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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 00–035–3]

RIN 0579–AB19

Plum Pox Compensation

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the plum pox compensation regulations to provide additional compensation to affected growers, under certain conditions. We are providing additional compensation to growers who have already been paid compensation for 3 years of lost production, but who are prohibited from replanting regulated articles for a total of more than 3 years due to additional detections of plum pox in areas already under quarantine. Such growers will be paid compensation for up to 2 additional years. We are also providing additional compensation to growers who are direct marketers of their fruit and growers who have had trees that were less than 1 year old destroyed. We are taking these actions in response to issues that have surfaced during our 2 years of experience in managing the plum pox quarantine and paying compensation to affected growers. These changes are necessary to provide adequate compensation to persons affected by the plum pox quarantine and eradication efforts associated with the quarantine.

DATES: *Effective Date:* July 1, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Poe, Operations Officer, Program Support Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

On October 16, 2003, we published in the **Federal Register** (68 FR 59548–59554, Docket No. 00–035–2) a proposal to amend the plum pox compensation regulations to provide additional compensation to affected growers, under certain conditions. Specifically, we proposed to provide additional compensation to growers who have already been paid under the existing regulations, which provide for payments based on a 3-year fallow period, but who are prohibited from replanting regulated articles for a total of more than 3 years due to additional detections of plum pox in areas already under quarantine. Under our proposal, such growers would be paid compensation for up to 2 additional years. We also proposed to provide additional compensation to growers who are direct marketers of their fruit, and to provide compensation for growers who have had trees that were less than 1 year old destroyed. We proposed these actions in response to issues that have surfaced during our 2 years of experience in managing the plum pox quarantine and paying compensation to affected growers. We believe the proposed changes are necessary to provide adequate compensation to persons affected by the plum pox quarantine and eradication efforts associated with the quarantine.

We solicited comments concerning our proposal for 60 days ending December 15, 2003. We received 2 comments by that date. They were from a stone fruit grower affected by the quarantine and a private citizen. The grower encouraged us to adopt our proposal as a final rule. The private citizen opposed the proposal but did not provide a rationale for her position. We are not making any changes to our proposal in response to the comments.

Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule, without change.

Executive Order 12866 and Regulatory Flexibility Act

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

We have prepared an economic analysis for this rule. The economic analysis is summarized below. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**, or may be viewed on the Internet at *http://www.aphis.usda.gov/ppd/rad/plumpox.pdf.*

Summary of Economic Analysis

We are amending the plum pox compensation regulations to provide additional compensation to affected growers, under certain conditions. We will provide additional compensation to growers who have already been paid 3 years worth of compensation but who are prohibited from replanting regulated articles for a total of more than 3 years due to recent detections of plum pox in areas already under quarantine. Such growers will be paid compensation for up to 2 additional years. We are also providing additional compensation to growers who are direct marketers of their fruit, and providing compensation for growers who have had trees of less than 1 year of age destroyed. These actions are in response to our 2 years of experience in managing the plum pox quarantine and paying compensation to affected growers. This action is necessary to provide adequate compensation to persons affected by the plum pox quarantine and eradication efforts associated with the quarantine.

This rule provides additional compensation in the event a quarantine period is extended according to an emergency action notification issued by APHIS. The fallow period may be increased by 1 or 2 years depending on the proximity of the land to recent finds of the plum pox virus. By delaying the time at which growers can replant, the longer fallow period increases the loss to growers. This final rule increases the amount of compensation to account for the longer fallow period.

Plum pox has been detected in some areas near orchards that were removed in the initial year of the eradication program. This has led to a need for additional fallow years for those acres. A fallow period of 3 years from the last find is needed to conclude that plum pox has been eradicated. APHIS will pay affected growers a maximum of 5 years of compensation. For orchards removed in 2002, we anticipate that only a 3-year fallow period will be

needed if no further plum pox is discovered.

Compensation payments are based on calculating the difference between the amount a grower could earn from the original orchard minus the amount that they could earn from a replanted orchard after a fallow period. A longer fallow period results in higher compensation payments because of the additional time it takes until growers have productive trees.

The per-acre payment to commercial growers for 2 additional fallow years orchard will be $828 for the fourth year and $736 for the fifth year ($1,564 total per acre). The total number of acres eligible for additional payments because of the added fallow years is 1,400. The estimated cost if all acres are eligible for 2 additional years is $2,189,600.

Total additional payments for direct marketers range from $264,472 to $348,452, depending on the number of fallow years a direct marketer will be required to wait before replanting. Table 7 on page 15 of the full analysis summarizes the range of payments. Payments to direct marketers for the first 3 fallow years will increase by $10,172 per acre from the base amount that growers receive. Direct marketers were eligible to receive the same payments as other growers so the $10,172 represents the additional payment. Because they are among the last trees that have been removed, a 3-year fallow period should be sufficient to demonstrate that plum pox has been eradicated. However, in the event that additional fallow years are necessary due new detections of plum pox, direct marketers will be compensated for up to 5 (total) fallow years. They will receive $1,710 for a 4th year and $1,520 for a 5th year. There are approximately 26 acres of trees used for direct marketing that have been removed as part of the plum pox eradication program; total payments to direct marketers will increase by $264,472, assuming the fallow period does not need to be extended. A 4-year fallow period for direct marketers will result in payments of $11,882 per acre ($10,172 + $1,710). Total payments for 26 acres will be $308,932. A 5-year fallow period for direct marketers will result in payments of $13,402 per acre ($10,172 + $1,710 + $1,520). Total payments for 26 acres will be $348,452.

This final rule also addresses the issue of trees less than 1 year old. Some growers have received destruction orders for trees that had been planted the same year. These trees did not go through one harvest season and are sometimes referred to as zero year trees. The original compensation program made no provision for these trees. However, growers that have had trees less than 1 year old destroyed have incurred costs. Based on input from cooperative extension agents and Pennsylvania State University, we have concluded that a fair rate of compensation for these trees is $2,403 per acre for a 3-year fallow period.

As stated earlier in this document, the changes in payments of compensation are necessary to provide adequate compensation to persons affected by the plum pox quarantine and eradication efforts associated with the quarantine. Persons affected by the quarantine will, in all cases, benefit from adoption of this final rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.028 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0251.

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 rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.74–5, paragraphs (a)(1), (b)(1), (c)(1), (c)(2) and (d) are revised, a new paragraph (c)(3) is added, and the OMB control number citation at the end of the section is revised, to read as follows:

§ 301.74–5 Compensation.

(a) * * *

(1) *Owners of commercial stone fruit orchards.* Owners of commercial stone fruit orchards are eligible to receive compensation for losses associated with the destruction of trees in order to control plum pox pursuant to an emergency action notification issued by the Animal and Plant Health Inspection Service (APHIS).

(i) *Direct marketers.* Orchard owners eligible for compensation under this paragraph who market all fruit they produce under the conditions described in this paragraph may receive compensation at the rates specified in paragraph (b)(1)(i) of this section. In order to be eligible to receive compensation at the rates specified in paragraph (b)(1)(i) of this section, orchard owners must have marketed fruit produced in orchards subsequently destroyed because of plum pox under the following conditions:

(A) The fruit must have been sold exclusively at farmers markets or similar outlets that require orchard owners to sell only fruit that they produce;

(B) The fruit must not have been marketed wholesale or at reduced prices in bulk to supermarkets or other retail outlets;

(C) The fruit must have been marketed directly to consumers; and

(D) Orchard owners must have records documenting that they have met the requirements of this section, and

must submit those records to APHIS as part of their application submitted in accordance with paragraph (c) of this section.

(ii) *All other orchard owners.* Orchard owners eligible for compensation under this paragraph who do not meet the requirements of paragraph (a)(1)(i) of this section are eligible for compensation only in accordance with paragraph (b)(1)(ii) of this section.

* * * * *

(b) * * *

(1) *Owners of commercial stone fruit orchards*—(i) *Direct marketers.* Owners of commercial stone fruit orchards who APHIS has determined meet the eligibility requirements of paragraph (a)(1)(i) of this section will be compensated according to the following table on a per-acre basis at a rate based on the age of the trees destroyed. If the trees were not destroyed by the date specified on the emergency action notification, the compensation payment will be reduced by 10 percent and by any tree removal costs incurred by the State or the U.S. Department of Agriculture (USDA). The maximum USDA compensation rate is 85 percent of the loss in value, adjusted for any State-provided compensation to ensure total compensation from all sources does not exceed 100 percent of the loss in value.

Age of trees (years)	Maximum compensation rate ($/acre, equal to 85% of loss in value) based on 3-year fallow period	Maximum additional compensation ($/acre, equal to 85% of loss in value) for 4th fallow year	Maximum additional compensation ($/acre, equal to 85% of loss in value) for 5th fallow year
Less than 1	$2,403	$828	$736
1	9,584	1,710	1,520
2	13,761	1,710	1,520
3	17,585	1,710	1,520
4	21,888	1,710	1,520
5	25,150	1,710	1,520
6	25,747	1,710	1,520
7	25,859	1,710	1,520
8	25,426	1,710	1,520
9	24,938	1,710	1,520
10	24,390	1,710	1,520
11	23,774	1,710	1,520
12	23,080	1,710	1,520
13	22,300	1,710	1,520
14	21,422	1,710	1,520
15	20,434	1,710	1,520
16	19,323	1,710	1,520
17	18,185	1,710	1,520
18	17,017	1,710	1,520
19	15,814	1,710	1,520
20	14,572	1,710	1,520
21	13,287	1,710	1,520
22	12,066	1,710	1,520
23	10,915	1,710	1,520
24	9,620	1,710	1,520
25	8,163	1,710	1,520

(ii) *All other orchard owners.* Owners of commercial stone fruit orchards who meet the eligibility requirements of paragraph (a)(1)(ii) of this section will be compensated according to the following table on a per-acre basis at a rate based on the age of the trees destroyed. If the trees were not destroyed by the date specified on the emergency action notification, the compensation payment will be reduced by 10 percent and by any tree removal costs incurred by the State or the U.S. Department of Agriculture (USDA). The maximum USDA compensation rate is 85 percent of the loss in value, adjusted for any State-provided compensation to ensure total compensation from all sources does not exceed 100 percent of the loss in value.

Age of trees (years)	Maximum compensation rate ($/acre, equal to 85% of loss in value) based on 3-year fallow period	Maximum additional compensation ($/acre, equal to 85% of loss in value) for 4th fallow year	Maximum additional compensation ($/acre, equal to 85% of loss in value) for 5th fallow year
Less than 1	$2,403	$828	$736
1	4,805	828	736
2	7,394	828	736
3	9,429	828	736
4	12,268	828	736
5	14,505	828	736
6	14,918	828	736
7	15,000	828	736
8	14,709	828	736
9	14,383	828	736
10	14,015	828	736
11	13,601	828	736
12	13,136	828	736
13	12,613	828	736

Age of trees (years)	Maximum compensation rate ($/acre, equal to 85% of loss in value) based on 3-year fallow period	Maximum additional compensation ($/acre, equal to 85% of loss in value) for 4th fallow year	Maximum additional compensation ($/acre, equal to 85% of loss in value) for 5th fallow year
14	12,024	828	736
15	11,361	828	736
16	10,616	828	736
17	9,854	828	736
18	9,073	828	736
19	8,272	828	736
20	7,446	828	736
21	6,594	828	736
22	5,789	828	736
23	5,035	828	736
24	4,341	828	736
25	3,713	828	736

* * * * *

(c) * * *

(1) *Claims by owners of stone fruit orchards who are direct marketers.* The completed application must be accompanied by:

(i) A copy of the emergency action notification ordering the destruction of the trees and its accompanying inventory that describes the acreage and ages of trees removed;

(ii) Documentation verifying that the destruction of trees has been completed and the date of that destruction; and

(iii) Records documenting that the grower meets the eligibility requirements of paragraph (a)(1)(i) of this section.

(2) *Claims by owners of commercial stone fruit orchards who are not direct marketers.* The completed application must be accompanied by a copy of the emergency action notification ordering the destruction of the trees, its accompanying inventory that describes the acreage and ages of trees removed, and documentation verifying that the destruction of trees has been completed and the date of that destruction.

(3) *Claims by owners of fruit tree nurseries.* The completed application must be accompanied by a copy of the order prohibiting the sale or movement of the nursery stock, its accompanying inventory that describes the total number of trees and the age and variety, and documentation describing the final disposition of the nursery stock.

(d) *Replanting.* Trees of susceptible *Prunus* species (*i.e.*, *Prunus* species identified as regulated articles) may not be replanted on premises within a contiguous quarantined area until 3 years from the date the last trees within that area were destroyed because of plum pox pursuant to an emergency action notification issued by APHIS.

(Approved by the Office of Management and Budget under control numbers 0579–0159 and 0579–0251)

Done in Washington, DC, this 25th day of May 2004.

W. Ron DeHaven,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 04–12266 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2004–17723; Airspace Docket No. 04–ACE–35]

Modification of Class E Airspace; North Platte, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends title 14 Code of Federal Regulations, part 71 (14 CFR 71) by revising Class E airspace areas at North Platte, NE. A review of the Class E airspace surface area and the Class E airspace area extending upward from 700 feet above the surface at North Platte, NE, reveals that neither reflects the current North Platte Regional Airport Lee Bird Field airport reference point (ARP) and neither complies with criteria for diverse departures. These airspace areas are enlarged and modified to conform to FAA Orders.

DATES: This direct final rule is effective on 0901 UTC, September 30, 2004. Comments for inclusion in the Rules docket must be received on or before July 27, 2004.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2004–17723/ Airspace Docket No. 04–ACE–35, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone (816) 329–2524.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 modifies the Class E surface area and Class E airspace area extending upward from 700 feet above the surface at North Platte, NE. An examination of controlled airspace for North Platte, NE revealed that the North Platte Regional Airport Lee Bird Field ARP used in the legal descriptions for both Class E airspace areas is incorrect. Also, neither airspace area complies with airspace requirements for diverse departures as set forth in FAA Order 7400.2E, Procedures for Handling Airspace Matters. The North Platte, NE Class E surface area is increased from a 4.6-mile radius to a 5.4-mile radius of North Platte Regional Airport Lee Bird Field, thereby eliminating the need for an extension to the Class E surface area. The Class E airspace area extending upward from 700 feet above the surface is increased from a 7.1-mile radius to an 8.4-mile radius of North Platte Regional Airport Lee Bird Field in order to comply with the criteria for 700 feet AGL airspace required for diverse departures. These modifications bring the legal descriptions of the North Platte, NE Class E airspace areas into

compliance with FAA Order 7400.2E. Class E airspace areas designated as surface areas are published in Paragraph 6002 of FAA Order 7400.9L, dated September 2, 2003, and effective September 26, 2003, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of the same Order. The Class E airspace designations listed in this document would be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2004–17723/Airspace Docket No. 04–ACE–35.'' The postcard will be date/time stamped and returned to the commenter.

Agency Findings

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ACE NE E2 North Platte, NE

North Platte Regional Airport Lee Bird Field, NE
(Lat. 41°07′34″ N., long. 100°41′01″ W.)

Within a 5.4–mile radius of North Platte Regional Airport Lee Bird Field.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE NE E5 North Platte, NE

North Platte Regional Airport Lee Bird Field, NE
(Lat. 41°07′34″ N., long. 100°41′01″ W.)

That airspace extending upward from 700 feet above the surface within an 8.4-mile radius of North Platte Regional Airport Lee Bird Field.

* * * * *

Issued in Kansas City, MO, on May 18, 2004.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 04–12326 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–16437; Airspace Docket No. 03–AWP–02]

RIN 2120–AA66

Revision of Federal Airway 137

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action revises Federal Airway 137 (V–137) between the Thermal, CA, Very High Frequency Omnidirectional Radio Range and Tactical Air Navigation Aids (VORTAC) intersection and the Imperial, CA, VORTAC. The current route segment between the Thermal, CA, VORTAC and the Imperial, CA, VORTAC is aligned to avoid a restricted area that no longer exists. The FAA is taking this action to realign V–137 to form a direct route between the Thermal, CA, VORTAC, and the Imperial, CA, VORTAC. This action will improve the management of air traffic operations and reduce the route mileage between the Thermal, CA, VORTAC and the Imperial, CA, VORTAC.

EFFECTIVE DATES: 0901 UTC, August 5, 2004.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules, Office of System Operations and Safety, ATO–R, Federal Aviation Administration, 800 Independence Avenue, SW.,

Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On December 31, 2003, the FAA published in the **Federal Register** a notice proposing to revise V–137 between the Thermal, CA, VORTAC and the Imperial, CA, VORTAC (68 FR 75473). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received. With the exception of editorial changes, this amendment is the same as that proposed in the notice.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 (part 71) to revise V–137 between the Thermal, CA, VORTAC, and the Imperial, CA, VORTAC. The current route segment between the Thermal, CA, VORTAC, and the Imperial, CA, VORTAC, is aligned to avoid a restricted area that no longer exists. The FAA is taking this action to realign V–137 to form a direct route between the Thermal, CA, VORTAC, and the Imperial, CA, VORTAC. This action will improve the management of air traffic operations and reduce the route mileage between the Thermal, CA, VORTAC, and the Imperial, CA, VORTAC.

Domestic VOR Federal airways are published in paragraph 6010(a), of FAA Order 7400.9L dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airway listed in this document will be published subsequently in the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This action is categorically excluded from environmental assessments and procedures in accordance with FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, and the National Environmental Policy Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p.389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways

* * * * *

V–137 (Revised)

From Imperial, CA, INT Imperial 350° and Thermal, CA, 144° radials; Thermal; Palm Springs, CA; Palmdale, CA; Gorman, CA; Avenal, CA; Priest, CA; Salinas, CA.

* * * * *

Issued in Washington, DC, May 21, 2004.

Paul Gallant,

Acting Manager, Airspace and Rules, ATO–R.

[FR Doc. 04–12322 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30414; Amdt. No. 3097]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective June 1, 2004. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 1, 2004.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located;
3. The Flight Inspection Area Office which originated the SIAP; or,
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike

Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on May 21, 2004.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective July 8, 2004

Charleston, SC, Charleston Executive, ILS OR LOC RWY 9, Orig-A
Houston, TX, Houston-Southwest, LOC/DME RWY 9, Amdt 3A

** * * Effective August 5, 2004*

Helena/West Helena, AR, Thompson-Robbins, RNAV (GPS) RWY 17, Orig
Helena/West Helena, AR, Thompson-Robbins, RNAV (GPS) RWY 35, Orig
Helena/West Helena, AR, Thompson-Robbins, VOR RWY 17, Orig
Helena/West Helena, AR, Thompson-Robbins, VOR RWY 35, Orig
Helena/West Helena, AR, Thompson-Robbins, GPS RWY 17, Orig-A, CANCELLED
Helena/West Helena, AR, Thompson-Robbins, GPS RWY 35, Amdt 1A, CANCELLED
Palm Springs, CA, Bermuda Dunes, RNAV (GPS) RWY 10, Orig-A
Frederick, MD, Frederick Muni, RNAV (GPS) Z RWY 23, Orig-A
Gaithersburg, MD, Montgomery County Airpark, RNAV (GPS) RWY 14, Amdt 2A
Elmira, NY, Elmira/Corning Regional, RNAV (GPS) RWY 10, Amdt 1
Elmira, NY, Elmira/Corning Regional, RNAV (GPS) RWY 28, Amdt 2
Philadelphia, PA, Philadelphia Intl, ILS OR LOC RWY 9L, Amdt 4A
Waco, TX, TSTC Waco, RADAR–1, Amdt 4
Milwaukee, WI, General Mitchell Intl, ILS OR LOC RWY 1L, ILS RWY 1L (CAT II), ILS RWY 1L (CAT III), Amdt 8A

The FAA published an Amendment in Docket No. 30413, Amdt No. 3096 to Part 97 of the Federal Aviation Regulations (Vol 69, FR No. 96, Page 28059; dated May 18, 2004) under Section 97.33 effective 8 July 2004, which is hereby rescinded:

Goodland, KS, Renner Fld/Goodland Muni, ILS OR LOC/DME RWY 30, Orig-A

[FR Doc. 04–12062 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

[IA–013–FOR]

Iowa Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are approving, with one additional requirement, an amendment to the Iowa regulatory program (Iowa program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Iowa proposed to revise its regulatory program by updating its adoption by reference of applicable portions of 30 CFR part 700

to End from the July 1, 1992, version to the July 1, 2002, version. Iowa intends to revise its program to be consistent with the corresponding Federal regulations.

DATES: *Effective Date:* June 1, 2004.

FOR FURTHER INFORMATION CONTACT: Charles E. Sandberg, Mid-Continent Regional Coordinating Center. Telephone: (618) 463–6460. Internet address: *csandber@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Iowa Program
II. Submission of the Amendment
III. OSM's Findings
IV. Summary and Disposition of Comments
V. OSM's Decision
VI. Procedural Determinations

I. Background on the Iowa Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, ''a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act.'' See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Iowa program effective April 10, 1981. You can find background information on the Iowa program, including the Secretary's findings, the disposition of comments, and conditions of approval, in the January 21, 1981, **Federal Register** (46 FR 5885). You can also find later actions concerning Iowa's program and program amendments at 30 CFR 915.10, 915.15, and 915.16.

II. Submission of the Amendment

By letter dated February 24, 2004 (Administrative Record No. IA–448), Iowa sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Iowa sent the amendment in response to a June 17, 1997, letter that we sent to Iowa in accordance with 30 CFR 732.17(c), concerning multiple changes made to the Federal regulations between 1988 and 1995 (Administrative Record No. IA–440). Iowa also responded to an August 23, 2000, letter that we sent to Iowa in accordance with 30 CFR 732.17(c), concerning valid existing rights (Administrative Record No. IA–444). Iowa proposed to revise its regulatory program by updating its adoption by reference of applicable portions of 30 CFR part 700 to End from the July 1, 1992, version to the July 1, 2002, version.

We announced receipt of the amendment in the March 25, 2004, **Federal Register** (69 FR 15272). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on April 26, 2004. We did not receive any comments.

III. OSM's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment, with one additional requirement, as described below. Any revisions that we do not specifically discuss below concern nonsubstantive wording or editorial changes.

A. Adoptions by Reference of 30 CFR Part 700 to End Revised as of July 1, 2002

Iowa updated its adoptions by reference of applicable sections of 30 CFR part 700 to End from those in effect as of July 1, 1992, to those in effect as of July 1, 2002. Iowa also revised terms and cross-references to the Federal regulations and corrected editorial-type errors, as necessary. The sections of Iowa's coal mining rules that are being revised in this manner, along with the applicable sections of the Federal regulations, are listed in the table below.

27 Iowa Administrative Code Chapter 40, Coal Mining Rules (IAC 27–40)	Topic	Federal regulations adopted by reference (30 CFR)
40.1(1), 40.1(4)	Authority and scope	Part 700 to End.
40.3(207)	General	Part 700.
40.4(207), 40.4(2), 40.4(3)	Permanent regulatory program and exemption for coal extraction incidental to the extraction of other minerals.	Parts 701 and 702.
40.5(207)	Restrictions on financial interests of State employees	Part 705.
40.6(207)	Exemptions for coal extraction incident to government—financed highway or other constructions.	Part 707.
40.7(207)	Protection of employees	Part 865.
40.11(207)	Initial regulatory program	Part 710.
40.12(207)	General performance standards—initial program	Part 715.
40.13(207)	Special performance standards—initial program	Part 716.
40.21(207), 40.21(4) through 40.21(6)	Areas designated by an Act of Congress	Part 761.
40.22(207), 40.22(2)	Criteria for designating areas as unsuitable for surface coal mining operations.	Part 762.
40.23(207)	State procedures for designating areas unsuitable for surface coal mining operations.	Part 764.
40.30(207), 40.30(1), 40.30(4)	Requirements for coal exploration	Part 772.
40.31(207), 40.31(1) through 40.31(9), 40.31(13) through 40.31(15).	Requirements for permits and permit processing	Part 773.
40.32(207), 40.32(1), 40.32(2), rights 40.32(4)	Revision or amendment; renewal; and transfer, assignment, or sale of permit rights.	Part 774.
40.33(207)	General content requirements for permit applications	Part 777.
40.34(207), 40.34(2), 40.34(3)	Permit application—minimum requirements for legal, financial, compliance, and related information.	Part 778.
40.35(207)	Surface mining permit applications—minimum requirements for information on environmental resources.	Part 779.
40.36(207)	Surface mining permit applications—minimum requirements for reclamation and operation plan.	Part 780.
40.37(207), 40.37(4)	Underground mining permit applications—minimum requirements for information on environmental resources.	Part 783.

27 Iowa Administrative Code Chapter 40, Coal Mining Rules (IAC 27–40)	Topic	Federal regulations adopted by reference (30 CFR)
40.38(207), 40.38(2), 40.38(3)	Underground mining permit applications—minimum requirements for reclamation and operation plan.	Part 784.
40.39(207)	Requirements for permits for special categories of mining	Part 785.
40.51(207)	Bond and insurance requirements for surface coal mining and reclamation operations under regulatory programs.	Part 800.
40.61(207), 40.61(4)	Permanent program performance standards—general provisions	Part 810.
40.62(207)	Permanent program performance standards—coal exploration	Part 815.
40.63(207), 40.63(9)	Permanent program performance standards—surface mining activities	Part 816.
40.64(207)	Permanent program performance standards—underground mining activities.	Part 817.
40.65(207)	Special permanent program performance standards—auger mining	Part 819.
40.66(207)	Special permanent program performance standards—operations on prime farmland.	Part 823.
40.67(207)	Permanent program performance standards—coal preparation plants not located within the permit area of a mine.	Part 827.
40.71(207)	State regulatory authority—inspection and enforcement	Part 840.
40.74(207), 40.74(9)	Civil penalties	Part 845.
40.75(207)	Individual civil penalties	Part 846.
40.81(207)	Permanent regulatory program requirements—standards for certification of blasters.	Part 850.
40.82(207)	Certification of blasters	Part 955.
40.92(8)	Contested cases	775.11 and 775.13

We find that Iowa's revised regulations are no less effective than the corresponding Federal regulations, and we are approving these adoptions by reference.

B. IAC 27—40.4(207) Permanent Regulatory Program (30 CFR Part 701)

1. At IAC 27—40.4(9), Iowa removed its definition of ''previously mined area'' and adopted by reference the Federal definition of ''previously mined area'' at 30 CFR 701.5.

We find that Iowa's removal of its definition of ''previously mined area'' at IAC 27—40.4(9) and the adoption by reference of the Federal definition of ''previously mined area'' at 30 CFR 701.5 does not make its regulations less effective than the Federal regulations.

Therefore, we are approving this removal and adoption by reference.

2. At IAC 27—40.4(11), Iowa deleted from its reference of 30 CFR 701.5 the definition for ''violation, failure or refusal'' and inserted in its place, the following definition:

''Violation, failure, or refusal,'' means—

(1) A violation of a condition of an approved permit pursuant to the Iowa program or an enforcement action pursuant to Iowa Code section 207.14, or

(2) A failure or refusal to comply with any order issued under Iowa Code section 207.14 or any order incorporated in a final decision issued by the administrator, except an order incorporated in a decision issued under subrule 40.74(7) or rule 27—40.7(207).

We find that Iowa's definition of ''violation, failure, or refusal'' is no less effective than the counterpart Federal definition at 30 CFR 701.5, and we are approving it.

C. IAC 27—40.6(207) Exemptions for Coal Extraction Incident to Government-Financed Highway or Other Constructions (30 CFR Part 707)

Iowa removed IAC 27—40.6(2), which deleted the words ''250 tons'' from its reference of 30 CFR 707.12 and inserted the words ''50 tons.''

We find that the removal of IAC 27—40.6(2) makes Iowa's regulations at IAC 27—40.6(207) substantively the same as the counterpart Federal regulations at 30 CFR part 707, and we are approving it.

D. IAC 27—40.31(207) Requirements for Permits and Permit Processing (30 CFR Part 773)

At IAC 27—40.31(12), Iowa revised its existing paragraph (h) by adding the words ''The permittee'' and the words ''the permit shall'' as shown below. Paragraph (h) is a permit condition that had been previously added to Iowa's adoption by reference of 30 CFR 773.17.

(h) The permittee shall ensure and the permit shall contain specific conditions requiring that, as a condition of the permit, the permittee shall not, except as permitted by law, willfully resist, prevent, impede, or interfere with the division or any of its agents in the performance of their duties.

We find that the revisions are minor in nature and only clarify the previously approved permit condition. Therefore, this change does not make Iowa's regulation less effective than the Federal regulation at 30 CFR 773.17, and we are approving it.

E. IAC 27—40.35(207) Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources (30 CFR Part 779)

Iowa removed IAC 27—40.35(3), which deleted from 30 CFR 779.22(a)(1) the words ''A map'' and inserted the words ''A map at a scale of 1:2400 or larger or an aerial photo.''

We find that Iowa's removal of this provision is appropriate because we removed 30 CFR 779.22 from the Federal regulations on May 27, 1994 (59 FR 27932). Therefore, we are approving the removal of IAC 27—40.35(3).

F. IAC 27—40.41(207) Permanent Regulatory Program—Small Operator Assistance Program (30 CFR Part 795)

At IAC 27—40.41(207), Iowa updated its adoption by reference of the requirements of 30 CFR part 795 from those in effect as of July 1, 1992, to those in effect as of July 1, 2002.

We find that Iowa's revised regulations at IAC 27—40.41(207) are no less effective than the corresponding Federal regulations at 30 CFR part 795. However, Iowa has not updated its statutory authority for small operator assistance at Iowa Code section 207.4, subsection 1, paragraph d to reflect the changes made to section 507(c)(1) of SMCRA on November 5, 1990, and October 24, 1992. Therefore, we are approving Iowa's regulations at IAC 27—40.41(207) with the requirement that Iowa amend Iowa Code section 207.4, subsection 1, paragraph d to include the changes made to section

507(c)(1) of SMCRA before implementing the regulations.

G. IAC 27—40.63(207) Permanent Program Performance Standards—Surface Mining Activities (30 CFR Part 816)

At IAC 27—40.63(6), Iowa added a reference to its ''Revegetation Success Standards and Statistically Valid Sampling Techniques'' dated April 1999, as approved on December 27, 2001.

We find that Iowa's reference to its ''Revegetation Success Standards and Statistically Valid Sampling Techniques'' is appropriate. At 30 CFR 816.116(a)(1), we require regulatory authorities to include standards for success and statistically valid sampling techniques for measuring success in their approved regulatory programs. We approved Iowa's standards and sampling techniques on December 27, 2001. Therefore, we are approving Iowa's reference at IAC 27—40.63(6).

H. IAC 27—40.64(207) Permanent Program Performance Standards—Underground Mining Activities (30 CFR Part 817)

1. At IAC 27—40.64(4), Iowa added a reference to its ''Revegetation Success Standards and Statistically Valid Sampling Techniques'' dated April 1999, as approved on December 27, 2001.

We find that Iowa's reference to its ''Revegetation Success Standards and Statistically Valid Sampling Techniques'' is appropriate. At 30 CFR 817.116(a)(1), we require regulatory authorities to include standards for success and statistically valid sampling techniques for measuring success in their approved regulatory programs. We approved Iowa's standards and sampling techniques on December 27, 2001. Therefore, we are approving Iowa's reference at IAC 27—40.64(4).

2. Iowa removed IAC 27—40.64(6), which deleted from its reference of 30 CFR 817.121(c)(2) the phrase ''To the extent required under applicable provisions of State law.''

We find that Iowa's removal of IAC 27—40.64(6) is appropriate. On March 31, 1995, we revised 30 CFR 817.121(c), and it no longer requires the correction of material damage to the extent required under applicable provisions of State law (60 FR 16735). Therefore, we are approving this removal.

I. IAC 27—40.73(207) Enforcement (30 CFR Part 843)

1. At IAC 27—40.73(2), Cessation Orders, Iowa revised its reference of the State regulations in paragraph ''g'' by changing 27—40.31(207) to 27—40.32(207). Iowa also revised its references of the Federal regulations by changing 30 CFR 773.17(i) to 30 CFR 774.12 and 30 CFR 778.13(c) and (d) to 30 CFR 778.11(c) and (d).

We find that the changes made by Iowa are appropriate. We codified the substantive requirements of 30 CFR 773.17(i) at 30 CFR 774.12 on December 19, 2000 (65 FR 79663). We also redesignated the substantive requirements of 30 CFR 778.13(c) and (d) as 30 CFR 778.11(c) and (d) on December 19, 2000 (65 FR 79664). Therefore, we are approving the changes made to IAC 27—40.73(2)g.

2. At IAC 27—40.73(4), Suspension or Revocation of Permits, Iowa revised its reference in paragraph ''d'' from 27—40.74(207) to paragraph ''a'', subparagraph (1) of this subrule.

We find that this is a nonsubstantive, editorial-type correction that is appropriate and does not make Iowa's regulation less effective than the counterpart Federal regulation at 30 CFR 843.13(d).

J. IAC 27—40.75(207) Individual Civil Penalties (30 CFR Part 846)

At 27—40.75(2), Iowa removed its definition of ''violation, failure or refusal'' and added it at 27—40.4(11).

We find that this revision is appropriate. On December 19, 2000, we moved the Federal definition of ''violation, failure or refusal'' from 30 CFR 846.5 to 30 CFR 701.5 (65 FR 79656). Therefore, we are approving the removal of this definition from IAC 27—40.75(2). See discussion of 27—40.4(11) above under B.2 of OSM's Findings.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment, but did not receive any.

Federal Agency Comments

Under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Iowa program (Administrative Record No. IA–448.1). We did not receive any comments.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Iowa proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask EPA to concur on the amendment. Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from EPA (Administrative Record No. IA–448.1). EPA did not respond to our request.

State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On March 3, 2004, we requested comments on Iowa's amendment (Administrative Record No. IA–448.1), but neither responded to our request.

V. OSM's Decision

Based on the above findings, we approve with one additional requirement as discussed in III.F. of OSM's Findings, the amendment Iowa sent us on February 24, 2004. In Finding III.F., we require Iowa to revise its statute at Iowa Code section 207.4, subsection 1, paragraph d to include the changes that were made to section 507(c)(1) of SMCRA on November 5, 1990, and October 24, 1992. When Iowa meets this requirement, the State can implement the proposed amendment IAC 27–40.41(207).

We approve the regulations proposed by Iowa with the provision that they be fully promulgated in identical form to the regulations submitted to and reviewed by OSM and the public.

To implement this decision, we are amending the Federal regulations at 30 CFR part 915, which codify decisions concerning the Iowa program. We find that good cause exists under 5 U.S.C. 553(d)(3) to make this final rule effective immediately. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. Making this rule effective immediately will expedite that process. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12630—Takings

In this rule, the State is adopting valid existing rights standards that are similar to the standards in the Federal definition at 30 CFR 761.5. Therefore, this rule has the same takings implications as the Federal valid existing rights rule. The takings

implications assessment for the Federal valid existing rights rule appears in Part XXIX.E. of the preamble to that rule. See 64 FR 70766, 70822–27, December 17, 1999.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments because each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects 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. This determination is based on the fact that the Iowa program does not regulate coal exploration and surface coal mining and reclamation operations on Indian lands. Therefore, the Iowa program has no effect on Federally-recognized Indian tribes.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior 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.*). The State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 915

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 7, 2004.

Charles E. Sandberg,

Regional Director, Mid-Continent Regional Coordinating Center.

■ For the reasons set out in the preamble, 30 CFR part 915 is amended as set forth below:

PART 915—IOWA

■ 1. The authority citation for part 915 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 915.15 is amended in the table by adding a new entry in chronological order by ''Date of final publication'' to read as follows:

§ 915.15 Approval of Iowa regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* *	* *	* * *
February 24, 2004	June 1, 2004	IAC 27—40.1(1), 40.1(4); 40.3(207); 40.4(207), 40.4(2), 40.4(3), 40.4(9), 40.4(11); 40.5(207); 40.6(207), 40.6(2); 40.7(207); 40.11(207); 40.12(207); 40.13(207); 40.21(207), 40.21(4) through 40.21(6); 40.22(207), 40.22(2); 40.23(207); 40.30(207), 40.30(1), 40.30(4); 40.31(207), 40.31(1) through 40.31(9), 40.31(12) through 40.31(15); 40.32(207), 40.32(1), 40.32(2), 40.32(4); 40.33(207); 40.34(207), 40.34(2), 40.34(3); 40.35(207), 40.35(3); 40.36(207); 40.37(207), 40.37(4); 40.38(207), 40.38(2), 40.38(3); 40.39(207); 40.41(207); 40.51(207); 40.61(207), 40.61(4); 40.62(207); 40.63(207), 40.63(6), 40.63(9); 40.64(207), 40.64(4), 40.64(6); 49.65(207); 40.66(207); 40.67(207); 40.71(207); 40.73(2)g, 40.73(4)d; 40.74(207), 40.74(9); 40.75(207), 40.75(2); 40.81(207); 40.82(207); 40.92(8).

■ 3. Section 915.16 is amended by adding paragraph (b) to read as follows:

§ 915.16 Required program amendments.

* * * * *

(b) Before Iowa implements its regulations at IAC 27—40.41(207), it must revise Iowa Code section 207.4, subsection 1, paragraph d to include the changes that were made to section 507(c)(1) of SMCRA on November 5, 1990, and October 24, 1992.

[FR Doc. 04–12248 Filed 5–28–04; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 67

[USCG–2001–10714]

RIN 1625–AA34

Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys

AGENCY: Coast Guard, DHS.

ACTION: Final rule; correction.

SUMMARY: The Coast Guard published in the **Federal Register** of May 5, 2004, a final rule concerning an update of rules on aids to navigation. The final rule, as published, contained an error—a request to remove two sentences from a section in which the sentences are not present. This document corrects that error.

DATES: Effective June 1, 2004.

FOR FURTHER INFORMATION CONTACT: For questions on this correction notice, call or e-mail Dan Andrusiak, Office of Aids to Navigation (G-OPN), U.S. Coast Guard, at telephone 202–267–0327, or *dandrusiak@comdt.uscg.mil.*

SUPPLEMENTARY INFORMATION:

Need for Correction

The final rule, as published, contained an error. The rule removes two sentences from six sections in 33 CFR part 67 subpart 67.50. Section 67.50–35 was added to this list of sections by mistake. The two identified sentences do not appear in § 67.50–35.

Correction of Publication

PART 67—[CORRECTED]

■ In FR Doc. 04–9908 published on May 5, 2004, (69 FR 24979), make the following corrections:

§ 67.50–35 [Corrected]

■ 1. On page 24984, in the second column, on line 7, correct the list of section numbers by removing ''67.50–35,''.

■ 2. In amendatory instruction 30, correct the instruction by removing ''67.50–35(b),''.

Dated: May 24, 2004.

David S. Belz,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 04–12360 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–04–048]

Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and Their Tributaries, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Metropolitan Avenue Bridge, mile 3.4, across English Kills at New York City, New York. Under this temporary deviation the bridge may remain closed from 7 a.m. through 4 p.m., from June 11 to June 12, June 14 to June 19, and June 21 to June 26, 2004, to facilitate necessary bridge maintenance.

DATES: This deviation is effective from June 11, 2004 through June 26, 2004.

FOR FURTHER INFORMATION CONTACT: Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668–7195.

SUPPLEMENTARY INFORMATION: The New York City Department of Transportation (NYCDOT) Metropolitan Avenue Bridge has a vertical clearance in the closed position of 10 feet at mean high water and 15 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.801(e).

NYCDOT, requested a temporary deviation from the drawbridge operation regulations to facilitate repairs to the electrical controls at the bridge. The bridge must remain in the closed position to perform these repairs.

Under this temporary deviation the NYCDOT Metropolitan Avenue Bridge may remain in the closed position from 7 a.m. through 4 p.m., from June 11 to June 12, June 14 to June 19, and June 21 to June 26, 2004.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: May 20, 2004.

John L. Grenier,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 04–12320 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–04–021]

RIN 1625–AA09

Drawbridge Operation Regulations: Harlem River, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Triborough (125th Street) Bridge, mile 1.3, across the Harlem River at New York City, New York. This temporary final rule allows the bridge owner to require a forty-eight hour notice for bridge openings from June 1, 2004, through January 31, 2005. This action is necessary to facilitate structural rehabilitation at the bridge.

DATES: This rule is effective from June 1, 2004, through January 31, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–04–021) and are available for inspection or copying the First Coast Guard District, Bridge Branch Office, One South Street, New York, New York, 10004, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668–7165. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. Joe Arca, Project Officer, First Coast Guard District, (212) 668–7069.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 5, 2004, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Harlem River, New York, in the **Federal Register** (69 FR 17616). Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. Making this rule effective in less than 30 days is necessary in order to allow bridge repairs to start on June 1, 2004. The Coast Guard believes this is reasonable since the bridge has not received an opening request in over three years.

Background and Purpose

The Triborough (125th Street) Bridge has a vertical clearance of 54 feet at mean high water and 59 feet at mean low water in the closed position.

The existing drawbridge operation regulations listed at 33 CFR 117.789(d) require the bridge to open on signal from 10 a.m. to 5 p.m. after at least a four-hour notice is given.

The owner of the bridge, the Triborough Bridge and Tunnel Authority (TBTA), requested a temporary change to the drawbridge operation regulations to allow the bridge owner to require a forty-eight hour notice for bridge openings from June 1, 2004, through January 31, 2004, to facilitate structural rehabilitation of the bridge. The Triborough (125th Street) Bridge has not received any requests to open for the past three years.

The bridge owner plans to replace the structural steel deck system at the bridge between June 1, 2004, and January 31, 2005. Temporary concrete roadway barriers will be used to redirect vehicular traffic over the bridge to facilitate lane closures required to structurally rehabilitate sections of the bridge roadway steel decking.

Under the existing drawbridge operation regulations, which require a four-hour advance notice, unscheduled bridge opening requests would be impossible to grant. Such openings would be impossible because of the time needed to safely remove construction equipment, concrete barriers, and construction workers from the lift span. The additional advanced notice will allow time for the bridge operators to properly remove construction materials so that the bridge may operate safely upon request for an opening. Additionally, the Coast Guard believes the requested forty-eight hour advance notice requirement is reasonable based upon the lack of bridge opening requests over the past three years.

