opposed to 6 questions in the November 25, 2003, notice. A greater number of questions will permit more jurisdictions and applicants to reach the applicable threshold for receiving one or two points. A number of commenters stated that many questions in the November 25, 2003, notice had component elements that prevented an affirmative response if one of the major elements was met but not another. In response to this comment, this final notice divides several compound questions into component parts so that an applicant can respond to an individual component and be graded for the response to the individual component. However, in those few cases where two elements must be joined for a meaningful response, this final notice maintains the compound question. In a number of questions, the evaluative criteria now provide for alternative responses, which should also assist applicants in responding affirmatively. Several questions were also revised to reflect comments that suggested that few jurisdictions would be able to claim credit for regulatory reforms that had been made. For example, the proposed question A2 ''Does your jurisdiction have impact fees?'' has been eliminated and two new questions (A5 and A6) have been included that more accurately reflect the reality of municipal financing and measure significant but achievable efforts at regulatory reform. Other questions were rewritten to reflect comments that suggested that the original questions required clarification. This final notice also adds a number of new questions that commenters recommended as ones that would present additional meaningful indicia of state and local regulatory reform efforts (*see* new questions A4, A19 and A20). In Part B, a number of new questions have also been added such as B7, B8, B10, and B11 to reflect and recognize the impact of reforms to state enabling legislation and other efforts that a number of states have taken to address regulatory issues.

## IV. Programs Covered By Incentive Criteria on Barrier Removal

The programs that are subject to the questions, evaluation and rating system described in this notice were not changed from those listed in the November 25, 2003, notice. The programs include, but are not necessarily limited to the HUD programs and initiatives listed in this Section IV, which are those for which Congress generally appropriates funding on an annual basis and for which HUD generally issues a NOFA to make funding available.

- Alaskan Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC)
- Assisted Living Conversion Program
- Brownfields Economic Development Initiative (BEDI)
- Community Outreach Partnership Centers
- Continuum of Care
  - Supportive Housing Program (SHP)
  - Shelter Plus Care (S+C)
  - Section 8 Moderate Rehabilitation SRO Program for Homeless Individuals
  - Shelter Plus Care Renewals
- Doctoral Dissertation Research Grant Program
- Early Doctoral Student Research Grant Program
- Fair Housing Initiatives Program

- Healthy Homes Demonstration
- Healthy Homes Technical Studies
- Hispanic Serving Institutions Assisting Communities (HSIAC)
- Historically Black Colleges and Universities Program (HBCU)
- HOPE VI
- Housing Counseling Program
- Housing Opportunities for Persons With AIDS (HOPWA)
- HUD Urban Scholars Fellowship Program
- Lead Action Elimination Program (LEAP)
- Lead Based Paint Hazard Control Program
- Lead Hazard Reduction Demonstration
- Lead Outreach Grant Program
- Lead Technical Studies Program
- Resident Opportunities and Self-Sufficiency (ROSS) Program
  - ROSS for Resident Service Delivery Models—Elderly
  - ROSS for Resident Service Delivery Models—Family
  - ROSS for Neighborhood Networks
  - ROSS for Homeownership Supportive Services
- Rural Housing and Economic Development
- Section 202 Supportive Housing for the Elderly
- Section 811 Supportive Housing for Persons With Disabilities
- Service Coordinators in Multifamily Housing
- Tribal Colleges and Universities (TCUP)
- Youthbuild

For SHOP and HUD programs that may be similar to SHOP in which large national or regional organizations distribute HUD funds on a competitive basis among organizations to facilitate the funded-programs' eligible activities, the larger organizations will implement the policy priority through their funding availability documents. That is, the organizations competing for the HUD funds made available by the larger organizations will have the opportunity, through their application for funds, to claim the points made available for this policy priority.

The list of programs that would be covered by regulatory barrier policy priority reflects the Department's objective to apply this policy priority to as many HUD-funded programs as possible.

**V. Evaluation Criteria**

Although the policies and processes that affect housing affordability are many and diverse, the following evaluative questions have been determined to be significantly important and have broad-based applicability to measure state, local, and tribal government efforts at regulatory reform so as to be considered good ''markers'' for effective regulatory reform.

All applicants submitting applications in response to FY2004 NOFAs will be invited to address the questions below to be eligible to receive points allocated for the policy priority of regulatory barrier removal.