Discussion of Comments and Changes

We received no comment letters in response to the notice of proposed rulemaking. No changes were made to this final rule.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3), of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). This conclusion is based on the fact that the bridge has received no vessel traffic for the past three years, thus there will be little, if any, impact on vessel traffic by the increased advance notice requirement. The bridge will continue to open for vessel traffic with 48 hours advance notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities. The reasoning for this conclusion is the same as that found under the ''Regulatory Evaluation'' section.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have 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.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this final rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environmental documentation. It has been determined that this final rule does not significantly impact the environment. Under figure 2–1, paragraph (34)(e) of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. In § 117.789, from June 1, 2004 through January 31,2005, paragraph (d) is temporarily suspended and a new temporary paragraph (h) is added to read as follows:

§ 117.789 Harlem River.

* * * * *

(h) The draw of the Triborough (125th Street) Bridge, mile 1.3, shall open on signal from 10 a.m. to 5 p.m. if at least a forty-eight hour notice is given.

Dated: May 20, 2004.

John L. Grenier,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 04–12358 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD01–04–053]

RIN 1625–AA00

Security Zones; New York Marine Inspection Zone and Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary security zones in portions of the waters around Stapleton Homeport Pier in Upper New York Bay, and the New York City Passenger Ship Terminal and Intrepid Museum in the Hudson River and a moving security zone around each participating vessel in the 2004 Fleet Week parade. This action is necessary to safeguard Naval and Coast Guard vessels, critical port infrastructure and coastal facilities from sabotage, subversive acts, or other threats. This rule prohibits entry into or movement within these security zones without authorization from the Captain of the Port New York.

DATES: This rule is effective from 8 a.m., May 24, 2004, until 8 p.m., June 2, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket (CGD01–04–

053) and are available for inspection or copying at room 203, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander W. Morton, Waterways Oversight Branch, Coast Guard Activities New York at (718) 354–4191.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(3), the Coast Guard finds that good cause exists for not publishing an NPRM. The Captain of the Port conducts an ongoing assessment of the maritime domain security needs within the port and has determined that the temporary security zones established by this rule are necessary to provide for the protection of Naval and Coast Guard vessels, critical port infrastructure and coastal facilities. This determination was reached after due consideration of various warnings publicly disseminated by the Federal Bureau of Investigation and other law enforcement agencies, and threatening statements attributed to the al Qaeda organization. In view of the urgent need to adequately safeguard Naval and Coast Guard vessels, critical coastal facilities and infrastructure from potential terrorist attack, any delay in making these security zones effective would be contrary to the public interest.

For the same reasons, the Coast Guard further finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** pursuant to 5 U.S.C. 553(d)(3).

Background and Purpose

On September 11, 2001 three commercial aircraft were hijacked and flown into the World Trade Center in New York City, and the Pentagon, inflicting catastrophic human casualties and property damage. National security and intelligence officials warn that future terrorist attacks are likely. The President has continued the national emergencies he declared following the September 11, 2001 terrorist attacks. *See*, *Continuation of the National Emergency with Respect to Certain Terrorist Attacks*, 67 FR 58317 (September 13, 2002); *Continuation of the National Emergency With Respect To Persons Who Commit, Threaten To Commit, Or Support Terrorism*, 67 FR 59447 (September 20, 2002). The President also has found pursuant to law, including the Magnuson Act (50 U.S.C. 191 *et seq.*), that the security of the United States is endangered by disturbances in international relations of the United States that have existed since the terrorist attacks on the United States and such disturbances continue to endanger such relations. *Executive Order 13273 of August 21, 2002, Further Amending Executive Order 10173, as Amended, Prescribing Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities of the United States,* 67 FR 56215 (September 3, 2002).

Since the September 11, 2001 terrorist attacks, the Federal Bureau of Investigation has issued several warnings concerning the potential for additional attacks within the United States. In addition, the ongoing hostilities in Afghanistan and growing tensions within Iraq have made it prudent for U.S. ports and properties of national significance to be on a higher state of alert because the al Qaeda organization and other similar organizations have declared an ongoing intention to conduct armed attacks on U.S. interests worldwide.

The Coast Guard is establishing temporary security zones around the Stapleton Homeport Pier in Upper New York Bay, the New York City Passenger Ship Terminal and Intrepid Museum in the Hudson River, and around all participating vessels in the 2004 Fleet Week. These security zones are necessary to provide for the security of the port and to ensure that vessels and facilities, are not used as targets of, or platforms for, terrorist attacks. These zones would restrict entry into or movement within portions of the New York Marine Inspection and Captain of the Port Zones.

Discussion of Rule

This rule establishes the following temporary security zones:

Stapleton Homeport Pier, Upper New York Bay, Staten Island, NY

The Coast Guard is establishing a temporary security zone in all waters of Upper New York Bay within approximately 400 yards of the Stapleton Homeport Pier, encompassed by a line connecting the following points: 40°38′00.6″ N, 074°04′22.3″ W, thence to 40°37′51.1″ N, 074°03′46.5″ W, thence to 40°37′27.5″ N, 074°03′54.5″ W, thence to 40°37′33.7″ N, 074°04′20.8″ W, (NAD 1983) thence along the shoreline to the point of origin.

New York City Passenger Ship Terminal and Intrepid Museum, Hudson River, Manhattan, NY

The Coast Guard is establishing a temporary security zone in all waters of the Hudson River within approximately 400 yards of Piers 86, 88, 90, and 92, encompassed by a line connecting the following points: from the northeast corner of Pier 81 where it intersects the seawall, thence to approximate position 40°45′51.3″ N, 074°00′30.2″ W, thence to 40°46′27.7″ N, 074°00′04.9″ W, thence to the southeast corner of Pier 97 where it intersects the seawall.

2004 Fleet Week, Port of New York/New Jersey

The Coast Guard is establishing a temporary moving security zone in all waters of the Port of New York/New Jersey within a 500-yard radius of each participating vessel in the 2004 Fleet Week between Ambrose Light (LLNR 720) and the George Washington Bridge (river mile 11.0) on the Hudson River.

The zones described above are necessary to protect the Naval and Coast Guard vessels participating in Fleet Week 2004, the Stapleton Homeport Pier, the New York City Passenger Ship Terminal; the Intrepid Museum, others in the maritime community, and the surrounding communities from subversive or terrorist attack against the vessels and piers that could potentially cause serious negative impact to vessels, the port, or the environment and result in numerous casualties. The Captain of the Port does not expect this rule to interfere with the transit of any vessels through the waterways adjacent to each facility. Vessels will still be able to transit around the security zones at all times or after a limited wait while the parade column passes their location. Additionally, vessels will not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the zones unless they are required to wait for a limited duration while the parade column is transiting by their location.

Any violation of any security zone herein is punishable by, among others, civil penalties (not to exceed $27,500 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment for not more than 10 years and a fine of not more than $100,000), in rem liability against the offending vessel, and license sanctions. This regulation is established under the authority contained in 50 U.S.C. 191, 33 U.S.C. 1226.

No person or vessel may enter or remain in a prescribed security zone at any time without the permission of the Captain of the Port, New York. Each person or vessel in a security zone shall obey any direction or order of the Captain of the Port. The Captain of the Port may take possession and control of

any vessel in a security zone and/or remove any person, vessel, article or thing from a security zone.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This finding is based on the fact that: the zones are temporary in nature; the zones implicate relatively small portions of the waterway; and vessels will be able to transit around the security zones at all times or after a limited wait while the parade passes their location.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Upper New York Bay and the Hudson River in which entry will be prohibited by these security zones.

These security zones will not have a significant economic impact on a substantial number of small entities for the following reasons: the zones are temporary in nature; the zones implicate relatively small portions of the waterways; and vessels will be able to transit around the security zones at all times or after waiting for a limited duration while the parade column passes their location.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this temporary rule so that we can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Commander W. Morton, Waterways Oversight Branch, Coast Guard Activities New York at (718) 354–4191.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and 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.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. This rule fits paragraph 34(g) as it establishes security zones. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. From 8 a.m., May 24, 2004, to 8 p.m., June 2, 2004, add temporary § 165.T01–053 to read as follows:

§ 165.T01–053 Security Zones; New York Marine Inspection Zone and Captain of the Port Zone.

(a) *Security zones.* The following waters within the New York Marine Inspection Zone and Captain of the Port Zone are security zones:

(1) *Stapleton Homeport Pier, Upper New York Bay, Staten Island, NY.* (i) *Location:* All waters of Upper New York Bay within approximately 400 yards of the Stapleton Homeport Pier, encompassed by a line connecting the following points: 40°38′00.6″ N, 074°04′22.3″ W, thence to 40°37′51.1″ N, 074°03′46.5″ W, thence to 40°37′27.5″ N, 074°03′54.5″ W, thence to 40°37′33.7″ N, 074°04′20.8″ W, (NAD 1983) thence along the shoreline to the point of origin.

(ii) *Enforcement period.* Paragraph (a)(1)(i) will be enforced from 8 a.m. on Monday, May 24, 2004 to 8 p.m. on Wednesday, June 2, 2004.

(2) *New York City Passenger Ship Terminal and Intrepid Museum, Hudson River, Manhattan, NY.* (i) *Location*: All waters of the Hudson River within approximately 400 yards of Piers 86, 88, 90, and 92, encompassed by a line connecting the following points: from the northeast corner of Pier 81 where it intersects the seawall, thence to approximate position 40°45′51.3″ N, 074°00′30.2″ W, thence to 40°46′27.7″ N, 074°00′04.9″ W, thence to the southeast corner of Pier 97 where it intersects the seawall.

(ii) *Enforcement period.* Paragraph (a)(2)(i) will be enforced from 9 a.m. on Tuesday, May 25, 2004 to 8 p.m. on Wednesday, June 2, 2004.

(3) *2004 Fleet Week, Port of NY/NJ.* (i) *Location:* All waters of the Port of New York/New Jersey within a 500-yard radius of each participating vessel in the 2004 Fleet Week between Ambrose Light (LLNR 720) and the George Washington Bridge (river mile 11.0) on the Hudson River.

(ii) *Enforcement period.* Paragraph (a)(3)(i) will be enforced from 8 a.m. on Wednesday, May 26, 2004, until 8 p.m. on Wednesday, June 2, 2004.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.33 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard.

(3) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: May 24, 2004.

C.E. Bone,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 04–12319 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Huntington–04–001]

RIN 1625–AA00

Safety Zone; Ohio River, Marietta, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the waters of the Ohio River beginning at mile 171.5 and ending at mile 172.5, extending the entire width of the river. This safety zone is needed to protect participating vessels and mariners during the Marietta Roar Tunnel Boat Race. With the exception of participating vessels and mariners, all vessels and persons are prohibited from transiting within this safety zone unless authorized by the Captain of the Port Huntington or a designated representative.

DATES: This rule is effective from 9:30 a.m. on July 3, 2004 until 7 p.m. on July 4, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [COTP Huntington–04–001] and are available for inspection or copying at Marine Safety Office Huntington, 1415 6th Ave., Huntington, WV between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Petty Officer (PO) John Bialasik, Marine Safety Office Huntington, WV, at (304) 529–5524.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM in the **Federal Register**. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to protect vessels and mariners participating in a high-speed boat race.

Background and Purpose

The APR Powerboat Superleague will be conducting the Marietta Roar Tunnel Boat Race on July 3 and July 4, 2004. Race boats will be traveling at a very high rate of speed and at times may not be able to stop to avoid a collision if spectator or other vessels are operating in close proximity of the racecourse. A safety zone is needed to protect the race boats, persons and spectators from the potential safety hazards associated with this boat race.

Discussion of Rule

The Coast Guard is establishing a temporary safety zone for the waters of the Ohio River beginning at mile 171.5 and ending at mile 172.5, extending the entire width of the river. The term ''participating vessel'' includes all vessels registered with race officials to race or work in the event. They include race boats, rescue boats, towboats and picket boats associated with the race. With the exception of participating vessels and those mariners operating participating vessels, all vessels and persons are prohibited from transiting within this safety zone unless authorized by the Captain of the Port Huntington or a designated representative. This rule is effective from 9:30 a.m. on July 3, 2004 until 7 p.m. on July 4, 2004. This rule will only be enforced from 9:30 a.m. until 7 p.m. on each day that it is effective. During non-enforcement hours all vessels will be allowed to transit through the safety zone without having to obtain permission from the Captain of the Port Huntington or a designated representative. The Captain of the Port Huntington will inform the public through broadcast notice to mariners of the enforcement periods for the safety zone.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs

and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This regulation will only be in effect for nine and a half hours each day and notifications to the maritime community will be made through broadcast notice to mariners. During non-enforcement hours all vessels will be allowed to transit through the safety zone without having to obtain permission from the Captain of the Port Huntington or a designated representative. Additionally, 30-minute breaks will be scheduled every three hours to allow awaiting vessels to pass through the safety zone. The impacts on routine navigation are expected to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule will have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners and operators of commercial and recreational vessels intending to transit the Ohio River from mile marker 171.5 to 172.5, from 9:30 a.m. on July 3, 2004 until 7 p.m. on July 4, 2004. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (1) This rule will only be enforced from 9:30 a.m. until 7 p.m. on each day that it is effective; (2) During non-enforcement hours all vessels will be allowed to transit through the safety zone without permission from the Captain of the Port Huntington or a designated representative; and (3) 30-minute breaks will be scheduled every three hours to allow awaiting vessels to pass through the safety zone. If you are a small business entity and are significantly affected by this regulation, please contact PO John Bialasik, Marine Safety Office Huntington, WV, at (304) 529–5524.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that Order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation because this rule is not expected to result in any significant adverse environmental impact as described in NEPA.

Under figure 2–1, paragraph (34)(g), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Temporarily add new § 165.T08–032 to read as follows:

§ 165.T08–032 Safety Zone; Ohio River, Mile 171.5 to 172.5 Marietta, OH.

(a) *Definition*. As used in this section—

Participating vessel means all vessels registered with race officials to race or work in the event. These vessels include race boats, rescue boats, towboats and picket boats associated with the race.

(b) *Location*. The following area is a safety zone: the waters of the Ohio River beginning at mile 171.5 and ending at mile 172.5, extending the entire width of the river.

(c) *Effective date*. This rule is effective from 9:30 a.m. on July 3, 2004 until 7 p.m. on July 4, 2004.

(d) *Periods of Enforcement*. This rule will be enforced from 9:30 a.m. until 7 p.m. on each day that it is effective. The Captain of the Port Huntington or a designated representative will inform the public through broadcast notice to mariners of the enforcement periods for the safety zone.

(e) *Regulations*: (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited to all persons and vessels except participant vessels and those vessels specifically authorized by the Captain of the Port Huntington or a designated representative.

(2) Persons or vessels other than participating vessels and mariners requiring entry into or passage through the zone must request permission from the Captain of the Port Huntington or a designated representative. They may be contacted on VHF–FM Channel 13 or 16 or by telephone at (304) 529–5524.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Huntington and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: May 20, 2004.

J.M. Michalowski,

Commander, U.S. Coast Guard, Captain of the Port Huntington.

[FR Doc. 04–12321 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Charleston 04–046]

RIN 1625–AA00

Safety Zone; Bucksport, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Bucksport Marina Championship powerboat races, on the Intracoastal Waterway from Little River to Winyah Bay. This regulation is necessary for the safety of life during the event and to protect commercial and recreational boaters from the hazards associated with the races. Entry into the safety zone is prohibited unless authorized by the COTP Charleston or a designated representative.

DATES: This rule is effective from 10 a.m. on June 5, 2004 until 7 p.m. on June 6, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket COTP Charleston 04–046 and are available for inspection or copying at Coast Guard Marine Safety Office Charleston, South Carolina, between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: LTJG Matthew Meskun, U.S. Coast Guard Marine Safety Office Charleston, South Carolina, at (843) 720–3240.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be unnecessary and contrary to public safety interests. This rule is needed to minimize danger to the public resulting from participant craft in the Bucksport Marina Championship. The event will be held from 10 a.m. on June 5, 2004 until 7 p.m. on June 6, 2004 and there is not sufficient time to allow for a notice and comment period prior to the event. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. In addition, advance notifications will be made via marine information broadcasts.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

The Bucksport Marina Championship is a powerboat race, which will consist of 25 powerboats 13 to 18 feet in length. Approximately 75 spectator craft are also expected to view the races. Portions of the Intracoastal Waterway will be closed for the races. The safety zone will minimize dangers to spectators in attendance. These regulations require that non-participants remain outside the operating area for their safety. The operating area includes all waters of the Atlantic Intracoastal Waterway, from bank to bank, from Little River at Day Beacon 35 (LLNR 33835) to Winyah Bay 100 yards South of light 38 (LLNR 33845).

During the event, non-participating vessels are prohibited from anchoring, mooring, or transiting within this zone, unless authorized by the Captain of the Port, Charleston, South Carolina or the Coast Guard Patrol Commander.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary, because the safety zone will only be in effect for 2 days and only covers a limited area.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small business, not-for-profit organizations that are independently owned and operated and are not

dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: this rule is for a highly publicized event and will only be in effect for a limited time and for a limited area. The Coast Guard Patrol Commander can authorize transits through the regulated area during scheduled openings every 1.5 hours.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for comment on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in the preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order, because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph 34(g), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (34)(g), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule. Under paragraph 34(g), of the Instruction, Coast Guard categorical exclusions include regulations that establish safety zones.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulations

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165, as follows:

PART 165—SAFETY ZONES AND SECURITY ZONES

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191; 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add new temporary § 165.T07–046 to read as follows:

§ 165.T07–046 Safety Zone; Bucksport, SC.

(a) *Regulated area.* The Coast Guard is establishing a temporary fixed safety zone in all waters of the Atlantic Intracoastal Waterway, from bank to bank and surface to bottom, from Little River at Day Beacon 35 (LLNR 33835) to Winyah Bay 100 yards South of Light 38 (LLNR 33845).

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Captain of the Port, Charleston, South Carolina.

(c) *Regulations.* In accordance with the general regulations in 165.23 of this part, anchoring, mooring or transiting in this zone is prohibited unless authorized by the Coast Guard Captain

of the Port or Coast Guard Patrol Commander.

(d) *Effective period:* This rule is effective from 10 a.m. on June 5, 2004 until 7 p.m. on June 6, 2004.

Dated: May 19, 2004.

Keith B. Janssen,

Lieutenant Commander, U.S. Coast Guard, Captain of the Port, Charleston, South Carolina.

[FR Doc. 04–12357 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 36, and 53

[FAR Notice 2004–N2]

Federal Acquisition Regulation; Supplemental Information to FAR Case 2000–608 for the Certification of the Regulatory Flexibility Act Statement for the New Standard Form 330, Architect-Engineer Qualifications (Consolidated Form)

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of supplemental information.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) have agreed on this supplemental information to the final rule, FAR Case 2000–608, New Consolidated Form for Selection of Architect-Engineer Contractors, published in the **Federal Register** at 68 FR 69227, December 11, 2003. This notice provides additional factual basis that applies only to the Regulatory Flexibility Act statement in the final rule. All other information remains unchanged.

DATES: *Effective Date:* June 1, 2004.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact Ms. Cecelia Davis, Procurement Analyst, at (202) 219–0202. Please cite FAR Notice 2004–N2.

SUPPLEMENTARY INFORMATION:

A. Background

This notice provides additional factual basis for the certification to the Regulatory Flexibility Act statement provided in the final rule published in the **Federal Register** on December 11, 2003. This final rule amends the Federal Acquisition Regulation (FAR) by replacing the Standard Forms (SFs) 254 and 255 with the new streamlined SF 330. The SFs 254 and 255 have changed little since their introduction in 1975, although the variety of Architect-Engineer (A-E) services has greatly expanded and new technologies have dramatically changed the way A-E firms do business. The SF 330 merges the SFs 254 and 255 into a single streamlined form, expands essential information about qualifications and experience, reflects current A-E disciplines, experience types and technology, eliminates information of marginal value, permits limitations on submission length, and facilitates electronic usage. This rule's intent was to improve the A-E evaluation process. We published a notice on January 7, 2004, to change the effective date from January 12, 2004 to June 8, 2004.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, applies to the final rule that was published in the **Federal Register** at 68 FR 69227, December 11, 2003. This **Federal Register** notice is prepared to further support the Councils earlier determination that this rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. The following information serves as the additional factual basis to support the certification in the final rule version:

An Initial Regulatory Flexibility Act analysis was not performed because the proposed rule did not have a significant economic impact on a substantial number of small entities. After analyzing public comments, the Councils determined that this regulation would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. The Councils continue this determination and are now preparing this factual basis to support our earlier determination and to expand our discussion of the effects of the rule on small businesses. No small businesses specifically complained about the Regulatory Flexibility Act certification.

The purpose of the SFs 254 and 255 has been to present A-E firms' qualifications for consideration in the award of Federal contracts. The Brooks A-E Act requires evaluation and selection of A-E firms based on qualifications including past performance prior to negotiating price. This rule amends the Federal Acquisition Regulation (FAR) by replacing the SFs 254 and 255 with the new streamlined SF 330. The SFs 254 and 255 have changed little since their introduction in 1975, although the variety of A-E services has greatly expanded and new technologies have dramatically changed the way A-E firms do business. The SF 330 merges the SFs 254 and 255 into a single streamlined form, expands essential information about qualifications and experience, reflects current A-E disciplines, experience types and technology, eliminates information of marginal value, permits limitations on submission length, and facilitates electronic usage. This rule's intent is to improve the A-E evaluation process.

Overall the SF 330 requires less information than the SFs 254 and 255, benefiting all businesses, especially small businesses. The following information has been deleted:

- Duplication of data on number of personnel by discipline.
- Work currently being performed for Federal agencies.
- List of all offices, their telephone numbers and the number of personnel in each.
- Revenue information for each of the last 5 years (now the last 3 years).
- Number of projects for each profile code.
- Thirty example projects (required on the SF 254).
- Profile of a firm's project experience expressed in specific dollar amounts (replaced with revenue ranges).

Part I of the SF 330 is focused more on small businesses than the SF 255 because of its emphasis on the specific team of key individuals who will execute the contract requirements, rather than overall corporate experience. This important change is less of a barrier for new businesses (*i.e.,* small businesses). New businesses need to demonstrate competency in their areas of expertise as required by the Brooks A-E Act.

Currently, there are approximately 23,000 small A-E firms registered in the Central Contractor Registration (CCR) system that could apply for Federal Government A-E contracts. Of the one hundred and eighteen commenters, there were no specific objections to the Regulatory Flexibility Act statement. There were 7 small businesses and associations representing small businesses out of the 118 commenters

that identified some burden issues associated with the SF 330, such as the burden associated with converting automated databases. The rule does not require small businesses to maintain a database and it also does not require them to purchase software to fill out the form. Many firms have done so in the past for their convenience. There are at least seven firms that will continue to offer value added SF 330 software packages. These packages are available at varying prices based on their capabilities and some are being offered at very affordable prices. Once companies invest the initial cost for a software package, it is believed that the benefits will outweigh the initial cost. However, as stated earlier, this rule does not require the purchase of a software package to fill out the SF 330. The Government provides three formats of the SF 330 at no cost. The Government has added a Microsoft Word version of the form at the GSA website of Government forms, as a result of requests from A-E firms since the final rule was published.

Seven software companies were contacted in order to conduct a cost analysis on a sampling of the available software packages. The results of the analysis are provided below.

- For a small firm with one user, the cost ranges from $249 to $3,540 for SF 330 software with database backup, technical support and upgrades (provided by most software suppliers).
- For a small firm with one user, two companies offer SF 330 software ''light'' versions (no database backup) at a cost of $165 to $199.

One of the software companies claims to have sold between 750 to 1,000 SF 330 software packages to small businesses in the $400 range. From the analysis above, it is clear that there are reasonably priced software packages available for small firms that wish to invest in a value added software package.

The fact that the form is changed, means some changes will be needed in A-E firms' databases if they elect to continue using databases. It was brought to our attention that these indirect effects will happen. We did adjust the final rule version of the form to make it easier for firms, including small businesses, to perform database maintenance, and for the software companies who will be creating and marketing their updated software versions.

A comment addressing databases stated that this process might cost hundreds of hours researching projects dating back 5 years because the SFs 254 and 255 are coded by discipline, function and profile codes, which were all changed on the SF 330. This is not an accurate statement. Projects are not coded by any of these parameters on the SF 255, and only by profile codes on the SF 254. The same profile codes and function codes are available on the final version of the SF 330 that were used with the SF 254, and additional profile codes and function codes (disciplines) were added, based on industry requests, to update the forms for advances in the A-E industry. These new codes are optional; firms need not use them. A firm that decides it is to the firm's advantage to use the new codes may do so. The firm can go back and reclassify all of its old projects, or only use the new codes selectively.

One commenter stated that requiring 10 sample projects (that best illustrate the team's qualifications) could put a smaller firm at a disadvantage. This requirement was not changed from the SF 255. There is no additional burden because firms have to provide/maintain this information using either the old forms or the SF 330.

A small disadvantaged business commenter said, ''We agree with the Council's general goals for creating a new form. The existing 254/255 forms are in need of an update. The proposed SF 330 has merit; it is shorter, the format is computer-friendly, and there is greater opportunity to clearly define the roles and experiences of key staff and sub-consultants.'' This commenter also raised concerns related to the proposed cost in terms of database conversion. We believe many of these were resolved as a result of such public comments and are reflected in the final version of the SF 330.

Another small business comment was that we limited competition by stressing ''team experience.'' Agencies have had the ability to evaluate team experience, which can be an important aspect of the A-E selection process. The old forms were not always clear about who worked on what project. The new form makes it clearer. However, agencies are not required to favor team experience, although team experience can be a way to demonstrate competency. One of the commenters addressed the requirement for an organizational chart and feels that this requirement is a positive one for small businesses. The commenter stated, ''As a minority business, we are frequently asked to participate in proposal development in order to meet a requirement for minority business participation, but then are never included in the actual project. Requiring the definition of the role of each sub-consultant enhances our chance of obtaining substantive meaningful work. This requirement is tremendously supportive of small businesses.''

In addition to the indirect discretionary burdens of database software conversion, there are also paperwork burdens connected with filling out the forms. We did point out in the Paperwork Reduction Act statement in the proposed rule published at 66 FR 53314, October 19, 2001, that the estimated burden hours to complete the new form were going to dramatically increase in comparison to the old forms. This was a result of the SFs 254 and 255 burden hours being grossly underestimated, and we discussed this in the proposed rule. We received some comments on this but not all small businesses commented on the Paperwork Reduction Act. Based on the public comments, some changes were made to reduce the burden, as outlined in this supplemental information.

There are no additional reporting or recording requirements for firms under this rule. As stated earlier, firms will now provide less information. In addition, firms will now use one streamlined form instead of two outdated forms. The burden hours associated with the Paperwork Reduction Act for SF 330 have increased (see OMB Information Collection 9000–0157.) This is due to the fact that the old forms were drastically underestimated and the SF 330 has been estimated using realistic criteria.

There are no known significant alternatives that will accomplish the objectives of the rule. No alternatives were proposed during the public comment period other than not changing the SFs 254 and 255. This is not an alternative because these forms are out of date, and not adequate for the Federal Government needs. We have extended the effective date from January 12, 2004 to June 8, 2004, to provide industry, especially small businesses more time to prepare for this change.

The interagency committee that developed the SF 330 determined that maintaining the existing SFs 254 and 255 with little or no change was not a feasible alternative. SFs 254 and 255 have changed little since their introduction in 1975, and updating and streamlining were long overdue. The forms do not reflect current A-E services, technologies and professional disciplines. The forms do not reflect current Federal A-E procurement practices, such as the predominant use of indefinite delivery contracts and the emphasis in selections on team experience. Consolidation of the forms was warranted since the SF 254 is rarely used alone in current A-E selections, but

instead as a supplement to the SF 255. The forms contain duplicate information (such as the number of personnel by discipline on both the SFs 254 and 255) and information of marginal value (such as current Federal projects). More emphasis was needed on professional qualifications and relevant example projects, the two most important selection criteria. And finally, the current forms were not optimally designed for electronic usage. Minor revisions to the SFs 254 and 255 would not have fulfilled these many objectives.

The interagency committee realized that changing the SFs 254 and 255 to a new form would require transition effort and costs. But the committee was also certain that, after the transition period, the final SF 330 would be more streamlined than the SFs 254 and 255, and would require considerably less effort for firms to complete.

The public comments on the draft form, including those submitted by small businesses, were carefully considered by the committee in developing the final form. As a result, the final form contains many simplifications that reduce the burden on firms, such as the reinstatement of existing profile code and function code descriptions, the elimination of page numbers, the elimination of photos, the elimination of fees earned on past projects, and simplification of the matrix of key personnel involvement in the example projects. Small businesses cannot be exempted from use of the new form or from completion of certain portions of the form. This form is used for competitive acquisition of A-E services and all firms, including small businesses, must be considered on a uniform basis.

List of Subjects in 48 CFR Parts 1, 36, and 53

Government procurement.

Dated: May 25, 2004.

Laura Auletta,

Director, Acquisition Policy Division.

[FR Doc. 04–12245 Filed 5–28–04; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 052004D]

Atlantic Highly Migratory Species; Shark Fishing Season

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

ACTION: Fishing season notification.

SUMMARY: NMFS notifies eligible participants of the opening and closing dates for the commercial Atlantic large coastal, small coastal, and pelagic shark fisheries for the 2004 second semiannual fishing season.

DATES: The fishery opening for LCS in the Gulf of Mexico region is effective July 1, 2004, through 11:30 p.m., local time, August 15, 2004, and the closure is effective 11:30 p.m., local time, August 15, 2004, through December 31, 2004.

The fishery opening for large coastal sharks (LCS) in the South Atlantic region is effective July 1, 2004, through 11:30 p.m., local time, September 30, 2004, and the closure is effective 11:30 p.m., local time, September 30, 2004, through December 31, 2004.

The fishery opening for small coastal sharks (SCS) in all regions, pelagic sharks, blue sharks, and porbeagle sharks is effective July 1, 2004, through December 31, 2004, unless otherwise modified or superseded through publication of a closure notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz at (phone) 301–713–2347 or (fax) 301–713–1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP), finalized in 1999, and Amendment 1 to the HMS FMP, finalized in 2003, are implemented by regulations at 50 CFR part 635.

Available Quota

On December 24, 2003 (68 FR 74746), NMFS announced that the 2004 annual landings quotas for LCS and SCS were established at 1,017 metric tons (mt) dressed weight (dw) (2,242,078.2 lb dw) for LCS and 454 mt dw (1,000,888.4 lb dw) for SCS. The 2004 quota levels for pelagic, blue, and porbeagle sharks were established at 488 mt dw (1,075,844.8 lb dw), 273 mt dw (601,855.8 lb dw), and 92 mt dw (202,823.2 lb dw), respectively. These quotas were split equally between the two 2004 fishing seasons.

The LCS semiannual quotas were further split, consistent with § 635.27(b)(1)(iii), between three fishing regions. Without accounting for any under- or overharvests, the 2004 regional semiannual LCS quota levels are: Gulf of Mexico - 213.6 mt dw (470,902.6 lb dw); South Atlantic - 274.6 mt dw (605,383.2 lb dw); and North Atlantic - 20.3 mt dw (44,753.4 lb dw).

On May 13, 2004 (69 FR 26540), NMFS published a proposed rule that would change the North Atlantic LCS quota split for the semiannual seasons from an equal split among the seasons to a 20/80 split between the first and second seasons, respectively. The comment period on that proposed rule closed on May 28, 2004. Thus, the LCS semiannual quota stated above for this region may change. As such, NMFS will announce the LCS closing date for the North Atlantic region when the final rule publishes, which is expected to occur before the start of the fishing season on July 1, 2004.

In 2003, the second semiannual fishing season quota for ridgeback LCS was set at 424 mt dw (934,750.4 lb dw) and for non-ridgeback LCS was set at 498 mt dw (1,097,890.8 lb dw). As of February 2004, approximately 338 mt dw (745,155 lb dw) ridgeback LCS and 408 mt dw (899,477 lb dw) non-ridgeback LCS had been reported landed. This constitutes an underharvest for the 2003 second semiannual fishing season for the entire LCS complex of approximately 175.7 mt dw (387,348.2 lb dw). This underharvest, consistent with § 635.27(b)(1)(iii) and (vi), will be split between the regions as follows: Gulf of Mexico - 73.8 mt dw (162,699.5 lb dw); South Atlantic - 94.9 mt dw (209,216.5 lb dw); and North Atlantic - 7 mt dw (15,432.2 lb dw). Thus, the 2004 second semiannual fishing season LCS quotas for the Gulf of Mexico and South Atlantic regions are 287.4 mt dw (633,602 lb dw) and 369.5 mt dw (814,599.7 lb dw), respectively. Additionally, the North Atlantic region will have 7 mt dw (15,432.2 lb dw) added to its semiannual quota once the above-mentioned proposed rule is finalized.

As with the LCS semiannual quotas, the SCS semiannual quotas were split, consistent with § 635.27(b)(1)(iv), among three fishing regions. Without accounting for any under- or

overharvests, the 2004 regional semiannual SCS quota levels are: Gulf of Mexico - 9.1 mt dw (20,061.9 lb dw); South Atlantic - 188.4 mt dw (415,346.6 lb dw); and North Atlantic - 29.5 mt dw (65,035.7 lb dw).

The 2003 second semiannual fishing season quota for SCS was established at 163 mt dw (359,349.8 lb dw). As of February 2004, approximately 134.3 mt dw (296,077.8 lb dw) had been reported landed. This constitutes an underharvest for the 2003 second semiannual fishing season of approximately 28.7 mt dw (63,272 lb dw). This underharvest, consistent with § 635.27(b)(1)(iv) and (vi), will be split among the regions as follows: Gulf of Mexico - 1.2 mt dw (2,645.5 lb dw); South Atlantic - 23.8 mt dw (52,469.5 lb dw); and North Atlantic - 3.7 mt dw (8,157 lb dw). Thus, the SCS regional quotas for the 2004 second semiannual season are: Gulf of Mexico - 10.2 mt dw (22,486.9 lb dw); South Atlantic - 212.2 mt dw (467,816.1 lb dw); and North Atlantic - 33.2 mt dw (73,192.7 lb dw).

The 2004 second semiannual quotas for pelagic, blue, and porbeagle sharks are established at 244 mt dw (537,922.4 lb dw), 136.5 mt dw (300,927.9 lb dw), and 46 mt dw (101,411.6 lb dw), respectively. These are the same quotas that were established for the 2003 second semiannual season. As of February 2004, approximately 64 mt dw (141,094.4 lb dw) had been reported landed in the second 2003 semiannual fishing season in total for pelagic, blue, and porbeagle sharks combined. Additionally, data indicate that in 2002, 68 mt whole weight (ww) (149,912.8 lb ww) of blue sharks were discarded dead in the pelagic longline fishery. Thus, the pelagic shark quota does not need to be reduced consistent with § 635.27(b)(1)(vi).

NMFS will take appropriate action before January 1, 2005, in order to determine and announce the 2005 first trimester quotas for the Atlantic shark fisheries, consistent with § 635.27(b)(1)(iii).

Fishing Season Notification

The 2004 second semiannual commercial fishing season for LCS, SCS, pelagic sharks, blue sharks, and porbeagle sharks in all regions in the western north Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, will open July 1, 2004. To estimate the closure dates of the LCS fisheries, NMFS calculated the average reported catch rates for each region from the second seasons from recent years (2000, 2001, 2002, and 2003) and used these average catch rates to estimate the amount of available quota that would likely be taken by the end of each dealer reporting period. Because state landings after a Federal closure are counted against the quota, NMFS also calculated the average amount of quota reported received after the Federal closure dates of the years used to estimate catch rates. Additionally, pursuant to § 635.5 (b)(1), shark dealers must report any sharks received twice a month: those sharks received between the first and 15th of every month must be reported to NMFS by the 25th of that same month and those received between the 16th and the end of the month must be reported to NMFS by the 10th of the following month. Thus, in order to simplify dealer reporting and aid in managing the fishery, NMFS will close the Federal LCS fishery on either the 15th or the end of any given month.

Based on average LCS catch rates in recent years in the Gulf of Mexico region, approximately 78 percent of the available LCS quota would likely be taken by the second week of August and 97 percent of the available LCS quota would likely be taken by the end of August. Dealer data also indicate that, on average, approximately 26 mt dw (57,319.6 lb dw) of LCS have been reported received by dealers after a Federal closure. This is approximately 9 percent of the available quota. Thus, if catch rates in 2004 are similar to the average catch rates from 2000 to 2003, 87 percent (78 + 9 percent) of the quota could be caught over the entire semiannual season if Federal waters are closed during the second week of August. If the fishery remains open until the end of August, the quota would likely be exceeded (97 + 9 percent = 106 percent). Accordingly, the Assistant Administrator for Fisheries (AA) has determined that the Gulf of Mexico LCS quota for the second 2004 semiannual season will likely be attained by August 15, 2004. Thus, the Gulf of Mexico LCS fishery will close on August 15, 2004, at 11:30 p.m. local time.

Based on average LCS catch rates in recent years in the South Atlantic region, approximately 79 percent of the available LCS quota would likely be taken by the end of September and 87 percent would likely be taken by the second week of October. Dealer data also indicate that, on average, approximately 46 mt dw (101,411.6 lb dw) of LCS are reported received by dealers after a Federal closure. This is approximately 12 percent of the available quota. Thus, if catch rates in 2004 are similar to the average catch rates from 2000 to 2003, 91 percent (79 + 12 percent) of the quota could be caught over the entire semiannual season if Federal waters are closed by the end of September. If the fishery remains open until the second week of October, the quota might be fully taken (87 + 12 = 99 percent). However, in recent years, the LCS fishery has not been open for the entire month of September. As such, the catch rate information for this month is not as reliable as the catch rate information available during the months that the fishery is generally open. As a result, NMFS feels that a more precautionary approach to ensure that the quota is not exceeded is necessary. If the quota is not fully taken, the underharvest will added to the quota in the 2005 fishing year, consistent with § 635.27(b)(1)(vi). Accordingly, the AA has determined that the South Atlantic LCS quota for the second 2004 semiannual season will likely be attained by September 30, 2004. Thus, the South Atlantic LCS fishery will close on September 30, 2004, at 11:30 p.m. local time.

When quotas are projected to be reached for the SCS, pelagic, blue, or porbeagle shark fisheries, the AA will file notification of closure at the Office of the **Federal Register** at least 14 days before the effective date, § 635.28(b)(2).

During a closure, retention of, fishing for, possessing or selling LCS are prohibited for persons fishing aboard vessels issued a limited access permit under 50 CFR 635.4. The sale, purchase, trade, or barter of carcasses and/or fins of LCS harvested by a person aboard a vessel that has been issued a permit under 50 CFR 635.4 are prohibited, except for those that were harvested, offloaded, and sold, traded, or bartered prior to the closure and were held in storage by a dealer or processor.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries (AA), NOAA, finds that providing for prior notice and opportunity for public comment for this action is impracticable and contrary to the public interest. Per the regulations, this notice must be filed with the Office of the **Federal Register** by June 1, 2004, to provide fishermen sufficient time to prepare for the season opening. Season opening and closure dates are necessary to prevent the potential overharvest of the quotas for the Atlantic shark fishery and advance notice of these dates is necessary to address economic and market considerations of the fishery. The quotas and any adjustments to them are based on methods that the public has already commented on for final rules that published on December 24, 2003 (68 FR 74746), and on May 28, 1999 (64 FR 29090). This notice does not change those methods. Furthermore, the closure

dates themselves are calculated based on average catch rates for the fishery and reporting methods by Federal dealers and are established to prevent overfishing. Any under- or overharvest of the quota will be accounted in the quota the following year, as appropriate, consistent with the regulations. This action is required under 50 CFR 635.27(b)(1) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 25, 2004.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04–12354 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 040302080–4157–02 ; I.D.021104C]

RIN 0648–AR44

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid and Butterfish Fisheries; Framework Adjustment 4

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

ACTION: Final rule for Framework Adjustment 4 (Framework 4) to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP).

SUMMARY: NMFS issues the final rule to implement measures contained in Framework 4. This action extends the limited entry program for the *Illex* squid fishery for an additional five years. This action is intended to further the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective July 1, 2004, through July 1, 2009.

ADDRESSES: Copies of Framework 4, including the Final Environmental Impact Statement (FEIS) and Regulatory Impact Review (RIR)/ Regulatory Flexibility Analysis (RFA), are available from: Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council (Council), Room 2115, Federal Building, 300 South New Street, Dover, DE 19904–6790. The FEIS/RIR/RFA and the Record of Decision (ROD) are accessible via the Internet at *http://www.nero.noaa.gov*. Copies of the Record of Decision (ROD) are also available from the Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298.

FOR FURTHER INFORMATION CONTACT: Eric Jay Dolin, Fishery Policy Analyst: phone 978–281–9259; fax 978–281–9135; e-mail *eric.dolin@noaa.gov*.

SUPPLEMENTARY INFORMATION: This action extends the *Illex* squid limited entry (moratorium) program until July 1, 2009, to prevent overcapitalization while the issue is further considered in an amendment to the FMP (Amendment 9), which is being developed by the Council. This extension complies with the criteria in section 303(b)(6) of the Magnuson-Stevens Act. The extension will allow the Council additional time to consider long-term management for the *Illex* squid fishery, including the limited entry program. Vessels that took small quantities of *Illex* squid in the past may continue to do so under the incidental catch provision of the FMP.

The proposed rule for Framework 4 was published on March 26, 2004 (69 FR 15778). Public comments were accepted through April 26, 2004. A full discussion of the background of this action was provided in the proposal and is not repeated here. The final Framework 4 provision is unchanged from that which was proposed.

Comments and Responses

One comment was received from a private individual.

Comment: The number of boats that are allowed to fish for *Illex* under the moratorium should be cut by 50 percent.

Response: Cutting the number of moratorium permits in half is outside the scope of this framework action, the sole purpose of which is to extend the existing moratorium on entry to the *Illex* fishery while the Council addresses this issue in Amendment 9.

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Included in this final rule is the Final Regulatory Flexibility Analysis (FRFA) prepared pursuant to 5 U.S.C. 604(a). The FRFA incorporates the discussion that follows, the comments and responses to the proposed rule, and the Initial RFA (IRFA) and other analyses completed in support of this action. A copy of the IRFA is available from the Executive Director of the Council and via the Internet (see **ADDRESSES**).

Final Regulatory Flexibility Analysis

Statement of Objective and Need

A description of the reasons why this action is being considered, and the objectives of and legal basis for this action, is contained in the preamble to the proposed rule and is not repeated here.

Summary of Significant Issues Raised in Public Comments

One comment was submitted on the proposed rule, but it was not specific to the IRFA or the economic impact of the rule.