Local jurisdictions and counties with land use and building regulatory authority applying for funding, as well as housing authorities, nonprofit organizations, and other qualified applicants applying for funding for a project located in these jurisdictions, are invited to answer the 20 questions in Part A. A limited number of these questions expressly request the applicant to provide brief documentation in the application and are so indicated. For all other questions, for any affirmative statement made, the applicant must supply either a reference, URL, or a brief statement indicating where the back up information may be found and a point of contact including a telephone number and/or email address. The Department may request the applicant to subsequently submit supporting or clarifying documentation for any affirmative statements made. For those applications in which regulating authority is split between jurisdictions (*e.g.* county and town) the applicant should answer the question for that jurisdiction that has regulating authority over the issue at question. An applicant that scores at least five in Column 2 will receive 1 point in the NOFA evaluation. An applicant that scores 10 or greater in Column 2 will receive 2 points in the evaluation.

State agencies or departments applying for funding, as well as housing authorities, nonprofit organizations and other qualified applicants applying for funds for projects located in unincorporated areas or areas otherwise not covered in Part A are invited to answer the 15 questions in Part B. Under Part B an applicant that scores at least four in Column 2 will receive 1 point in the NOFA evaluation. Under Part B an applicant that scores eight or greater will receive 2 points in the respective evaluation.

Applicants that will be providing services in multiple jurisdictions can choose to address the questions in either Part A or Part B for that jurisdiction in which the preponderance of services will be performed if an award is made. In no case can an applicant receive for this policy priority greater than 2 points for barrier removal activities. For applicants that are tribes or Tribally Designated Housing Entities (TDHEs), the tribes or TDHEs can choose to complete either Part A or Part B based upon a determination by the tribes or TDHE as to whether the tribe's or the TDHE's association with the local jurisdiction or the state would be the more advantageous for its application.

**Note:** Upon completion of all NOFA evaluations, grant selections and awards, it is HUD's intent to add relevant data obtained from this evaluative factor to the database on state and local regulatory reform actions maintained at the Regulatory Barrier Clearinghouse Web site (at *www.huduser.org/rbc/*) used by states, localities and housing providers to identify regulatory barriers and learn of exemplary local efforts at regulatory reform.

PART A.—LOCAL JURISDICTIONS, COUNTIES EXERCISING LAND USE AND BUILDING REGULATORY AUTHORITY AND OTHER APPLICANTS APPLYING FOR PROJECTS LOCATED IN SUCH JURISDICTIONS OR COUNTIES

[Collectively, jurisdiction]

| | 1. | 2. |
|---|---|---|
| 1. Does your jurisdiction's comprehensive plan (or in the case of a tribe or TDHE, a local Indian Housing Plan) include a ''housing element? A local comprehensive plan means the adopted official statement of a legislative body of a local government that sets forth (in words, maps, illustrations, and/or tables) goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction and that includes a unified physical plan for the public development of land and water. If your jurisdiction does not have a local comprehensive plan with a ''housing element,'' please enter no. If no, skip to question # 4. | No__ | Yes__ |
| 2. If your jurisdiction has a comprehensive plan with a housing element, does the plan provide estimates of current and anticipated housing needs, taking into account the anticipated growth of the region, for existing and future residents, including low-, moderate-, and middle-income families, for at least the next five years? | No__ | Yes__ |

PART A.—LOCAL JURISDICTIONS, COUNTIES EXERCISING LAND USE AND BUILDING REGULATORY AUTHORITY AND OTHER APPLICANTS APPLYING FOR PROJECTS LOCATED IN SUCH JURISDICTIONS OR COUNTIES—Continued

[Collectively, jurisdiction]