Description and Estimate of Number of Small Entities to Which the Rule Will Apply

There are 72 vessels that have been issued moratorium permits, all of which would be impacted by this action. There are no large entities (vessels) participating in this fishery, as defined in section 601 of the Regulatory Flexibility Act. Implementation of this action is not expected to affect the current structure of the vessels allowed to participate in this fishery, therefore, it is not expected to affect revenues or profits of the participating vessels. Also, since the *Illex* fishery is regulated via a hard quota system, this action would not directly affect the quantity of *Illex* landed in the commercial fishery.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

This action does not contain any new collection-of-information, reporting, recordkeeping, or other compliance requirements. It does not duplicate, overlap, or conflict with any other Federal rules.

Minimizing Significant Economic Impacts on Small Entities

In addition to the preferred Alternative 1, the Council considered three other alternatives. Alternative 2 would have extended the moratorium on entry to the *Illex* fishery for an additional two years (through July 1, 2005); Alternative 3 would have allowed the moratorium on entry to the *Illex* fishery to expire on July 1, 2003 (no action); and Alternative 4 would have extended the moratorium on entry to the *Illex* fishery indefinitely. Alternative 4 was rejected from further consideration and analysis because, as explained in detail in the proposed rule, the Council and NMFS considered the measure to be beyond the scope of a framework action. The framework adjustment process set forth at 50 CFR 648.24 is a mechanism to add

management measures to or adjust management measures in the FMP. As a consequence, the *Illex* squid moratorium limitation in the FMP is subject to an adjustment through this framework adjustment process. But the Council concluded that this process was developed to make revisions to the measures in the FMP that did not represent major changes to cornerstone provisions of the FMP, such as the moratorium on entry into the *Illex* squid fishery. Under the Magnuson-Stevens Act, the process of amending the FMP is the appropriate mechanism to extend the moratorium indefinitely.

Alternative 2 would have extended the moratorium on entry of new vessels into the *Illex* fishery, though for a shorter period. Therefore, it would not minimize impacts on vessels when compared to this action. Under Alternative 3, the no-action alternative, the *Illex* fishery would have reverted to open access which could potentially impact the current participants in the directed fishery. In 2002, there were 72 vessels permitted to participate in the directed *Illex* fishery, however, only 50 percent of those vessels (36 vessels) landed any *Illex* squid in 2002. The *Illex* squid vessels currently permitted to participate in the fishery have the capability to harvest the total harvest level. In fact, in 1998, permitted vessels were able to land the total harvest level and the fishery was closed early that year. Therefore, it is expected that if a significant number of additional vessels entered the fishery as a consequence of Alternative 3, it could affect the current revenue structures of participants and/or create derby-style fishing practices which could potentially lead to an early closure of the directed fishery.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule, or group of related rules, for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide will be sent to all holders of *Illex* moratorium permits. In addition, copies of this final rule and guide (i.e., permit holder letter) may be found at the following web site: *http://www.nmfs.gov/ro/doc/nero.html*.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 25, 2004.

William T. Hogarth

Assistant Administrator for Fisheries, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 648 is to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.4, the heading of paragraph (a)(5)(i) is revised to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(5) * * *

(i) *Loligo squid/butterfish and Illex squid moratorium permits (Illex squid moratorium is applicable from July 1, 1997, until July 1, 2009).* * * *

* * * * *

[FR Doc. 04–12353 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 040113012–4145–03; I.D. 121903D]

RIN 0648–AR62

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Framework Adjustment 4; Correction

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

ACTION: Final rule.

SUMMARY: NMFS published a final rule in the **Federal Register** on March 29, 2004, implementing measures contained in Framework Adjustment 4 (Framework 4) to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). Framework 4 allows for the transfer at sea of scup between commercial fishing vessels, subject to certain requirements.The final rule incorrectly identified a cross-reference. This rule corrects the cross-reference contained in the regulatory text of the final rule implementing Framework 4.

DATES: Effective April 28, 2004.

FOR FURTHER INFORMATION CONTACT: Paul Perra, Fishery Policy Analyst, (978) 281-9153.

SUPPLEMENTARY INFORMATION: The final rule implementing measures contained in Framework 4 to the FMP was published in the **Federal Register** on March 29, 2004 (69 FR 16175). Section 648.6(a)(1) states, ''* * * Persons aboard vessels receiving transfers of scup at sea from other vessels are deemed not to be dealers, and are not required to possess a valid dealer permit under this section, for purposes of receiving scup, provided the vessel complies with section 648.13(2).'' However, the cross reference cited is misspelled. It violates the sequence of paragraph designation according to the Office of the **Federal Register**, and it must be correctly spelled as § 648.13 (i)(2).

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause towaive therequirement to provide prior notice and the opportunity for public comment pursuant to authority set forth at 5 U.S.C. 553(b)(B), because such procedures would be unnecessary. This rule makes minor non-substantive change by spelling correctly the reference cited at § 648.6(a)(1). The public was advised in the preamble to both the proposed and final rules of the applicability of the ten conditions relating to the transfer of scup at sea codified at § 648.13(i)(2). Without the correction, this discrepancy will continue to exist, thus leading to confusion.

Because prior notice and opportunity for public comment are not required for this rule by 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. Accordingly, no regulatory flexibility analysis was required and none was prepared.

This final rule is exempt from review under Executive Order 12866.

List of Subjects in 50 CFR Part 648

Fishing, Fisheries, Reporting and recordkeeping requirements.

Dated: May 26, 2004.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

■ Accordingly 50 CFR part 648 is corrected by making the following correcting amendment:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 648.6 [Corrected]

■ 2. In § 648.6(a)(1), in the last sentence, correct the reference ''§ 648.13(2)'' to read as ''§ 648.13(i)(2).''

[FR Doc. 04–12355 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 69, No. 105
Tuesday, June 1, 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 HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1

[Docket No. 1998N–0583]

Exports; Notification and Recordkeeping Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is considering whether to revise its regulations pertaining to export notification and recordkeeping. FDA has received a petition for reconsideration claiming that the agency lacks legal authority to inspect export records held by food and cosmetic companies. The petition also claimed that the regulations describing the types of records that should be kept to demonstrate that an exported product does not conflict with the foreign country's laws are overly burdensome. FDA is inviting comment on the issues raised by the petition.

DATES: Submit written or electronic comments by August 16, 2004.

ADDRESSES: You may submit comments, identified by Docket No. 1998N–0583, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Agency Web site: *http://www.fda.gov/dockets/ecomments*. Follow the instructions for submitting comments on the agency Web site.
- E-mail: fdadockets@oc.fda.gov. Include Docket No. 1998N–0583 in the subject line of your e-mail message.
- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the agency name and Docket No. or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to *http://www.fda.gov/dockets/ecomments*, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see section IV of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.fda.gov/dockets/ecomments* and/or the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Philip L. Chao, Office of Policy and Planning (HF–23), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0587.

SUPPLEMENTARY INFORMATION:

I. Introduction

In the **Federal Register** of December 19, 2001 (66 FR 65429), we published a final rule to establish notification and recordkeeping requirements for products exported under section 801(e) or 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 381(e) or 382), as amended by the FDA Export Reform and Enhancement Act (Public Law 104–134, as amended by Public Law 104–180).

The FDA Export Reform and Enhancement Act significantly changed and simplified the export requirements for unapproved human drugs, biological products, devices, and animal drugs. For example, before the law was enacted, most exports of unapproved new drug products could only be made to the 21 countries then identified in section 802 of the act, and these exports were subject to numerous restrictions. The FDA Export Reform and Enhancement Act amended section 802 of the act to allow, among other things, the export of unapproved new human drugs to any country in the world if the drug complies with the laws of the importing country and has valid marketing authorization from any of the following countries: Australia, Canada, Israel, Japan, New Zealand, Switzerland, South Africa, and the countries in the European Union (EU) and the European Economic Area (EEA) and certain other requirements are met (see section 802(b)(1)(A) of the act). Currently, the EU countries are Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom. The EEA countries are the EU countries, Iceland, Liechtenstein, and Norway. (The list of countries under section 802(b)(1)(A) of the act will expand automatically if any country accedes to the EU or becomes a member of the EEA.) This provision of section 802 of the act also applies to the export of certain devices that cannot be sold or marketed in the United States.

The FDA Export Reform and Enhancement Act also established recordkeeping and notification requirements. Section 802(g) of the act requires an exporter of a drug or device under section 802(b)(1)(A) of the act to provide a ''simple notification'' to the agency ''identifying the drug or device when the exporter first begins to export such drug or device'' to any of the countries identified in section 802(b)(1)(A). For exports to other, nonlisted countries, section 802(g) of the act requires the exporter to provide a simple notification ''identifying the drug or device and the country to which such drug or device is being exported.'' This section also requires persons exporting under any provision of section 802 of the act to ''maintain records of all drugs or devices exported and the countries to which they were exported.''

The final rule was originally scheduled to become effective on March 19, 2002. However, within days of the effective date, four different parties (the law firm of Sandler, Travis and Rosenberg; the Consumer Healthcare Products Association; INDA; and the Cosmetic, Toiletry, and Fragrance Association) requested a 180-day stay in the rule's effective date. In general, the parties acknowledged that they had not submitted comments during the rulemaking process, but stated that they did not realize the rule's applicability to their products. Consequently, the parties claimed they needed additional time to comply with the final rule, and they raised other questions regarding the rule. In response, on March 18, 2002, we notified the parties that we would stay the rule's effective date for

90 days, and we published a notice in the **Federal Register** on May 14, 2002 (67 FR 34387), announcing that the rule's new effective date was June 19, 2002. We also issued separate letters responding to the parties' questions on May 7, 2002.

On June 17, 2002, 2 days before the final rule was to become effective, the law firm of Covington and Burling, on behalf of the Grocery Manufacturers of America and the Cosmetic, Toiletry, and Fragrance Association, submitted a petition for reconsideration and stay of action. The petition challenged two specific provisions in the final rule.

The first provision involved the last sentence in § 1.101(b) (21 CFR 1.101(b)), which states that export records must be made available to FDA upon request during an inspection for review and copying. We included such records access in the final rule because most exports under sections 801(e)(1) and 802 of the act do not involve any prior FDA oversight. Therefore, we depend on records access during inspections to evaluate compliance with the export provisions. In the preamble to the final rule, we explained that records enable a person to show, and for us to verify, that a person has complied with its legal obligations. Nevertheless, the firm asserted that we lack the authority to require food or cosmetic companies to disclose records because our inspection authority does not extend to the mandatory examination of records maintained by food and cosmetic manufacturers, and asked us to revoke the sentence in § 1.101(b) as it pertains to access to food and cosmetic records.

The second provision involved § 1.101(b)(2) which describes the records that could be used to demonstrate that an exported product does not conflict with a foreign country's laws. Section 801(e)(1)(B) of the act requires exported products to not be in conflict with ''the laws of the country to which it is intended for export.'' In the preamble to the proposed rule (April 2, 1999, 64 FR 15994), we stated that the records demonstrating compliance with section 801(e)(1)(B) of the act would normally consist of a letter from the appropriate foreign government agency, department, or other authorized body. We received many comments that opposed our interpretation, and so, in response to the comments, we revised the final rule to state that the records:

> may consist of either a letter from an appropriate foreign government agency, department, or other authorized body stating that the product has marketing approval from the foreign government or does not conflict with that country's laws, or a notarized certification by a responsible company official in the United States that the product does not conflict with the laws of the importing country and that includes a statement acknowledging that he or she is subject to the provisions of 18 U.S.C. 1001.

The preamble to the final rule did not specify who would be a ''responsible company official in the United States,'' but it did explain that 18 U.S.C. 1001 makes it a criminal offense to knowingly and willfully make a false or fraudulent statement, or make or use a false document, in any matter within the jurisdiction of a department or agency of the United States (see 66 FR 65429 at 65436).

The petition for reconsideration, however, asserted that exporters do not have to demonstrate compliance with foreign law; instead, it asserted that FDA had the burden to show that the exporter violated foreign law. The petition added that § 1.101(b)(2) would, if enforced, have ''serious practical and economic impacts on food and cosmetic companies'' because it would ''require the preparation of tens of thousands of affidavits just for shipping products to our neighbors in Mexico * * * and Canada * * *, and new affidavits would be required for every product variation and every label change'' (Ref. 1). Later, after meeting with FDA, the petitioners stated in correspondence to the agency that ''there can be no objection from a policy standpoint to a general requirement that every company must have adequate documentation in its files to support its conclusion that the product does not violate the laws of the foreign country to which it is exported'' (Ref. 2). The firm continued to advocate eliminating ''the need for an affidavit by a high-ranking company official,'' but suggested ''the possibility of continuing the requirement of an affidavit in the unique and limited situation where FDA has established a specific requirement for a food or cosmetic in order to prevent a serious health hazard and the product to be exported does not meet that requirement'' (id.). The firm explained that the ''affidavit'' requirement would arise in two instances:

> The first instance would be where FDA has established a label warning for a product. An example would be the warning for aspartame in 21 CFR 172.804. The second instance would be where FDA has established a specific limit on the presence of an ingredient or substance because of substantial safety concerns. Examples would be Compliance Policy Guides 555.300 for salmonella and 555.400 for afflatoxin [sic] in food and the limit on mercury in cosmetics in 21 CFR 700.13. This would not, however, include the limits customarily established in food additive, GRAS, and color additive regulations because these are set simply at the level requested by the manufacturer and are not because of a specific determination by FDA that any higher limit is a serious health hazard. It also would not apply to a food ingredient or a color ingredient which FDA has not reviewed and therefore has taken no action. It is common industry practice to manufacture products in the United States that contain ingredients or levels of ingredients approved or permitted by foreign countries but not by FDA. If affidavits were required for all of these types of situations, it would simply drive food and cosmetic manufacturers abroad.

Id. at pages 1-2.

In response to the petition for reconsideration, we decided to exercise enforcement discretion regarding access to records of food and cosmetic exporters under § 1.101(b) and to exercise enforcement discretion regarding all exporters and the requirement for specific types of records under § 1.101(b)(2) demonstrating that the exported product is not in conflict with the foreign country's laws (Ref. 3). We stated that affected parties must still comply with the statutory requirements pertaining to exports, and added that we would evaluate whether to issue an advance notice of proposed rulemaking ''to obtain public comment on questions related to the issues raised in your petition'' (id. at page 2).

II. Issues For Discussion

We invite comment on the following issues.

1. *What is our ability to inspect export records held by food and cosmetic firms?*

The petition for reconsideration asserted that we lack legal authority to inspect records related to food and cosmetic exports. Given that food and cosmetic exports under section 801(e)(1) of the act do not require any prior FDA review or even notice to FDA before a firm exports a food or cosmetic, it could be extremely difficult for us to determine a food or cosmetic company's compliance with the act's export provisions if we could not inspect export records. Without access to such records, our enforcement of section 801(e)(1) of the act would likely depend on information submitted voluntarily to us, and it is hard to rely on a company to provide information about itself that would indicate a possible violation of Federal law. It also would be unlikely that third parties would have or provide information showing that a food or cosmetic firm failed to meet the act's export requirements. At best, outside parties might be able to provide information to suggest a failure to comply, but we would still need additional information before pursuing regulatory action.

Additionally, if we could not inspect export records in a food or cosmetic company, then an unscrupulous food or cosmetic firm might be tempted to not comply with the export requirements at all because it would know that, without access to export records, our ability to evaluate compliance with those export requirements would be severely limited. Noncompliance with export requirements could expose populations in foreign countries to unsafe products.

Complicating our situation further is the fact that section 801(d)(3) of the act allows certain unapproved or otherwise noncompliant articles to be imported into the United States as long as those articles are further processed or incorporated into a product that is then exported. Section 801(d)(3) of the act is commonly known as the ''import for export'' authority in the act, and it applies to food additives, color additives, and dietary supplements. Section 801(d)(3)(A)(iv) of the act expressly requires the initial owner or consignee to maintain ''records on the use or destruction'' of the imported article and to submit to the Secretary of Health and Human Services (the Secretary) ''any such records requested by the Secretary.'' Thus, if a food company imported a food additive under section 801(d)(3) of the act, section 801(d)(3)(A)(iv) requires the food company to maintain certain records, including those pertaining to any exports involving the article, and also requires the food company to submit ''any such records.'' Accordingly, the petitioners' request to revoke § 1.101(b), as it relates to access to food records, is in tension with section 801(d)(3)(A)(iv) of the act.

Consequently, we seek comment on:

• Our ability to access or inspect food and cosmetic export records; and

• Whether we need to provide alternative methods for determining whether a food or cosmetic firm has complied with the act's export requirements. For example, one might argue that a certification should be satisfactory, but a certification would be contrary to the petitioners' claim that ''affidavits'' are burdensome.

2. *What records should an exporter have to show that the export does not conflict with the foreign country's laws?*

Although § 1.101(b)(2) states that the records demonstrating that the export does not conflict with the foreign country's laws ''may'' consist of either a letter from the appropriate foreign government entity or a certification from a ''responsible company official'' in the United States, the petitioners apparently interpret § 1.101(b)(2) as requiring the record to be either a letter from a foreign government entity or a certification from a ''high-ranking company official'' (Ref. 2). In other words, the petitioners appear to interpret the word ''may'' in § 1.101(b)(2) as ''must.''

Therefore, we invite comment on the following issues:

• Should FDA amend the rule?

• Does the word ''may'' provide sufficient flexibility to give affected parties the ability to keep whatever records they wish to demonstrate that the export does not conflict with the foreign country's laws?

• Given that the petitioners focused on the certification, would a clarification that the ''responsible company official'' does not necessarily mean a ''high-ranking company official'' be sufficient? For example, if a company's regulatory affairs director determined that the export did not conflict with the foreign country's laws, the regulatory affairs director could provide the certification (unless company policy dictated a different result). We do not necessarily equate ''responsible'' with ''high-ranking.''

• What are the advantages and disadvantages in the petitioners' suggestion of a certification in some, but not all, food export situations? The petitioners identified two scenarios in which such certifications would be provided: Cases where FDA has established a label warning for a product and cases where FDA has established a specific limit on the presence of an ingredient or substance because of substantial safety concerns. The petitioners' suggestion thus depends on the existence of a regulation that imposes a label warning or that limits an ingredient's or substance's use due to ''substantial safety concerns.'' However, the petitioners' suggestion would exclude customary limits established in food additive, generally recognized as safe, and color additive regulations, so few food exports would need a certification. While the petitioners' suggestion would free most food exports from the certification provision, we are concerned that it might not provide sufficient guidance on what records would be acceptable to show that the export did not conflict with the foreign country's laws. Moreover, when coupled with the petitioners' assertion that we have no authority to inspect food records, could the petitioners' position eliminate our ability to determine whether a food export complied with a foreign country's laws?

• Is there another alternative that would be simple and reliable? Ideally, the alternative would meet most, if not all, of the following conditions for a regulatory requirement:

• A consistent regulatory standard for all firms affected by or subject to the same statutory requirement. A consistent standard would be easier for our investigators to apply and easier to implement by firms that export more than one type of product that would be subject to section 801(e)(1) of the act.

• A record that provides a reasonable basis for the exporter's belief that the export does not conflict with the foreign country's laws. For example, a statement such as, ''To the best of my knowledge, the export did not conflict with the foreign country's laws,'' may be unreliable because the phrase, ''to the best of my knowledge'' does not mean that the exporter knows about or even attempted to know about the foreign country's laws. Similarly, a statement claiming that someone in the foreign country affirmed that the export did not conflict with the foreign country's laws may be unreliable because the foreign citizen making the statement might not have been qualified to determine whether the export did not conflict with the foreign country's laws.

• A record that is simple and easy to identify. We conduct inspections to determine whether a firm complied with the appropriate export requirements, so the inspection would be shorter and easier if all parties could agree on the types of records that would demonstrate compliance with a particular regulatory requirement.

• A record that permits enforcement action in the United States. When we stated that the certification had to be from a responsible company official in the United States, the official's physical presence in the United States would give us the ability to pursue enforcement action against the official if the certification proved to be false or misleading. In contrast, if the record was created by an unknown foreign citizen in a foreign country, we might find it difficult to take action against the foreign citizen, and our ability to enforce the statute could be compromised.

III. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Petition for Reconsideration and Stay of Action, Covington and Burling, pp. 2 and 3, June 17, 2002.

2. Letter from Peter Barton Hutt, Covington and Burling, to Daniel E. Troy, General

Counsel, Food and Drug Administration, p. 1, dated July 16, 2002.

3. Letter from Margaret M. Dotzel, Associate Commissioner for Policy, Food and Drug Adminstration, to Peter Barton Hutt, Covington and Burling, July 22, 2002.

IV. Request For Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

This ANPRM is issued under section 201 et al. of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et al.) and under authority of the Commissioner of Food and Drugs.

Dated: April 21, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–12271 Filed 5–28–04; 8:45 am]

BILLING CODE 4160–01–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA250–0453; FRL–7668–3]

Disapproval of State Implementation Plan Revisions, Monterey Bay Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to disapprove a revision to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) portion of the California State Implementation Plan (SIP) concerning excess emissions during breakdown. We are proposing action on a local rule that regulates these emissions under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by July 1, 2004.

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

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

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

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

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: Thomas C. Canaday, EPA Region IX, (415) 947–4121, *canaday.tom@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 Rule Did the State Submit?

Table 1 lists the rule proposed for disapproval with the date that it was adopted and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
MBUAPCD	214	Breakdown Condition	03/21/01	10/30/01

On January 18, 2002, we determined that the rule submittal in Table 1 met the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

B. Are There Other Versions of This Rule?

We approved a version of MBUAPCD Rule 214 into the SIP on July 13, 1987.

C. What Are the Changes in the Submitted Rule?

Rule 214 establishes that MBUAPCD may elect to take no enforcement action against an owner or operator of any equipment which has violated an emission standard or operational requirement provided that a breakdown has occurred and certain other conditions are met. The submitted revisions to MBUAPCD Rule 214 modify the rule's format and add clarifying language. The TSD has more information about this rule.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rule?

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).

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

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

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

3. ''State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup and Shutdown,'' EPA Office of Air and

Radiation, and EPA Office of Enforcement and Compliance Assurance, September 20, 1999 (''Excess Emissions Policy'').

4. ''Guidelines for Including State and Local Rules in SIPs,'' EPA Region IX, December 17, 1998. These guidelines were transmitted to the California Air Resources Board in a letter dated December 23, 1998, from David P. Howekamp, Director, Air Division, EPA Region IX, to Michael Kenny, Executive Officer, California Air Resources Board.

B. Does the Rule Meet the Evaluation Criteria?

The submitted SIP revisions conflict with section 110 and part D of the Act for the following reason. MBUAPCD Rule 214 describes how the district intends to apply its enforcement discretion in instances where facilities exceed emissions limits due to breakdown. As stated in EPA's Excess Emissions Policy, a State or EPA may exercise its enforcement discretion to refrain from taking an enforcement action where excess emissions result from sudden and unavoidable malfunctions caused by circumstances entirely beyond the control of the owner or operator. However, the September 20, 1999 policy also makes clear that EPA will not approve SIP revisions that allow a State director's decision to bar EPA's or citizens' ability to take enforcement action. Accordingly, were EPA to approve an enforcement discretion rule such as Rule 214, we would do so only while making clear that such action had no effect on EPA's or citizens' enforcement prerogatives. Under these circumstances, such a SIP revision would have no effect on the SIP. For this reason EPA considers it unproductive and potentially confusing to approve this enforcement discretion rule into the SIP.

C. Proposed Action and Public Comment

As authorized in sections 110(k)(3) of the Act, we are proposing a disapproval of the submitted MBUAPCD Rule 214. This is not a required SIP submittal, so this disapproval would have no sanction implications under CAA section 179 or FIP implications under CAA section 110(c).

We will accept comments from the public on the proposed disapproval for the next 30 days.

III. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Paperwork Reduction Act

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

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rulemaking action will not have a significant impact on a substantial number of small entities because SIP disapprovals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply disapprove for inclusion in the SIP requirements that the State is already imposing. Therefore, because the Federal SIP disapproval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the disapproval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to disapprove pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132, Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rulemaking action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely disapproves 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. Thus, the requirements of

section 6 of the Executive Order do not apply to this rulemaking.

F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' These proposed rule disapproval does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this rule disapproval.

EPA specifically solicits additional comment on this proposed rule disapproval from tribal officials.

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

Protection of Children From Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rulemaking on children, and explain why the planned action is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rulemaking is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

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

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

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: May 19, 2004.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. 04–12303 Filed 5–28–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket Number: WA–04–001; FRL–7668–6]

Approval and Promulgation of State Implementation Plans: Washington; Central Puget Sound Carbon Monoxide and Ozone Second 10-Year Maintenance Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve second 10-year maintenance plans for carbon monoxide (CO) and ozone for the Central Puget Sound area. Specifically, in this action EPA proposes to approve Washington's demonstration that the Central Puget Sound area will maintain air quality standards for CO and ozone through the year 2016; a revised CO motor vehicle emissions budget for transportation conformity purposes using the MOBILE6.2 emissions model and latest growth and planning assumptions; updates and enhancements of state implementation plan (SIP) control measures and contingency measures; and identification of emissions associated with the Seattle-Tacoma International Airport included in the area-wide emissions inventory through the maintenance period.

DATES: Comments must be received on or before July 1, 2004.

ADDRESSES: Submit your comments, identified by Docket ID No. WA–04–001, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- E-mail: *R10aircom@epa.gov.*
- Fax: (206) 553–0110.
- Mail: Office of Air Quality, Environmental Protection Agency Region 10, Mail code: OAQ–107, 1200 Sixth Ave., Seattle, Washington 98101.
- Hand Delivery: Environmental Protection Agency Region 10, Service Center, 14th Floor, 1200 Sixth Ave., Seattle, Washington 98101. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. WA–04–001. EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov, or e-mail. The Federal regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Docket materials are publicly available in hard copy at the Office of Air Quality, Environmental Protection Agency, Mail code: OAQ–107, 1200

Sixth Ave., Seattle, Washington 98101; open from 8 a.m.–4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number is (206) 553–6985.

FOR FURTHER INFORMATION CONTACT:

Mahbubul Islam, Office of Air Quality, Region 10, Mail code OAQ–107, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; telephone number: (206) 553–6985; fax number: (206) 553–0110; e-mail address: *islam.mahbubul@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

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

1. *Submitting Confidential Business Information (CBI).* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, 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 claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

i. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions—The Agency may ask you to respond to specific questions or organize comments by referencing a CFR part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns, and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. What Is the Purpose of This Proposed Rulemaking?

The purpose of this proposed rulemaking is to revise the existing CO and ozone maintenance plans for the Central Puget Sound Area in Washington State to take account of new and updated information and to demonstrate continued maintenance of the ambient air quality standards for a second 10-year period through 2016. Portions of the existing first 10-year maintenance plans which are not proposed for revision shall remain unchanged.

The State of Washington presented a trend analysis of the historical CO and ozone monitored data for the Central Puget Sound area demonstrating continued maintenance of the air quality standards with a margin of safety. Implementation of new national and local control measures including tighter standards for motor vehicle tailpipe emissions and cleaner fuel will result in significant improvements of air quality for the next 10-year period. EPA agrees with Washington's analysis and proposes to approve the second 10-year maintenance plan through this rulemaking and notice in the **Federal Register.**

Federal transportation conformity regulations require that transportation agencies use the latest EPA mobile source emissions model for conformity determinations. EPA officially released a new version of motor vehicle emissions model (MOBILE6) on January 29, 2002. All SIPs that are adopted after that date must use the new model to estimate motor vehicle emissions. The release of MOBILE6 also began a 24-month grace period for conformity. All conformity determinations that are initiated after January 29, 2004 must use MOBILE6 model. The Washington Department of Ecology (Ecology) used MOBILE6.2 to estimate CO emissions for the Central Puget Sound area for the next 10-year maintenance period through 2016 and conducted a technical analysis that showed the new MOBILE6.2 model based regional motor vehicle emissions will not cause or contribute to violations of the air quality standards. EPA agrees with this analysis and proposes to approve a revised motor vehicle emissions budget for conformity determinations.

Previously approved and existing control measures for both CO and ozone remain in place. However, the State of Washington took this rulemaking opportunity to update and enhance several of these emissions control measures. EPA finds these enhancements and updates to the control measures beneficial and proposes to approve them in this rulemaking.

Washington also submitted a comprehensive emissions inventory of the Seattle-Tacoma International Airport operation and construction activities through the 2006–2016 maintenance period for identification and specific inclusion in the SIP. The airport emissions data reflects best estimates, and was calculated based on current emissions estimation tools. EPA proposes to include, identify, and account for the direct and indirect emissions from airport operations and construction of airport improvements in this SIP action.

III. What Is a SIP and How Is It Revised From Time to Time?

The Clean Air Act requires States to attain and maintain ambient air quality equal to or better than standards that provide an adequate margin of safety for public health and welfare. These ambient air quality standards are established by EPA and are known as the National Ambient Air Quality Standards (NAAQS).

The State's plan for attaining and maintaining the NAAQS are outlined in the SIP for that state. The SIP is a planning document that, when implemented, is designed to ensure the achievement of the NAAQS. Each State currently has a SIP in place, and the Act requires that States make SIP revisions periodically as necessary to provide continued compliance with the standards.

SIPs may include, among other things, the following: (1) An inventory of emission sources; (2) statutes and regulations adopted by the State legislature and executive agencies; (3) air quality analyses that include demonstrations that adequate controls are in place to meet the NAAQS; and (4) contingency measures to be undertaken if an area fails to attain the standard or make reasonable progress toward attainment by the required date.

The State must make the SIP available for public review and comment through a public hearing before it is adopted by the State and submitted to EPA by the Governor or his appointed designee. When EPA takes Federal action to approve the SIP submittal, the rules and regulations become federally enforceable.

For an area designated as nonattainment for a criteria pollutant, the State first submits a plan with emissions reduction measures to bring

the area into attainment. Once the area has attained the standard based on monitored air quality, the State then submits a redesignation request to attainment and a maintenance plan demonstrating that the area will continue to maintain the standard for at least 10 years after the redesignation into attainment. Near the end of the first 10 years of maintenance effort, the State reviews the adequacy of the existing control measures and future emissions growth forecasts for mobile and other sources, and prepares an updated maintenance plan for a second 10-year period. The second 10-year CO and ozone maintenance plans for Central Puget Sound area of Washington are the subjects of this action.

IV. What Is the Background of Today's Action?

In a March 15, 1991 letter to the EPA Region 10 Administrator, the Governor of Washington recommended the Seattle-Tacoma-Everett area, including the western portions of King, Pierce, and Snohomish Counties, be designated as nonattainment for CO as required by section 107(d)(1)(A) of the 1990 Clean Air Act Amendments (''The Act''). The area, which includes lands within the Puyallup, Tulalip, and Muckleshoot Indian Reservations, was designated by EPA as nonattainment for CO and classified as ''moderate'' under the provisions outlined in sections 186 and 187 of the Act.

Similarly, under section 107(d)(1) of the Act, and upon considering the recommendation of the Governor of Washington, EPA designated the Central Puget Sound Area as nonattainment for ozone because the area violated the ozone standard during the period from 1989–1991. The Central Puget Sound ozone nonattainment area included lands within Puyallup, Tulalip, Muckleshoot, Stillaguamish, and Nisqually Indian Reservations.

The State of Washington, following the requirements of the Act, prepared and submitted revisions to the Washington SIP that first included an attainment plan, and then developed further plans to demonstrate maintenance of the standards for a 10-year period beyond the statutory attainment date. EPA published the approval of the ozone redesignation request and the first 10-year maintenance plan for ozone in the September 26, 1996, **Federal Register**. As a result, the Central Puget Sound region was classified as being in attainment of the 1-hour ozone standard effective November 25, 1996. Similarly, EPA published approval of the CO redesignation request from nonattainment to attainment and the maintenance plan for the first 10-year period on October 10, 1996. In both actions, EPA itself redesignated to attainment those portions of the CO and ozone nonattainment areas that are within the boundaries of Indian reservations.

The first 10-year CO and ozone maintenance plans included commitments for periodic review of the plans and submission of the second 10-year maintenance plans to EPA during the last two years of the first 10-year maintenance period. Beginning in 1999, Ecology and the Puget Sound Clean Air Agency undertook a comprehensive air quality planning effort to review and update the CO and ozone maintenance plans. The planning efforts included detailed technical analyses such as preparation of base and future year emissions inventories, regional ozone dispersion modeling, review of control measures for CO and ozone precursors, etc. The Puget Sound Clean Air Agency also employed expert consulting services and convened technical and policy subcommittees to review and guide the planning effort. The results of this planning effort provided the basis of today's proposed approval by EPA.

V. What Is the Status of Current CO and Ozone Levels in the Central Puget Sound Area and How Do They Compare With the Federal Standards?

The national 8-hour CO ambient standard is attained when the daily average 8-hour CO concentration of 9.0 ppm is exceeded no more than one time in a calendar year. Since the redesignation of the Central Puget Sound area to attainment for CO on October 11, 1996, the second highest daily average 8-hour CO concentration in a calendar year measured by the approved monitoring network was 8.4 ppm, which is less than 9.0 ppm. The national 1-hour CO ambient standard is achieved when the daily average 1-hour concentration of 35.5 ppm is exceeded no more than one time in a calendar year. Since redesignation, the second highest daily average 1-hour CO concentration measured in a calendar year was 14.2 ppm, which is less than 35 ppm.

The national 1-hour ozone ambient standard is attained when the expected number of days per calendar year in a three year period with maximum hourly average concentrations above 0.12 parts per million (ppm) is equal to or less than 1 day in that period. Since the redesignation of the Central Puget Sound area to attainment for ozone on November 25, 1996, the expected number of days per calendar year over a consecutive three year period with maximum hourly average ozone concentrations measured above 0.12 ppm is 0.7 day, which was less than 1 day.

VI. How Have the Public and Stakeholders Including Tribal Governments Been Involved in This Rulemaking Process?

In August 2000, the Puget Sound Clean Air Agency convened a broad-based stakeholder group, consisting of representatives from the fuel industry, health, environmental, business, and regulatory communities, to assist the Agency in its CO and ozone maintenance plan update process. Specifically, the stakeholders' group was charged with identifying and recommending the range of actions that might be prudent to include in the updated maintenance plans to achieve emission reductions necessary to maintain healthy levels of air quality and comply with the Federal standards.

Nine public meetings of stakeholders were held from August 2000 through May 2001. In addition, throughout the stakeholder process, briefings were given to Puget Sound Clean Air Agency's Board of Directors at their monthly meetings. After publishing notices in the newspaper for public comments and conducting public hearings, the Puget Sound Clean Air Agency Board approved the CO and ozone maintenance plan updates and adopted the associated contingency measures on December 19, 2002. Ecology adopted these amended regulations into the Washington SIP on December 17, 2003. Similarly, the Puget Sound Clean Air Agency Board approved the updated CO motor vehicle emissions budget using MOBILE6.2 on November 20, 2003, and Ecology adopted it into the Washington SIP on December 17, 2003.

Under the Act, EPA has the responsibility and authority to implement air quality regulations needed to maintain air quality standards within the exterior boundary of Indian country, in the absence of approved tribal programs. EPA has not yet formally approved any Clean Air Act programs for Tribes within the boundary of the Central Puget Sound CO and ozone maintenance area. Therefore, EPA has conducted government-to-government consultations with the Tulalip Tribes of Washington, the Puyallup Tribe of Indians, the Muckleshoot Indian Tribe, the Stillaguamish Tribe, and the Nisqually Indian Tribe, who are affected by this action. The EPA's consultations with Tribes included official letters

from EPA Region 10 Office of Air Quality Director to Tribal Chairs, and staff consultations between EPA and Tribal staff in the form of electronic communication and telephone discussion.

VII. What Are the Sources and Magnitude of CO and Ozone Precursors Emitted in the Central Puget Sound Maintenance Area?

Ecology and Puget Sound Clean Air Agency developed a base case emissions inventory for the year 1996 and then projected inventories for the years 2007, and 2015. The emissions inventory is a list, by source, of the air contaminants directly emitted into the Region's air. The data in the emissions inventory is based on calculations and is developed using emission factors, which is a method for converting source activity levels into an estimate of emissions contributions for those sources. The CO is directly emitted by sources, but the ozone is formed in the atmosphere. VOC and NO_X, generally known as ozone precursors, are directly emitted by sources that react in the atmosphere under sunlight to form ozone.

VOC emissions were estimated at 1,051 tons per day on a peak 1996-summer episode day. This included contributions from biogenic sources (577 tons per day, 55%), on-road mobile sources (186 tons per day, 18%), non-road mobile sources (153 tpd, 15%), stationary area sources (116 tpd, 11%) and point sources (20 tpd, 2%). VOC emissions in 2015 were estimated at 949 tons per day.

TABLE 1.—CENTRAL PUGET SOUND MAINTENANCE AREA SUMMER DAY VOC EMISSIONS (TONS) BY SOURCE CATEGORY

Source Category	1996	2007	2015
Biogenic	577	577	577
On-road Mobile	186	148	109
Non-road Mobile	153	132	111
Stationary area	116	124	132
Point	20	20	20
Total	1,051	1,001	949

NO_X emissions were estimated at 506 tons per day on a peak 1996-summer episode day. This included contributions from biogenic sources (9 tpd, 2%), on-road mobile sources (346 tpd, 68%), non-road mobile sources (135 tpd, 27%), stationary area sources (9 tpd, 2%) and point sources (7 tpd, 1%). NO_X emissions in 2015 were estimated at 291 tons per day.

TABLE 2.—CENTRAL PUGET SOUND MAINTENANCE AREA SUMMER DAY NO_X EMISSIONS (TONS) BY SOURCE CATEGORY

Source category	1996	2007	2015
Biogenic	9	9	9
On-road Mobile	346	251	156
Non-road Mobile	135	123	111
Stationary area	9	9	9
Point	7	7	7
Total	506	399	291

CO emissions were estimated at 3,322 tons on a typical 1996 winter day. This included contributions from on-road mobile sources (2,694 tpd 81%), non-road mobile sources (202 tpd, 6%), stationary area sources (360 tpd, 11%) and point sources (66 tpd, 2%). CO emissions in 2015 were estimated at 2,092 tons per winter day. The emissions inventory predicts substantial future reductions in CO emissions, largely as a result of a decrease in on-road emissions, which are expected to continue to decline as older motor vehicles are replaced by newer vehicles that meet Federal Tier II emission standards and operate on low sulfur fuels.

TABLE 3.—CENTRAL PUGET SOUND MAINTENANCE AREA WINTER DAY NO_X EMISSIONS (TONS) BY SOURCE CATEGORY

Source category	1996	2007	2015
On-road mobile	2,694	2,037	1,380
Non-road Mobile	202	229	229
Stationary area	360	417	417
Point	66	66	66
Total	3,322	2,749	2,092

It was also demonstrated that emissions of CO and ozone precursors for 2016, the last year of the second 10-year maintenance plans, will be less than or equal to the emissions projected for 2015.

VIII. How Does the State Demonstrate Maintenance of the CO and Ozone Standards for the Second 10-Year Period?

The State used a numerical photochemical grid model to demonstrate maintenance of the ozone standard for the second 10-year maintenance period. The basis for the modeling was a regional air quality modeling system developed over the past several years by Washington State University and Ecology. This system includes the use of a mesoscale meteorological model (MM5), a diagnostic wind model (CALMET), and a photochemical dispersion model (CALGRID). The modeling system was employed to simulate an ozone episode that occurred during July 11–14, 1996, with monitored ozone level reaching and exceeding the one-hour standard at multiple sites. The model performance for this base episode was within EPA guidelines for acceptable photochemical ozone modeling. The maximum monitored ozone concentration during the episode was 118 ppb at the Enumclaw monitoring site southeast of Seattle and the model predicted maximum concentration at this site was 106 ppb. Once the model performance was verified, the 1996 base case emission inventory was projected into the future for maintenance years and then these projected emission inventories were used with the 1996 meteorological conditions to simulate the impact of emission changes in the future. The simulation showed that emissions in 2007 would produce approximately 2 ppb improvement from the 1996 level and in 2015 the change in emissions would decrease peak ozone concentration by about 7 ppb. It appeared from these simulations that reduction in emissions over time due to the implementation of new Federal motor vehicle and fuel standards will produce adequate reduction in maximum ozone formation during the maintenance period and keep the area in attainment with some margin of safety. Therefore, the modeling demonstrated continued compliance with the ozone standard for a second 10-year maintenance period with existing control measures and future federally implemented measures.

The current, EPA-approved first 10-year CO maintenance plan used a probabilistic rollback approach to evaluate different control measure scenarios and to demonstrate maintenance of the CO standard with a reasonable margin of safety. A review and update of this methodology using more recent monitored air quality and projected emissions data was conducted to demonstrate continued maintenance of the CO standard for a second 10-year period. The probabilistic rollback approach demonstrated regional, long-term maintenance by evaluating maintenance at the two permanent monitoring sites (Pacific Ave, Tacoma and NE. 45th Street, Seattle) using the maximum observed concentrations for 1999–2002. The probabilistic analysis showed that the CO standard was maintained on both sites in 2002 with at least 99% probability and will be maintained for a second 10-year period with the same level of assurance.

IX. What Control Measures Are Considered for the Contingency Plans, in Case of the Monitored Exceedance or Violation of the Federal Standard?

The maintenance plans are to contain contingency control measures to ensure that the State will promptly correct any violation of the standard that occurs after the area is redesignated from nonattainment to attainment. The ozone contingency measures in the second 10-year maintenance plan for the Central Puget Sound Area include a regulatory program requiring enhanced storage tank vapor recovery systems at gasoline stations. If needed due to a quality-assured violation of the ambient ozone standard, this measure would take effect the following May 1, after releasing a public notice. Also, an open burning ban would be in effect during the months of July and August. The existing ozone contingency measure of a mandatory reduction in gasoline volatility would remain in place.

The CO contingency measures were designed based on a tiered approach. The first tier contingency measures would be triggered upon a quality assured exceedance of the CO standard at a single monitoring site throughout the Central Puget Sound region. If that occurs, local and State government entities will investigate traffic conditions where the exceedance occurred and evaluate the effectiveness of local mitigation measures. If local transportation system improvements at the ''hot spot'' could be implemented promptly, and would help prevent future exceedances, the most effective measure would be implemented. The second tier contingency measure would be triggered if there were violations of the CO standard at multiple monitoring sites throughout the Central Puget Sound region. This measure would consist of implementation of a region-wide ethanol-based oxygenated gas requirement as prescribed in the Puget Sound Clean Air Agency's Regulation.