| | 1. | 2. |
|---|---|---|
| 3. Does your zoning ordinance and map, development and subdivision regulations or other land use controls conform to the jurisdiction's comprehensive plan regarding housing needs by providing: (a) sufficient land use and density categories (multifamily housing, duplexes, small lot homes and other similar elements); and (b) sufficient land zoned or mapped "as of right" in these categories, that can permit the building of affordable housing addressing the needs identified in the plan? (For purposes of this notice, "as-of-right," as applied to zoning, means uses and development standards that are determined in advance and specifically authorized by the zoning ordinance. The ordinance is largely self-enforcing because little or no discretion occurs in its administration.) If the jurisdiction has chosen not to have either zoning, or other development controls that have varying standards based upon districts or zones, the applicant may also enter yes. | No__ | Yes__ |
| 4. Does your jurisdiction's zoning ordinance set minimum building size requirements that exceed the local housing or health code or is otherwise not based upon explicit health standards? | Yes__ | No__ |
| 5. If your jurisdiction has development impact fees, are the fees specified and calculated under local or state statutory criteria? If no, skip to question #7. | No__ | Yes__ |
| 6. If yes to question #5, does the statute provide criteria that set standards for the allowable type of capital investments that have a direct relationship between the fee and the development (*nexus*), and a method for fee calculation? | No__ | Yes__ |
| 7. If your jurisdiction has impact or other significant fees, does the jurisdiction provide waivers of these fees for affordable housing? | No__ | Yes__ |
| 8. Has your jurisdiction adopted specific building code language regarding housing rehabilitation that encourages such rehabilitation through gradated regulatory requirements applicable as different levels of work are performed in existing buildings? Such code language increases regulatory requirements (the additional improvements required as a matter of regulatory policy) in proportion to the extent of rehabilitation that an owner/developer chooses to do on a voluntary basis. For further information see HUD publication: "Smart Codes in Your Community: A Guide to Building Rehabilitation Codes" (*www.huduser.org/publications/destech/smartcodes.html*). | No__ | Yes__ |
| 9. Does your jurisdiction use a recent version (*i.e.* published within the last five years or, if no recent version has been published, the last version published) of one of the nationally recognized model building codes (i.e. the International Code Council (ICC), the Building Officials and Code Administrators International (BOCA), the Southern Building Code Congress International (SBCI), the International Conference of Building Officials (ICBO), the National Fire Protection Association (NFPA)) without significant technical amendment or modification? In the case of a tribe or TDHE, has a recent version of one of the model building codes as described above been adopted or, alternatively, has the tribe or TDHE adopted a building code that is substantially equivalent to one or more of the recognized model building codes? Alternatively, if a significant technical amendment has been made to the above model codes, can the jurisdiction supply supporting data that the amendments do not negatively impact affordability? | No__ | Yes__ |
| 10. Does your jurisdiction's zoning ordinance or land use regulations permit manufactured (HUD–Code) housing "as of right" in all residential districts and zoning classifications in which similar site-built housing is permitted, subject to design, density, building size, foundation requirements, and other similar requirements applicable to other housing that will be deemed realty, irrespective of the method of production? | No__ | Yes__ |
| 11. Within the past five years, has a jurisdiction official (*i.e.*, chief executive, mayor, county chairman, city manager, administrator, or a tribally recognized official, etc.), the local legislative body, or planning commission, directly, or in partnership with major private or public stakeholders, convened or funded comprehensive studies, commissions, or hearings, or has the jurisdiction established a formal ongoing process, to review the rules, regulations, development standards, and processes of the jurisdiction to assess their impact on the supply of affordable housing? | No__ | Yes__ |
| 12. Within the past five years, has the jurisdiction initiated major regulatory reforms either as a result of the above study or as a result of information identified in the barrier component of the jurisdiction's "HUD Consolidated Plan?" If yes, attach a brief list of these major regulatory reforms. | No__ | Yes__ |
| 13. Within the past five years has your jurisdiction modified infrastructure standards and/or authorized the use of new infrastructure technologies (*e.g.,* water, sewer, street width) to significantly reduce the cost of housing? | No__ | Yes__ |
| 14. Does your jurisdiction give "as-of-right" density bonuses sufficient to offset the cost of building below market units as an incentive for any market rate residential development that includes a portion of affordable housing? (As applied to density bonuses, "as of right" means a density bonus granted for a fixed percentage or number of additional market rate dwelling units in exchange for the provision of a fixed number or percentage of affordable dwelling units and without the use of discretion in determining the number of additional market rate units.) | No__ | Yes__ |
| 15. Has your jurisdiction established a single, consolidated permit application process for housing development that includes building, zoning, engineering, environmental, and related permits? Alternatively, does your jurisdiction conduct concurrent not sequential, reviews for all required permits and approvals? | No__ | Yes__ |
| 16. Does your jurisdiction provide for expedited or "fast track" permitting and approvals for all affordable housing projects in your community? | No__ | Yes__ |
| 17. Has your jurisdiction established time limits for government review and approval or disapproval of development permits in which failure to act, after the application is deemed complete, by the government within the designated time period, results in automatic approval? | No__ | Yes__ |
| 18. Does your jurisdiction allow "accessory apartments" either as: (a) a special exception or conditional use in all single-family residential zones, or (b) "as of right" in a majority of residential districts otherwise zoned for single-family housing? | No__ | Yes__ |
| 19. Does your jurisdiction have an explicit policy that adjusts or waives existing parking requirements for all affordable housing developments? | No__ | Yes__ |
| 20. Does your jurisdiction require affordable housing projects to undergo public review or special hearings when the project is otherwise in full compliance with the zoning ordinance and other development regulations? | Yes__ | No__ |
| Total Points: ..... | _____ | _____ |

PART B—STATE AGENCIES AND DEPARTMENTS OR OTHER APPLICANTS APPLYING FOR PROJECTS LOCATED IN UNINCORPORATED AREAS OR AREAS OTHERWISE NOT COVERED IN PART A

| | 1. | 2. |
|---|---|---|
| 1. Does your state, either in its planning and zoning enabling legislation or in any other legislation, require localities regulating development have a comprehensive plan with a ''housing element?'' If no, skip to question # 4 | No__ | Yes__ |
| 2. Does your state require that a local jurisdiction's comprehensive plan estimate current and anticipated housing needs, taking into account the anticipated growth of the region, for existing and future residents, including low-, moderate-, and middle-income families, for at least the next five years? | No__ | Yes__ |
| 3. Does your state's zoning enabling legislation require that a local jurisdiction's zoning ordinance have: (a) sufficient land use and density categories (multifamily housing, duplexes, small lot homes and other similar elements); and (b) sufficient land zoned or mapped in these categories, that can permit the building of affordable housing that addresses the needs identified in the comprehensive plan? | No__ | Yes__ |
| 4. Does your state have an agency or office that includes a specific mission to determine whether local governments have policies or procedures that are raising costs or otherwise discouraging affordable housing? | No__ | Yes__ |
| 5. Does your state have a legal or administrative requirement that local governments undertake periodic self-evaluation of regulations and processes to assess their impact upon housing affordability and undertake actions to address these barriers to affordability? | No__ | Yes__ |
| 6. Does your state have a technical assistance or education program for local jurisdictions that includes assisting them in identifying regulatory barriers and in recommending strategies to local governments for their removal? | No__ | Yes__ |
| 7. Does your state have specific enabling legislation for local impact fees? If no, skip to question #9. | No__ | Yes__ |
| 8. If yes to question #7, does the state statute provide criteria that set standards for the allowable type of capital investments that have a direct relationship between the fee and the development (*nexus*) and a method for fee calculation? | No__ | Yes__ |
| 9. Does your state provide significant financial assistance to local governments for housing, community development and/or transportation that includes funding prioritization or linking funding on the basis of local regulatory barrier removal activities? | No__ | Yes__ |
| 10. Does your state have a mandatory state-wide building code that (a) does not permit local technical amendments and (b) uses a recent version (*i.e.,* published within the last five years or, if no recent version has been published, the last version published) of one of the nationally recognized model building codes (*i.e.,* the International Code Council (ICC), the Building Officials and Code Administrators International (BOCA), the Southern Building Code Congress International (SBCI), the International Conference of Building Officials (ICBO), the National Fire Protection Association (NFPA)) without significant technical amendment or modification? | No__ | Yes__ |
| Alternatively, if the state has made significant technical amendments to the model code, can the state supply supporting data that the amendments do not negatively impact affordability? | | |
| 11. Has your state adopted mandatory building code language regarding housing rehabilitation that encourages rehabilitation through gradated regulatory requirements applicable as different levels of work are performed in existing buildings? Such language increases regulatory requirements (the additional improvements required as a matter of regulatory policy) in proportion to the extent of rehabilitation that an owner/developer chooses to do on a voluntary basis and. For further information see HUD publication: ''Smart Codes in Your Community: A Guide to Building Rehabilitation Codes'' (*www.huduser.org/publications/destech/smartcodes.html*). | No__ | Yes__ |
| 12. Within the past five years has your state made any changes to its own processes or requirements to streamline or consolidate the state's own approval processes involving permits for water or wastewater, environmental review, or other state-administered permits or programs involving housing development. If yes, briefly list these changes. | No__ | Yes__ |
| 13. Within the past five years, has your state (*i.e.*, Governor, legislature, planning department) directly or in partnership with major private or public stakeholders, convened or funded comprehensive studies, commissions, or panels to review state or local rules, regulations, development standards, and processes to assess their impact on the supply of affordable housing? | No__ | Yes__ |
| 14. Within the past five years, has the state initiated major regulatory reforms either as a result of the above study or as a result of information identified in the barrier component of the state's ''Consolidated Plan submitted to HUD?'' If yes, briefly list these major regulatory reforms. | No__ | Yes__ |
| 15. Has the state undertaken any other actions regarding local jurisdiction's regulation of housing development including permitting, land use, building or subdivision regulations, or other related administrative procedures? If yes, briefly list these actions. | No__ | Yes__ |
| Total Points: ..... | _____ | _____ |