X. How Does This Action Affect Transportation Conformity?

Under section 176(c) of the Act, transportation plans, programs, and projects in nonattainment or maintenance areas that are funded or approved under the Federal Transit Act, must conform to the applicable SIPs. In short, a transportation plan is deemed to conform to the applicable SIP if the emissions resulting from implementation of that transportation plan are less than or equal to the motor vehicle emission level established in the SIP for the maintenance year and other analysis years.

In this maintenance plan, procedures for estimating motor vehicle emissions are well documented. The regional motor vehicle emissions calculated by MOBILE6.2 were used in the probabilistic rollback method to compute a threshold level of regional emissions inventory that would provide maintenance of the CO standard with 99% certainty and confidence through the second 10-year maintenance period. The computed attainment threshold of regional motor vehicle emissions can be used to assess the long term attainment prospects. The total on-road motor vehicle CO emissions in the Central Puget Sound area are expected to remain below 2,510 tons per winter day from the present through calendar year 2016 in order to maintain the CO ambient standard. Accordingly, the new CO motor vehicle emissions budget are set at a fixed limit of 2,510 tons per day, not to be exceeded in any given year through 2016.

TABLE 4.—CENTRAL PUGET SOUND MAINTENANCE AREA CO MOTOR VEHICLE EMISSIONS BUDGET

CO Motor Vehicles Emissions Budget.	2,510 tons per winter day.

This action does not affect or change the motor vehicle emission budget for ozone precursors, VOC and NO_X, already established in the first 10-year maintenance plan. For convenience of the readers, we have listed below the motor vehicle emissions budgets for VOC an NO_X.

TABLE 5.—CENTRAL PUGET SOUND MAINTENANCE AREA VOC MOTOR VEHICLE EMISSIONS BUDGET

VOC Motor Vehicles Emissions Budget.	248.2 tons per summer day.

TABLE 6.—CENTRAL PUGET SOUND MAINTENANCE AREA NO_X MOTOR VEHICLE EMISSIONS BUDGET

Years	NO_X motor vehicles emissions budget
2005	269.84 tons per summer day.
2007	267.61 tons per summer day.
2010	263.01 tons per summer day.
2016	263.01 tons per summer day.

The motor vehicle emissions budget for all years after the second 10-year maintenance period may use the same level for the last year of the maintenance plan (40 CFR 93.118 (b)(2)(ii)), unless changed by a subsequent maintenance plan revision.

XI. Why Is EPA Proposing To Specifically Identify Airport Emissions in the SIP?

EPA's general conformity guidance for airports encourages airport operators to develop comprehensive emissions inventories for their facilities as well as estimates of future activities and associated emissions and then work with local and State air quality agencies to ensure that the corresponding SIP accurately reflects and accounts for all emissions at the airport and growth rates for operations at the airport. The operator of the Seattle-Tacoma International Airport prepared a comprehensive emissions inventory from its regular operation, maintenance, and construction activities throughout the span of the second 10-year maintenance plans and the State included these emissions in total regional emissions used to demonstrate continued maintenance of the CO and ozone air quality standards. The proposed SIP approval does not alter regional non-road emissions totals, but rather clarifies the portion of non-road emissions that are related to airport.

TABLE 7.—SEATTLE-TACOMA INTERNATIONAL AIRPORT EMISSIONS INVENTORY (TONS/DAY)

Year	1996	1996	1996	2015	2015	2015
Pollutant	VOC	NO_X	CO	VOC	NO_X	CO
Airport construction	0	0	0	0.5	2.3	4.5
Aircraft and ground support equipment	3.8	8.8	6	2.3	11.1	42

XII. In Conclusion, How Would This EPA Approval Affect the General Public and Citizens of the Central Puget Sound Area?

This action proposes to approve measures adopted by Ecology to ensure maintenance of the Federal air quality standards for CO and ozone in the Central Puget Sound area for a second 10-year period and protect the health and welfare of the area citizens from adverse effects of degraded air quality levels. Such assurance of healthy air quality level is predicted because the second 10-year maintenance plans include enhanced control measures and clearer contingency measures.

XIII. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed 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 proposes to approve 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 proposed 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 proposed 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.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: May 24, 2004.

Ronald A. Kreizenbeck,

Acting Regional Administrator, Region 10.

[FR Doc. 04–12302 Filed 5–28–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1318, MB Docket No. 04–184, RM–10968]

Digital Television Broadcast Service; Norwich, CT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Connecticut Public Broadcasting, Inc., licensee of noncommercial educational station WEDN(TV), Norwich, Connecticut, proposing the substitution of DTV channel *9c for DTV channel *45 at Norwich. DTV Channel *9c can be allotted to Norwich, Connecticut at reference coordinates 41–31–14 N. and 72–10–03 W. with a power of 6, a height above average terrain HAAT of 192 meters. Since the community of Norwich is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government must be obtained for this allotment.

DATES: Comments must be filed on or before July 6, 2004, and reply comments on or before July 21, 2004.

ADDRESSES: The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). *See Electronic Filing of Documents in Rule Making Proceedings,* GC Docket No. 97–113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Steven C. Schaffer, Schwartz, Woods & Miller, 1350 Connecticut Avenue, NW., Suite 300, Washington, DC 20036–1717 (Counsel for Connecticut Public Broadcasting, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–184, adopted May 6, 2004, and released May 14, 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.*

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Connecticut is amended by removing DTV channel *45 and adding DTV channel *9c at Norwich.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 04–12278 Filed 5–28–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1317, MB Docket No. 04–182, RM–10963]

Digital Television Broadcast Service; Great Falls, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Montana State University proposing the allotment and reservation of DTV channel *21 for noncommercial educational use at Great Falls, Montana. DTV Channel *21 can be allotted to Great Falls, Montana, at reference coordinates 47–32–08 N. and 111–17–02 W. Since the community of Great Falls is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government must be obtained for this allotment.

DATES: Comments must be filed on or before July 6, 2004, and reply comments on or before July 21, 2004.

ADDRESSES: The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). *See Electronic Filing of Documents in Rule Making Proceedings,* GC Docket No. 97–113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must

be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Margaret L. Miller, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036 (Counsel for Montana State University).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–182, adopted May 6, 2004, and released May 14, 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.*

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involves channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Montana is amended by adding DTV channel *21 at Great Falls.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 04–12277 Filed 5–28–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1319, MB Docket No. 04–183, RM–10964]

Digital Television Broadcast Service; Billings, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Montana State University proposing the allotment and reservation of DTV channel *16 for noncommercial educational use at Billings, Montana. DTV Channel *16 can be allotted to Billings, Montana, at reference coordinates 45–45–35 N. and 108–27–14 W. Since the community of Billings is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government must be obtained for this allotment.

DATES: Comments must be filed on or before July 6, 2004, and reply comments on or before July 21, 2004.

ADDRESSES: The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). *See Electronic Filing of Documents in Rule Making Proceedings,* GC Docket No. 97–113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Margaret L. Miller, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036 (Counsel for Montana State University).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–183, adopted May 6, 2004, and released May 14, 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.*

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Montana is amended by adding DTV channel *16 at Billings.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 04–12284 Filed 5–28–04; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1316, MB Docket No. 04–185, RM–10860]

Digital Television Broadcast Service; Appleton, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Ace TV, Inc., licensee of station WACY(TV), Appleton, Wisconsin, proposing the substitution of DTV channel 27 for DTV channel 59 at Appleton. DTV Channel 27 can be allotted to Appleton with a ''c'' designation at coordinates 44–21–30 N. and 87–58–48 W. with a power of 50, a height above average terrain HAAT of 336 meters. Since the community of Appleton is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian has been obtained for this allotment.

DATES: Comments must be filed on or before July 12 2004, and reply comments on or before July 27, 2004.

ADDRESSES: The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). *See Electronic Filing of Documents in Rule Making Proceedings,* GC Docket No. 97–113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David D. Oxenford, Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037–1128 (Counsel for Ace TV, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–185, adopted May 11, 2004, and released May 21, 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.*

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Wisconsin is amended by removing DTV channel 59 and adding DTV channel 27c at Appleton.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 04–12283 Filed 5–28–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1348, MB Docket No. 04–188, RM–9880]

Digital Television Broadcast Service; Glendive, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Glendive Broadcasting Corporation, licensee of station KXGN–TV, NTSC channel 5, Glendive, Montana, proposing the substitution of DTV channel 10 for station KXGN–TV's assigned DTV channel 15. DTV Channel 10 can be allotted to at coordinates 47–03–15 N. and 104–40–45 W. with a power of 30, a height above average terrain HAAT of 152 meters. Since the community of Glendive is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government was obtained for this allotment.

DATES: Comments must be filed on or before July 15, 2004, and reply comments on or before July 30, 2004.

ADDRESSES: The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). *See Electronic Filing of Documents in Rule Making Proceedings,* GC Docket No. 97–113 (rel. April 6,1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All

hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dan Frenzel, Vice President, Glendive Broadcasting Corporation, 210 S. Douglas, Glendive, Montana 59330 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–188, adopted May 13, 2004, and released May 24, 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.*

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Montana is amended by removing DTV channel 15 and adding DTV channel 10 at Glendive.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 04–12282 Filed 5–28–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1349, MB Docket No. 04–189, RM–10962]

Digital Television Broadcast Service; Anchorage, AK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition jointly filed by Channel 2 Broadcasting Company, Alaska Public Telecommunications, Inc., and Smith Television License Holding, Inc., proposing the substitution of DTV channel 10 for station KTUU–TV's assigned DTV channel 18; DTV channel *8 for station KAKM(TV)'s assigned DTV channel *24; and DTV channel 12 for station KIMO(TV)'s assigned DTV channel 30. DTV Channels *8, 10, and 12 can be allotted to Anchorage at reference coordinates 61–25–22 N. and 149–52–20 W. with the respective power of 50 kW, 21 kW, 41 kW, a height above average terrain HAAT of 240 meters.

DATES: Comments must be filed on or before July 15, 2004, and reply comments on or before July 30, 2004.

ADDRESSES: The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). *See Electronic Filing of Documents in Rule Making Proceedings,* GC Docket No. 97–113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard R. Zaragoza, Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037–1128 (Counsel for the Joint Petitioners).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–189, adopted May 13, 2004, and released May 24, 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.*

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Alaska is amended by removing DTV channels 18, *24 and 30 and adding DTV channels *8, 10 and 12 at Anchorage.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 04–12281 Filed 5–28–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1346, MB Docket No. 04–187, RM–10967]

Digital Television Broadcast Service; Greenwood, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mississippi Broadcasting Partners, licensee of station WABG–TV, Greenwood, Mississippi, proposing the substitution of DTV channel 32 for DTV channel 54 at Greenwood. DTV Channel 32 can be allotted to Greenwood at reference coordinates 33–22–23 N. and 90–32–25 W. with a power of 1000, a height above average terrain HAAT of 610 meters.

DATES: Comments must be filed on or before July 12, 2004, and reply comments on or before July 27, 2004.

ADDRESSES: The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). *See Electronic Filing of Documents in Rule Making Proceedings*, GC Docket No. 97–113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–187, adopted May 13, 2004, and released May 21, 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.*

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Mississippi is amended by removing DTV channel 54 and DTV channel 32 at Greenwood.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 04–12280 Filed 5–28–04; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[040506143–4143–01; I.D. 052504C]

RIN 0648–AS36

Endangered Fish and Wildlife; Advance Notice of Proposed Rulemaking (ANPR) for Right Whale Ship Strike Reduction

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

ACTION: Advance notice of proposed rulemaking (ANPR); request for comments.

SUMMARY: NMFS is considering regulations to implement a strategy to reduce mortalities to North Atlantic right whales as a result of vessel collisions. The strategy addresses the lack of recovery of the endangered North Atlantic right whale by reducing the likelihood and threat of ship strike mortalities to the species. NMFS is soliciting comments on the strategy through this advance notice of proposed rulemaking.

DATES: Written and electronic comments must be received (see **ADDRESSES**) no later than 5 p.m. Eastern Standard Time on August 2, 2004.

ADDRESSES: Comments should be sent to: Chief, Marine Mammal Conservation

Division, Attn: Right Whale Ship Strike Strategy, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may be sent via fax to (301)427–2522, Attn: Right Whale Ship Strike Strategy. Comments may also be sent via email to shipstrike.comments@noaa.gov or to the Federal eRulemaking portal: http://www.regulations.gov (follow instructions for submitting comments).

FOR FURTHER INFORMATION CONTACT: Aleria Jensen, Fishery Biologist, Office of Protected Resources, NMFS, at (301) 713–2322 x169; Pat Gerrior, Fishery Biologist, Northeast Regional Office, NMFS, at (508) 495–2264; or Barb Zoodsma, Fishery Biologist, Southeast Regional Office, NMFS, at (904) 321–2806.

SUPPLEMENTARY INFORMATION:

Background

NMFS has been working with state and other Federal agencies, concerned citizens and citizen groups, environmental organizations, and the shipping industry to address the ongoing threat of ship strikes to North Atlantic right whales as part of its responsibilities related to right whale recovery. The North Atlantic right whale was severely depleted by commercial whaling and, despite protection from commercial harvest, has not recovered. The current population is believed to number about 300 animals and is considered one of the most critically endangered large whales in the world. Recent modeling exercises suggest that if current trends continue, the population could go extinct in less than 200 years (Caswell et. al., 1999). These models indicate that the loss of even a single individual may contribute to the extinction of the species; likewise, according to the models, preventing the mortality of one adult female a year alters the projected outcome.

Mortality due to entanglements in fishing gear and collisions with ships are the two significant human-caused threats to right whales (Knowlton and Kraus, 2001; Jensen and Silber, 2003). Collisions with ships account for more confirmed right whale mortalities than any other human-related activity. Ship strikes are responsible for over 50 percent of known human-related right whale mortalities and are believed to be one of the principal causes for the lack of recovery in this population. Right whales are located in, or are adjacent to, several major shipping corridors on the eastern U.S. and southeastern Canadian coasts.

NMFS has established a right whale ship strike reduction program. Conservation activities in this program include the use of aerial surveys to notify mariners of right whale sighting locations; the operation of Mandatory Ship Reporting systems to provide information to mariners entering right whale habitat; interagency collaboration with the U.S. Coast Guard (USCG), which issues periodic notices to mariners regarding ship strikes; the support of regional Recovery Plan Implementation Teams that provide recommendations to NFMS on recovery activities; the support of shipping industry liaisons; and consultations under section 7 of the Endangered Species Act (ESA).

Strategy To Reduce Ship Strikes of Right Whales (Strategy)

Despite these efforts, right whales continue to be killed as a result of collisions with vessels. NMFS has recognized that this complex problem requires additional, more pro-active measures to reduce or eliminate the threat of ship strikes to right whales. Therefore, NMFS contracted a report on recommended ship strike reduction management measures, and used this 2001 report as a baseline to develop a proposed Strategy to Reduce Ship Strikes of Right Whales (Strategy). Measures contained within the Strategy attempt to reduce the overlap between ships and whales in order to reduce the likelihood of ship strikes to the extent practicable, while minimizing the adverse impact on ship operations. The Strategy allows for regional implementation and accommodates differences in oceanography, commercial ship traffic patterns, navigational concerns, and right whale use. Implementation of the Strategy requires research, proposed and final rulemaking and international actions to be taken.

The draft Strategy consists of the following five elements: (1) The establishment of new operational measures for the shipping industry, including consideration of routing and speed restrictions; (2) the negotiation of a Right Whale Conservation Agreement with the Government of Canada; (3) the development and implementation of education and outreach programs; (4) a review of the need for ESA section 7 consultations with all Federal agencies who operate or authorize the use of vessels in waters inhabited by right whales, or whose actions directly or indirectly affect vessel traffic; and (5) the continuation of ongoing research, conservation, and education/outreach activities. Neither the draft Strategy nor any other conservation measures identified through public comment are intended to replace any conservation and management measures currently in place. NMFS has developed a framework of proposed operational measures for the shipping industry as an element of this Strategy, based on the proposed suite of operational measures in the contracted 2001 report.

Based on information summarized above regarding mortalities attributable to ship strikes and the population size of North Atlantic right whales, NMFS proposes to implement these measures through its broad rulemaking authority pursuant to the MMPA and ESA. Under MMPA section 112(a) (16 U.S.C. 1382(a)), NMFS has authority, in consultation with other Federal agencies to the extent other agencies may be affected, to ''prescribe such regulations as are necessary and appropriate to carry out the purposes of [the MMPA].'' In addition, NMFS proposes to implement these measures as appropriate to promote conservation, implement recovery measures, and enhance enforcement under the ESA. However, NMFS has not made any final decision on these measures or alternatives and is seeking comments through this ANPR on these proposed measures as well as any alternatives.

Regional Implementation of the Proposed Strategy

NMFS is proposing to implement the operational measures in the Strategy within each of three broad regions: (a) The southeastern Atlantic coast of the U.S., (b) the Mid-Atlantic region, and (c) the northeastern U.S. The implementation of operational measures, and the specific times and areas (with boundaries) in which the measures would be in effect may vary within each region but all would contain specific elements to reduce the threat of ship strikes to right whales. The operational measures proposed in the Strategy would generally apply to non-sovereign vessels 65 ft (19.8 m) and greater based on information regarding confirmed ship strikes and known vessel size.

Southeastern United States (SEUS): The proposed measures in the SEUS focus on the area where and time when the vast majority of right whales have occurred. This area correlates to where survey effort has been concentrated, in recent years.

Area: The area influenced by the proposed rulemaking is bounded to the north by the latitudinal line 31° 27′N (coincides with the northernmost boundary of the mandatory ship reporting system) and to the south by

latitudinal line 29° 45′N. The eastern offshore boundary is formed by a longitudinal line at 81° 00′W. and the western boundary is formed by the shoreline. (See Figure 1).

Time: December 1st through March 31st

Proposed Regulatory Measures: First, if warranted and so indicated by the analysis in the Port Access Route Study called for under Non-regulatory Measures, designated routes would be established with the greatest possibility of reducing the risk of collisions between vessels and whales.

Second, seasonal speed restrictions would be implemented in those lanes during the time period indicated above, unless it is determined that there are no whales present in the area (the criteria for determining 'no whales present' have yet to be developed). Uniform speed restrictions will be determined through public comment and further analyses; however, proposed speed restrictions would likely be in the range of 10–14 knots. The proposed speed measure is expected to protect right whales by potentially allowing the animals time to avoid an oncoming ship. Reduced speeds may also lessen the hydrodynamic forces that cause a whale to be pushed away but then driven back toward a moving ship or propeller. Depending on the circumstances, routing measures alone may not provide sufficient risk reduction; therefore, a proposed speed measure would provide an additional degree of risk reduction.

Third, NMFS would develop an understanding with operators of vessels (e.g., large recreational vessels, tugs and barges, etc.) which primarily transit along the coast locally and between ports. The understanding would be that vessels use the designated traffic lanes or avoid transiting the area to the maximum extent practicable and, for those that do not use the lanes or avoid the area, impose a uniform speed restriction.

Non-regulatory measures: First, NMFS would work in partnership with the United States Coast Guard (USCG) to conduct a Port Access Route Study (PARS) for the Ports of Jacksonville, Fernandina, and Brunswick. A PARS is a USCG process whereby a study is performed to determine safe access routes for vessels proceeding to and from U.S. ports, and it would ensure that a full hearing takes place for any routing measure considered and would allow for the integration of views relating to maritime safety, and right whale protection from all entities. The intent of the PARS would be to reduce the confluence of right whales and ships in this area and allow measures to consider navigational safety while taking into account the necessity of protecting right whales.

Mid-Atlantic Region of the United States (MAUS): The MAUS is a principal migratory corridor for right whales that travel between the calving/nursery areas in the SEUS, and feeding grounds in the northeast U.S. and Canada. Two right whale calves were found dead in the mid-Atlantic region in 2001 and there is a high probability that these deaths were caused by ship strikes. A dead mature female right whale was observed floating off Virginia (subsequently stranded on the coast of North Carolina in 2004) and, although final histopathology results are still pending, preliminary analysis indicated the whale likely died as a result of a vessel collision.

Ship traffic entering ports in this area, or transiting through it, continually crosses the whales' north-south migratory corridor. Satellite tagging data, opportunistic sighting data, and historical records of right whale takes, indicate that right whales often occur within 30 nautical miles (48 kilometers) of the coast and in waters less than 25 fathoms. The following proposed measures reflect this information.

Area and Time: The locations and time periods included for the mid-Atlantic measures are closely tied to sighting data as well as available information on vessel traffic in and out of the following ports (See Figure 2). Times for the seasonal management areas are being proposed as ''rolling'' in order to best account for the whales' migratory presence around particular ports while minimizing unnecessary impact to industry. The precise start and stop dates for this region will be further refined based on comments on this ANPR, and during a series of public meetings. However, the area for proposed operational measures and rolling dates are based on the historical data regarding the occurrence of right whales in this region (possible distances from shore are in brackets) and may include the following:

(a) South and east of Block Island Sound (approximate reference points: Montauk Point and the western end of Martha's Vineyard), (20–30nm): March-April; September-October.

(b) Ports of New York/New Jersey (30nm): February-April; September-October.

(c) Delaware Bay (Ports of Philadelphia and Baltimore)(20–30nm): February-April; October-December.

(d) Entrance to the Chesapeake Bay (Ports of Hampton Roads and Baltimore)(30nm): February-April; November-December.

(e) Ports of Morehead City and Beaufort, NC (20–25nm): December-April.

(f) Port of Wilmington, NC (20nm): December-April.

(g) Port of Georgetown, SC (20–30nm): October-April.

(h) Port of Charleston (20–25nm): October-April.

(i) Port of Savannah (25nm): November-April.

Proposed Regulatory Measures: NMFS, in conjunction with appropriate agencies and through public comment and further analyses, would establish uniform speed restrictions within 20–30 miles in the approaches of the above-named ports and areas. Based on information from confirmed ship strikes and known speeds of ships involved in the strikes, proposed speed restrictions may be in the range of 10–14 knots.

Northeastern United States (NEUS): Right whales occupy and forage in four distinct areas in the NEUS: Cape Cod Bay; the area off Race Point at the northern end of Cape Cod (Race Point); the Great South Channel; and the northern Gulf of Maine. Ship strike reduction measures are concentrated in these areas.

Cape Cod Bay: Right whales frequent Cape Cod Bay in winter and spring to feed. The following reflects the peak period(s) when right whales are present in this area. The area encompasses the complete Bay and it includes all routes traveled by tug, tow and ship traffic (for descriptions of PARS and speed restriction considerations, see SEUS section above.)

Area: The entire Cape Cod Bay including the Cape Cod Bay critical habitat and the area south of a straight line formed from the northeast corner of critical habitat, through the northwest corner of the critical habitat, and continuing to the shoreline (See Figure 3).

Time: January 1st - April 30th

Proposed Regulatory Measures: First, if warranted and indicated by a PARS, routing measures with the greatest possibility of reducing the risk of collisions between vessels and whales would be established in Cape Cod Bay. Elements to be considered in this PARS are as follows: (1) all efforts would be made to reduce the confluence between right whales and ships in the Bay; (2) routing measures would be considered in right whale critical habitat, as well as the western side of the Bay and areas outside critical habitat from Cape Cod Canal, (3) designated lanes may be established to minimize the travel distance for those ships entering and

leaving the Port of Provincetown from Cape Cod Canal or from the north, and (4) such designated lanes would need to be broad enough to allow ships to route around any whales found in the lanes.

Second, NMFS, with appropriate agencies, would establish speed restrictions (determined through public comment and further analyses) within designated ship traffic lanes into Provincetown, Massachusetts (if indicated through a PARS) to reduce the risk of collisions between vessels and whales. Such restrictions would be lifted in those rare years when it is determined that there are no whales present in the area (the criteria for determining 'no whales present' have yet to be developed).

Non-regulatory Measures: First, NMFS would work in partnership with the USCG to conduct a PARS for Cape Cod Bay.

Second, NMFS would also work with the U.S. Army Corps of Engineers to provide notices to mariners when they enter Cape Cod Bay from either the south (through Cape Cod Canal) or from the north, and to traffic southbound out of the canal when whales are sighted south of the NEUS area, e.g., off Block Island and Long Island. This would include notices to tug and barge traffic, which comprises the majority of traffic using the Cape Cod Canal.

Duties of the Traffic Controllers would include alerting ships' masters of right whale locations as provided by NMFS when right whales are spotted in areas where Canal traffic may transit. Such alerts to include right whale sightings in Cape Cod Bay and the Stellwagen Bank National Marine Sanctuary should be given to all east bound Canal traffic. Such alerts to include right whale sightings in Rhode Island and Block Island Sounds and off Long Island should be given to west bound Canal traffic. West bound traffic reporting into the Traffic Controllers at the east approach channel (CC Buoy) should also be given alerts for right whale sightings in the southwest quadrant of Cape Cod Bay. In addition, Traffic Controllers would provide alerts to all vessels of 65 ft (19.8 m) and greater, and provide reasonable protection for right whales and separation of vessel traffic from right whales within the Canal and within the east or west approach channels.

Off Race Point: Food resources in Cape Cod Bay are significantly reduced in availability by the end of April, causing right whales to leave the area in search of resources elsewhere. At this time, many of these animals travel to the Great South Channel, where they are found in large aggregations during spring and early summer. To reach the Great South Channel, right whales commonly transit or reside in other nearby areas prior to aggregating in the Great South Channel. These include Stellwagen Bank, areas to the east of Stellwagen Bank, and also the northern end of the Provincetown Slope (the area on the ocean side of Cape Cod which runs down to the Great South Channel). The Boston shipping lanes concentrate ship traffic through this region. Therefore, right whales are potentially vulnerable to ship strikes in this area. As a result, limits on speed in this area would provide a means of reducing collision risk by allowing whales more time to react to oncoming ships. The time and duration of these proposed measures, and their geographic extent, have been tightly defined to take into account the biological data and to minimize potential burden to industry. The time period proposed reflects when whales have historically migrated from Cape Cod Bay through this area.

Area: The area proposed has been developed based on right whale sighting data and vessel traffic patterns. This area is a box described (See Figure 3) by latitudes and longitudes (degrees and minutes format) as follows:

42° 30′ N. 70° 30′ W.
42° 30′ N. 69° 54′ W.
42° 00′ N. 69° 54′ W.
42° 00′ N. 70° 01.8′ W.
follow Massachusetts Coast to
42° 04.8′ N. 70° 10.2′ W.
42° 12′ N. 70° 15′ W.
42° 12′ N. 70° 30′ W.

Time: April 1st - May 15th

Proposed Regulatory Measures: The proposed rule would establish a uniform speed restriction in the described zone, or as an alternative, mariners may route around this area.

Great South Channel: The Great South Channel is one of the most important habitats for right whales within the species' range. Right whales aggregate there during spring and early summer to feed on dense patches of prey. In some years more than one third of the remaining population of North Atlantic right whales can be found in this area at any one time, and it is likely that more than half the population feeds in or at least passes through this area during the course of the year. Some individually identified right whales observed in the Great South Channel are seen rarely or not at all in other areas such as the Bay of Fundy, emphasizing the importance of this area to the population. For much of the time in the Great South Channel, the distribution and movements of the whales coincide with those of commercial ship traffic in the region, leading to a serious risk of collision. The proposed measure seeks to reduce the confluence of ships and whales by minimizing the area and time in which whales would be exposed to ship traffic.

Area: The area proposed reflects historical sighting data and recent survey data. This area is delineated by latitudes and longitudes (degrees and minutes format) as follows (See Figure 3):

41° 00′ N. 69° 03′ W.(southern corner)
42° 08.4′ N. 67° 08.4′ W. (southern intersection with Hague Line)
42° 30′ N. 67° 27′ W. (Northern intersection with Hague Line)
42° 30′ N. 69° 00′ W.
42° 00′ N. 69° 00′ W.
42° 00′ N. 69° 43.8′ W. (return to first point)

Time: April 1st - July 31st. The time period for the proposed measure reflects the peak period when whales are present.

Proposed Regulatory Measures: This area would be subject to several measures. First, an Area to be Avoided (ATBA) would be proposed to the International Maritime Organization (IMO) for adoption adjacent to, and east of, the Boston traffic separation scheme (TSS). This ATBA would be applicable to ships 300 gross tons and above. This measure would require the U.S. to propose an ATBA to, and receive endorsement by, the IMO. Second, all vessels under 300 gross tons and greater than or equal to 65 ft (19.8 m) (including fishing vessels) would be subject to uniform speed restrictions within the ATBA and the critical habitat which lies to the southwest of the TSS.

Gulf of Maine

Area: The Gulf of Maine is considered all waters under U.S. jurisdiction to the north of the other management areas for Cape Cod Bay, Off Race Point, and the Great South Channel.

Time: Year-round

Proposed Regulatory Measures: All areas in the Gulf of Maine would be subject to dynamic area management (until such time that ongoing broad scale aerial surveys in the Northeast provide additional right whale distributional data to inform seasonal management or other measures). This would require that a mechanism be implemented whereby a precautionary area may be established around the whales, and ships would be directed either to divert around the whales or reduce their speed and proceed through a designated area with caution (keeping in mind navigation safety considerations). If certain concentrations (yet to be completely

specified) of right whales are sighted, then these precautionary area measures would be required for a limited period.

All Areas

Proposed Additional Regulatory Measures: All areas along the Atlantic seaboard within the U.S. Exclusive Economic Zone would be subject to dynamic area management if certain concentrations (yet to be completely specified) of right whales were sighted outside of the time for, or beyond the area of, the operation of the above-described regional measures. As in the Gulf of Maine measure, this would require that a mechanism be developed whereby a precautionary area would be established for a limited period around a certain concentration of right whales, and ships would be directed either to divert around these right whales or reduce their speed and proceed through a designated area with caution (keeping in mind navigation safety considerations).

Request for Comments

NMFS is requesting comments on the proposed measures in the Strategy and information discussed in this ANPR. In particular, NMFS is soliciting information from the public on the effectiveness of the proposed regulatory measures, or other options that need to be considered in a proposed Federal rulemaking.

Public Involvement

NMFS invites the public to submit data, new information, and comments identifying relevant environmental and socioeconomic issues pertinent to the Strategy and proposed regulatory measures contained therein. In addition, NMFS expects to conduct public scoping meetings during or following the comment period on the ANPR, and will continue to work with other agencies, the shipping industry, researchers, environmental groups, and the public throughout this process. The public, as well as Federal, state, and local agencies are encouraged to participate in the meetings.

NMFS intends to convene these scoping meetings at several locations along the U.S. Atlantic coast in each of the three major regions proposed for operational measures: the northeastern U.S.; the mid-Atlantic U.S.; and the southeastern United States. The dates and locations of these meetings will be announced in a future **Federal Register** Notice.

References

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Related Links

For February 2004 press release on right whale ship strikes, see: *http://www.nefsc.noaa.gov/press__release/advisory04.02.html*.

For information on the Mandatory Ship Reporting system, the Right Whale Sighting Advisory System, Northeast Right Whale Early Warning System, the Northeast Implementation Team, and an economic analysis of proposed ship strike management measures, see: *http://www.nero.noaa.gov/whaletrp/*.

BILLING CODE 3510–22–S

Figure 1. Southeast U.S. Areas for Proposed Measures

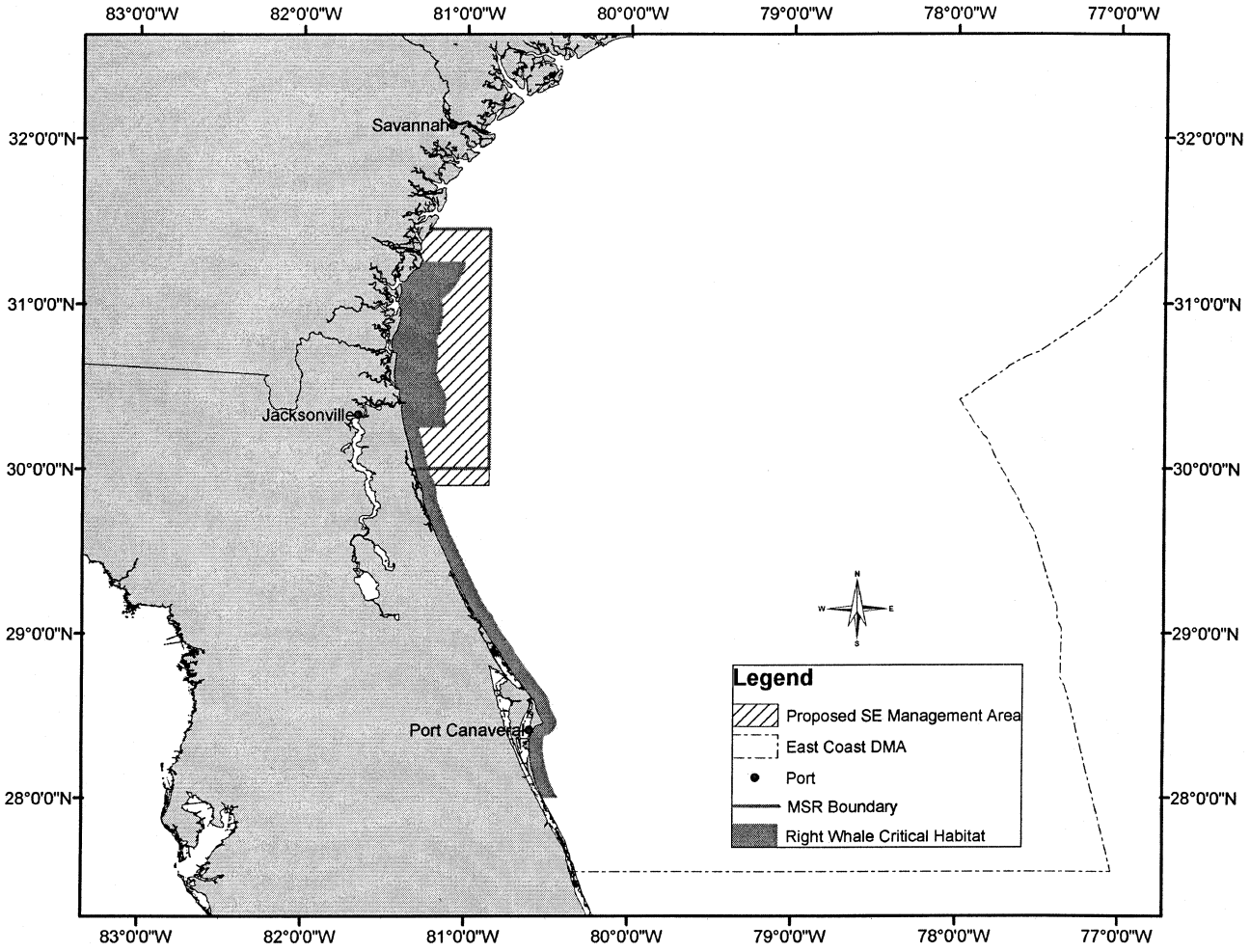


Figure 2. Mid-Atlantic U.S. Areas for Proposed Measures

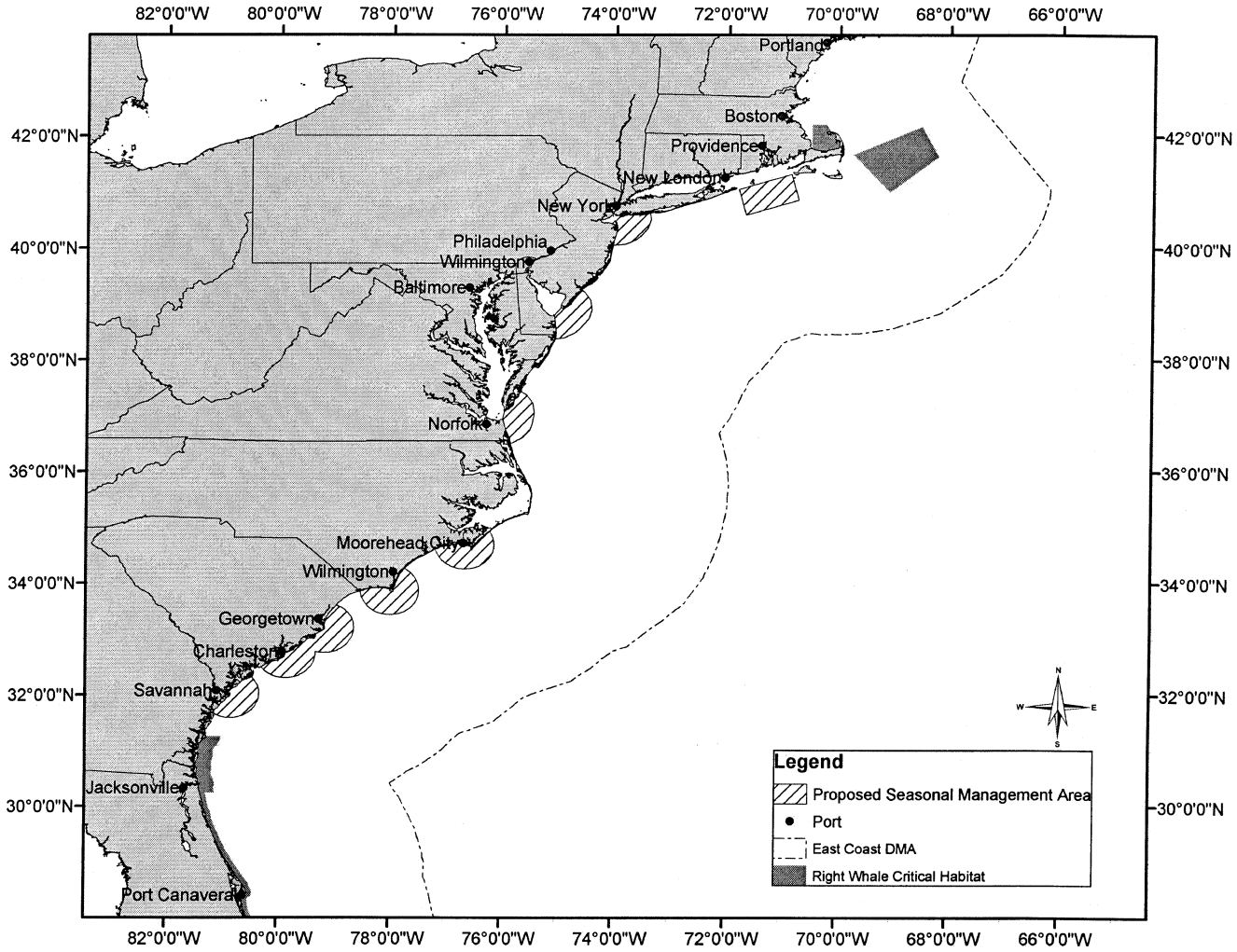
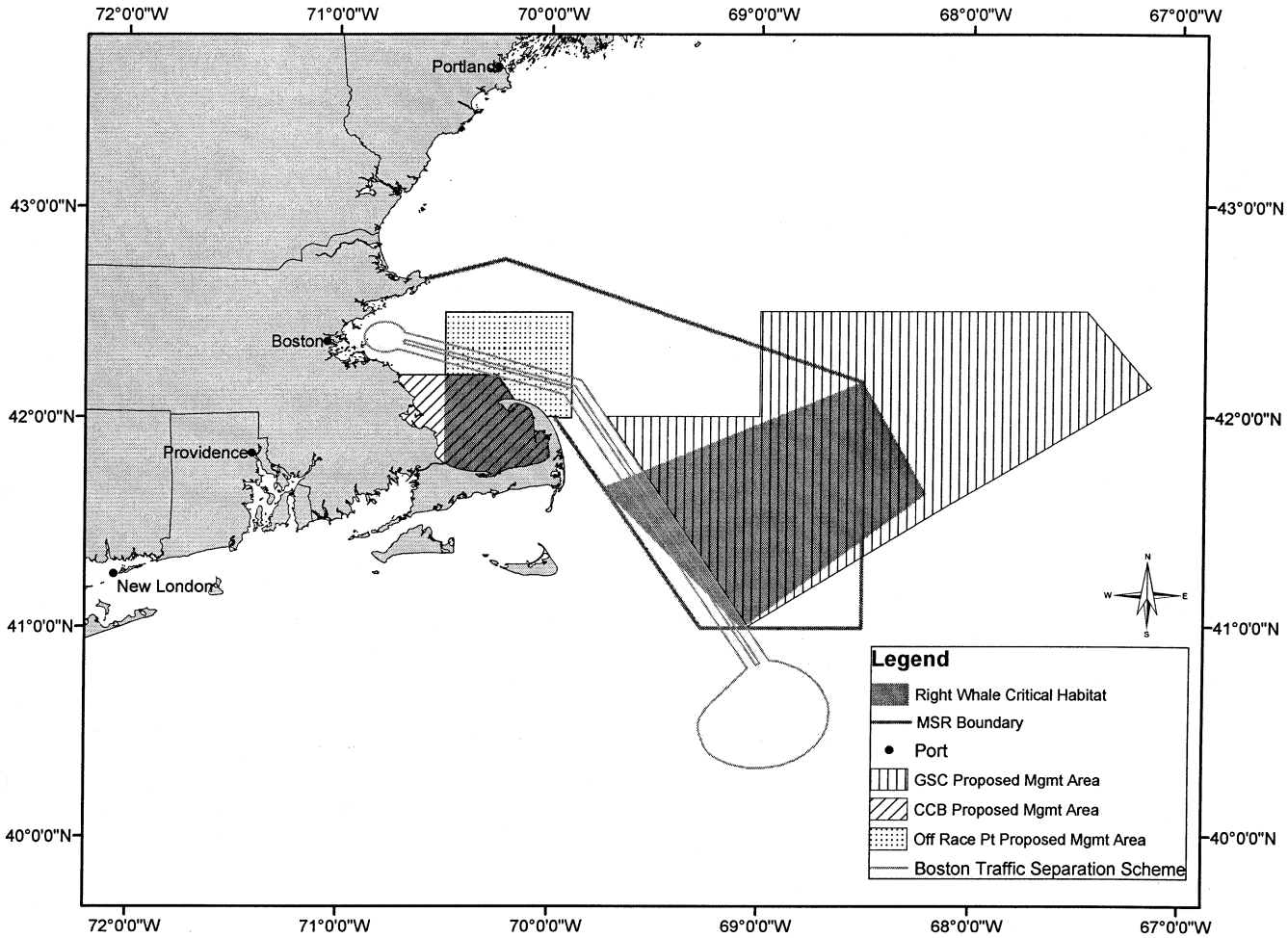


Figure 3. Northeast U.S. Areas for Proposed Measures



Dated: May 25, 2004.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 04–12356 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–22–C

Notices

Federal Register
Vol. 69, No. 105
Tuesday, June 1, 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. 04–039–1]

Mile-a-Minute Weed; Availability of an Environmental Assessment

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 relative to the control of mile-a-minute weed (*Polygonum perfoliatum*). The environmental assessment considers the effects of, and alternatives to, the release of a nonindigenous weevil, Rhinoncomimus latipes, into the environment to reduce the severity and extent of mile-a-minute weed infestations in the continental United States. We are making the environmental assessment available to the public for review and comment.