To assist NOFA applicants in reviewing their state and local regulatory environments so they can effectively address the questions above that are to be incorporated in all FY2004 NOFAs, the Department recommends visiting HUD's *Regulatory Barriers Clearinghouse (RBC)* at *www.huduser.org/rbc/.* This Web site was created to support state, local, and tribal governments and other organizations seeking information about laws, regulations, and policies affecting the development, maintenance, improvement, availability and cost of affordable housing. To encourage better understanding of the impact of regulatory issues on housing affordability the Web site includes an extensive bibliography of major studies and guidance materials to assist state, local and tribal governments in fashioning solutions and approaches to expanding housing affordability through regulatory reform at *www.huduser.org/rbc/relevant_publications.html.*

Dated: March 9, 2004.

**A. Bryant Applegate,**

*Senior Counsel and Director of America's Affordable Communities Initiative.*

[FR Doc. 04–6341 Filed 3–19–04; 8:45 am]

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Maine; Open for comments until further notice; published 2-17-04 [FR 04-03374]

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Agusta S.p.A.; comments due by 3-29-04; published 1-27-04 [FR 04-01687]
Boeing; comments due by 3-29-04; published 2-11-04 [FR 04-02959]
Burkhart Grob Luft-Und Raumfahrt GmbH & Co.; comments due by 3-29-04; published 2-17-04 [FR 04-03354]
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**TREASURY DEPARTMENT**

**Thrift Supervision Office**

Consumer financial information privacy:
Gramm-Leach-Bliley Act—
Privacy notices, alternative forms; interagency consideration; comments due by 3-29-04; published 12-30-03 [FR 03-31992]

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Compensation, pension, burial and related benefits:
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## LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal_register/public_laws/public_laws.html*.

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**S. 2136/P.L. 108–207**
To extend the final report date and termination date of the National Commission on Terrorist Attacks Upon the United States, to provide additional funding for the Commission, and for other purposes. (Mar. 16, 2004; 118 Stat. 556)

**Last List March 17, 2004**

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## CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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| **1, 2 (2** Reserved) | (869–052–00001–9) | 9.00 | [4] Jan. 1, 2004 |
| **3** (2002 Compilation and Parts 100 and 101) | (869–050–00002–4) | 32.00 | [1] Jan. 1, 2003 |
| **4** | (869–052–00003–5) | 10.00 | Jan. 1, 2004 |
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| *1–699 | (869–052–00004–3) | 60.00 | Jan. 1, 2004 |
| 700–1199 | (869–052–00005–1) | 50.00 | Jan. 1, 2004 |
| 1200–End | (869–050–00006–7) | 58.00 | Jan. 1, 2003 |
| **6** | (869–052–00007–8) | 10.50 | Jan. 1, 2004 |
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| *1–26 | (869–052–00008–6) | 44.00 | Jan. 1, 2004 |
| 27–52 | (869–050–00008–3) | 47.00 | Jan. 1, 2003 |
| 53–209 | (869–052–00010–8) | 37.00 | Jan. 1, 2004 |
| 210–299 | (869–050–00010–5) | 59.00 | Jan. 1, 2003 |
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| *400–699 | (869–052–00013–2) | 42.00 | Jan. 1, 2004 |
| 700–899 | (869–050–00013–0) | 42.00 | Jan. 1, 2003 |
| 900–999 | (869–050–00014–8) | 57.00 | Jan. 1, 2003 |
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| 1200–1599 | (869–050–00016–4) | 58.00 | Jan. 1, 2003 |
| 1600–1899 | (869–050–00017–2) | 61.00 | Jan. 1, 2003 |
| 1900–1939 | (869–050–00018–1) | 29.00 | [4] Jan. 1, 2003 |
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| 1950–1999 | (869–052–00021–3) | 46.00 | Jan. 1, 2004 |
| 2000–End | (869–052–00022–1) | 50.00 | Jan. 1, 2004 |
| **8** | (869–050–00022–9) | 58.00 | Jan. 1, 2003 |
| **9 Parts:** | | | |
| 1–199 | (869–050–00023–7) | 58.00 | Jan. 1, 2003 |
| 200–End | (869–052–00025–6) | 58.00 | Jan. 1, 2004 |
| **10 Parts:** | | | |
| *1–50 | (869–052–00026–4) | 61.00 | Jan. 1, 2004 |
| 51–199 | (869–050–00026–1) | 56.00 | Jan. 1, 2003 |
| 200–499 | (869–052–00028–1) | 46.00 | Jan. 1, 2004 |
| *500–End | (869–052–00029–9) | 62.00 | Jan. 1, 2004 |
| **11** | (869–050–00029–6) | 38.00 | Feb. 3, 2003 |
| **12 Parts:** | | | |
| *1–199 | (869–052–00031–1) | 34.00 | Jan. 1, 2004 |
| 200–219 | (869–050–00031–8) | 38.00 | Jan. 1, 2003 |
| 220–299 | (869–052–00033–7) | 61.00 | Jan. 1, 2004 |
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| 600–899 | (869–050–00035–1) | 54.00 | Jan. 1, 2003 |
| 900–End | (869–050–00036–9) | 47.00 | Jan. 1, 2003 |
| **13** | (869–050–00037–7) | 47.00 | Jan. 1, 2003 |
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| 60–139 | (869–050–00039–3) | 58.00 | Jan. 1, 2003 |
| 140–199 | (869–050–00040–7) | 28.00 | Jan. 1, 2003 |
| 200–1199 | (869–052–00042–6) | 50.00 | Jan. 1, 2004 |
| 1200–End | (869–050–00042–3) | 43.00 | Jan. 1, 2003 |
| **15 Parts:** | | | |
| 0–299 | (869–050–00043–1) | 37.00 | Jan. 1, 2003 |
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| 800–End | (869–050–00045–8) | 40.00 | Jan. 1, 2003 |
| **16 Parts:** | | | |
| 0–999 | (869–050–00046–6) | 47.00 | Jan. 1, 2003 |
| 1000–End | (869–052–00048–5) | 60.00 | Jan. 1, 2004 |
| **17 Parts:** | | | |
| 1–199 | (869–050–00049–1) | 50.00 | Apr. 1, 2003 |
| 200–239 | (869–050–00050–4) | 58.00 | Apr. 1, 2003 |
| 240–End | (869–050–00051–2) | 62.00 | Apr. 1, 2003 |
| **18 Parts:** | | | |
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| **19 Parts:** | | | |
| 1–140 | (869–050–00054–7) | 60.00 | Apr. 1, 2003 |
| 141–199 | (869–050–00055–5) | 58.00 | Apr. 1, 2003 |
| 200–End | (869–050–00056–3) | 30.00 | Apr. 1, 2003 |
| **20 Parts:** | | | |
| 1–399 | (869–050–00057–1) | 50.00 | Apr. 1, 2003 |
| 400–499 | (869–050–00058–0) | 63.00 | Apr. 1, 2003 |
| 500–End | (869–050–00059–8) | 63.00 | Apr. 1, 2003 |
| **21 Parts:** | | | |
| 1–99 | (869–050–00060–1) | 40.00 | Apr. 1, 2003 |
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| 170–199 | (869–050–00062–8) | 50.00 | Apr. 1, 2003 |
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| 600–799 | (869–050–00066–1) | 15.00 | Apr. 1, 2003 |
| 800–1299 | (869–050–00067–9) | 58.00 | Apr. 1, 2003 |
| 1300–End | (869–050–00068–7) | 22.00 | Apr. 1, 2003 |
| **22 Parts:** | | | |
| 1–299 | (869–050–00069–5) | 62.00 | Apr. 1, 2003 |
| 300–End | (869–050–00070–9) | 44.00 | Apr. 1, 2003 |
| **23** | (869–050–00071–7) | 44.00 | Apr. 1, 2003 |
| **24 Parts:** | | | |
| 0–199 | (869–050–00072–5) | 58.00 | Apr. 1, 2003 |
| 200–499 | (869–050–00073–3) | 50.00 | Apr. 1, 2003 |
| 500–699 | (869–050–00074–1) | 30.00 | Apr. 1, 2003 |
| 700–1699 | (869–050–00075–0) | 61.00 | Apr. 1, 2003 |
| 1700–End | (869–050–00076–8) | 30.00 | Apr. 1, 2003 |
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| 200–699 | (869–050–00112–8) | 50.00 | July 1, 2003 |
| 700–End | (869–050–00113–6) | 57.00 | July 1, 2003 |
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2003, through January 1, 2004. The CFR volume issued as of January 1, 2002 should be retained.

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