DATES: We will consider all comments that we receive on or before July 1, 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. 04–039–1, 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. 04–039–1.
- 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. 04–039–1'' 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.

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. Robert Flanders, Branch Chief, Biological and Technical Services, Pest Permit Evaluations, Plant Protection and Quarantine, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 734–5930.

SUPPLEMENTARY INFORMATION:

Background

Mile-a-minute weed (*Polygonum perfoliatum* L. [Polygonaceae]) is an annual vine that is indigenous to Asia. Since it was accidentally introduced into Pennsylvania via imported nursery stock in the 1930s, it has become established throughout the northeastern United States. The weed grows rapidly, with stems that can extend up to 6 meters. Its stems, petioles, and leaf veins are covered with downward-curving barbs that aid the plant in climbing and supporting itself on other plants.

Large, dense patches of mile-a-minute weed develop during the summer. As the vines climb over and cover other plants, they block available sunlight, which can reduce the population of native plant species in affected areas. Mile-a-minute weed can also interfere with Christmas tree farms, pine plantations, and reforestation projects by smothering tree seedlings. Nursery and horticultural crops that are not regularly tilled can also be affected by mile-a-minute weed. The Animal and Plant Health Inspection Service (APHIS) and several States list mile-a-minute weed as a noxious weed.

A pest risk assessment that APHIS conducted in 1994 rated the risk potential of mile-a-minute weed as ''high,'' based on its high ratings for probability of spread and environmental impact potential and its medium rating for economic consequences of establishment. That risk assessment also noted that eradication of mile-a-minute weed is no longer feasible, because it is distributed in at least seven States and its seeds are spread by birds and water. The risk assessment recommended that efforts to control mile-a-minute weed utilize classical biocontrol, if feasible.

Pursuant to this recommendation, researchers have identified a nonindigenous weevil, *Rhinoncomimus latipes* (Coleoptera: Curculionidae), as a biological control agent capable of reducing the severity and extent of mile-a-minute weed infestation.

R. latipes is a small (approximately 2 millimeters long) black weevil, first collected in China, that lays its eggs on leaves and stems of mile-a-minute weed. Newly hatched *R. latipes* larvae bore into the weed's stem and spend their entire larval period feeding internally in the stem. Feeding in the stem of mile-a-minute weed by a single *R. latipes* larva kills the stem terminal, preventing development of seeds on that terminal.

After about 3 weeks, the larvae leave the stem, drop to the soil, and pupate. Adults emerge about 1 week later. Adult *R. latipes* feed on mile-a-minute weed foliage, ingesting about 0.1 square centimeter of foliage per weevil per day. Adults also lay about three eggs a day. Adults can survive for up to a year in the laboratory.

Simulated damage studies suggest that larval feeding by this weevil has the potential to kill small mile-a-minute weed plants and stunt and reduce seed production by larger plants. Observations in China indicate that *R. latipes* is host-specific and has caused considerable damage to mile-a-minute plants in its native range, especially through larval feeding.

Therefore, APHIS is considering issuing a permit for the release of *R. latipes* into the continental United States in order to reduce the severity and extent of mile-a-minute weed infestation. APHIS'' review and analysis of the proposed action and its

alternatives are documented in detail in an environmental assessment (EA) entitled, ''Field Release of *Rhinoncomimus latipes* (Coleoptera: Curculionidae), a Weevil for Biological Control of Mile-A-Minute Weed (*Polygonum perfoliatum*), in the Continental United States' (April 2004). We are making the EA available to the public for review and comment. We will consider all comments that we receive on or before the date listed under the heading **DATES** at the beginning of this notice.

The EA may be0 viewed on the Internet at *http://www.aphis.usda.gov/ppq/.* In the middle of that page, click on ''Document/Forms Retrieval System.'' At the next screen, click on the triangle beside ''Permits—Environmental Assessments.'' A list of documents will appear; the EA for mile-a-minute weed is document number 0037. You may request paper copies of the EA by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT.** Please refer to the title of the EA when requesting copies. The EA is also available for review in our reading room (information on the location and hours of the reading room is listed under the heading **ADDRESSES** at the beginning of this notice).

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 provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 25th day of May 2004.

W. Ron DeHaven,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 04–12267 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Winema and Fremont Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Fremont and Winema Resource Advisory Committee will meet in Lakeview, Oregon, for the purpose of evaluating and recommending resource management projects for funding in 2004, under the provisions of Title II of the Secure Rural Schools and Community Self-Determination Act of 2000.

DATES: The meeting will be held on June 10 and 11, 2004.

ADDRESSES: The meeting will be held in the conference room of the Fremont-Winema National Forests' Klamath Falls Office, 2819 Dahlia Street, Klamath Falls. Send written comments to Fremont and Winema Resource Advisory Committee, c/o USDA Forest Service, P.O. Box 67, Paisley, OR 97636, or electronically to *waney@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: W.C. (Bill) Aney, Designated Federal Official, Paisley Ranger District, Fremont-Winema National Forests, P.O. Box 67, Paisley, OR 97636, telephone (541) 943–4401.

SUPPLEMENTARY INFORMATION: The agenda will include a review of 2002–2004 projects recommended by the RAC, consideration of Title II project proposals for 2005 submitted by the Forest Service, the public, and other agencies, presentations by project proponents, and final recommendations for funding of fiscal year 2005 projects. All Fremont and Winema Resource Advisory Committee Meetings are open to the public. There will be a time for public input and comment. Interested citizens are encouraged to attend.

Dated: May 21, 2004.

Karen Shimamoto,

Forest Supervisor.

[FR Doc. 04–12194 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Tehama County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tehama County Resource Advisory Committee (RAC) will meet in Red Bluff, California. Agenda items to be covered include: (1) Introductions, (2) Approval of Minutes, (3) Public Comment, (4) Chairman Report, (5) Reports from Committee's, (6) Approving Project Proposals, (7) Review New Member Applications, (8) General Discussion, (9) Next Agenda.

DATES: The meeting will be held on June 10, 2004, from 9 a.m. and end at approximately 12 p.m.

ADDRESSES: The meeting will be held at the Lincoln Street School, Conference Room A, 1135 Lincoln Street, Red Bluff, CA. Individuals wishing to speak or propose agenda items must send their names and proposals to Jim Giachino, DFO, 825 N. Humboldt Ave., Willows, CA 95988.

FOR FURTHER INFORMATION CONTACT: Bobbin Gaddini, Committee Coordinator, USDA, Medocino National Forest, Grindstone Ranger District, P.O. Box 164, Elk Creek, CA 95939. (530) 968–5329; e-mail *ggaddini@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by June 8, 2004, will have the opportunity to address the committee at those sessions.

Dated: May 24, 2004.

James F. Giachino,

Designated Federal Official.

[FR Doc. 04–12211 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Siuslaw Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Siuslaw Resource Advisory Committee will meet in Florence, OR. The purpose of the meeting is to review RAC FY05 Business, Public Forum and 2005 Project Review/Recommendations.

DATES: The meeting will be held June 14, 2004 beginning at 9 a.m.

ADDRESSES: The meeting will be held at the Siuslaw Valley Fire and Rescue Station, 2625 Hwy 101, Florence, OR 97439.

FOR FURTHER INFORMATION CONTACT: Linda Stanley, Community Development Specialist, Siuslaw National Forest, (541) 928–7085 or write to Forest Supervisor, Siuslaw National Forest, PO Box 1148, Corvallis, OR 97339.

SUPPLEMENTARY INFORMATION: A public input period will begin at 10 a.m. The meeting is expected to adjourn at 4 p.m.

Dated: May 25, 2004.

Mary Zuschlag,

Acting Forest Supervisor.

[FR Doc. 04–12216 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

South Gifford Pinchot National Forest Resource Advisory Committee Meeting Notice

AGENCY: Forest Service, USDA

ACTION: Notice of meeting.

SUMMARY: The South Gifford Pinchot National Forest Resource Advisory Committee will meet on Friday, June 18, 2004 at the Skamania County Courthouse Annex, 170 NW. Vancouver Avenue, Stevenson, Wash. The meeting will begin at 10 a.m. and continue until noon. The purpose of the meeting is to review ongoing Title II and III projects, committee structure and budgets under the county payments law under the Secure Rural Schools and County Self-Determination Act of 2000.

All South Gifford Pinchot National Forest Resource Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend. The ''open forum'' provides opportunity for the public to bring issues, concerns, and discussion topics to the Advisory Committee. The ''open forum'' is scheduled to occur at 10 a.m. Interested speakers will need to register prior to the open forum period. The committee welcomes the public's written comments on committee business at any time.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Roger Peterson, Public Affairs Specialist, at (360) 891–5007, or write Forest Headquarters Office, Gifford Pinchot National Forest, 10600 NE. 51st Circle, Vancouver, WA 98682.

Dated: May 24, 2004.

Claire Lavendel,

Forest Supervisor.

[FR Doc. 04–12217 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

North Gifford Pinchot National Forest Resource Advisory Committee Meeting Notice

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The North Gifford Pinchot National Forest Resource Advisory Committee will meet on Friday, June 15, 2004 at the Tatoosh Resort, 408 Craig Road, Packwood, Wash. The meeting will begin at 10 a.m. and continue until Noon. The purpose of the meeting is to review ongoing Title II and III projects, committee structure and budgets under the county payments law under the Secure Rural Schools and County Self-Determination Act of 2000.

All North Gifford Pinchot National Forest Resource Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend. The ''open forum'' provides opportunity for the public to bring issues, concerns, and discussion topics to the Advisory Committee. The ''open forum'' is scheduled to occur at 10 a.m. Interested speakers will need to register prior to the open forum period. The committee welcomes the public's written comments on committee business at any time.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Roger Peterson, Public Affairs Specialist, at (360) 891–5007, or write Forest Headquarters Office, Gifford Pinchot National Forest, 10600 NE. 51st Circle, Vancouver, WA 98682.

Dated: May 24, 2004.

Claire Lavendel,

Forest Supervisor.

[FR Doc. 04–12218 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: Modoc Resource Advisory Committee, Alturas, California, USDA Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Modoc National Forest's Modoc Resource Advisory Committee will meet Monday, June 7th, 2004, Monday, July 12th, 2004, and Monday, August 2nd, 2004, in Alturas, California, for business meetings. The meetings are open to the public.

SUPPLEMENTARY INFORMATION: The business meeting June 7th begins at 6 p.m., at the Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas. Agenda topics will include approval of 05/03/04 minutes, projects submitted for the new fiscal year 2005, reports from subcommittees and review and selection of projects that will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve health and water quality that meet the intent of Public Law 106–393. Time will also be set aside for public comments at the beginning of the meeting. The business meeting July 12th begins at 6 p.m., at the Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas. Agenda topics will include approval of the 06/07/04 minutes, projects submitted for the new fiscal year 2005, reports from subcommittees and selection of projects on the Modoc National Forest that meet the intent of Public Law 106–393. Time will be set aside for public comments at the beginning of the meeting. The business meeting August 2nd begins at 6 p.m., at the Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas. Agenda topics will include approval of the 07/12/04 minutes, projects submitted for the new fiscal year 2005, reports from subcommittees and selection of projects on the Modoc National Forest that meet the intent of Public Law 106–393. Time will be set aside for public comments at the beginning of the meeting.

FOR FURTHER INFORMATION CONTACT: Stan Sylva, Forest Supervisor and Designated Federal Officer, at (530) 233–8700; or Public Affairs Officer Nancy Gardner at (530) 233–8713.

Jim Irvin,

Acting Forest Supervisor.

[FR Doc. 04–12219 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Madera County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of resource advisory committee meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act of 1972 (Pub. L. 92–463) and under the secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Sierra National Forest's Resource Advisory Committee for Madera County will meet on Monday, June 21, 2004. The Madera Resource Advisory Committee will meet at the Yosemite Bank, Oakhurst, CA 93644. The purpose of the meeting is: Discuss reconsideration of project proposals, summary of USDA Forest Service budget, review RAC proposal evaluation process, discussion on the RAC Goal to clarify what type of projects the RAC

wants, review Sierra Business Council Book, the Arrowhead Presentation.

DATES: The Madera Resource Advisory Committee meeting will be held Monday, June 21, 2004. The meeting will be held from 7 p.m. to 9 p.m.

ADDRESSES: The Madera County RAC meeting will be held at the Yosemite Bank, 40061 Highway 40, Oakhurst, CA 93644.

FOR FURTHER INFORMATION CONTACT: Dave Martin, USDA, Sierra National Forest, Bass Lake Ranger District, 57003 Road 225, North Fork, CA 93643, (559) 877–2218 ext. 3100; e-mail: *dmartin05@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Discuss reconsideration of project proposals, (2) summary of USDA Forest Service budget, (3) review RAC proposal evaluation process, (4) discussion on the RAC Goal to clarify what type of projects the RAC wants, (5) review Sierra Business Council Book, and (6) the Arrowhead Presentation.

Dated: May 24, 2004.

David W. Martin,

District Ranger, Bass Lake Ranger District.

[FR Doc. 04–12220 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[03–04–S]

Designation for the East Indiana (IN), Fremont (NE), and Titus (IN) Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: Grain Inspection, Packers and Stockyards Administration (GIPSA) announces designation of the following organizations to provide official services under the United States Grain Standards Act, as amended (Act):

East Indiana Grain Inspection, Inc. (East Indiana);

Fremont Grain Inspection Department, Inc. (Fremont); and

Titus Grain Inspection, Inc. (Titus).

DATES: *Effective Date:* July 1, 2004.

ADDRESSES: USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at 202–720-8525, e-mail *Janet.M.Hart@usda.gov.*

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the December 1, 2003, **Federal Register** (68 FR 67144), GIPSA asked persons interested in providing official services in the geographic areas assigned to the official agencies named above to submit an application for designation. Applications were due by January 2, 2004.

East Indiana, Fremont, and Titus were the sole applicants for designation to provide official services in the entire area currently assigned to them, so GIPSA did not ask for additional comments on them.

GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(l)(A) of the Act and, according to Section 7(f)(l)(B), determined that East Indiana, Fremont, and Titus are able to provide official services in the geographic areas specified in the December 1, 2003, **Federal Register**, for which they applied. Interested persons may obtain official services by calling the telephone numbers listed below.

Official agency	Headquarters location and telephone	Designation start–end
East Indiana	Muncie, IN—765–289–1206	7/01/2004–6/30/2007
Fremont	Fremont, NE—402–721–1270	7/01/2004–6/30/2007
	Additional location: Denison, IA	
Titus	West Lafayette, IN—765–497–2202	7/01/2004–6/30/2007

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Donna Reifschneider,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 04–12263 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[04–01–C]

Opportunity To Comment on the Applicants for the Amarillo (TX) and Louisiana Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: Grain Inspection, Packers and Stockyards Administration (GIPSA) requests comments on the applicants for designation to provide official services in the geographic areas assigned to Amarillo Grain Exchange, Inc. (Amarillo) and Louisiana Department of Agriculture and Forestry (Louisiana).

DATES: Comments must be postmarked, or electronically dated by July 1, 2004.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- Hand Delivery or Courier: Deliver to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250.
- Fax: Send by facsimile transmission to (202) 690–2755, attention: Janet M. Hart.
- E-mail: Send comments via electronic mail to *Janet.M.Hart@usda.gov.*
- Mail: Send hardcopy to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

Read Comments: All comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at 202–720–8525, e-mail *Janet.M.Hart@usda.gov.*

SUPPLEMENTARY INFORMATION: This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the March 1, 2004, **Federal Register** (69 FR 9573), GIPSA asked persons interested in providing official services in the Amarillo and Louisiana areas to submit an application for designation. There were two applicants for the Amarillo area: Amarillo and Enid Grain Inspection Company, Inc. (Enid).

Amarillo applied for designation to provide official services in the entire area currently assigned to them, except for Beckham, Ellis, Harper, and Roger Mills Counties in Oklahoma. Enid, a designated official agency operating in Oklahoma, applied for designation to provide official services in Beckham, Ellis, Harper, and Roger Mills Counties in Oklahoma.

There were two applications for the Louisiana area: Louisiana Department of Agriculture and Forestry (Louisiana) and BSI Inspectorate Services, Inc. (BSI). Louisiana applied for designation to provide official services in the entire area currently assigned to them. BSI, an unofficial grain inspection agency, applied for the entire state of Louisiana, except those export port locations served by GIPSA.

GIPSA is publishing this notice to provide interested persons the opportunity to present comments concerning the applicants. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of the applicants. All comments must be submitted to the Compliance Division at the above address. Comments and other available information will be considered in making a final decision. GIPSA will publish notice of the final decision in the **Federal Register**, and GIPSA will send the applicants written notification of the decision.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Donna Reifschneider,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 04–12262 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[04–02–A]

Opportunity for Designation in the Columbus (OH), Farwell (TX), and Northeast Indiana (IN) Areas, and Request for Comments on the Official Agencies Serving These Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The designations of the official agencies listed below will end in December 2004. Grain Inspection, Packers and Stockyards Administration (GIPSA) is asking persons interested in providing official services in the areas served by these agencies to submit an application for designation. GIPSA is also asking for comments on the quality of services provided by these currently designated agencies: Columbus Grain Inspection, Inc. (Columbus); Farwell Grain Inspection, Inc. (Farwell); and Northeast Indiana Grain Inspection, Inc. (Northeast Indiana).

DATES: Applications and comments must be postmarked or electronically dated on or before July 1, 2004.

ADDRESSES: We invite you to submit applications and comments on this notice. You may submit applications and comments by any of the following methods:

- Hand Delivery or Courier: Deliver to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250.
- Fax: Send by facsimile transmission to (202) 690–2755, attention: Janet M. Hart.
- E-mail: Send via electronic mail to Janet.M.Hart@usda.gov.
- Mail: Send hardcopy to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at 202–720–8525, e-mail *Janet.M.Hart@usda.gov.*

SUPPLEMENTARY INFORMATION: This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this Action.

Section 7(f)(1) of the United States Grain Standards Act, as amended (Act), authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act.

1. *Current Designations being Announced for Renewal.*

Official agency	Main office	Designation start	Designation end
Columbus	Columbus, OH	02/01/02	12/31/2004
Farwell	Farwell, TX	02/01/02	12/31/2004
Northeast Indiana	Hoagland, IN	02/01/02	12/31/2004

a. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Ohio and Michigan, is assigned to Columbus.

In Michigan:

Bounded on the West by State Route 127 at the Michigan-Ohio State line north to State Route 50; Bounded on the north by State Route 50 at State Route 127 east to the Michigan State line; the Michigan state line south to the Michigan-Ohio State line.

In Ohio:

The northern Ohio State line east to the to the Ohio Pennsylvania State line; Bounded on the East by the Ohio-Pennsylvania State line south to the Ohio River; Bounded on the South by the Ohio River south-southwest to the western Scioto County line; and Bounded on the West by the western Scioto County line north to State Route 73; State Route 73 northwest to U.S. Route 22; U.S. Route 22 west to U.S. Route 68; U.S. Route 68 north to Clark County; the northern Clark County line west to State Route 560; State Route 560 north to State Route 296; State Route 296 west to Interstate 75; Interstate 75 north to State Route 47; State Route 47 northeast to U.S. Route 68 (including all of Sidney, Ohio); U.S. Route 68 north to the southern Hancock County line; the southern Hancock County line west to the western Hancock, Wood and Lucus County lines north to the Michigan-Ohio State line; the Michigan-Ohio State line west to State Route 127. Columbus' assigned geographic area does not include the export port locations inside Columbus' area which are serviced by GIPSA.

b. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in

the States of Arizona, New Mexico and Texas, is assigned to Farwell.

Maricopa, Pinal, and Yuma Counties, Arizona.

Bernalillo, Chaves, Curry, DeBaca, Eddy, Guadalupe, Lea, Quay, Roosevelt, San Miguel, Santa Fe, Torrance, and Union Counties, New Mexico.

Bailey, Cochran, Deaf Smith (west of State Route 214), Hockley, Lamb (south of a line bounded by U.S. Route 70, FM 303, U.S. Route 84, and FM 37), and Parmer Counties, Texas.

c. Pursuant to Section 7(f)(2) of the Act, the following geographic area,in the State of Indiana, is assigned to Northeast Indiana.

Bounded on the North by the northern Lagrange and Steuben County lines; Bounded on the East by the eastern Steuben, De Kalb, Allen, and Adams County lines;

Bounded on the South by the southern Adams and Wells County lines; and

Bounded on the West by the western Wells County line; the southern Huntington and Wabash County lines; the western Wabash County line north to State Route 114; State Route 114 northwest to State Route 19; State Route 19 north to Kosciusko County; the western and northern Kosciusko County lines; the western Noble and Lagrange County lines.

The following grain elevator, located outside of the above contiguous geographic area, is part of this geographic area assignment: E.M.P. Coop, Payne, Paulding County, Ohio (located inside Michigan Grain Inspection Services, Inc.'s, area).

2. *Opportunity for designation.* Interested persons, including Columbus, Farwell, and Northeast Indiana are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic areas is for the period beginning December 1, 2005, and ending December 31, 2007. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information, or obtain applications at the GIPSA Web site, *www.usda.gov/gipsa/oversight/parovreg.htm.*

3. *Request for Comments.* GIPSA also is publishing this notice to provide interested persons the opportunity to present comments on the quality of services for the Columbus, Farwell, and Northeast Indiana official agencies. In commenting on the quality of services, commenters are encouraged to submit pertinent data including information on the timeliness, cost, and scope of services provided. All comments must be submitted to the Compliance Division at the above address.

Applications, comments, and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Donna Reifschneider,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 04–12264 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice and request for comments.

SUMMARY: This notice announces our intention to request a three year extension and revision of a currently approved information collection in support of the reporting and recordkeeping requirements under the Clear Title program. This approval is required under the Paperwork Reduction Act.

DATES: We will consider comments that we receive by August 2, 2004.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- E-Mail: Send comments via electronic mail to *comments.gipsa@usda.gov.*
- Mail: Send hardcopy written comments to Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1647–S, Washington, DC 20250–3604.
- Fax: Send comments by facsimile transmission to: (202) 690–2755.
- Hand Delivery or Courier: Deliver comments to: Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1647–S, Washington, DC 20250–3604.

Instructions: All comments should make reference to the date and page number of this issue of the **Federal Register**.

Background Documents: Information collection package and other documents relating to this action will be available for public inspection in the above office during regular business hours.

Read Comments: All comments will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: For information regarding the information collection activities and the use of the information, contact Jaime Adams, at (202) 720–0239 or *Jaime.C.Adams@usda.gov.*

SUPPLEMENTARY INFORMATION: The Grain Inspection, Packers and Stockyards Administration (GIPSA) administers the Clear Title program for the Secretary of Agriculture. The Clear Title program is authorized by Section 1324 of the Food Security Act of 1985 and requires that States implementing central filing system for notification of liens on farm products must have such systems certified by the Secretary of Agriculture. The regulations implementing the Clear Title program are contained in 9 CFR part 205, Clear Title—Protection for Purchasers of Farm Products. Nineteen States currently have certified central filing systems.

Title: ''Clear Title'' Regulations to implement section 1324 of the Food Security Act of 1985 (7 U.S.C. 1631).

OMB Number: 0580–0016.

Expiration Date of Approval: October 31, 2004.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The information is needed to carry out the Secretary's responsibility for certifying a State's central filing system under section 1324 of the Food Security Act of 1985. Section 1324 of the Food Security Act of 1985 enables States to establish central filing systems to notify potential buyers, commission merchants, and selling agents of security interests (liens) against farm products. The Secretary of Agriculture has delegated authority to GIPSA for certifying the systems. Nineteen States have certified central filing systems. The purpose of this notice is to solicit comments from the public concerning our information collection.

Estimate of Burden: Public reporting and recordkeeping burden for this collection of information is estimated to be 4 to 40 hours per response (amendments to certified systems require less time, new certifications require more time).

Respondents (Affected Public): States seeking certification of central filing systems to notify buyers of farm products of any mortgages or liens on the products.

Estimated Number of Respondents: 1. (In 1992 and 1993, one State per year was certified; currently, one State's recertification request is pending. Since 1996, at most one State per year has requested an amendment to its certification.)

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 4–40 hours.

As required by the Paperwork Reduction Act (44 U.S.C. 3506(c)(2)(A)) and its implementing regulations (5 CFR 1320.8(d)(1)(i)), we specifically request comments on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) ways to minimize the burden on 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.

All responses to this notice will be summarized and included in the request for the Office of Management and Budget approval. All comments will also become a matter of public record.

Authority: 44 U.S.C. 3506 and 5 CFR 1320.8.

Donna Reifschneider,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 04–12261 Filed 5–28–04; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 22–2004]

Foreign-Trade Zone 222—Montgomery, AL; Application For Foreign-Trade Subzone Status Quantegy, Inc. (Audio and Video Tape and Cassettes, Digital Data Media, and Instrumentation Media Products); Opelika, Alabama

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Montgomery Area Chamber of Commerce, grantee of FTZ 222, requesting special-purpose subzone status for the manufacturing facilities (audio and video tape and cassettes, digital data media, and instrumentation media products, including splice tape and paper leader) of Quantegy, Inc., located in Opelika, Alabama. The application was submitted pursuant to 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 May 25, 2004.

The Quantegy facilities (36.7 acres, with four main buildings and more than 420,000 sq. ft. of enclosed space) are located at 2230 Marvyn Parkway in Opelika. The facilities (approximately 300 employees) produce audio and video tape and cassettes, digital data media, and instrumentation media products, including splice tape and paper leader, which Quantegy intends to manufacture, assemble, test, package, and warehouse under FTZ procedures.

Quantegy's application lists the following categories of imported parts and materials for possible use in manufacturing, assembling, testing, packaging, and warehousing audio and video tape and cassettes, digital data media, and instrumentation media products, including splice tape and paper leader: iron oxides and hydroxides; palmitic acid, stearic acid, their salts and esters; phosphoric esters and their salts, and derivatives (plasticizers); paints and varnishes based on synthetic polymers or chemically modified natural polymers; polymers of vinyl chloride or of other halogenated olefins, in primary forms; plates, sheets, film, foil, and strip of plastics (polyethylene teraphthalate); cartons, boxes, and cases of corrugated paper or cardboard; and parts and accessories for sound and video recording or reproducing apparatuses. Current duty rates for these input materials range up to 7.6 percent.

Zone procedures would exempt Quantegy from Customs duty payments on foreign components used in export production. On its domestic sales, Quantegy would be able to defer duty payments, and to choose the lower duty rate that applies to the listed finished-product categories (duty-free to 2.0 percent) for the foreign inputs listed above. Quantegy would be able to avoid duty on foreign inputs which become scrap/waste, estimated at one percent of imported inputs. The application also indicates that the company will derive savings from simplification and expediting of the company's import and export procedures. Quantegy's application states that the above-cited savings from zone procedures could help improve the plant's international competitiveness.

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 is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. 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 Ave., NW., Washington, DC 20230.

The closing period for their receipt is August 2, 2004. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 16, 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 address Number 1 listed above, and at the Birmingham U.S. Export Assistance Center, 950 22nd Street North, Suite 707, Birmingham, AL 35203.

Dated: May 25, 2004.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 04–12290 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 23–2004]

Foreign-Trade Zone 176—Rockford, Illinois Area; Application for Expansion/Reorganization

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Rockford Airport Authority, grantee of FTZ 176, requesting authority to expand FTZ 176, in the Rockford, Illinois area, adjacent to the Rockford 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 May 25, 2004.

FTZ 176 was approved on March 1, 1991 (Board Order 511, 56 FR 10409, 3/12/91). The zone project currently

consists of the following sites in the Rockford, Illinois area: *Site 1* (1,972 acres)—industrial park area of the Greater Rockford Airport on Route F.A. 179; *Site 1a*—(2 acres)—warehouse facilities at 1635 New Milford School Road (82,200 sq. ft.) and 1129 Eighteenth Avenue (12,871 sq. ft.), Rockford; *Site 2* (6 acres)—warehouse at 500 South Independence Avenue, Rockford; *Site 3* (14 acres)—warehouse facilities at 795 and 888 Landmark Drive, Landmark Industrial Park, Belvidere (expired 7/31/03); *Site 4* (6 acres)—3575 Morreim Drive, Town Hall Industrial Park, Belvidere (expires 7/31/04).

The applicant is reorganizing the general-purpose zone by formally deleting Site 3, which expired in 2003 and Site 4, which will expire in 2004. The applicant is requesting authority to expand the general-purpose zone to include 3 additional industrial sites (923 acres) in Rochelle, Ogle County, Illinois, some 25 miles south of Rockford: *Proposed Site 3* (566 acres, 2 parcels)—CenterPoint Industrial Park (366 acres), north of the intersection of Route 38 and Brush Grove Road, Rochelle, and, Interstate Transportation Center industrial park (200 acres), west side of state Highway 38; *Proposed Site 4* (304 acres, 3 parcels)—LogistiCenter, southwest corner of I–39 and I–88, Rochelle; and, *Proposed Site 5* (53 acres) South Rochelle industrial park (53 acres), south side of Rochelle on State Highway 251 and Veterans Parkway. The majority of sites are owned by Centerpoint, Black Earth, LLC and DP Partners or its affiliates. No specific manufacturing requests are being made at this time. Such request 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.

Pubic 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 following 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 U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB–4100W, 1401 Constitution Ave., NW, Washington, DC 20230.

The closing period for their receipt is August 2, 2004. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 16, 2004).

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zone Board's Executive Secretary at address No. 1 listed above and the U.S. Export Assistance Center, 515 N. Court St., Rockford, IL 61103.

Dated: May 25, 2004.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 04–12291 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 21–2004]

Foreign-Trade Zone 70—Detroit, MI; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Detroit Foreign-Trade Zone, grantee of FTZ 70, requesting authority to expand its zone in the Detroit, Michigan, area. 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 May 25, 2004.

FTZ 70 was approved on July 21, 1981 (Board Order 176, 46 FR 38941, 7/30/81) and expanded on April 15, 1985 (Board Order 299, 50 FR 16119, 4/24/85); November 27, 1989 (Board Order 453, 54 FR 50258, 12/5/89); April 20, 1990 (Board Order 471, 55 FR 17775, 4/27/90); February 20, 1996 (Board Order 802, 61 FR 7237, 2/27/96); August 26, 1996 (Board Order 843, 61 FR 46763, 9/5/96); and April 5, 2001 (Board Order 1162, 66 FR 19423, 4/16/01). The general-purpose zone project currently consists of 17 sites (some 300 acres) for warehousing/storage operations in the Detroit, Michigan area.

The applicant is now requesting authority to expand the general-purpose zone to include an additional site, Proposed Site 18 (52 acres, 744,570 sq. ft. warehousing space)—7111 Crabb Road, Temperance, Michigan, Bedford Township (Monroe County). The site is owned by Acquiport-Temperance LLC, which leases the site to TNT Logistics, which has a long-term contract to provide warehousing and distribution services for Michelin North America. The site will be used for warehousing/distribution activities, initially by Michelin North America, currently the major occupant of the site, with space available for other interested companies in the future. No specific manufacturing requests are being made 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 is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions Via Express/Package Delivery Services:* Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St., 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 Ave., NW., Washington, DC 20230.

The closing period for their receipt is July 16, 2004. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 16, 2004).

A copy of the request will be available for public inspection at the Office of the Foreign-Trade Zones Board at the first address above and at the U.S. Department of Commerce, Export Assistance Center, 211 West Fort Street, Suite 2220, Detroit, Michigan.

Dated: May 25, 2004.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 04–12289 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 10–2004]

Proposed Foreign-Trade Zone—Southaven (DeSoto County), Mississippi; Extension of Comment Period

The comment period for the application to establish a general-purpose foreign-trade zone in Southaven (DeSoto County), Mississippi, submitted by the Northern Mississippi FTZ, Inc., (57 FR 13811, 3/24/04), is being extended to June 23, 2004, to allow interested parties

additional time in which to comment. Rebuttal comments may be submitted until June 30, 2004. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building-Suite 4100W, 1099 14th St., Washington, DC 20005; or

2. *Submissions via U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB–Suite 4100W, 1401 Constitution Ave., NW., Washington, DC 20230.

Dated: May 21, 2004.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 04–12288 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with section 351.213 (2002) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review: Not later than the last day of June 2004, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in June for the following periods:

	Period
Antidumping Duty Proceedings	
Belgium: Sugar A–423–077	6/1/03–5/31/04
France: Sugar A–427–078	6/1/03–5/31/04
Germany: Sugar A–428–082	6/1/03–5/31/04
Japan:	
Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Over 4½ Inches), A–588–850	6/1/03–5/31/04
Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Under 4½ Inches), A–588–851	6/1/03–5/31/04
Structural Steel Beams, A–588–852	6/1/03–5/31/04
Certain Hot-Rolled Carbon Steel Flat Products, A–588–846	6/1/03–5/31/04
Forklift Trucks, A–588–703	6/1/03–5/31/04
Grain-Oriented Electrical Steel, A–588–831	6/1/03–5/31/04
Republic of Korea: Polyethylene Terephthalate (Pet) Film, A–580–807	6/1/03–5/31/04
Russia: Ammonium Nitrate, A–821–811	6/1/03–5/31/04
South Africa: Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Under 4½ Inches), A–791–808	6/1/03–5/31/04
Taiwan:	
Carbon Steel Plate, A–583–080	6/1/03–5/31/04
Stainless Steel Butt-Weld Pipe Fittings, A–583–816	6/1/03–5/31/04
Certain Helical Spring Lock Washers, A–583–820	6/1/03–5/31/04
The People's Republic of China:	
Apple Juice Concentrate, Non-Frozen, A–570–855	6/1/03–5/31/04
Folding Metal Tables & Chairs, A–570–868	6/1/03–5/31/04
Furfuryl Alcohol, A–570–856	6/1/03–5/31/04
Synthetic Indigo, A–570–856	6/1/03–5/31/04
Lawn and Garden Steel Fence Posts, A–570–877	12/4/02–5/31/04
Silicon Metal, A–570–806	6/1/03–5/31/04
Sparklers, A–570–804	6/1/03–5/31/04
Tapered Roller Bearings, A–570–601	6/1/03–5/31/04
Countervailing Duty Proceedings	
Italy: Grain-Oriented Electrical Steel, C–475–812	1/1/03–12/31/03

Suspension Agreements

None.

In accordance with § 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify for which individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 69 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. *See also* the Import

Administration Web site at *www.ia.ita.doc.gov.*

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with § 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of June 2004. If the Department does not receive, by the last day of June 2004, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct Customs and Border Protection to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: May 26, 2004.

Thomas F. Futtner,

Acting Senior Office Director, Office 4 for Import Administration.

[FR Doc. 04–12292 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (''Sunset'') Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce

ACTION: Notice of initiation of five-year (''Sunset'') reviews.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating five-year (''sunset'') reviews of the antidumping and countervailing duty orders listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of *Institution of Five-Year Review,* which covers these same orders.

FOR FURTHER INFORMATION CONTACT: Martha Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482–5050, or Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of sunset reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (*''Sunset Policy Bulletin''*).

Initiation of Reviews

In accordance with 19 CFR 351.218(c), we are initiating sunset reviews of the following antidumping and countervailing duty orders.

DOC case no.	ITC case no.	Country	Product
A–427–814	731–TA–797	France	Stainless Steel Sheet & Strip in Coils.
C–427–815	701–TA–380	France	Stainless Steel Sheet & Strip in Coils.
A–428–825	731–TA–798	Germany	Stainless Steel Sheet & Strip in Coils.
A–475–824	731–TA–799	Italy	Stainless Steel Sheet & Strip in Coils.
C–475–825	701–TA–381	Italy	Stainless Steel Sheet & Strip in Coils.
A–588–845	731–TA–800	Japan	Stainless Steel Sheet & Strip in Coils.
A–580–834	731–TA–801	South Korea	Stainless Steel Sheet & Strip in Coils.
C–580–835	701–TA–382	South Korea	Stainless Steel Sheet & Strip in Coils.
A–201–822	731–TA–802	Mexico	Stainless Steel Sheet & Strip in Coils.
A–583–831	731–TA–803	Taiwan	Stainless Steel Sheet & Strip in Coils.
A–412–818	731–TA–804	United Kingdom	Stainless Steel Sheet & Strip in Coils.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the Department's regulations regarding sunset reviews (19 CFR 351.218) and *Sunset Policy Bulletin*, the Department's schedule of sunset reviews, case history information (*i.e.*, previous margins, duty absorption determinations, scope language, import volumes), and service lists available to the public on the Department's sunset Internet web site at the following address: *''http://ia.ita.doc.gov/sunset/.''*

All submissions in these sunset reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303. Also, we suggest that parties check the Department's sunset web site for any updates to the appropriate service list before filing any submissions. The Department will make additions to and/or deletions from the service lists provided on the sunset web site based on notifications from parties and participation in these reviews. Specifically, the Department will delete from the relevant service list all parties that do not submit a substantive response to the notice of initiation.

Because deadlines in a sunset review are, in many instances, very short, we urge interested parties to apply for access to proprietary information under administrative protective order (''APO'') immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties (defined in 19 CFR 351.102(b) and section 771

(9)(C), (D), (E), (F), and (G) of the Act) wishing to participate in these sunset reviews must respond not later than 15 days after the date of publication in the **Federal Register** of the notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, with regard to each order identified above, if we do not receive an order-specific notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review. *See* 19 CFR 351.218(d)(1)(iii).

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that all parties wishing to participate in the sunset review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of the notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the International Trade Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of sunset reviews.[1] Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: May 24, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–12293 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DS–P

[1] In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

DEPARTMENT OF COMMERCE

International Trade Administration

(A–570–846)

Brake Rotors From the People's Republic of China: Preliminary Results of the Tenth New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results the tenth new shipper review.

SUMMARY: The Department of Commerce (''the Department'') is currently conducting the tenth new shipper review of the antidumping duty order on brake rotors from the People's Republic of China (''PRC'') covering the period April 1, 2003, through September 30, 2003. This review covers one exporter.

We have preliminarily determined that sales have been made at not less than normal value (''NV'') with respect to the exporter who participated fully in this review. If the preliminary results are adopted in our final results of this review, we will instruct Customs and Border Protection (''CBP'') not to assess antidumping duties on entries of merchandise subject to this review.

Interested parties are invited to comment on the preliminary results. We will issue the final results no later than 90 days from the date of publication of this notice.

EFFECTIVE DATE: June 1, 2004.

FOR FURTHER INFORMATION CONTACT: Brian Smith and Terre Keaton Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–1766 and (202) 482–1280, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2003, the Department received a timely request from Shenyang Yinghao Machinery Co., Ltd. (''Shenyang Yinghao'') for a new shipper review of this antidumping duty order in accordance with 19 CFR 351.214(c). In its request for a new shipper review and in accordance with 19 CFR 351.214(b)(2)(i) and (iii)(A), Shenyang Yinghao certified that it did not export the subject merchandise to the United States during the period covered by the original less–than-fair–value (''LTFV'') investigation and that it is not affiliated with any company which exported the subject merchandise to the United States during the period of investigation (''POI''). Shenyang Yinghao also certified that its export activities are not controlled by the central government of the People's Republic of China (''PRC''). Pursuant to 19 CFR 351.214(b)(2)(iv), Shenyang Yinghao submitted documentation establishing the date on which the merchandise was first shipped for export to the United States, the volume of that first shipment, and the date of the first sale to an unaffiliated customer in the United States.

On November 25, 2003, the Department initiated a new shipper review of Shenyang Yinghao (*see Brake Rotors from the People's Republic of China: Initiation of the Tenth New Shipper Antidumping Duty Review*, 68 FR 67402 (December 2, 2003)).

On December 8, 2003, we issued the antidumping duty questionnaire to Shenyang Yinghao.

On January 15, 2004, Shenyang Yinghao submitted its questionnaire response. On January 16, 2004, the Department provided the parties an opportunity to submit publicly available information for consideration in the preliminary results. Also on January 16, 2004, the Department requested from CBP copies of all customs documents pertaining to the entry of brake rotors from the PRC produced/exported by Shenyang Yinghao during period of April 1, 2003, through September 30, 2003 (*see* January 16, 2002, memorandum to Michael S. Craig of CBP). On February 12, 2004, we issued a supplemental questionnaire.

On March 2, 2004, the petitioner[1] submitted a letter requesting that the Department conduct a verification of the responses submitted by Shenyang Yinghao. On March 12, 2004, we received documentation from CBP regarding our January 16, 2004, request for information. On March 15, 2004, we issued Shenyang Yinghao a supplemental questionnaire regarding the documentation we received from CBP. On March 16, 2004, we placed on the record the documentation we obtained from CBP (see March 16, 2004, memorandum to the file from Terre Keaton, International Trade Compliance Specialist). On March 17, 2004, we notified Shenyang Yinghao of our intent to conduct verification of its responses and provided it with a verification outline for purposes of familiarizing the company with the verification process. On March 18, 2004, the petitioner submitted publicly available information to be used in the

[1] The petitioner is the Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers.

calculation of normal value. On March 22 and 24, 2004, Shenyang Yinghao and its U.S. importer submitted their responses to our March 15, 2004, supplemental questionnaire. Also on March 24, 2004, the petitioner submitted comments on the verification outline. From March 29 to April 1, 2004, the Department conducted verification of the information submitted by Shenyang Yinghao in accordance with 19 CFR 351.307.

On April 1, 2004, Shenyang Yinghao submitted the minor corrections to its responses it presented to the Department's verifiers at the start of verification. On April 14, 2004, we issued the verification report.

Scope of the Order

The products covered by this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, ranging in diameter from 8 to 16 inches (20.32 to 40.64 centimeters) and in weight from 8 to 45 pounds (3.63 to 20.41 kilograms). The size parameters (weight and dimension) of the brake rotors limit their use to the following types of motor vehicles: automobiles, all–terrain vehicles, vans and recreational vehicles under ''one ton and a half,'' and light trucks designated as ''one ton and a half.''

Finished brake rotors are those that are ready for sale and installation without any further operations. Semi–finished rotors are those on which the surface is not entirely smooth, and have undergone some drilling. Unfinished rotors are those which have undergone some grinding or turning.

These brake rotors are for motor vehicles, and do not contain in the casting a logo of an original equipment manufacturer (''OEM'') which produces vehicles sold in the United States. (*e.g.*, General Motors, Ford, Chrysler, Honda, Toyota, Volvo). Brake rotors covered in this order are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake rotors that are made of gray cast iron, which contain a steel plate, but otherwise meet the above criteria. Excluded from the scope of this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, with a diameter less than 8 inches or greater than 16 inches (less than 20.32 centimeters or greater than 40.64 centimeters) and a weight less than 8 pounds or greater than 45 pounds (less than 3.63 kilograms or greater than 20.41 kilograms).

Brake rotors are currently classifiable under subheading 8708.39.5010 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Period of Review

The period of review (''POR'') covers April 1, 2003, through September 30, 2003.

Verification

As provided in section 782(i) of the Act, we verified information provided by Shenyang Yinghao. We used standard verification procedures, including on–site inspection of Shenyang Yinghao's facility and examination of relevant sales and financial records. Our verification results are outlined in the verification report (*see* April 14, 2004, verification report for further discussion).

Separate Rates

In proceedings involving non–market-economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty deposit rate (*i.e.*, a PRC–wide rate).

As stated in Shenyang Yinghao's questionnaire responses and as verified by the Department, Shenyang Yinghao is wholly foreign–owned (*see* Shenyang Yinghao's October 2003 and January 2004 responses, and the verification report). Thus, because we have no evidence indicating that it is under the control of the PRC government, a separate rates analysis is not necessary to determine whether it is independent from government control (*see Notice of Final Determination of Sales at Less Than Fair Value: Creatine Monohydrate from the People's Republic of China*, 64 FR 71104, 71105 (December 20, 1999); *Preliminary Results of First New Shipper Review and First Antidumping Duty Administrative Review: Certain Preserved Mushrooms from the People's Republic of China*, 65 FR 66703, 66705 (November 7, 2000); and *Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China*, 61 FR 19026 (April 30, 1996)(''*Bicycles*'')).

Normal Value Comparisons

To determine whether sales of the subject merchandise by Shenyang Yinghao to the United States were made at prices below normal value (''NV''), we compared its export prices to NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice, below.

Export Price

We used export price (''EP'') methodology in accordance with section 772(a) of the Act because the subject merchandise was first sold prior to importation by the exporter outside the United States directly to an unaffiliated purchaser in the United States, and constructed export price (''CEP'') was not otherwise indicated.

We calculated EP based on packed, FOB foreign port prices to the first unaffiliated purchaser in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for foreign inland freight and foreign brokerage and handling charges in the PRC in accordance with section 772(c) of the Act. Based on our verification findings, we revised the inland freight distance Shenyang Yinghao reported from its factory to the port of exportation. Because foreign inland freight and foreign brokerage and handling fees were provided by PRC service providers or paid for in renminbi, we based those charges on surrogate rates from India (*see* ''Surrogate Country'' section below for further discussion of our surrogate–country selection). To value foreign inland trucking charges, we used truck freight rates published in *Indian Chemical Weekly* and distance information obtained from the following websites: http://www.infreight.com, http://www.sitaindia.com/Packages/CityDistance.php, http://www.abcindia.com, http://www.eindiatourism.com, and http://www.mapsofindia.com. To value foreign brokerage and handling expenses, we relied on October 1999-September 2000 information reported in the public U.S. sales listing submitted by Essar Steel Ltd. in the antidumping investigation of *Certain Hot–Rolled Carbon Steel Flat Products from India: Final Determination of Sales at Less Than Fair Value*, 67 FR 50406 (October 3, 2001).

Normal Value

A. Non-Market—Economy Status

In every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. Pursuant to section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority (*see Notice of Preliminary Results of Antidumping Duty Administrative Review and Preliminary Partial Rescission of Antidumping Duty Administrative Review: Freshwater Crawfish Tail Meat From the People's Republic of China*, 66

FR 52100, 52103 (October 12, 2001)). None of the parties to this proceeding has contested such treatment. Accordingly, we calculated NV in accordance with section 773(c) of the Act, which applies to NME countries.

B. Surrogate Country

Section 773(c)(4) of the Act requires the Department to value an NME producer's factors of production, to the extent possible, in one or more market–economy countries that (1) are at a level of economic development comparable to that of the NME country, and (2) are significant producers of comparable merchandise. India was among the countries comparable to the PRC in terms of overall economic development (*see* Memorandum from the Office of Policy to Irene Darzenta Tzafolias, dated January 14, 2004). In addition, based on publicly available information placed on the record (*e.g.*, Indian producer financial statements), India is a significant producer of the subject merchandise. Accordingly, we considered India the surrogate country for purposes of valuing the factors of production because it meets the Department's criteria for surrogate–country selection.

C. Factors of Production

In accordance with section 773(c) of the Act, we calculated NV based on the factors of production which included, but were not limited to: (A) hours of labor required; (B) quantities of raw materials employed; (C) amounts of energy and other utilities consumed; and (D) representative capital costs, including depreciation. We used the factors reported by Shenyang Yinghao which produced the brake rotors it exported to the United States during the POR. To calculate NV, we multiplied the reported unit factor quantities by publicly available Indian values.

Based on our verification findings, we revised the following data in Shenyang Yinghao's response: (1) the consumption factor for lubrication oil; (2) the distance from the factory to the seaport; (3) the direct labor allocation ratio; and (4) the distances reported for the lubrication oil and ferrosilicon suppliers (*see* pages 3, 8, 11 and 14 of the verification report).

The Department's selection of the surrogate values applied in this determination was based on the quality, specificity, and contemporaneity of the data. As appropriate, we adjusted input prices by including freight costs to make them delivered prices. We added to Indian surrogate values surrogate freight costs using the shorter of the reported distance from the domestic supplier to the factory or the distance from the nearest seaport to the factory. This adjustment is in accordance with the Court of Appeals for the Federal Circuit's decision in *Sigma Corporation v. United States*, 117 F. 3d 1401, 1407–08 (Fed. Cir. 1997). For those values not contemporaneous with the POR and quoted in a foreign currency, we adjusted for inflation using wholesale price indices published in the *International Monetary Fund's International Financial Statistics*. (*See* Preliminary Results Valuation Memorandum, dated May 24, 2004, for a detailed explanation of the methodology used to calculate surrogate values.)

To value pig iron, steel scrap, ferrosilicon, ferromanganese and lubrication oil, we used April 2003-September 2003 average import values downloaded from the *World Trade Atlas Trade Information System (Internet Version 4.3e)* (''*WTA*''). We relied on the factor specification data submitted by Shenyang Yinghao for the above–mentioned inputs in their questionnaire and supplemental questionnaire responses, as verified by the Department, where applicable, for purposes of selecting surrogate values from *WTA*.

We based our surrogate value for electricity on 2001 data from the International Energy Agency's (''IEA'') report, ''Electricity Prices for Industry,'' contained in the *2002 Key World Energy Statistics from the IEA*.

We valued labor based on a regression–based wage rate, in accordance with 19 CFR 351.408(c)(3).

To value selling, general, and administrative (''SG&A'') expenses, factory overhead and profit, we used the 2002–2003 financial data of Kalyani Brakes Limited (''Kalyani'') and Mando Brake Systems India Limited (''Mando''). Where appropriate, we removed from the surrogate factory overhead and SG&A calculations the excise duty amount listed in the financial reports. In addition, we made certain changes to our calculation methodology used in prior brake rotor reviews for determining the surrogate SG&A percentage (which also affected the surrogate profit percentage) (*see* preliminary results factors valuation memorandum for further details.)

To value pallet wood, tape, plastic bags and plastic sheets, we used April 2003–September 2003 average import values from *WTA*. To value corrugated paper cartons, nails, and steel strip, we used October 2002–March 2003 average import values from *WTA* because we were unable to obtain POR price data from the *WTA* for these packing materials.

All inputs were shipped by truck. Therefore, to value PRC inland freight, we used freight rates published in *Indian Chemical Weekly* and distance information obtained from the following websites: http://www.infreight.com, http://www.sitaindia.com/Packages/CityDistance.php, http://www.abcindia.com, http://eindiatourism.com, and http://www.mapsofindia.com.

Preliminary Results of the Review

We preliminarily determine that the following margin exists during the period April 1, 2003, through September 30, 2003:

Manufacturer/producer/exporter	Margin Percent
Shenyang Yinghao Machinery Co., Ltd.	0.00

We will disclose the calculations used in our analysis to parties to this proceeding within five days of the date of publication of this notice. Any interested party may request a hearing within 30 days of publication of this notice. Any hearing, if requested, will be held on June 30, 2004.

Interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room B–099, within 30 days of the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. *See* 19 CFR 351.310(c).

Issues raised in the hearing will be limited to those raised in case briefs and rebuttal briefs. Case briefs from interested parties may be submitted no later than June 21, 2004. Rebuttal briefs, limited to issues raised in the case briefs, will be due no later than June 28, 2004. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue; and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

The Department will issue the final results of the review, including the results of its analysis of issues raised in any such written briefs or at the hearing, if held, not later than 90 days after the date of issuance of the preliminary results.

Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions for the company subject to this review directly to CBP within 15 days of publication of the final results of this review. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer- specific ad valorem duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer–specific assessment rate calculated in the final results of this review is above *de minimis*.

Cash Deposit Requirements

Upon completion of this review, we will require cash deposits at the rate established in the final results as further described below.

Bonding will no longer be permitted to fulfill security requirements for shipments of brake rotors from the PRC produced and exported by Shenyang Yinghao that are entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of the new shipper review. The following cash deposit requirements will be effective upon publication of the final results of this review for all shipments of subject merchandise from Shenyang Yinghao entered, or withdrawn from warehouse, for consumption on or after the publication date: (1) for subject merchandise manufactured and exported by Shenyang Yinghao, no cash deposit will be required if the cash deposit rate calculated in the final results is zero or *de minimis*; and (2) for subject merchandise exported by Shenyang Yinghao but not manufactured by Shenyang Yinghao, the cash deposit rate will continue to be the PRC–wide rate (*i.e.*, 43.32 percent).

These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This new shipper review and notice are in accordance with sections 751(a)(1) of the Act and 19 CFR 351.214.

Dated: May 24, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–12298 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–549–813

Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Canned Pineapple Fruit From Thailand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review.

SUMMARY: In response to a letter from The Thai Pineapple Public Co., Ltd. notifying the Department of Commerce that its corporate name has changed to Tipco Foods (Thailand) Public Co., Ltd., the Department of Commerce is initiating a changed circumstances administrative review of the antidumping duty order on canned pineapple fruit from Thailand (*see Notice of Antidumping Duty Order and Amended Final Determination: Canned Pineapple Fruit From Thailand*, 60 FR 36775 (July 18, 1995)). Based on information submitted with the April 26, 2004, letter, we preliminarily determine that Tipco Foods (Thailand) Public Co., Ltd. is the successor–in-interest to The Thai Pineapple Public Co., Ltd (TIPCO) and, as such, is entitled to TIPCO's cash deposit rate with respect to entries of subject merchandise.

EFFECTIVE DATE: June 1, 2004.

FOR FURTHER INFORMATION CONTACT: Kristina Boughton or Charles Riggle at (202) 482- 8173 or (202) 482–0650, respectively; AD/CVD Enforcement Office 5, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On April 26, 2004, Tipco Foods (Thailand) Public Co. Ltd. (Tipco Foods) requested that the Department of Commerce (the Department) initiate a changed circumstances review to confirm that Tipco Foods is the successor–in-interest to TIPCO for purposes of determining antidumping duty liabilities. This name change is relevant to the ongoing 2002–2003 administrative review of the antidumping duty order on canned pineapple fruit (CPF) from Thailand because the Department has issued a preliminary determination to revoke the order with respect to this company. *See Notice of Preliminary Results and Preliminary Determination To Revoke Order in Part: Canned Pineapple Fruit From Thailand*, 69 FR 18524 (April 8, 2004).

Scope of the Review

The product covered by this order is CPF, defined as pineapple processed and/or prepared into various product forms, including rings, pieces, chunks, tidbits, and crushed pineapple, that is packed and cooked in metal cans with either pineapple juice or sugar syrup added. CPF is currently classifiable under subheadings 2008.20.0010 and 2008.20.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). HTSUS 2008.20.0010 covers CPF packed in a sugar–based syrup; HTSUS 2008.20.0090 covers CPF packed without added sugar (*i.e.*, juice–packed). Although these HTSUS subheadings are provided for convenience and for customs purposes, the written description of the scope is dispositive.

Initiation and Preliminary Results of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216, the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty finding which shows changed circumstances sufficient to warrant a review of the order. The information submitted by Tipco Foods claiming that it is the successor–in-interest to TIPCO demonstrates changed circumstances sufficient to warrant a review. *See* 19 CFR 351.216(d).

In accordance with the above–referenced regulations, the Department is initiating a changed circumstances review to determine whether Tipco Foods is the successor–in-interest to TIPCO. In determining whether one company is the successor to another for

purposes of applying the antidumping duty law, the Department examines a number of factors including, but not limited to, changes in (1) management, (2) production facilities, (3) suppliers, and (4) customer base. *See, e.g., Industrial Phosphoric Acid From Israel; Final Results of Antidumping Duty Changed Circumstances Review*, 59 FR 6944 (February 14, 1994). While no one or several of these factors will necessarily provide a dispositive indication of succession, the Department will generally consider one company to be a successor to another company if its resulting operation is essentially the same as that of its predecessor. Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the prior company, the Department will assign the new company the cash deposit rate of its predecessor.

On April 26, 2004, Tipco Foods submitted information demonstrating that it is the successor to TIPCO. Specifically, Tipco Foods provided the minutes to its December 12, 2003, shareholders meeting at which the name change was approved. In addition, Tipco Foods provided a copy of the new company registration certificate filed with the Thai Ministry of Foreign Affairs on December 23, 2003, and the certificate issued by the Revenue Department of Thailand, which established that Tipco Foods would use the same taxpayer ID number used by TIPCO. Finally, Tipco Foods attached a copy of its December 22, 2003, letter to the Stock Exchange of Thailand (SET) notifying the SET of the name change, and a newsletter posted by the SET announcing the name change to investors.

We also obtained information in the context of the 2002–2003 review demonstrating that no major changes occurred with respect to TIPCO's management, plant facilities, customer base, or suppliers. Specifically, at verification in February 2004, we noted no difference in managers between TIPCO and Tipco Foods, as we interviewed the same managers at this verification whom we interviewed at the verification conducted in February 2003. *See* Attachment I of the Memorandum to the File: Changed Circumstances Review for the Thai Pineapple Public Co., Ltd. (TIPCO) (May 18, 2004) (Changed Circumstances Memo). We also noted that the headquarters and plant facilities remained the same and that Tipco Food's suppliers and customers were consistent with the suppliers and customers it had in the previous review.

As part of our standard verification procedures, we examine the full range of merchandise produced during a review period. While on site we noted that the products Tipco Foods was producing and offering for sale were the same products that TIPCO reported and we verified in the current and previous reviews. Furthermore, we noted that the product catalog under the company's new name on its web site consists of the same products the company sold prior to its name change. *See* Attachment II of the Changed Circumstances Memo. Therefore, the change in name had no material effect on the operations of the company with respect to the production and sale of subject merchandise.

When it concludes that expedited action is warranted, the Department may publish the notice of initiation and preliminary results for a changed circumstances review concurrently. *See* 19 CFR 221(c)(3)(ii). Based on the information on the record, we preliminarily find that Tipco Foods is the successor–in-interest to TIPCO and, as such, is entitled to TIPCO's cash deposit rate with respect to entries of subject merchandise.[1]

Should our final results remain the same as these preliminary results, we would instruct U.S. Customs and Border Protection (CBP) to assign Tipco Foods the antidumping duty cash deposit rate applicable to TIPCO.

Public Comment

Any interested party may request a hearing within 14 days of publication of this notice. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 28 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs and/or written comments not later than 14 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 21 days after the date of publication of this notice. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included. Consistent with section 351.216(e) of the Department's regulations, we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding. We are issuing and publishing this finding and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and sections 351.216 and 351.221(c)(3) of the Department's regulations.

Dated: May 24, 2004.

James J. Jochum,

Assistant Secretaryfor Import Administration.

[FR Doc. 04–12295 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DS–S

[1] *See, e.g., Circular Welded Non-Alloy Steel Pipe From Korea; Final Results of Antidumping Duty Changed Circumstances Review*, 63 FR 20572 (April 27, 1998) where the Department found successorship where the company changed its name only and did not change its operations.

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–863

Honey From the People's Republic of China: Extension of Time Limit for Preliminary Results of Second Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for preliminary results of antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the administrative review of the antidumping duty order on honey from the People's Republic of China (PRC) until no later than November 19, 2004. The period of review is December 1, 2002, through November 30, 2003.

EFFECTIVE DATE: June 1, 2004.

FOR FURTHER INFORMATION CONTACT: Jim Nunno at (202) 482–0783 or Anya Naschak at (202) 482–6375; Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and section 351.213(h)(1) of the Department's regulations require the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of the order or suspension agreement for which the administrative review was requested,

and final results of review within 120 days after the date on which the notice of the preliminary results was published in the **Federal Register**. However, if the Department determines that it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act and section 351.213(h)(2) of our regulations allow the Department to extend the 245–day period to 365 days and the 120–day period to 180 days.

Background

On December 10, 2001, the Department published in the **Federal Register** an antidumping duty order covering honey from the PRC. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Honey from the People's Republic of China*, 66 FR 63670 (December 10, 2001). On December 2, 2003, the Department published a *Notice of Opportunity to Request an Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation*, 68 FR 67401. On December 29, 2003, Anhui Honghui Foodstuff (Group) Co., Ltd. (Anhui Honghui); Eurasia Bee's Products Co., Ltd. (Eurasia); and Jiangsu Kanghong Natural Healthfoods Co., Ltd. (Jiangsu Kanghong) requested that the Department conduct an administrative review of each respective company's entries during the POR. On December 31, 2003, the American Honey Producers Association and the Sioux Honey Association (collectively, the petitioners), requested, in accordance with section 351.213(b) of the Department's regulations, an administrative review of entries of subject merchandise made during the POR by 20 Chinese producers/exporters, which included Anhui Honghui, Eurasia, and Jiangsu Kanghong, as well as the following companies: Anhui Native Produce Import & Export Corp. (Anhui Native); Cheng Du Wai Yuan Bee Products Co., Ltd. (Cheng Du); Foodworld International Club, Ltd. (Foodworld); Henan Native Produce and Animal By–Products Import & Export Company (Henan); High Hope International Group Jiangsu Foodstuffs Import & Export Corp. (High Hope); Inner Mongolia Autonomous Region Native Produce and Animal By–Products Import & Export Corp. (Inner Mongolia); Inner Mongolia Youth Trade Development Co., Ltd. (Inner Mongolia Youth); Jinan Products Industry Co., Ltd. (Jinan); Jinfu Trading Co., Ltd. (Jinfu); Kunshan Foreign Trade Company (Kunshan); Native Produce and Animal Import & Export Co. (Native Produce); Shanghai Eswell Enterprise Co., Ltd. (Shanghai Eswell); Shanghai Shinomiel International Trade Corporation (Shanghai Shinomiel); Shanghai Xiuwei International Trading Co., Ltd. (Shanghai Xiuwei); Sichuan–Dujiangyan Dubao Bee Industrial Co., Ltd. (Dubao); Wuhan Bee Healthy Company, Ltd. (Wuhan Bee); and Zhejiang Native Produce and Animal By–Products Import & Export Group Corp. (Zhejiang). On January 14, 2004, the petitioners filed a letter withdrawing their request for review of Henan, High Hope, Jinan, and Native Produce. On January 22, 2003, the Department initiated the review for the remaining 16 companies. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 68 FR 3009 (January 22, 2004).

On January 29, 2004, the Department issued antidumping duty questionnaires to the 16 PRC producers/exporters of the subject merchandise covered by this administrative review.

On February 6, 2004, we published a notice initiating new shipper reviews for sales made by Anhui Honghui, Eurasia, Inner Mongolia Youth, and Jiangsu Kanghong during the same POR as this administrative review, in response to timely requests for new shipper reviews of the antidumping duty order on honey from the PRC made by these respondents in accordance with section 351.214(c) of the Department's regulations. See Honey from the People's Republic of China: Initiation of New Shipper Duty Administrative Reviews, 69 FR 5835. On February 13, 2004, and February 18, 2004, petitioners withdrew their request for review of Foodworld and Anhui Native, respectively. On February 24, 2004, Cheng Du stated that all of its direct and indirect export sales of honey to the United States during the POR fall within the separate new shipper review covering the period December 1, 2002, through May 31, 2003. *See Honey From the People's Republic of China: Initiation of New Shipper Antidumping Duty Reviews*, 68 FR 47537 (August 11, 2003). Therefore, it requested that the Department rescind this proceeding for Cheng Du. On February 25, 2004, Inner Mongolia Youth stated that the only sale it made during the POR was currently being reviewed by the separate new shipper review initiated on February 6, 2004, and requested that the Department rescind this administrative review for Inner Mongolia Youth. On March 5, 2004, Anhui Honghui, Eurasia, and Jiangsu Kanghong withdrew their requests for the administrative review covering the POR because all of their entries of subject merchandise during the POR are also subject to the new shipper review initiated by the Department on February 6, 2004.

On March 8, 2004, we received a response to Section A of our antidumping duty questionnaire from Shanghai Xiuwei.

On March 10, 2004, the Department rescinded the review for Foodworld and Anhui Native. *See Honey from the People's Republic of China: Notice of Partial Rescission of Antidumping Duty Administrative Review*, 69 FR 11383.

On March 11, 2004, we received responses to Section A of our antidumping duty questionnaires from Jinfu, Zhejiang, Inner Mongolia, Shanghai Eswell, and Wuhan Bee.

On March 12, 2004, petitioners also withdrew their request for an administrative review of entries made by Anhui Honghui, Cheng Du, Eurasia, Inner Mongolia Youth, and Jiangsu Kanghong.

On March 15, 2004, we received a response to Section A of our antidumping duty questionnaire from Dubao. On March 23, 2004, we received responses to Sections C and D of our antidumping duty questionnaires from Shanghai Xiuwei. On March 24, 2004, Kunshan notified the Department that it made no shipments to the United States during the POR. On March 25, 2004, we received responses to Sections C and D of our antidumping duty questionnaires from Jinfu, Zhejiang, Inner Mongolia, Shanghai Eswell, and Wuhan Bee.

On March 25, 2004, we invited interested parties to comment on the Department's surrogate country selection and/or significant production in the potential countries and to submit publicly available information to value the factors of production.

On April 1, 2004, we received responses to Sections C and D of our antidumping duty questionnaires from Dubao. On April 1, 2, 6, 9, 19, 20, May 5 and 7, 2004, the petitioners submitted deficiency comments on the respondents' questionnaire responses. On April 7, 2004, we received a response to Section E of our antidumping duty questionnaire from Wuhan Bee.

On April 15, 2004, the petitioners submitted comments on the selection of the proper surrogate country.

On April 16, 2004, we issued a supplemental questionnaire to Dubao. On April 19, 2004, we issued supplemental questionnaires to Zhejiang, Inner Mongolia, Shanghai Eswell, and Shanghai Xiuwei. On April 20, 2004, we issued a supplemental questionnaire to Wuhan Bee. On April

21, 2004, we issued a supplemental questionnaire to Jinfu.

On April 27, 2004, the Department rescinded the review for Anhui Honghui, Cheng Du, Eurasia, Inner Mongolia Youth, and Jiangsu Kanghong. *See Honey from the People's Republic of China: Notice of Partial Rescission of Antidumping Duty Administrative Review*, 69 FR 22760.

On April 30, 2004, we received a response to our supplemental questionnaire from Dubao.

On May 10, 2004, the petitioners and respondents submitted comments on surrogate information with which to value the factors of production in this proceeding.

The preliminary results are currently due no later than September 1, 2004.

Extension of Time Limits for Preliminary Results

Pursuant to section 751(a)(3)(A) of the Act and section 351.213(h) of the Department's regulations, we determine that it is not practicable to complete this administrative review within the statutory time limit of 245 days. The Department finds that it is not practicable to complete the preliminary results of this administrative review within this time limit because we need additional time to analyze the questionnaire responses, issue appropriate supplemental questionnaires, and conduct verifications. In particular, the Department needs additional time to research and analyze the appropriate surrogate values for raw honey. Therefore, in accordance with section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department=s regulations, the Department is extending the time limit for the completion of these preliminary results by an additional 79 days. The preliminary results will now be due no later than November 19, 2004.

The final results will, in turn, be due 120 days after the date of issuance of the preliminary results, unless extended.

Dated: May 24, 2004.

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 04–12296 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–863

Notice of Extension of Preliminary Results of New Shipper Antidumping Duty Reviews: Honey From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting new shipper antidumping duty reviews on honey from the People's Republic of China (PRC) in response to requests by respondents Anhui Honghui Foodstuff (Group) Co., Ltd. (Anhui Honghui), Eurasia Bee's Products Co., Ltd. (Eurasia), Inner Mongolia Youth Trade Development Co., Ltd. (Inner Mongolia Youth), and Jiangsu Kanghong Natural Healthfoods Co., Ltd. (Jiangsu Kanghong). The review covers shipments to the United States for the period December 1, 2002, to November 30, 2003, by these four respondents. For the reasons discussed below, we are extending the preliminary results of this administrative review by 61 days, to no later than September 27, 2004.

FOR FURTHER INFORMATION CONTACT: Jim Nunno at (202) 482–0783 or Anya Naschak at (202) 482–6375; Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

EFFECTIVE DATE: June 1, 2004.

SUPPLEMENTARY INFORMATION:

Background

The Department received timely requests from Anhui Honghui Foodstuff (Group) Co., Ltd. (Anhui Honghui), Eurasia Bee's Products Co., Ltd. (Eurasia), Foodworld International Club Limited (Foodworld), Inner Mongolia Youth Trade Development Co., Ltd. (Inner Mongolia Youth), Jiangsu Kanghong Natural Healthfoods Co., Ltd. (Jiangsu Kanghong), and Shanghai Shinomiel International Trade Corporation (Shanghai Shinomiel), in accordance with 19 CFR 351.214(c), for new shipper reviews of the antidumping duty order on honey from the PRC, which has a December annual anniversary month and a June semiannual anniversary month. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Honey from the People's Republic of China*, 66 FR 63670 (December 10, 2001). On January 30, 2004, the Department found that the requests for review with respect to Anhui Honghui, Eurasia, Inner Mongolia Youth, and Jiangsu Kanghong met all the regulatory requirements set forth in 19 CFR 351.214(b) and initiated this new shipper antidumping duty review covering the period December 1, 2002, through November 30, 2003. The Department did not initiate new shipper reviews for the remaining two companies (i.e., Foodworld and Shanghai Shinomiel). *See Honey From the People's Republic of China: Initiation of New Shipper Antidumping Duty Reviews*, 69 FR 5835 (February 6, 2004).

On February 4, 2004, we issued antidumping duty questionnaires to Anhui Honghui, Eurasia, Inner Mongolia Youth, and Jiangsu Kanghong. On February 13, 2004, we issued supplemental questionnaires to Anhui Honghui and Jiangsu Kanghong. On February 27, 2004, we received information from Anhui Honghui and Jiangsu Kanghong regarding intra–company sales. On March 16, 2004, we received a response to Section A of our antidumping duty questionnaire from Inner Mongolia Youth. On March 17, 2004, we received responses to Section A of our antidumping duty questionnaire from Anhui Honghui, Eurasia, and Jiangsu Kanghong.

On March 25, 2004, we invited interested parties to comment on the Department's surrogate country selection and/or significant production in the potential countries and to submit publicly available information to value the factors of production.

On March 30, 2004, we received a response to Sections C and D of our antidumping duty questionnaire from Inner Mongolia Youth. On March 31, 2004, we received responses to Sections C and D of our antidumping duty questionnaire from Anhui Honghui, Eurasia, and Jiangsu Kanghong and, where applicable, from their U.S. affiliates and/or the respective importers.

On March 30 and April 1 and 13, 2004, the American Honey Producers Association and the Sioux Honey Association (collectively, the petitioners) submitted deficiency comments on the respondents' questionnaire responses.

On April 15, 2004, the petitioners submitted comments on the selection of the proper surrogate country.

On April 16, 2004, we issued a supplemental questionnaire to Inner Mongolia Youth. On April 16 and 23, 2004, we issued supplemental questionnaires to Anhui Honghui and

Jiangsu Kanghong. On April 19 and 23, 2004, we issued supplemental questionnaires to Eurasia. We also issued questionnaires to the respondents' U.S. customers on April 28, 2004. On April 30, 2004, we received a response to our supplemental questionnaire from Inner Mongolia Youth. On May 3, 2004, we received responses to our supplemental questionnaires from Anhui Honghui and Jiangsu Kanghong. On May 6 and 7, 2004, we received a response to our supplemental questionnaire from Eurasia. We received responses to our questionnaires to U.S. customers on May 7, 2004.

On May 10, 2004, the petitioners and respondents submitted comments on surrogate information with which to value the factors of production in this proceeding.

The preliminary results are currently due no later than July 28, 2004.

Extension of Time Limits for Preliminary Results

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(i)(1) require the Department to issue the preliminary results of a new shipper review within 180 days after the date on which the new shipper review was initiated and final results of a review within 90 days after the date on which the preliminary results were issued. The Department may, however, extend the deadline for completion of the preliminary results of a new shipper review to 300 days if it determines that the case is extraordinarily complicated (19 CFR 351.214 (i)(2)). The Department has determined that this case is extraordinarily complicated, and the preliminary results of this new shipper review cannot be completed within the statutory time limit of 180 days.

Specifically, the Department needs additional time because of the complexity of some of the issues, issuing supplemental questionnaires requesting additional information, and the scheduling of verifications. In particular, the Department needs additional time to research and analyze the appropriate surrogate values for raw honey. Given the issues in this case, the Department finds that this case is extraordinarily complicated, and cannot be completed within the statutory time limit.

Accordingly, the Department is extending the time limit for the completion of the preliminary results by 61 days, to September 27, 2004, in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2). The final results will, in turn, be due 90 days after the date of issuance of the preliminary results, unless extended.

Dated: May 24, 2004.

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 04–12297 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Drug Pricing Study

AGENCY: International Trade Administration, Commerce.

ACTION: Notice on inquiry.

SUMMARY: Information is sought pursuant to a study of international drug pricing as required by section 1123 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

This information will result in a report on trade in pharmaceuticals, focusing on the drug pricing practices of countries that are members of the Organization for Economic Cooperation and Development (OECD) and the effects of those practices on drug pricing in the United States, R&D, and innovation.

DATES: Submit comments, preferably via e-mail, on or before July 1, 2004.

FOR FURTHER INFORMATION CONTACT: Submit comments to: Kristie Mikus at: *drugpricing@ita.doc.gov.*

ADDRESSES: Department of Commerce, 14th and Constitution Avenue, Room 4039, Washington, DC 20230.

SUPPLEMENTARY INFORMATION: The International Trade Administration (ITA) publishes this notice to solicit information, per the requirements of the Medicare Prescription Drug, Improvement and Modernization Act of 2003. The Act directs the Secretary of Commerce, in consultation with the International Trade Commission, the Secretary of Health and Human Services and the U.S. Trade Representative, to conduct a study and produce a report on trade in pharmaceuticals, focusing on the drug pricing practices of countries that are members of the Organization for Economic Cooperation and Development (OECD).

Specifically, the Conference Report to the act states:

Report on Trade in Pharmaceuticals. The Conference agreement directs the Secretary of Commerce, in consultation with the International Trade Commission, the Secretary of Health and Human Services and the United States Trade Representative, to conduct a study and report on drug pricing practices of countries that are members of the Organization for Economic Cooperation and Development and whether those practices utilize non-tariff barriers with respect to trade in pharmaceuticals. The study shall include an analysis of the use of price controls, reference pricing, and other actions that affect the market access of United States pharmaceutical products.

The study shall include the following:

Identification of the countries that use price controls or other such practices with respect to pharmaceutical trade.

Assessment of the price controls and other such practices used by the countries identified.

Estimate of additional costs to U.S. consumers due to price controls and other such practices, and the extent to which additional costs would be reduced for U.S. consumers if price controls and other such practices were reduced or eliminated.

Estimate of the impact such price controls, intellectual property laws, and other such measures have on fair pricing, innovation, generic competition, and research and development in the United States and each country identified.

Consequently, the Department is seeking input to the following

Consequently, the Department is seeking input to the following questions. However, in responding to these questions, please feel free to also include any additional information or input relevant to the study's mandate.

- How do OECD countries set pharmaceutical prices? Within OECD countries, what mechanisms do governments use to control pharmaceutical expenditures?
- If price controls and other government cost control mechanisms were eliminated in OECD countries, how and to what degree would pharmaceutical prices and expenditures change in those countries and in the United States? What effects would these changes have on the sales and profits of pharmaceutical manufacturers?
- How do patent laws and their application affect the levels of and differences in prices of patented drugs in OECD countries?
- How would U.S. consumers be affected if price controls and other government cost control mechanisms were eliminated in OECD countries?
- What factors influence, and how do companies determine research and development (R&D) expenditures? How would higher prices and revenues from sales in OECD countries affect R&D?
- What is the relationship between increased R&D by pharmaceutical manufacturers and the introduction of new drugs?
- Could OECD countries reduce costs by increasing the use of generic drugs? What steps would the governments need

to take to facilitate the use of generic drugs?

• Are there means by which OECD countries could improve incentives for developing innovative medicines without significantly increasing spending on drugs?

• List any additional drug pricing practices by OECD countries that utilize non-tariff barriers.

Dated: May 25, 2004.

Jonathan Menes,

Executive Director, Trade Development.

[FR Doc. 04–12205 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Channel Islands National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Channel Islands National Marine Sanctuary (CINMS or Sanctuary) is seeking applicants for the following vacant seats on its Sanctuary Advisory Council (Council): Public At-Large member, Tourism member, Research member, and Commercial Fishing alternate. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; views regarding the conservation and management of marine resources; and the length of residence in the area affected by the Sanctuary. Applicants who are chosen as members should expect to serve two-year terms, pursuant to the Council's Charter.

DATES: Applications are due by June 21, 2004.

ADDRESSES: Application kits may be obtained on line at *channelislands.noaa.gov*, or from Michael Murray at 115 Harbor Way, Suite 150, Santa Barbara, CA 98625. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Michael Murray at (805) 884–1464, or *michael.murray@noaa.gov*, or visit the CINMS Web site at *http://channelislands.noaa.gov*.

SUPPLEMENTARY INFORMATION: The CINMS Advisory Council was originally established in December 1998 and has a broad representation consisting of 21 members, including ten government agency representatives and eleven members from the general public. The Council functions in an advisory capacity to the Sanctuary Manager. The Council works in concert with the Sanctuary Manager by keeping him or her informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Manager in achieving the goals of the Sanctuary program. Specifically, the Council's objectives are to provide advice on: (1) Protecting natural and cultural resources, and identifying and evaluating emergent or critical issues involving Sanctuary use or resources; (2) Identifying and realizing the Sanctuary's research objectives; (3) Identifying and realizing educational opportunities to increase the public knowledge and stewardship of the Sanctuary environment; and (4) Assisting to develop an informed constituency to increase awareness and understanding of the purpose and value of the Sanctuary and the National Marine Sanctuary Program.

Authority: 16 U.S.C. 1431 *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: May 24, 2004.

Jamison S. Hawkins,

Deputy Assistant Administrator for Management, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 04–12173 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–NK–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052504B]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Advisory Panel and Habitat/Marine Protected Areas (MPA) Oversight Committee in June, 2004. Recommendations from these committees will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on Wednesday, June 16, 2004 from 8:30 a.m. to 9:30 a.m. for the Advisory Panel only, then from 9:30 a.m. to 11:30 a.m. jointly with the Oversight Committee and then from 11:30 a.m. until adjourn, the Habitat/MPA Committee will meet.

ADDRESSES: The meeting will be held at the Courtyard by Marriott, 1000 Market Street, Portsmouth, NH 03801; telephone: (603) 436–2121.

Council address: New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Habitat Advisory Panel will meet separately from 8:30 a.m. to 9:30 a.m. then jointly with the Committee from 9:30 a.m. to 11:30 a.m. to review the scoping comments for the essential fish habitat (EFH) Omnibus Amendment. At 11:30 a.m, the Habitat Committee will meet, and based on the earlier review of the scoping comments for the EFH Omnibus Amendment, will develop recommendations for the Council's consideration regarding the goals and objectives of the Amendment. They will consider a draft Research for Proposals (RFP) for Habitat Areas of Particular Concern proposals and Dedicated Habitat Research Areas proposals. They will develop alternatives to allow shrimp trawling into the Western Gulf Of Maine Habitat Closed Area in Framework 40B to the Multispecies Fishery Management Plan. Also on the agenda will be development of a draft proposal for NOAA Marine Protected Areas Center funding to assist in the development of a Council MPA policy. Other business will be discussed at the discretion of the Committee.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul

J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: May 25, 2004.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E4–1227 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Term Extension

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), 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 the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 2, 2004.

ADDRESSES: You may submit comments by any of the following methods:

- E-mail: *Susan.Brown@uspto.gov*. Include ''0651–0020 comment'' in the subject line of the message.
- Fax: 703–308–7407, marked to the attention of Susan Brown.
- Mail: Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Robert J. Spar, Director, Office of Patent Legal Administration, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 703–308–5107; or by e-mail at *Bob.Spar@uspto.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Federal Food, Drug and Cosmetic Act at 35 U.S.C. 156 permits the United States Patent and Trademark Office (USPTO) to restore the patent term lost due to certain types of regulatory review by the Federal Food and Drug Administration or the Department of Agriculture. Only patents for drug products, medical devices, food additives, and color additives are eligible for extension. The maximum length that a patent may be extended in order to restore the lost portion of the patent term is five years.

The USPTO may in some cases extend the term of an original patent due to certain delays in the prosecution of the patent application, including delays caused by interference proceedings, secrecy orders, or appellate review by the Board of Patent Appeals and Interferences or a Federal court in which the patent is issued pursuant to a decision reversing an adverse determination of patentability. The patent term provisions of 35 U.S.C. 154(b), as amended by Title IV, Subtitle D of the Intellectual Property and Communications Omnibus Reform Act of 1999, require the USPTO to notify the applicant of the patent term adjustment in the notice of allowance and give the applicant an opportunity to request reconsideration of the USPTO's patent term adjustment determination. The USPTO may also reduce the amount of patent term adjustment granted if delays were caused by an applicant's failure to make a reasonable effort to respond to a communication from the USPTO within three months of the mailing date of the communication. Applicants may petition for reinstatement of a reduction in patent term adjustment with a showing that, in spite of all due care, the applicant was unable to respond to a communication from the USPTO within the three month period.

The USPTO administers 35 U.S.C. 154 and 156 through 37 CFR subpart F (1.701–1.791). These rules permit the public to submit applications to the USPTO to extend the term of a patent past its original expiration date, to request interim extensions and review of final eligibility decisions, and to withdraw an application requesting a patent term extension after it is submitted. Under 35 U.S.C. 156(d), an application for patent term extension must identify the approved product, the patent to be extended, the claims included in the patent for the approved product, and a method of use or manufacturing for the approved product. In addition, the application for patent term extension must provide a brief description of the activities undertaken by the applicant during the regulatory review period with respect to the approved product and the significant dates of these activities.

The term of a patent which claims a product, a method of using a product, or a method of manufacturing a product shall be extended if the term of the patent has not expired before an application is submitted. The Federal Food, Drug and Cosmetic Act requires that an application for patent term extension be filed with the USPTO within 60 days of the product receiving regulatory approval from the Federal Food and Drug Administration or the Department of Agriculture. Under 35 U.S.C. 156(e), an interim extension may be granted if the term of an eligible patent for which an application for patent term extension has been submitted under 35 U.S.C. 156(d) would expire before a certificate of extension is issued.

The information in this collection is used by the USPTO to consider whether an applicant is eligible for a patent term extension or reconsideration of a patent term adjustment and, if so, to determine the length of the patent term extension or adjustment. There are no forms associated with this collection.

This collection was previously approved by OMB in October 2001. The USPTO also submitted this collection in conjunction with a notice of proposed rulemaking entitled ''Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan'' (RIN 0651–AB64), which was published in the **Federal Register** on September 12, 2003 (vol. 68, no. 177). The proposed rulemaking increased the filing fee for the Petition to Accord a Filing Date to an Application under 37 CFR 1.740 for Extension of a Patent Term, which was added to this collection. The proposed rulemaking would also allow applicants to use electronic signatures to sign documents that have been created with a word processor. The information collection package for 0651–0020 associated with this proposed rulemaking was approved by OMB in November 2003. The proposed changes related to patent term adjustments were finalized in the final rule notice entitled ''Revision of Patent Term Extension and Patent Term Adjustment Provisions'' (RIN 0651–AB71), which was published in the **Federal Register** on April 22, 2004.

II. Method of Collection

By mail, facsimile, or hand delivery to the USPTO.

III. Data

OMB Number: 0651–0020.

Form Number(s): None.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households; businesses or other for-profits; not-for-profit institutions; farms; the Federal government; and State, local or tribal governments.

Estimated Number of Respondents: 26,859 responses per year.

Estimated Time Per Response: The USPTO estimates that it will take the

public from 1 to 25 hours, depending on the complexity of the situation, to gather the necessary information, prepare the appropriate documents, and submit the applications, requests, and petitions included in this collection.

Estimated Total Annual Respondent Burden Hours: 30,905 hours per year.

Estimated Total Annual Respondent Cost Burden: $8,838,830 per year. The USPTO expects that the information in this collection will be prepared by attorneys. Using the professional rate of $286 per hour for associate attorneys in private firms, the USPTO estimates that the respondent cost burden for submitting the information in this collection will be $8,838,830 per year.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Application to Extend Patent Term under 35 U.S.C. 156	25	50	1,250
Request for Interim Extension under 35 U.S.C. 156(e)(2)	1	1	1
Petition to Review Final Eligibility Decision under 37 CFR 1.750	25	1	25
Initial Application for Interim Extension under 35 U.S.C. 156(d)(5)	20	1	20
Subsequent Application for Interim Extension under 37 CFR 1.790	1	1	1
Response to Requirement to Elect	1	2	2
Response to Request to Identify Holder of Patent Term	2	1	2
Declaration to Withdraw an Application to Extend Patent Term	2	1	2
Petition for Reconsideration of Patent Term Adjustment Determination	1	24,000	24,000
Petition for Reinstatement of Reduced Patent Term Adjustment	2	2,800	5,600
Petition to Accord a Filing Date to an Application under 37 CFR 1.740 for Extension of a Patent Term	2	1	2
TOTAL		26,859	30,905

Estimated Total Annual Non-hour Respondent Cost Burden: $5,986,978 per year. There are no capital start-up, maintenance, or recordkeeping costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of filing fees and postage costs.

This collection has filing fees associated with the requirements for patent term extension and patent term adjustment. The USPTO estimates that the total filing costs associated with this collection will be $5,977,040 per year.

Item	Estimated annual responses	Fee amount	Estimated annual filing costs
Application to Extend Patent Term under 35 U.S.C. 156	50	$1,120.00	$56,000.00
Request for Interim Extension 35 U.S.C. 156(e)(2)	1	0.00	0.00
Petition to Review Final Eligibility Decision under 37 CFR 1.750	1	0.00	0.00
Initial Application for Interim Extension under 35 U.S.C. 156(d)(5)	1	420.00	420.00
Subsequent Application for Interim Extension under 37 CFR 1.790	1	220.00	220.00
Response to Requirement to Elect	2	0.00	0.00
Response to Request to Identify Holder of Patent Term	1	0.00	0.00
Declaration to Withdraw an Application to Extend Patent Term	1	0.00	0.00
Petition for Reconsideration of Patent Term Adjustment Determination	24,000	200.00	4,800,000.00
Petition for Reinstatement of Reduced Patent Term Adjustment	2,800	400.00	1,120,000.00
Petition to Accord a Filing Date to an Application under 37 CFR 1.740 for Extension of a Patent Term	1	400.00	400.00
TOTAL	26,859		5,977,040.00

Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the average first-class postage cost for a mailed submission will be 37 cents and that up to 26,859 submissions will be mailed to the USPTO per year. The total estimated postage cost for this collection is $9,938 per year.

The total non-hour respondent cost burden for this collection in the form of filing fees and postage costs is $5,986,978 per year.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, *e.g.*, the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 24, 2004.

Susan K. Brown,

Records Officer, USPTO, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division.

[FR Doc. 04–12335 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines

May 25, 2004.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting limits.

EFFECTIVE DATE: June 2, 2004.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the Bureau of Customs and Border Protection website at http://www.cbp.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 69 FR 4926, published on February 2, 2004). Also see 68 FR 59923, published on October 20, 2003.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 25, 2004.

Commissioner,
Bureau of Customs and Border Protection, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 14, 2003, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 2004 and extends through December 31, 2004.

Effective on June 2, 2004, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month restraint limit [1]
Levels in Group I	
338/339	3,763,217 dozen.
347/348	3,925,725 dozen.
361	3,397,082 numbers.
369–S[2]	698,113 kilograms.
445/446	35,917 dozen.
638/639	2,882,819 dozen.
645/646	1,324,149 dozen.
647/648	1,821,464 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2003.

[2] Category 369–S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Philip J. Martello,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 04–12244 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–DR–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), has submitted a public information collection request (ICR) entitled Project Director and Station Supervisor Survey Components of the Senior Corps Performance Surveys to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Mr. Nathan Dietz, at (202) 606–5000, extension 287, (*Ndietz@cns.gov*). Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5 p.m. eastern time, Monday through Friday.

DATES: Comments must be received within 30 days from publication in this **Federal Register**.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, by any of the following two methods:

(1) By fax to: (202) 395–6974, Attention: Ms. Katherine Astrich, OMB Desk Officer for the Corporation for National and Community Service; and

(2) Electronically by e-mail to: *Katherine_Astrich@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the Corporation's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

Type of Review: New collection.

Agency: Corporation for National and Community Service.

Title: Project Director and Station Supervisor Survey Components of the Senior Corps Performance Surveys.

OMB Number: None.

Agency Number: None.

Affected Public: Foster Grandparent Program, Senior Companion Program, and RSVP (Retired and Senior Volunteer Program) projects and stations.

Type of Respondents: Senior Corps project directors and volunteer station supervisors.

Total Respondents: 2,603.

Frequency: One time.

Estimated Total Burden Hours: 1,469.8 hours total for all respondents/sites.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Description: Project Director and Station Supervisor Survey Components of the Senior Corps Performance Surveys: The Corporation for National and Community Service (CNCS) is

requesting comments on plans to conduct the Project Director and Station Supervisor Survey Components of the Senior Corps Performance Surveys for the three major programs, Foster Grandparent Program, Senior Companion Program, and RSVP (Retired and Senior Volunteer Program). This study is being conducted under contract with Westat, Inc. (#CNCSHQC03003, Task Order #WES03T001) to collect information about local project volunteer outputs and outcomes. This information is to be used by Senior Corps grantees and CNCS by helping program managers to improve the quality of services provided. The information will also be used by the corporation in preparing its Annual Performance Reports as well as for responding to ad hoc requests from Congress and other interested parties.

The Project Director Survey Component of the Senior Corps Performance Surveys will be distributed to the universe of project directors for each program, and to a sample of volunteer stations for each program.

Comments: A 60-day public comment notice, regarding all the component surveys of the Senior Corps Performance Surveys was published in the **Federal Register** on December 15, 2003. This comment period ended on February 14, 2004; no comments were received.

Dated: May 26, 2004.

David A. Reingold,

Director, Office of Research and Policy Development.

[FR Doc. 04–12375 Filed 5–28–04; 8:45 am]

BILLING CODE 6050–88–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0006]

Federal Acquisition Regulation; Submission for OMB Review; Subcontracting Plans/Subcontracting Report for Individual Contracts (Standard Form 294)

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0006).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning subcontracting plans/subcontracting reporting for individual contracts (Standard Form 294). A request for public comments was published at 69 FR 10213 on March 4, 2004. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW, Room 4035, Washington, DC 20405. Please cite OMB Control No. 9000–0006, Subcontracting Plans/Subcontracting Reporting for Individual Contracts (Standard Form 294), in all correspondence.

DATES: Submit comments on or before July 1, 2004.

FOR FURTHER INFORMATION CONTACT: Rhonda Cundiff, Acquisition Policy, GSA (202) 501–0044.

SUPPLEMENTARY INFORMATION:

A. Purpose

In accordance with Federal Acquisition Regulation 19.702, contractors receiving a contract for more than the simplified acquisition threshold agree to have small business, small disadvantaged business, and women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business concerns participate in the performance of the contract as far as practicable. Contractors receiving a contract or a modification to a contract expected to exceed $500,000 ($1,000,000 for construction) must submit a subcontracting plan that provides maximum practicable opportunities for the above named concerns. Specific elements required to be included in the plan are specified in section 8(d) of the Small Business Act and implemented in FAR subpart 19.7.

In conjunction with these plans, contractors must submit semiannual reports of their progress on Standard Form 294, Subcontracting Report for Individual Contracts.

B. Annual Reporting Burden

Respondents: 4,253.
Responses Per Respondent: 3.44.
Total Responses: 14,622.
Hours Per Response: 50.56
Total Burden Hours: 739,225.

Obtaining Copies of Proposals:Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW, Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0006, Subcontracting Plans/Subcontracting Reporting for Individual Contracts (Standard Form 294), in all correspondence.

Dated: May 19, 2004.

Ralph J. DeStefano

Acting DirectorAcquisition Policy Division

[FR Doc. 04–12097 Filed 5–28–04; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0012]

Federal Acquisition Regulation; Submission for OMB Review; Termination Settlement Proposal Forms (Standard Forms 1435 through 1440)

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and SpaceAdministration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0012).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning termination settlement

proposal forms (Standard Forms 1435 through 1440). A request for public comments was published in the **Federal Register** at 69 FR 9813 on March 2, 2004. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before [Enter date 30 days after publication in the **Federal Register**.]

FOR FURTHER INFORMATION CONTACT: Jeritta Parnell, Acquisition Policy Division, GSA (202) 501–4082.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4035, Washington, DC 20405. Please cite OMB Control Number 9000–0012, Termination Settlement Proposal (SF's 1435 through 1440), in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

The termination settlement proposal forms (Standard Forms 1435 through 1440) provide a standardized format for listing essential cost and inventory information needed to support the terminated contractor's negotiation position. Submission of the information assures that a contractor will be fairly reimbursed upon settlement of the terminated contract.

B. Annual Reporting Burden

Respondents: 872.
Responses Per Respondent: 2.4.
*Total Responses:*2,092.
Hours Per Response: 2.4.
Total Burden Hours: 5,023.
Obtaining copies of proposals: Requesters may obtain a copy of the information collection from the General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW, Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control Number 9000–0012, Termination Settlement Proposal Forms (SF's 1435 through 1440), in all correspondence.

Dated: May 19, 2004

Ralph J. DeStefano

Acting Director, Acquisition Policy Division

[FR Doc. 04–12098 Filed 5–28–04; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

Department of the Army

Preparation of Environmental Impact Statement for Expansion of Range Projects Within U.S. Army Training Lands in Alaska

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: The Army intends to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with the proposed expansion of training ranges within U.S. Army training lands in Alaska. The proposed federal action to be addressed in this EIS involves the construction and operation of a Battle Area Complex (BAX) and a Combined Arms Collective Training Facility (CACTF), and the execution of routine, joint military training at these locations. The purpose of the proposed project is to provide year-round, fully automated, multi-purpose, and realistic training facilities for U.S. Army Alaska and other units. The EIS will analyze the proposed action's impacts upon Alaska's natural and man-made environments.

DATES: Written comments identifying potential impacts to be analyzed in the EIS must be received not later than July 1, 2004.

ADDRESSES: Written comments should be forwarded to Mr. Kevin Gardner, Directorate of Public Works, 730 Quartermaster Road, Attn: APVR–RPW–GS (GARDNER), Fort Richardson, AK 99505–6500; fax: (907) 384–3047; e-mail: *kevin.gardner@us.army.mil.*

FOR FURTHER INFORMATION CONTACT: Major Dan Hunter, Public Affairs Office, 600 Richardson Drive #5600, Attn: APVR–RPV–O (HUNTER), Fort Richardson, AK 99505–5600; telephone: (907) 384–3306, fax: (907) 384–2060; or at Fort Wainwright, AK; telephone: (907) 353–6701; e-mail: *robert.hunter@richardson.army.mil.*

SUPPLEMENTARY INFORMATION: The proposed action would result in the construction and operation of ranges and support facilities designed to meet the objectives of established training doctrine. The design of the proposed projects will accommodate training requirements on ranges designed in accordance with the standards set out in Department of Army Training Circular (TC) 25–8, which include the following:

- Provide multi-echelon training—Support training in a combined arms, task organized element to allow joint training opportunities across the full spectrum of warfare.
- Support battle focused training—Allow units to train:

—As a Joint Combined Arms Team;
—For combat proficiency—realistic conditions and performance oriented;
—To standard;
—To adapt;
—To maintain and sustain training readiness levels;
—Using multi-echelon techniques;
—To sustain proficiency;
—To develop leadership.

- Provide mounted and dismounted training opportunities—Afford the opportunity to train in both mounted (in tactical vehicles) and dismounted (on foot) operations.
- Maximizing training efficiencies and synergies—Close siting of individual ranges to allow for simultaneous or independent collective training events on both facilities.
- Realistic training—These facilities can be used either independently or in a combined scenario. These facilities enable combat teams to train in rural (BAX) or urban (CACTF) settings either independently, combined, or in transition from one to the other.

In addition to consideration of a No Action Alternative (maintain existing range infrastructure), several U.S. Army Alaska training areas will be considered as possible alternate locations for the range expansion projects. These include: (1) Black Rapids; (2) Donnelly Drop Zone; (3) Eddy Drop Zone; (4) Fort Richardson; (5) Gerstle River; (6) North Texas Range; (7) Tanana Flats Training Area; (8) West Donnelly Training Area; (9) Yukon Training Area.

Tribes, Federal, state, and local agencies and the public are invited to participate in the scoping process for the preparation of this EIS. Scoping meetings will be held in Fairbanks and Delta Junction, Alaska. The scoping process will help identify possible alternatives, potential environmental impacts, and key issues of concern to be analyzed in the EIS. Notification of the times and locations for the scoping meetings will be published in local newspapers.

James L. Campbell,

Lieutenant General, U.S. Army, Commanding General.

[FR Doc. 04–12250 Filed 5–28–04; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability of the Draft Environmental Impact Statement for the Va Shyl'ay Akimel Ecosystem Restoration Feasibility Study, Maricopa County, AZ

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice; time correction.

SUMMARY: The start time for the final pubic hearing scheduled for Thursday, June 3, 2004 starting at 6:30 p.m. published in the **Federal Register** on Wednesday, April 28, 2004 (69 FR 23175) has been rescheduled. The final public hearing will now begin at 6 p.m. on Thursday, June 3, 2004. The meeting location will remain the same (Lehi Community Center, 1231 East Oak Street, Mesa, AZ).

FOR FURTHER INFORMATION CONTACT: Ms. Sarah Laughlin, Environmental Coordinator, at (540) 231–8303 or Ms. Kayla Eckert, Study Manager, at (602) 640–2003 ext. 253.

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 04–12251 Filed 5–28–04; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 2, 2004.

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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 25, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Report of the Participation and Performance of Students with Disabilities on State Assessments by Content Area, Grade, and Type of Assessment.

Frequency: Annually.

Affected Public: State, local, or tribal gov't, SEAs or LEAs (primary).

Reporting and Recordkeeping Hour Burden:

Responses: 60.

Burden Hours: 3,600.

Abstract: This package provides instructions and a form necessary for States to report the number of children with disabilities served under IDEA–B that participated in regular and alternate assessments and their performance on those assessments. These data will be used for monitoring activities, for planning purposes, for congressional reporting requirements, and for dissemination to individuals and groups

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 2558. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. 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 Sheila Carey at her e-mail address *Sheila.Carey@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. 04–12210 Filed 5–28–04; 8:45 am]

BILLING CODE 4000–01–P

EMERGENCY STEEL LOAN GUARANTY BOARD

Proposed Information Collection; Comment Request; Emergency Steel Loan Guaranty Board—Guarantee Agreement

ACTION: Notice.

SUMMARY: The Emergency Steel Loan Guaranty Board (ESLGB), as of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing and proposed information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 2, 2004.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the attention of Marguerite Owen, General Counsel, ESLGB, (202) 482–0531 or *mowen@doc.gov.*

SUPPLEMENTARY INFORMATION

I. Abstract

Chapter 1, Public Law 106–51, ''The Emergency Steel Loan Guarantee Act of

1999'' (''Act'') established an Emergency Steel Loan Guarantee Program (''Program'') which is designed to provide guaranteed loans to qualified steel and iron ore companies by private banking and investment institutions. A Board composed of the Chairman of the Federal Reserve Board, the Chairman on the Securities and Exchange Commission, and the Secretary of the Department of Commerce (''Board'') has been given the responsibility to oversee this Program.

A loan guarantee may be issued upon application to the Board by a private banking or investment institution, which proposes to enter into an agreement to provide a loan to a qualified steel company. A qualified steel company is defined in the Act to mean any company that: (A) Is incorporated under the laws of any State; (B) is engaged in the production and manufacture of a steel mill product; and (C) has experienced layoffs, production losses, or financial losses since January 1998. The Act established several conditions applicable to each loan guarantee issued by the Board.

Subsequent to the review of an application by the Board, a successful applicant will be required to sign a guarantee agreement as a condition of receiving the loan guarantee from the Board. The guarantee agreement provides the terms and conditions of the loan guarantee, and sets forth the requirements, including reporting and record keeping, that the lender must meet for the guarantee to remain in force.

When the program's authorizing legislation was initially enacted, the Board's authority to issue guarantees was scheduled to terminate on December 31, 2001, and guaranteed loans were required to be repaid by December 31, 2005. Public Law 107–63 extended the Board's authority to guarantee loans through December 31, 2003 and extended the date by which all guaranteed loans must be paid in full to no later than December 31, 2015. The authority to issue new loan guarantees, in fact, expired on December 31, 2003. As such, the Board had not previously requested an extension of Paperwork Reduction Act (PRA) approval for its various information collections associated with issuance of new guarantees. However, the authority to issue new loan guarantees was restored by section 211 of Public Law 108–199, enacted January 23, 2004. This law extended the Board's authority to issue new loan guarantees through December 31, 2005. Thus, the Board needs to reinstate, and receive PRA approval for, its previously existing information collection.

II. Method of Collection

The signed final guarantee documents for the individual loan guarantees will be submitted in hard copy because they will contain privileged financial and commercial information that is protected from disclosure under the Freedom of Information Act (FOIA).

III. Data

OMB Number: 3004–0002.

Form Number(s): ESLB–1.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 2.

Estimated Time Per Response: 15 to 75 hours.

Estimated Total Annual Respondent Burden Hours: 150.

Estimated Annual Cost to the Public: $4,980.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, *e.g.*, the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: May 25, 2004.

Marguerite Owen,

General Counsel, Emergency Steel Loan Guaranty Board.

[FR Doc. 04–12203 Filed 5–28–04; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF ENERGY

[Docket No. EA–292]

Application To Export Electric Energy; SESCO Enterprises, LLC

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: SESCO Enterprises, LLC. (SESCO) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before July 1, 2004.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Import/Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Rosalind Carter (Program Office) 202–586–7983 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On March 12, 2004, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from SESCO to transmit electric energy from the United States to Canada. SESCO, a power marketer and limited liability company formed under Delaware law with its principal place of business located in Iselin, NJ, has requested an electricity export authorization with a 5-year term. SESCO does not own or control any transmission or distribution assets, nor does it have a franchised service area. The electric energy which SESCO proposes to export to Canada would be purchased from electric utilities and Federal power marketing agencies within the U.S.

SESCO proposes to arrange for the delivery of electric energy to Canada over the existing international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Eastern Maine Electric Cooperative, International Transmission Company, Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power Inc., Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power, Vermont Electric Power Company and Vermont Electric Transmission Company. The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by SESCO, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the SESCO application to export electric energy to Canada should be clearly marked with Docket EA–292. Additional copies are to be filed directly with Matthew Gorisch, Managing Director, and Michael Schubiger, Chief Executive Officer, SESCO Enterprises, LLC., 120 Wood Avenue South, Suite 511, Iselin, NJ 08830.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at *http://www.fe.de.gov.* Upon reaching the Fossil Energy Home page, select ''Electricity Regulation,'' and then ''Pending Procedures'' from the options menus.

Issued in Washington, DC, on May 20, 2004.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 04–12268 Filed 5–28–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC04–111–000]

American Transmission Company LLC; Notice of Filing

May 25, 2004.

Take notice that on May 21, 2004, American Transmission Company LLC (ATCLLC) tendered for filing an Application for Authority to Acquire Transmission Facilities Under section 203 of the Federal Power Act. ATCLLC requests that the Commission authorize ATCLLC to acquire ownership of certain transmission facilities from the Wisconsin Public Service Corporation. ATCLLC requests Commission authorization by August 1, 2004.

Any person desiring to intervene or to protest this filing should file 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). 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 proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary (FERRIS) 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 for TTY, contact (202) 502–8659. 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.

Comment Date: June 11, 2004.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1230 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP04–337–000]

CenterPoint Energy Gas Transmission Company; Notice of Application

May 21, 2004.

Take notice that CenterPoint Energy Gas Transmission Company (CenterPoint), Post Office Box 21734, Shreveport, Louisiana 71151–0001, filed in Docket No. CP04–337–000 on May 17, 2004, an application pursuant to section 7(b) of the Natural Gas Act (NGA), as amended, to abandon pipeline facilities consisting of 23,920 feet of CenterPoint's Line ADT–17 along with a pig launcher and receiver, six feet of pipe at the receiver, and a separator, located in Pittsburg County, Oklahoma, by sale to CenterPoint Energy Field Services, Inc. (Field Services), which intends to incorporate them into its gathering system, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be also viewed on the Web 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. For assistance, call (202) 502–8659 or TTY, (202) 208–3676.

Any questions regarding this application should be directed to Lawrence O. Thomas, Director, Rates & Regulatory, CenterPoint Energy Gas Transmission, at (318) 429–2804, fax (318) 429–3133.

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, on or before the comment date stated below, 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). 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.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

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.

Comment Date: June 11, 2004.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1239 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–361–016]

Gulfstream Natural Gas System, L.L.C.; Notice of Compliance Filing

May 21, 2004.

Take notice that on April 16, 2004, Gulfstream Natural Gas System, L.L.C. (Gulfstream) filed a response to the data request issued by the Commission Staff on April 2, 2004 in Docket No. RP02–361–016.

Gulfstream states that copies of its filing have been mailed to all parties in the Docket No. RP02–361–016 proceeding.

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 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 eLibrary 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.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1236 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TX04–3–000]

Long Island Power Authority, Long Island Lighting Company d/b/a LIPA, Cross-Sound Cable Company LLC; Notice of Filing

May 21, 2004.

On May 21, 2004, the Long Island Power Authority, Long Island Lighting Company d/b/a LIPA, and Cross Sound Cable Company LLC (collectively, Applicants) filed an Application for an Order Directing Necessary Actions for an Effective Interconnection and Commercial Operation of the Cross Sound Cable Pursuant to sections 202 and 210 of the Federal Power Act, and a Request for Expedited Action. The Applicants state that this application was served on United Illuminating Company, the ISO New England, Inc. and the New York Independent System Operator.

Any person desiring to intervene or to protest this filing should file 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). 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 proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary (FERRIS) 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 for TTY, contact (202) 502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001 (a)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: June 1, 2004.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1229 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR04–12–000]

National Fuel Gas Distribution Corporation; Notice of Petition for Rate Filing

May 21, 2004.

Take notice that on May 3, 2004, National Fuel Gas Distribution Corporation (Distribution) filed an application pursuant to 18 CFR 284.224(e)(2) for approval to amend the transportation rate under its Order No. 63 Certificate.

Distribution states that it proposes to update its maximum transportation rate based upon current costs that most closely reflect the relevant facilities and services. Distribution further states that it will also seek to implement a minimum rate to permit it to discount below the maximum rate on a non-discriminatory basis if necessary to meet market conditions.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed with the Secretary of the Commission on or before the date as indicated 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. Any person wishing to become a party must file a motion to intervene. This petition for rate approval 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 ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistant, call (202) 502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: June 7, 2004.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1237 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–409–005 and RP00–631–006]

Natural Gas Pipeline Company of America; Notice of Compliance Filing

May 21, 2004.

Take notice that on May 17, 2004, Natural Gas Pipeline Company of America (Natural) tendered for filing to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Second Substitute Original Sheet No. 252E, to be effective December 1, 2003.

Natural states that the purpose of this filing is to comply with the Commission's Letter Order issued on May 10, 2004 (Order). Natural further states that the Order approved, subject to two modifications, Natural's compliance filing under Order No. 637 filed herein on June 13, 2003.

Natural states that copies of the filing are being mailed to all parties set out of the Commission's official service list in Docket Nos. RP00–409 and RP00–631.

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 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 eLibrary 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.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1235 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–40–035]

Panhandle Eastern Pipe Line Company, LLC; Notice of Refund Report

May 21, 2004.

Take notice that on May 18, 2004, Panhandle Eastern Pipe Line Company, LLC (Panhandle) tendered for filing its Refund Report.

Panhandle states that Appendix A to the filing reflects the work papers and documentation of Anadarko Petroleum Corp., OXY USA Inc., Duke Energy Services, Inc., and Dorchester Hugoton, Ltd., which support the March 29, 2004, distribution of these Kansas *ad valorem* tax refunds. Appendix B to the filing reflects the work papers and documentation of IMC Global, Inc. and ONEOK Energy Resources Company, which support the April 29, 2004, distribution of these Kansas ad valorem tax refunds. Appendix C to the filing shows the status of the remaining Non-Settling First Sellers. Appendix D to the filing reflects the refund amount received from Southland Royalty Company/Burlington Resources Oil & Gas Company with additional interest calculated through March 31, 2004.

Panhandle states that a copy of this information is being sent to intervenors in the subject proceeding, Non-Settling First Sellers, Panhandle's affected customers, and respective State Regulatory Commissions.

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: May 28, 2004.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1238 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES04–30–000]

Southern Indiana Gas and Electric Company; Notice of Application

May 12, 2004.

Take notice that on May 7, 2004, Southern Indiana Gas and Electric Company submitted an application pursuant to section 204 of the Federal Power Act requesting that the Commission authorize the issuance of unsecured promissory short-term notes in an amount not to exceed $250 million.

Any person desiring to intervene or to protest this filing should file 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). 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 proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission 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. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659. 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.

Comment Date: May 25, 2004.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1231 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL03–233–000, et al.]

Eurus Toya West II LLC, et al.; Electric Rate and Corporate Filings

May 20, 2004.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Eurus Toya West II LLC

[Docket No. EL03–233–001]

Take notice that on May 13, 2004, Eurus Toya West II LLC, a Delaware limited liability company (Eurus), filed an Amended Request for Declaratory Order (the Amended Request), which supplements Eurus's Petition for Declaratory Order filed on September 25, 2003 (the Petition), requesting that, under the circumstances described in the Petition and the Amended Request, Eurus will not be considered a public utility under the Federal Power Act should it consummate the transfer of a portion of the Sagebrush Transmission Line, as more fully described in the Petition and supplemented by the Amended Request.

Comment Date: June 1, 2004.

2. Bridger Valley Electric Association, Inc.

[Docket No. ER04–850–000]

Take notice that on May 18, 2004, Bridger Valley Electric Association, Inc. (Bridger Valley), tendered for filing an amendment to its Open Access Transmission Tariff (OATT), FERC Electric Tariff, Original Volume No. 1. Bridger Valley states that the proposed amendments seek to limit the scope of Bridger Valley's current generator interconnection protocols to small generator interconnection requests (less than 20 MW) only. Bridger Valley requests an effective date of May 18, 2004.

Comment Date: June 8, 2004.

3. Meriden Gas Turbines LLC

[Docket No. ER04–852–000]

Take notice that on May 18, 2004, Meriden Gas Turbines LLC (Meriden) submitted pursuant to section 35.15 of the Commission's regulations, 18 CFR 35.15, a notice canceling Meriden's FERC Rate Schedule No. 1. Meriden requests that the cancellation be made effective May 18, 2004.

Comment Date: June 8, 2004.

4. Electric Energy, Inc.

[Docket No. ES04–33–000]

Take notice that on May 14, 2004, Electric Energy, Inc. (EEInc.) submitted an application pursuant to section 204 of the Federal Power Act requesting that the Commission authorize the issuance of unsecured short-term debt in an amount not to exceed $70 million.

EEInc. also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment Date: June 4, 2004.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file 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). 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 proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502–8222 or TTY, (202) 502–8659. 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.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1228 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

May 25, 2004.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of license.

b. *Project No.:* 2281–006.

c. *Date Filed:* March 9, 2004.

d. *Applicant:* Pacific Gas and Electric Company (PG&E).

e. *Name of Project:* Woodleaf-Palermo Transmission Line.

f. *Location:* The project is located in Butte County, California. The project occupies lands of the United States in the Plumas National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Forrest Sullivan, Senior Project Manager, Pacific Gas and Electric Company, 5555 Florin-Perkins Road, Building 500, Sacramento, CA 95826, (916) 386–5580

i. *FERC Contact:* Regina Saizan, (202) 502–8765.

j. *Deadline for Filing Comments and or Motions:* June 28, 2004.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 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. Please include the project number (P–2281–006) on any comments or motions filed.

The Commission's rules of practice and procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Amendment:* PG&E requests that the license expiration date be accelerated from July 1, 2010, to March 31, 2009. PG&E states that the approval to accelerate the expiration date would provide it the opportunity to relicense the Woodleaf-Palermo Transmission Line Project with the Sly Creek Transmission Line Project No. 4851. Both transmission projects serve as primary transmission lines for the South Feather Hydroelectric Project No. 2088. The licenses for Project Nos. 2088 and 4851 expire on March 31, 2009. PG&E states that acceleration of the expiration date for the Woodleaf-Palermo Transmission Line Project to March 31, 2009, provides for the coordinated relicensing of the three projects and is expected to be more efficient for the agencies and the public participating in the relicensing process.

l. Locations of Application: A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also 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. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of rules of practice and procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1233 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9988]

Augusta Canal Authority; Notice of Intent To File Application for a New License

May 25, 2004.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection:

a. *Type of filing:* Notice of intent to file an application for new major license.

b. *Project No.:* 9988.

c. *Date filed:* May 4, 2004.

d. *Submitted By:* Augusta Canal Authority.

e. *Name of Project:* John P. King Mill Hydroelectric Project.

f. *Location:* On the Augusta Canal, adjacent to the Savannah River, Richmond County, Augusta, GA. The John P. King Mill Hydroelectric Project is located in the east bank of the Augusta Canal, about 6 miles downstream of the Augusta Canal diversion dam.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6.

h. Pursuant to section 16.19 of the Commission's regulations, the licensee is required to make available the information described in section 16.7 of the regulations. Such information is available at the King Mill Office, Standard Textile, 1702 Goodrich St., Augusta, GA 30904, or contact Beth Harris, Project Engineer at (864) 845–8310 ext. 100.

i. *FERC Contact:* Monte TerHaar, 202–502–6035, *monte.terhaar@ferc.gov*.

j. *Expiration Date of Current License:* May 31, 2009.

k. *Project Description:* The King Mill Project consists of: (1) A head gate and intake structure, approximately 50 feet long and 15 feet high, fitted with a trashrack with 2-inch open bar spacing; (2) a concrete lined, open headrace, approximately 200 feet long and 40 feet wide; (3) a reinforced concrete powerhouse; (4) 2 turbine/generator units with an installed capacity of 2.05 MW; (5) an open tailrace, approximately 435 feet long and 30 feet wide; and (6) appurtenant facilities. The project operates run-of-river and has an average generation of 13,000 MWh per year. There is no dam or impoundment, as approximately 881 cfs of water is withdrawn from the Augusta Canal at full capacity. Developed head is approximately 32 feet.

l. The licensee states its intent to submit an application for a new license for Project No. 9988. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by May 31, 2007.

m. A copy of 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 to access the document 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 TTY 202–502–8659. A copy is also available for inspection and reproduction at the address in item h above.

n. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via

email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support as shown in the paragraph above.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1234 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of FERC Staff Attendance at Meetings, or Participation in Teleconferences, of Southwest Power Pool Board of Directors and Members Committee, Regional State Committee, Regional Planning Summit and Participant Funding Symposium

May 25, 2004.

The Federal Energy Regulatory Commission hereby gives notice that members of its staff may attend the following meetings, or participate in the following teleconferences, of the Southwest Power Pool (SPP) Board of Directors and Members Committee, Regional State Committee, Regional Planning Summit and Participant Funding Symposium. The staff's attendance or participation is part of the Commission's ongoing outreach efforts.

SPP Regional State Committee Teleconference—June 2, 2004, 10 a.m.–12 p.m. (c.s.t.).

SPP Regional State Committee Meeting—July 26, 2004, time to be announced. Embassy Suites KCI, 7640 NW Tiffany Springs Parkway, Kansas City, MO 64153.

SPP Board of Directors and Members Committee Meeting—July 27, 2004, 10 a.m.–3 p.m. (c.s.t.). Embassy Suites KCI, 7640 NW Tiffany Springs Parkway, Kansas City, MO 64153.

SPP Regional Planning Summit Meeting—June 8, 2004, 10 a.m.–4 p.m. (c.s.t.). Marriott DFW Airport North Hotel, 8440 Freeport Parkway, Irving, TX.

SPP Participant Funding Symposium Meeting—June 9, 2004, 9:30 a.m.–4:30 p.m. (c.s.t.). Marriott DFW Airport North Hotel, 8440 Freeport Parkway, Irving, TX.

The discussions may address matters at issue in the following proceedings:

Docket Nos. RT04–1–000 and ER04–48–000, Southwest Power Pool, Inc.;

Docket No. ER04–434–000, Southwest Power Pool, Inc.;

Docket No. ER04–658–000, Southwest Power Pool, Inc.;

Docket No. ER04–799–000, Southwest Power Pool, Inc.;

Docket No. ER04–833–000, Southwest Power Pool, Inc.

These meetings and teleconferences are open to the public.

For more information, contact Tony Ingram, Office of Markets, Tariffs and Rates, Federal Energy Regulatory Commission at (202) 502–8938 or *tony.ingram@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. E4–1232 Filed 5–28–04; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OAR–2004–0078, FRL–7668–7]

Agency Information Collection Activities: Continuing Collection; Comment Request; Detergent Gasoline, EPA ICR Number 1655.05, OMB Control Number 2060–0275

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit a continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is a request to renew an existing collection. This ICR is scheduled to expire on October 31, 2004. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 2, 2004.

ADDRESSES: Submit your comments, referencing docket ID number OAR–2004–0078, to EPA online using EDOCKET (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Office of Air and Radiation Docket, Mail code 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Office of Transportation and Air Quality, Mail Code 6406J, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–9303; fax number: (202) 565–2085; e-mail address: *caldwell.jim@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID number OAR–2004–0078, which is available for public viewing at the Office of Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Office of Air and Radiation Docket is (202) 566–1742. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket.* Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *www.epa.gov/edocket.*

Affected entities: Entities potentially affected by this action are those who (1) manufacture gasoline, post-refinery component, or detergent additives, (2) blend detergent additives into gasoline or post-refinery component, or (3) transport or receive a detergent additive, gasoline, or post-refinery component.

Title: Detergent Gasoline: Certification Requirements for Manufacturers of Detergent Additives; Requirements for Transferors and Transferees of Detergent Additives; Requirements for Blenders of Detergents into Gasoline or Post-refinery Component; Requirements for Manufacturers, Transferors, and Transferees of Gasoline or Post-refinery Component (40 CFR Part 80—Subpart G), EPA ICR Number 1655.05, OMB Control Number 2060–0275, expiration date: 10–31–04.

Abstract: Gasoline combustion results in the formation of engine deposits that contribute to increased emissions. Detergent additives deter deposit formation. The Clean Air Act requires gasoline to contain a detergent additive. The regulations at 40 CFR part 80—subpart G specify certification requirements for manufacturers of detergent additives, recordkeeping or reporting requirements for blenders of detergents into gasoline or post-refinery component (any gasoline blending stock or any oxygenate which is blended with gasoline subsequent to the gasoline refining process), and reporting or recordkeeping requirements for manufacturers, transferors, or transferees of detergents, gasoline, or post-refinery component (PRC). These requirements ensure that (1) a detergent is effective before it is certified by EPA, (2) a certified detergent, at the minimum concentration necessary to be effective (known as the lowest additive concentration (LAC)), is blended into gasoline, and (3) only gasoline which contains a certified detergent at its LAC is delivered to the consumer. The EPA maintains a list of certified gasoline detergents, which is publicly available. As of April 2004 there were 323 certified detergents and 18 detergent manufacturers. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed at 40 CFR part 9.

The EPA would like to solicit comments to:

(i) 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;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including 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.

Burden Statement: EPA estimates that the average burden for detergent certification is 60 hours and $4,228, and that there will be approximately 30 applications for detergent certification each year for the next three years. Thus, the annual certification burden is estimated at 1,800 hours and $126,840.

Most of the burden is incurred by the blenders of detergent into gasoline or PRC. The regulations require that they generate and maintain records of the amount of detergent blended and the amount of gasoline into which it is blended. These records are known as volumetric additive reconciliation (VAR) records and must demonstrate that the proper amount of a certified detergent has been used. For blenders with automated equipment, the annual burden is estimated at 150 hours and $8,826. There are approximately 1,300 blenders that use automated equipment. Thus, the annual burden is 195,000 hours and $11.5 million. For blenders with non-automated equipment, the annual burden is estimated at 500 hours and $29,420. There are about 50 blenders in this category, for an annual burden of 25,000 hours and $1,471,000.

There are no capital or start-up costs beyond those incurred by industry at the program's inception in 1995. Operating and maintenance (O&M) costs are in three categories. First, the on-road engine testing to demonstrate that the detergent meets the deposit-control standards is performed at contractor facilities. However, just about all detergent certifications are able to rely on previous testing, so new testing is only performed about once a year at a cost of $70,000. The second O&M cost is for copying and postage for the estimated 30 submissions annually for detergent certification and 8 submissions annually for research notification. At an estimated $10 per submission, the annual cost is $380. The third O&M cost is for the storage of the VAR records at the 1,300 automated detergent blending facilities and 50 non-automated detergent blending facilities. The estimated annual cost per facility is $100, for a total of $135,000. The total annual estimated burden for industry is 221,808 hours and $13.3 million. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: May 20, 2004.

Suzanne Rudzinski,

Director, Transportation and Regional Programs Division.

[FR Doc. 04–12304 Filed 5–28–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[Docket ID Number OECA–2004–0024, FRL–7668–8]

Agency Information Collection Activities: Request for Comments on Source Compliance and State Action Reporting Proposed Information Collection Request (ICR)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following existing, approved, continuing Information Collection Requests (ICR) to the Office of Management and Budget (OMB) for the purpose of renewing the ICR. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collection as described at the beginning of **SUPPLEMENTARY INFORMATION**.

DATES: Comments must be submitted on or before August 2, 2004.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier service. Follow the detailed instructions as provided under **SUPPLEMENTARY INFORMATION**, section I.B.

FOR FURTHER INFORMATION CONTACT: The contact for this ICR is listed under **SUPPLEMENTARY INFORMATION**, section II. A.

SUPPLEMENTARY INFORMATION:

I. General Information

A. How Can I Get Copies of the ICR Supporting Statement and Other Related Information?

1. Docket. EPA has established official public dockets for this ICR as follows: Source Compliance and State Action Reporting Docket ID Number OECA–2004–0024, the official public docket for the ICR consists of the documents specifically referenced in the ICR, any public comments received, and other information related to the ICR. 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 for the ICR is the collection of materials that is available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket and Information Center Docket is (202) 564–1927.

2. Electronic Access. You may access this document electronically through the EPA Internet under the **Federal Register** listings at *http://www.epa.gov/fedrgstr/*. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. After entering the system, select ''search,'' then key in the docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI, and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in section I.A.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

For additional information about EPA's electronic public docket, visit EPA Dockets online or see 67 FR 38102, May 31, 2002.

B. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier service. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider late comments in formulating a final decision. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in section I.C. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

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

i. EPA Dockets. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket,* and follow the online instructions for submitting comments. To access EPA's electronic public docket from the EPA Internet Home Page, select ''Information Sources,'' ''Dockets,'' and ''EPA Dockets.'' After entering the system, select ''search,'' and then key in Docket ID Number. 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 *docket.oeca@epa.gov.* Provide the Docket ID Number when submitting your comments. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. Disk or CD–ROM. You may submit comments on a disk or CD–ROM that you mail to the mailing address identified in section I.A.1. These electronic submissions will be accepted in WordPerfect or ASCII file format.

Avoid the use of special characters and any form of encryption.

2. By Mail. Send your comments to the EPA Docket Center using the address provided in section I.A.1.; Attention: Docket ID Number OECA–2004–0024.

3. By Hand Delivery or Courier Service. Deliver your comments to the address provided in section I.A.1; Attention: Docket ID Number (provide number). Such deliveries are only accepted during the Docket's normal hours of operation as identified in section I.A.1.

C. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. Send or deliver information identified as CBI only to the contact individuals listed in section II.C.; Attention: Docket ID Number (provide number). 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 within the disk or CD–ROM the specific information that is CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

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

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

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

(1) Explain your views as clearly as possible.

(2) Describe any assumptions that you used.

(3) Provide any technical information and/or data you used that support your views.

(4) If you estimate potential burden, costs, or benefits 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 docket 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.

E. In What Information Is EPA Particularly Interested?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(1) Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, the regulated community and public, including whether the information will have practical utility.

(2) Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.

(3) Enhance the quality, utility, and clarity of the information to be collected.

(4) Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Burden means the total time, effort, or financial resources expended by state/local/tribal agencies to generate, maintain, retain, or disclose or provide information to EPA as required for oversight of the air compliance and enforcement program. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

II. ICR To Be Renewed

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the continuing Information Collection Request (ICR) for Source Compliance and State Action Reporting; Docket ID Number OECA–2004–0024; EPA Preliminary ICR Number 0107.08; OMB Control Number 2060–0096; expiration date January 31, 2005, to the Office of Management and Budget (OMB).

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

The underlying information collection requirements for Source Compliance and State Action Reporting, as required by 40 CFR part 51, subpart Q, are mandatory. In the absence of such information collection requirements, enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

The Agency computed the burden for the recordkeeping and reporting requirements applicable to the affected entities for the currently approved Information Collection Request listed in this notice. Where applicable, the Agency identified specific tasks and made assumptions, while being consistent with the concept of the Paperwork Reduction Act.

A. Contact Individual for ICR

Source Compliance and State Action Reporting: Dan Holic of the Data Systems and Information Management Branch at (202) 564–7117, or via e-mail at *holic.daniel@epa.gov;* EPA ICR Number 0107.08; OMB Number 2060–0096; expiration date January 31, 2005.

B. Information for ICR

Source Compliance and State Action Reporting; Docket ID Number OECA–2004–0024; EPA Preliminary ICR Number 0107.08; OMB Control Number 2060–0096; expiration date January 31, 2005.

Affected Entities: Entities potentially affected by this action are those State, District, Commonwealth and territorial governments that make air compliance information available to EPA on a routine basis via input to the Air Facility System (AFS), previously known as the Aerometric Information Retrieval System Facility Subsystem (AFS).

Abstract: Source Compliance and State Action Reporting, in accordance

with the requirements promulgated at 40 CFR part 51, subpart Q, is an activity whereby State, District, Commonwealth and territorial governments make air compliance information available to EPA on a routine basis via input to the Air Facility System (AFS). The information provided to EPA includes compliance determinations and compliance activities. EPA uses this information to assess progress toward meeting emission requirements developed under the authority of the Clean Air Act to protect and maintain the atmospheric environment and the public health. The ten EPA Regional Offices access the data in AFS to assist them in the management and oversight of State/Local/Tribal air pollution control programs. Some State agencies use AFS to manage their air pollutant control program. The regulated community and general public also access these data through an EPA Web site entitled Enforcement and Compliance Online (ECHO) (*www.epa.gov/echo*). This collection activity is authorized and required in the following subsections of regulations implementing the Clean Air Act under ''Subpart—Q Reports'' in 40 CFR part 51: §§ 51.323(c)(1), 51.323(c)(2), 51.324(a) and (b), and 51.327.

In addition to renewal, this ICR will be updated to take into account the reporting needs associated with several Agency policies and rules. The potential new reporting requirements include:

A Subpart Identifier in the Air Program record for Maximum Achievable Control Technology (MACT), New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAP). Approximately 90 MACT rules have been promulgated since 1990 (40 CFR part 63) and four additional rules are to be promulgated in 2004. Compliance dates are in place for approximately 43 MACT Standards. Fifty-five additional area source standards are to be promulgated (112k—Urban Air Toxics Strategy) between 2005 and 2010. This significant increase of Clean Air Act regulations has underscored the need for better targeting of affected facilities within the Air Compliance/Enforcement Program. Knowing the specific Subpart to which a facility is subject will significantly enhance our ability to target limited resources on the most environmentally significant sources. Subpart identification also will help the EPA and state/local agencies to establish compliance rates. In order to reduce immediate implementation impact, it is recommended that when a Full Compliance Evaluation is conducted, an update of the applicable air program Subparts in AFS should be completed. This will streamline data entry for State/Local/Tribal agencies not previously reporting subpart information in AFS. Subpart Identifiers will also aid in the targeting of existing NSPS and NESHAP sources.

Reporting of Partial Compliance Evaluations (PCEs) and the addition of the pollutant value to Stack Test actions (Action Pollutant Record—states to report the action multiple times, *e.g.,* once for each pollutant): Due to the concerns expressed by State and local air pollution control agencies regarding additional reporting burden, the reporting of PCEs was made optional when the revised CMS policy was initially implemented in 2001. As we have passed the first two year cycle in implementing the revised policy, we now need to revisit the issue of reporting such information into the national data system. The Agency continues to believe that the reporting of PCEs and the results of stack testing on a pollutant level is essential to adequately portray the range of compliance monitoring activities conducted by States and locals; manage a national program; improve data accuracy providing the public with a more accurate and complete assessment of compliance status. Analyses conducted for the current ICR estimated the overall burden of reporting PCEs to be 70,000 burden hours. However, based on the level of voluntarily reported PCEs (during fiscal year 2003 thirty-nine (39) state agencies reported PCEs to AFS) and anecdotal information from the Regions and States, we believe that this number is inaccurate and that the reporting of PCEs would not impose such a significant burden on States. Reporting the results of stack tests at the pollutant level addresses a programmatic deficiency (identified by the EPA Inspector General in a report on stack testing—''Report of EPA's Oversight of State Stack Testing Program''—(Report number 2000–P–00019) dated September 11, 2000, (*http://epa.gov/oig/reports/2000/stack.pdf*)) by removing the inconsistent reporting of stack tests. Without consistent reporting, the information is of limited utility in evaluating the level of activity; obtaining information on the ability of sources to comply with regulations; and tracking compliance status for specific pollutants that contribute to non-attainment designation. The benefits of pollutant level reporting of stack tests outweigh any possible reporting burden. At a minimum, $5,000 and 4 days are expended by sources required to conduct a stack test. Spending the approximately 2–3 minutes to enter the data from the stack test and another minute for each additional pollutant tested at the same facility captures important information and prevents the loss of data that was obtained from an expensive effort. Consistent with the need for subpart information discussed under the Subpart Identifier requirement, this information would be provided for all stack tests.

Permit Program Data Elements (Date Permit Issued, Permit Number, Category): Permit Issuance data is critical for implementing and managing the Title V program. Knowing when a facility has been issued a Title V permit is essential for determining the universe of facilities subject to Title V requirements. Without the reporting of permit data, not all State/local/tribal activity is captured, hindering the ability to provide full recognition of the regulated universe.

Identification of High Priority Violator (HPV) ''Violation Discovered'' date/activity: The HPV policy (located at URL: *http://www.epa.gov/Compliance/resources/policies/civil/caa/stationary/hpvmanualrevised.pdf*) sets a 30–90 day window for HPV determination, however, there is not an existing dataflow which documents the ''violation Determined'' or ''first occurrence'' date that initiates the HPV timeline process and allows EPA to measure whether this policy is being followed. Incorporating this milestone action is responsive to data requests made internally and externally regarding the need to better explain the results of inspections/evaluations. Though violations meeting the HPV requirements can be determined by methods other than inspection or evaluation, the link between compliance activities and HPV is critical. A defined list of current action types will be given this ''Violation Discovery'' attribute so as to provide consistent analysis. A simple process will be defined to handle multiple actions (*e.g.,* Full Compliance Evaluations (FCE), Partial Compliance Evaluations (PCE), and other routine compliance monitoring activities) since the first action may not necessarily be the basis for Day Zero.

HPV Violation Type Code and Violating Pollutants (VTP1: General, Matrix and Discretionary Criteria) and (VPL1: Violating Pollutants): As a result of OIG investigations (September 25, 1998 OIG report entitled ''Consolidated Report on OECA's Oversight of Regional and State Air Enforcement Programs recommendations 1, 4, 5, 6 and 7'' (*http://www.epa.gov/oig/reports/1998/*

8100244e.htm)) and Government Performance and Results Act (GPRA) requirements (GPRA Goal 5—Compliance and Environmental Stewardship; Objective 1: Improve Compliance), the Agency has found a need to evaluate and measure priority enforcement in terms of 'environmental harm', pollutant loadings deterred through enforcement, etc. In addition, the public, regulated facilities, and environmental advocates have formally requested this type of information. Both the Clean Water Act (CWA) and RCRA programs and their databases (Permit Compliance System (PCS) and RCRAInfo) have sophisticated reporting and tracking of either pollutants violated or violating types/definitions or both. Clean Air Act HPV tracking has only two methods of tracking this information and neither HPV Violation Type Codes or Violating Pollutants are required to be reported as a Minimum Data Requirement (MDR). There are several advantages to these data elements. Not only do they provide insight to potential environmental harm, but they can provide details about the extent of the violations (*e.g.,* percentage of excess emissions above legal limit). These data elements can also provide a clear connection to the HPV Policy and, therefore, make it easier to evaluate implementation. Both of these data elements are entered on the AFS 'Day Zero' record/menu screen and would be entered at the same time as the HPV Day Zero; thereby, not requiring a new update session in AFS. Consistent with the need for Subpart information discussed under the first potential new data requirement, this information would be provided for all new HPV violations.

Time Standard for State/Local Reporting (from 90 day to 30 day standard): With the public release of AFS data, and more timely reporting requirements placed upon EPA through the Government Performance and Results Act (GPRA), real time data is demanded. Moving from a 90 to a 30 day minimum reporting frequency is an attempt to move toward maintaining real time data in AFS, and meeting public demand. Allowing for 90 days to report is inconsistent with the greater emphasis the Agency is placing on timely input of data. Having data lag for 90 days negatively impacts the ability to conduct on-going analysis. In addition to not meeting public demand, this lag in data reporting can also cause the public to be misled because inaccurate (or at least old, out of date) data ends up appearing in public on web sites such as the Enforcement Compliance History Online (ECHO) system which can lead to inaccurate conclusions being made regarding State compliance monitoring and enforcement program performance.

Burden Statement: In the previously approved ICR, the average annual burden to covered entities to meet the recordkeeping and reporting requirements was estimated at 85,496 person-hours for the three years following approval of that ICR. The total annualized cost burden was estimated as $2,669,186. This is based on an estimated 89 respondents and a frequency of at least four times per year, with many reporting more frequently. The average annual burden for reporting per source per response for reporting activities is dependent upon the size of the State. A State with a small universe of federally reportable sources (150 major sources or less) spends an average 85 hours per quarter; a medium-sized universe of sources (having between 151 and 499 major sources) spends an average 337 hours per quarter; and a State with a large universe of sources (having more than 500 major sources) spends an average 586 hours per quarter. In order to estimate the burden that would be added by the proposed new MDR's, EPA will take all comments into consideration. In addition, a representative number state and local agencies will be contacted for their input.

Dated: May 24, 2004.

Michael M. Stahl,

Director, Office of Compliance.

[FR Doc. 04–12305 Filed 5–28–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2004–0111; FRL–7360–6]

Data Call-Ins for the Special Review and Registration Review Programs; Renewal of Pesticide Information Collection Activities and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is seeking public comment on the following Information Collection Request (ICR): Data Call-Ins for the Special Review and Registration Review Programs (EPA ICR No. 0922.07, OMB Control No. 2070–0057). This is a request to renew an existing ICR that is currently approved and due to expire on August 31, 2004. The ICR describes the nature of the information collection activity and its expected burden and costs. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments, identified by the docket ID number OPP–2004–0111, must be received on or before August 2, 2004.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Nancy Vogel, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6475; fax number: (703) 305–5884; e-mail address: *vogel.nancy@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you are a business engaged in the manufacturing of pesticides and other agricultural chemicals. Potentially affected entities may include, but are not limited to:

- Pesticide and other agricultural chemical manufacturing (NAICS 325320), e.g., businesses engaged in the manufacture of pesticides.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed above could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(c)(5) and the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Copies of this Document and Other Related Information?

A. Docket

EPA has established an official public docket for this action under docket identification (ID) number OPP–2004–0111. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

B. Electronic Access

You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit II.A. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

III. How Can I Respond to this Action?

A. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit III.B. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

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

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket/*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2004–0111. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *opp-docket@epa.gov*, Attention: Docket ID Number OPP–2004–0111. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

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

2. *By mail*. Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID Number OPP–2004–0111.

3. *By hand delivery or courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP–2004–0111. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit II.A.

B. How Should I Submit CBI to the Agency?

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

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

C. What Should I Consider when I Prepare My Comments for EPA?

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

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

D. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.
2. Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

IV. What Information Collection Activity or ICR Does this Action Apply to?

EPA is seeking comments on the following ICR:

Title: Data Call-Ins for the Special Review and Registration Review Programs.

ICR numbers: EPA ICR No. 0922.07, OMB Control No. 2070–0057.

ICR status: This ICR is a renewal of an existing ICR that is currently approved by OMB and is due to expire on August 31, 2004.

Abstract: This information collection will enable EPA to collect the necessary data to assess whether the continued registration of an existing pesticide causes an unreasonable adverse effect on human health or the environment. The special review process is set in motion when EPA has reason to believe that the use of a pesticide may result in unreasonable adverse effects to human health or the environment. The goal of this process is to reduce the risks posed by a pesticide to an acceptable level while taking into consideration the benefits provided by the use of the pesticide. This ICR also includes the information collection related to the registration review program. The Food Quality Protection Act of 1996 (FQPA), which amended the two primary statutes regulating pesticides, i.e., the FFDCA and FIFRA, established the registration review program. Under FIFRA section 3(g), EPA must now periodically review all pesticide registrations. In doing so, the Agency is authorized to use FIFRA section 3(c)(2)(B) to require pesticide registrants to generate and submit data to the Agency where such data is needed to assess whether registration of an existing pesticide poses unreasonable risk to human health or the environment.

V. What are EPA's Burden and Cost Estimates for this ICR?

Under the PRA, ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. For this collection it includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The estimated annual public burden for this information collection is 64,699 hours. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: Businesses engaged in the manufacturing of pesticides and other agricultural chemicals.

Estimated total number of potential respondents: 61.

Frequency of response: On occasion.

Estimated total/average number of responses for each respondent: 1.

Estimated total annual burden hours: 64,699.

Estimated total annual burden costs: $5,851,894.

VI. Are There Changes in the Estimates from the Last Approval?

This ICR renewal request will result in a net decrease in the annual respondent burden of 6,433 hours from 7,352 hours to 919 hours for special review because the Agency expects to issue fewer special review ICRs in the next 3 years. The annual burden hour estimate for the registration review program remains unchanged at 63,780.

Although respondent labor rates have increased since the previous ICR, annual cost estimates have decreased from $6,072,472 to $5,851,894, again due to a decrease in the number of special review data call-in notices to be issued.

VII. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: May 23, 2004.

Susan B. Hazen,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 04–12309 Filed 5–28–04; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2004–0081; FRL–7361–5]

TSCA Section 402 and Section 404 Training and Certification, Accreditation and Standards for Lead-Based Paint Activities; Request for Comment on Renewal of Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), EPA is seeking public comment and information on the following Information Collection Request (ICR): TSCA Section 402 and Section 404 Training and Certification, Accreditation and Standards for Lead-Based Paint Activities (EPA ICR No. 1715.06, OMB Control No. 2070–0155). This ICR involves a collection activity that is currently approved and scheduled to expire on August 31, 2004. The information collected under this ICR helps EPA protect public health and the environment by ensuring that individuals conducting activities that prevent, detect, and eliminate hazards associated with lead-based paint in residential facilities are properly trained and certified, that training programs providing instruction in such activities are accredited, and that such activities are conducted according to reliable, effective, and safe work practice standards. The ICR describes the nature of the information collection activity and its expected burden and costs. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments, identified by the docket ID number OPPT–2004–0081, must be received on or before August 2, 2004.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Doreen Cantor, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 566–0486; fax number: (202) 566–0471; e-mail address: *cantor.doreen@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you provide training in lead-based paint activities, are engaged in lead-based paint activities, or are a state agency that administers lead-based paint activities. Potentially affected entities may include, but are not limited to:

- Building, developing, and general contracting (NAICS 233), e.g., single family housing construction, multifamily housing construction, manufacturing and industrial building construction, commercial and institutional building construction.
- Special trade contractors (NAICS 235), e.g., painting and wall covering contractors, drywall, plastering, acoustical, and insulation contractors, carpentry contractors, roofing, siding, and sheet metal contractors, glass and glazing contractors, all other special trade contractors.
- Technical and trade schools (NAICS 6115), e.g., apprenticeship training, other technical and trade schools, all other miscellaneous schools and instruction.
- Public administration (NAICS 92), e.g., administration of human resource programs, administration of environmental quality programs, administration of housing programs, urban planning, and community development.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPPT–2004–0081. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access.*You may access this **Federal Register** document electronically through the EPA Internet

under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit the Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

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

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket/*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPPT–2004–0081. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *oppt.ncic@epa.gov*, Attention: Docket ID Number OPPT–2004–0081. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

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

2. *By mail*. Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *By hand delivery or courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT–2004–0081. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

D. How Should I Submit CBI to the Agency?

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

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public

docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider when I Prepare My Comments for EPA?

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

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

F. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.
2. Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

II. What Information Collection Activity or ICR Does this Action Apply to?

EPA is seeking comments on the following ICR:

Title: TSCA Section 402 and Section 404 Training and Certification, Accreditation and Standards for Lead-Based Paint Activities.

ICR numbers: EPA ICR No. 1715.06, OMB Control No. 2070–0155.

ICR status: This ICR is currently scheduled to expire on August 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. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

Abstract: This information collection applies to reporting and recordkeeping requirements found in sections 402 and 404 of the Toxic Substances Control Act (TSCA) and applicable regulations at 40 CFR part 745. The purposes of the requirements under TSCA section 402 are to ensure that individuals conducting activities that prevent, detect, and eliminate hazards associated with lead-based paint in residential facilities, particularly those occupied or used by children, are properly trained and certified, that training programs providing instruction in such activities are accredited, and that these activities are conducted according to reliable, effective, and safe work practice standards. The TSCA section 404 regulations include reporting and recordkeeping requirements that apply to states and Indian tribes that seek Federal authorization to administer and enforce state and tribal programs that regulate lead-based paint activities based on the section 402 regulations. The overall goals of the section 402 and section 404 regulations and the reporting and recordkeeping requirements found therein are to ensure the availability of a trained and qualified workforce to identify and address lead-based paint hazards in residences, and to protect the general public from exposure to lead hazards.

Responses to the collection of information are mandatory (see 40 CFR part 745). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

III. What are EPA's Burden and Cost Estimates for this ICR?

Under PRA, ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. For this collection it includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden for this collection of information is estimated to range between 0.4 hours and 79.6 hours per response, depending on the type of respondent. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: Companies or firms that provide training in lead-based paint activities; companies or firms that are engaged in lead-based paint activities; state agencies that administer lead-based paint activities.

Estimated average annual number of potential respondents: 23,430.

Frequency of response: On occasion.

Estimated total/average number of responses for each respondent: Highly variable, depending upon type of respondent.

Estimated total average annual burden hours: 440,813 hours.

Estimated total average annual burden costs: $15,648,532.

IV. Are There Changes in the Estimates from the Last Approval?

This request reflects an increase in the total estimated burden of 49,639 hours (from 391,174 hours to 440,813 hours) in the total estimated respondent burden from that currently in the OMB inventory. This change is due to increases in the number of respondents and/or the number of activities or events for which respondents must provide information, which is based on EPA's experience since the approval of the most recent ICR. The increase is an adjustment.

V. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: May 23, 2004.

Susan B. Hazen,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 04–12310 Filed 5–28–04; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2004–0084; FRL–7362–8]

Request for Nominations to the Proposed Endocrine Disruptor Methods Validation Advisory Committee (EDMVAC); Extension of Time

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of time; request for nominations.

SUMMARY: In the **Federal Register** of April 26, 2004 (69 FR 22509) (FRL–7352–9), EPA issued a notice inviting nominations of qualified candidates to consider for appointment to the proposed Endocrine Disruptor Methods Validation Advisory Committee (EDMVAC), which is replacing the Endocrine Disruptor Methods Validation Subcommittee (EDMVS) under the National Advisory Council for Environmental Policy and Technology (NACEPT). The purpose of the proposed EDMVAC will be to provide advice and recommendations to EPA on scientific and technical aspects of the Tier I screens and Tier II assays being considered for the Endocrine Disruptor Screening Program (EDSP). The proposed Committee will evaluate relevant scientific issues, protocols, data and interpretations of the data for the assays during the validation process. The proposed EDMVAC will provide advice on the composition of the Tier I screening battery as well. The Agency is extending the request for nomination time period, due to a low number of submissions of nominations.

DATES: Nominations will now be accepted until 4 p.m. eastern time on June 18, 2004.

ADDRESSES: Nominations may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**. To protect personal information from disclosure to the public do not submit nominations materials to the EDMVAC Docket or through any online electronic commenting system.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Jane Smith, Designated Federal Official, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–8476, fax: (202) 564–8283; e-mail address: *smith.jane-scott@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Does This Action Apply to Me?

This action is directed to the public in general. You may be interested in the nomination of members to the committee set forth in this notice if you are a member of an environmental/public interest organization, a public health organization, an animal welfare organization, academia or Federal agencies, state, local, or tribal governments. You also may be interested in activities of EPA's EDSP if you produce, manufacture, use, consume, work with, or import pesticides or other chemicals. To determine whether you or your business may have an interest in this notice you should carefully examine section 408(p) of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996 (Public Law 104–170), 21 U.S.C. 346a(p) and amendments to the Safe Drinking Water Act (SDWA) (Public Law 104–182), 42 U.S.C. 300j–17. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding this action, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information, Including Copies of This Document or Other Related Documents?

1. *Electronically*. You may access this **Federal Register** document electronically through the EPA Internet site under the ''**Federal Register**'' listings at*http://www.epa.gov/fedrgstr/*.

Information about the former Endocrine Disruptor Methods Validation Subcommittee, the Endocrine Disruptor Screening Program and related programs is available from *http://www.epa.gov/scipoly/oscpendo/*.

EPA has established an official public docket for the proposed EDMVAC under docket identification (ID) number OPPT–2004–0084. The official public docket consists of the documents related to the activities of the committee and any public comments received. 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. To protect personal information from disclosure to the public, do not submit nominations materials in response to this Notice to the docket or through any online electronic commenting system. Instead, follow the instructions listed under Unit III.

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 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 II.2. Once in the system, select ''search,'' then key in the appropriate docket ID number.

2. *In person*. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102–Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0272.

3. *By mail.* You may obtain copies of this document and other related documents from the technical contact person listed under **FOR FURTHER INFORMATION CONTACT**.

III. How Can I Nominate Potential Members to This Proposed Committee?

You may nominate qualified persons for membership to this proposed Committee electronically, by mail, or in person/by courier. Nominations for membership should include a curriculum vitae of the nominee detailing his or her specific area of relevant expertise, as described in Unit I.D. of the April 26th notice, and a designation of the type of organization the candidate represents according to Unit II.C. of the April 26th notice.

To protect personal information from disclosure to the public, do not submit nominations materials to the EDMVAC Docket or through any online electronic commenting system. Submit your nomination, marked ''Attention EDMVAC nominations'' by one of these methods:

1. *Electronically:* Submit e-mail nominations to*smith.jane-scott@epa.gov*.

2. *By mail:* Environmental Protection Agency, Confidential Business Information (CBIC), Mail Code 7407M, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *By courier:* Environmental Protection Agency, Attention: Jane Smith, EPA East Building, Room 4106M, 1201 Constitution Ave., NW., Washington, DC 20004–3302, contact phone numbers: 202–564–8476 and 202–564–1656. The room at which submissions are accepted is only open until 4 p.m. If a courier service comes after that time the service will be turned away. Non-uniformed (bicycle, etc.) couriers will be met at the 1201 Constitution Ave. entrance by EPA personnel. Uniformed couriers are admitted to deliver directly to the technical contact.

List of Subjects

Environmental protection, Endocrine disruptors, Endocrine Disruptor Screening Program, Endocrine Disrupor Methods Validation Subcommittee.

Dated: May 24, 2004.

Joseph J. Merenda, Jr.,

Director, Office of Science Coordination and Policy.

[FR Doc. 04–12340 Filed 5–28–04; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7668–5]

Science Advisory Board Staff Office; Notification of Upcoming Meeting of the Science Advisory Board Committee on Valuing the Protection of Ecological Systems and Services

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency, Science Advisory Board (SAB) Staff Office is announcing a public meeting of the SAB's Committee on Valuing the Protection of Ecological Systems and Services (C–VPESS).

DATES: June 13–14, 2004.

ADDRESSES: The meeting will be held at the Science Advisory Board Conference Center located at 1025 F Street, NW., Suite 3705, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this meeting may contact Dr. Angela Nugent, Designated Federal Officer (DFO), via telephone/voice mail at: (202) 343–9981, via e-mail at: *nugent.angela@epa.gov,* or by mail at U.S. EPA SAB (MC 1400F), 1200 Pennsylvania Ave. NW., Washington, DC 20460. General information about the SAB can be found in the SAB Web site at: *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: Background on the Committee and its charge was provided in 68 FR 11082 (March 7, 2003). The purpose of the meeting is for the Committee to hold planning sessions, panel discussions, briefings, and work in break-out groups focusing on examples of benefit analysis supporting EPA regulations. All of these activities are related to the Committee's overall charge, to assess Agency needs and the state of the art and science of valuing protection of ecological systems and services, and then to identify key areas for improving knowledge, methodologies, practice, and research.

Availability of Meeting Materials: An agenda for the meeting will be posted on the SAB Web site at: *http://www.epa.gov/sab,* prior to the meeting. Other meeting materials will be available at the meeting, and may be requested from the DFO for those persons who can not attend the meeting.

Procedures for Providing Public Comments. It is the policy of the SAB Staff Office to accept written public comments of any length, and to accommodate oral public comments whenever possible. The SAB expects that public statements presented at the meeting will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes (unless otherwise indicated). Interested parties should contact the DFO in writing (e-mail, fax or mail—see contact information noted above) by close of business June 4, 2004 in order to be placed on the public speaker list for the meeting. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the participants and public at the meeting. *Written Comments:* Although written comments are accepted until the date of the meeting, written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the panel for their consideration. Comments should be supplied to the DFO via the contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 35 copies of their comments for public distribution.

Meeting Accommodations: Individuals requiring special accommodation to access this meeting, should contact the DFO at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: May 21, 2004.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 04–12306 Filed 5–28–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2004–0153; FRL–7360–3]

Pesticide Product Registrations; Conditional Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of applications submitted by ISK Biosciences Corporation and FMC Corporation, to conditionally register the pesticide products Technical Flonicamid

Insecticide and F1785 GH 50 WG Insecticide containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Ann Sibold, Registration Division 7505C, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6502; email address:*sibold.ann@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be potentially affected by this action if you use pesticides for control of pests on ornamental plants in greenhouses or interior landscapes. Potentially affected entities may include, but are not limited to:

- Pesticide manufacturing (NAICS 32532)
- Crop production (NAICS 111)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit I.A. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2004–0153. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall#2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are also available for public inspection. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. The request should: Identify the product name and registration number and specify the data or information desired.

A paper copy of the fact sheet, which provides more detail on this registration, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22161.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. Did EPA Conditionally Approve the Application?

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that use of the pesticide during the conditional registration period will not cause unreasonable adverse effects; and that use of the pesticide is in the public interest. The Agency has considered the available data on the risks associated with the proposed use of flonicamid, and information on social, economic, and environmental benefits to be derived from such use. Specifically, the Agency has considered the nature and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of flonicamid during the period of conditional registration will not cause any unreasonable adverse effect on the environment, and that use of the pesticide is in the public interest.

Consistent with section 3(c)(7)(C) of FIFRA, the Agency has determined that these conditional registrations are in the public interest. Use of the pesticides are of significance to the user community, and appropriate labeling, use directions, and other measures have been taken to ensure that use of the pesticides will not result in unreasonable adverse effects to man and the environment.

III. Conditionally Approved Registrations

Technical Flonicamid Insecticide, EPA Reg. No. 71512–7; F1785 GH 50 WG Insecticie, EPA Reg. No. 279–3264 .

List of Subjects

Environmental protection, Pesticides and pest.

Dated: May 17, 2004.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 04–12312 Filed 5–28–04; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2004–0097]; FRL–7362–6]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSC, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish

periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from April 9, 2004 to May 10, 2004, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the docket ID number OPPT–2004–0097 and the specific PMN number or TME number, must be received on or before July 1, 2004.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Colby Litner, Regulatory Coordinator, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT–2004–0097. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number and specific PMN number or TME number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

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

public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket/*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPPT–2004–0097. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *oppt.ncic@epa.gov*, Attention: Docket ID Number OPPT–2004–0097 and PMN Number or TME Number. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

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

2. *By mail*. Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *By hand delivery or courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT–2004–0097 and PMN Number or TME Number. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

D. How Should I Submit CBI to the Agency?

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

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action and the specific PMN number you are commenting on in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why Is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from April 9, 2004 to May 10, 2004, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 55 PREMANUFACTURE NOTICES RECEIVED FROM: 4/9/04 TO 05/10/04

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–04–0511	04/09/04	07/07/04	Robertet, Inc.	(S) As an odoriferous component of fragrance compounds	(S) Terpenes and terpenoids, sunflower-oil
P–04–0512	04/09/04	07/07/04	Sensient Colors Inc.	(S) Component in printing inks	(G) Polyurethane resin

I. 55 PREMANUFACTURE NOTICES RECEIVED FROM: 4/9/04 TO 05/10/04—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–04–0513	04/13/04	07/11/04	CBI	(G) A cross-linking agent for polymers.	(G) Citric triallyloxy peg 400 alpha,omega-tris(alkenyl)polyglycol
P–04–0514	04/14/04	07/12/04	CBI	(S) Adhesives; coatings	(G) Polybutadiene acrylate
P–04–0515	04/15/04	07/13/04	CBI	(S) Coating in textile and leather industries	(G) Urethane acrylic hydrid polymer
P–04–0516	04/15/04	07/13/04	CBI	(G) Destructive use as a fuel additive	(G) Quaternary ammonium hydroxide
P–04–0517	04/15/04	07/13/04	CBI	(G) Ingredients for use in consumer products: Highly dispersive	(G) Hydroxy-aryl acid, alkyl ester
P–04–0518	04/15/04	07/13/04	CIBA Specialty Chemicals Corportion, Textile Effects	(S) Continous dyeing of nylon carpet	(G) Substituted benzenesulfonic acid substituted pyrazol azo phenyl amino triazin amino substituted phenyl compound
P–04–0519	04/15/04	07/13/04	CIBA Specialty Chemicals Corportion, Textile Effects	(S) Continous dyeing of nylon carpet	(G) Substituted benzenesulfonic acid substituted pyrazol azo phenyl amino triazin amino substituted phenyl compound
P–04–0520	04/16/04	07/14/04	CBI	(G) Flow assurance chemical	(G) Condensation polymer of anhydride, polyol and terminating agent
P–04–0521	04/16/04	07/14/04	CBI	(G) Flow assurance chemical	(G) Condensation polymer of anhydride, polyol and terminating agent
P–04–0522	04/16/04	07/14/04	CBI	(G) Flow assurance chemical	(G) Condensation polymer of anhydride, polyol and terminating agent
P–04–0523	04/16/04	07/14/04	CBI	(G) Flow assurance chemical	(G) Condensation polymer of anhydride, polyol and terminating agent
P–04–0524	04/19/04	07/17/04	CBI	(G) Resin for coatings, inks, adhesives and composites.	(G) Urethane methacrylate
P–04–0525	04/20/04	07/18/04	Mitsubishi Chemical America, Inc.	(G) Agent for copier and/or printer	(G) Alkyl modified silicone
P–04–0526	04/22/04	07/20/04	CIBA Specialty Chemicals Corportion	(S) Binder resin for coatings	(G) Acrylic polymer
P–04–0527	04/22/04	07/20/04	CBI	(S) Disperse dye for textile	(G) Substituted propanenitrile
P–04–0528	04/22/04	07/20/04	CBI	(S) Oilfield hydrate inhibitor	(G) Dialkyl ammonium polyethoxy carboxylic acid ester salt
P–04–0529	04/22/04	07/20/04	CBI	(G) Ingredients for use in consumer products: Highly dispersive	(G) Trialkyl cycloalkanone
P–04–0530	04/22/04	07/20/04	CBI	(G) Open non-dispersive (intermediate)	(G) Chloromethylketone
P–04–0531	04/23/04	07/21/04	Symrise Inc.	(G) Additive for industrial and consumer products dispersive use	(S) Cyclohexadecenone
P–04–0532	04/23/04	07/21/04	Huntsman LLC	(G) Resin curing agent	(G) Polyoxypropylene secondary diamine
P–04–0533	04/23/04	07/21/04	CBI	(G) Open non-dispersive	(G) Acrylic polymer
P–04–0534	04/23/04	07/21/04	Huntsman LLC	(G) Resin curing agent	(G) Secondary polyetheramine
P–04–0535	04/27/04	07/25/04	CBI	(G) Open non-dispersive (coatings material)	(G) Acrylated urethane resin
P–04–0536	04/27/04	07/25/04	CBI	(G) Open non-dispersive (thickener)	(G) Polyurethane
P–04–0537	04/27/04	07/25/04	3M	(G) Polymer additive	(G) FluoroChemical ester
P–04–0538	04/27/04	07/25/04	Xerox Corportion	(G) Open, non-dispersive use as a constituent in solid, wax like printing inks	(G) Substituted xanthene
P–04–0539	04/27/04	07/25/04	Toyo Color America, LLC	(S) Ultraviolet (Uv) curable oligomer for optical lens	(G) Urethaneacrylate
P–04–0540	04/28/04	07/26/04	CBI	(S) Ingredient in fragrance compounds	(S) 2,4-nonanedione, 3-methyl-
P–04–0541	04/28/04	07/26/04	CBI	(S) Ingredient in fragrance compounds	(S) 3-hexene, 1,1′,1″-[ethylidynetris(oxy)]tris-, (3z,3′z,3″z)-
P–04–0542	04/28/04	07/26/04	CBI	(G) Adhesion promoter for automobile tires	(G) Formaldehyde polymers with phenol, long chain alkyl phenol and resorcinol
P–04–0543	04/28/04	07/26/04	CBI	(S) Ingredient in fragrance compounds	(S) 2-cyclopenten-1-one, 3-(3z)-3-hexyenyl-
P–04–0544	04/29/04	07/27/04	CBI	(G) Cleaner additive	(G) Polymer
P–04–0545	05/03/04	07/31/04	CIBA Specialty Chemicals Corportion, tile text effects	(S) Exhaust application to cotton fabrics	(G) Substituted naphthalenesulfonic acid azo substituted phenyl amino substituted triazine compound
P–04–0546	05/03/04	07/31/04	CBI	(G) Multipurpose adhesive, open non-dispersive use	(G) Polyurethane prepolymer, polyurethane hot melt adhesive

I. 55 PREMANUFACTURE NOTICES RECEIVED FROM: 4/9/04 TO 05/10/04—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–04–0547	05/04/04	08/01/04	3M Company	(G) Epoxy monomer	(G) Epoxy monomer
P–04–0548	05/04/04	08/01/04	CBI	(G) Lubricant grease for bearings	(G) Pentaerythritol, mixed C_7–C_8 esters
P–04–0549	05/04/04	08/01/04	CBI	(G) Water reducer in concrete intermediate	(G) Poly(methacrylic acid) salt in water
P–04–0550	05/04/04	08/01/04	CBI	(G) Water reducer in concrete	(G) Polyglycolether-polycarboxylate
P–04–0551	05/05/04	08/02/04	CBI	(G) Amine synergists for coatings and inks	(G) Amino acrylate
P–04–0552	05/05/04	08/02/04	CBI	(S) Chemical synthesis intermediate	(G) Spiro[isobenzofuran-1(3h),9′-[9h]heteropolycycle]-3-one, 3′-chloro-6′-(2,3-dihydro-1h-indol-1yl)-4,5,6,7-tetrafluoro-
P–04–0553	05/05/04	08/02/04	CBI	(G) Component of manufactured consumer article - contained use	(G) Spiro[isobenzofuran-1(3h),9′-[9h]heteropolycycle]-3-one, 3′-(2,3-dihydro-1h-indol-1yl)-4,5,6,7-tetrafluoro-6′-[(4-methoxy-2-methylphenyl)amino]-
P–04–0554	05/05/04	08/02/04	CBI	(S) Organic synthesis intermediate	(G) Spiro[isobenzofuran-1(3h),9′-[9h]heteropolycycle]-3-one, 3′,6′-dichloro-4,5,6,7-tetrafluoro-
P–04–0555	05/05/04	08/02/04	CBI	(S) Organic synthesis intermediate	(G) Spiro[isobenzofuran-1(3h),9′-[9h]heteropolycycle]-3-one, 4,5,6,7-tetrafluoro-3′,6′-dihydroxy-
P–04–0556	05/05/04	08/02/04	Cook Composites and Polymers Co.	(S) Polymer resin for industrial maintenance coatings	(G) Acrylic Polymer Resin
P–04–0557	05/05/04	08/02/04	CBI	(S) Organic synthesis intermediate	(G) 1,3-heteropolycycledione, 4,5,6,7-tetrafluoro-
P–04–0558	05/06/04	08/03/04	CBI	(S) Wood and metal coating resin	(G) Amine neutralized alkyd resin
P–04–0559	05/06/04	08/03/04	CBI	(G) Additive, open-non-dispersive use	(G) Polyacrylate
P–04–0560	05/06/04	08/03/04	CBI	(S) Component in an industrial coating	(S) 1,3-propanediol, 2-butyl-2-ethyl, polymer with 1,6-diisocyanatohexane, me et ketone oxime-blocked
P–04–0561	05/07/04	08/04/04	CBI	(G) Resin for coatings, inks, adhesives and composites	(G) Urethane methacrylate
P–04–0562	05/07/04	08/04/04	Clariant LSM (America) Inc.	(S) Intermediate for diological media; intermediate for pesticidal active product	(G) Ester derivative of amino acid
P–04–0563	05/07/04	08/04/04	Clariant LSM (America) Inc.	(S) peticidal intermediate	(G) Alkylated aryloxyaniline thiourea
P–04–0564	05/07/04	08/04/04	CBI	(G) Crude oil additive for downhole application	(G) Dibutylhexadecylhydroxyethylammoniumbromide
P–04–0565	05/10/04	08/07/04	CBI	(G) Chemical process intermediate (a destructive use)	(G) Substituted pyridinedicarboxylate

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 29 NOTICES OF COMMENCEMENT FROM: 04/9/04 TO 05/10/04

Case No.	Received Date	Commencement Notice End Date	Chemical
P–01–0156	04/21/04	04/05/04	(G) Isocyanate functional polyether polyester urethane polymer
P–02–0051	04/15/04	03/15/04	(G) Fatty acids, C_{18}-unsaturaed, dimers, hydrogenated, polymers with ethylenediamine, neopentyl glycol and fatty alcohol
P–02–0068	04/29/04	04/08/04	(G) Organo silicone elastomer
P–02–0077	04/29/04	04/08/04	(G) Counter ion of vegetable oil, oxidized and sulfited
P–02–0923	04/26/04	03/26/04	(G) Essentially linear hydrocarbon polymer functionalized with alkylamidoammonium and alkylamidosulfonato groups
P–03–0229	04/20/04	04/12/04	(G) Silylated polyurethane prepolymer
P–03–0279	04/30/04	02/29/04	(S) Soybean oil, maleated, 2-[(1-oxo-2-propenyl)oxy]ethyl ester
P–03–0428	04/22/04	02/14/04	(G) Mannich based polyether polyol
P–03–0639	05/03/04	04/12/04	(G) Quaternary ammonium salt

II. 29 NOTICES OF COMMENCEMENT FROM: 04/9/04 TO 05/10/04—Continued

Case No.	Received Date	Commencement Notice End Date	Chemical
P–03–0669	04/22/04	04/13/04	(G) Modified acrylic acid-maleic acid copolymer
P–03–0681	04/19/04	04/01/04	(G) Disubstituted aniline
P–03–0704	04/22/04	03/31/04	(G) Pyrazolotriazol derivative
P–03–0707	04/26/04	03/26/04	(G) Alkylcarboxyalkenyl polymer with carboxyalkenyl dihydroxyalkylate and alkylalkenyl sulfonate sodium salt
P–03–0814	04/12/04	03/26/04	(G) Wood extract
P–03–0836	04/20/04	03/31/04	(G) Polyester modified acrylic resin
P–03–0840	04/20/04	03/29/04	(G) Substituted benzamine thio-ether
P–03–0857	05/03/04	04/07/04	(G) Mixed carboxylic acid esters
P–03–0858	05/03/04	04/07/04	(G) Mixed carboxylic acid esters
P–04–0008	04/21/04	04/07/04	(G) Phenol, 4,4′-(1-methylethylidene)bis-, polymer with (chloromethyl)oxirane, reaction products with an epoxide and triethylenetetramine
P–04–0125	04/15/04	04/01/04	(G) Reaction products of substituted benzenesulfonic acid azo substituted phenyl amino compound and substituted amino phenyl compound
P–04–0130	04/13/04	04/08/04	(G) Alkyl methacrylates copolymer
P–04–0143	04/27/04	03/28/04	(G) Modified amidoamine
P–04–0186	05/03/04	04/01/04	(S) 2-propenoic acid, 2-methyl-, 1,1-dimethylethyl ester, polymer with ethenylbenzene, 2-hydroxyethyl 2-methyl-2-propenoate and methyl 2-methyl-2-propenoate, 2,2′-azobis[2-methylpropanenitrile]-initiated
P–04–0194	04/12/04	03/30/04	(G) Dioxacycloheptanone
P–04–0197	04/20/04	03/24/04	(G) Telechelic polyacrylates
P–04–0198	04/20/04	03/24/04	(G) Telechelic polyacrylates
P–04–0212	04/26/04	04/09/04	(G) Disproportionated rosin esters
P–04–0266	04/26/04	04/15/04	(S) 1,3-isobenzofurandione, polymer with 1,2-ethanediol, 2,5-furandione, 2,2′-oxybis[ethanol] and 1,2-propanediol, 3a,4,5,6,7,7a-methano-1h-inden-5(or 6)-yl ester
P–99–1207	04/12/04	04/05/04	(G) Zinc alkaryl dithiophosphate

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: May 20, 2004.

Anthony Cheatham,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 04–12313 Filed 5–28–04; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) being Submitted to OMB for Review and Approval

May 12, 2004.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before July 1, 2004. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Leslie.Smith@fcc.gov* or Kim A. Johnson, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–3562 or via Internet at *Kim_A._Johnson@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1033.

Title: Multi-Channel Video Program Distributor EEO Program Annual Report, FCC Form 396–C.

Form Number: FCC 396–C.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents: 2,200.

Estimated Hours per Response: 0.166 to 2.5 hours.

Frequency of Response: Recordkeeping; Annual and five-year reporting requirements.

Total Annual Burden: 3,188 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The FCC Form 396–C is a collection device used to assess compliance with the Equal Employment Opportunity (EEO) program requirements by Multi-channel Video programming Distributors (MPVDs). It is publicly filed to allow interested parties to monitor a MPVD's compliance with the Commission's EEO requirements.

OMB Control Number: 3060–1049.

Title: Digital Broadcast Content Protection, MB Docket No. 02–230.

Type of Review: Extension of currently approved collection.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents: 1,520.

Estimated Hours per Response: 2 to 40 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 3,800 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On November 4, 2003, the FCC released the Report and Order and Further Notice of Proposed Rulemaking (''Order''), *In the Matter of Digital Broadcast Content Protection,* MB Docket No. 02–230, FCC 03–273. The Order established a redistribution control content protection system for digital broadcast television in order to prevent the widespread indiscriminate redistribution of high value digital broadcast content and to assure the continued availability of such content to broadcast outlets. The Order adopted the use of an ATSC flag, which can be imbedded in DTV content to signal to consumer electronics devices to protect such content from indiscriminate redistribution. In order for this protection system to work, demodulators integrated within, or produced for use in, DTV reception devices, including PC and IT products, (''Covered Demodulator Products'') must recognize and give effect to the ATSC flag pursuant to certain compliance and robustness rules. In particular, content that is marked with the ATSC flag must be handled in a protected fashion through the use of digital content protection and recording technologies. In order to ensure that digital content is being adequately protected, such technologies must be reviewed and approved for use. The Order established interim procedures by which proponents of digital content protection and recording technologies can certify to the Commission that such technologies are appropriate for use in Covered Demodulator Products, subject to public notice and comment.

To facilitate enforcement and compliance, the Order adopted a written commitment regime whereby manufacturers or importers of ATSC demodulators obtain from buyers of such products a written commitment that they will incorporate such demodulators into compliant and robust devices or sell or distribute them to third parties that have also made such written commitment. The Order also adopted a written commitment regime to ensure that manufacturers or importers of Peripheral TSP Products (products where the demodulator and transport stream processor are physically separate) will abide by the Demodulator Products compliance and robustness rules.

The interim approval process for digital content protection and recording technologies and the written commitment regime are essential components of the Commission's redistribution control content protection system for digital broadcast television. These information collections ensure objectivity and transparency as a part of this process.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 04–12279 Filed 5–28–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 15, 2004.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. The Amy Golden McCay Children's Trust, Little Rock, Arkansas, with Amy Golden McCay as trustee, and the Alex Golden Children's Trust, Little Rock, Arkansas, with Alexander P. Golden IV as trustee, to retain their existing ownership of ACME Holding Company, Inc., Mulberry, Arkansas, and thereby become members of the Golden Family control group. The Golden Family control group consists of the aforementioned trusts, Amy Golden McCay, Alexander P. Golden IV, and Alexander P. Golden III, all of Little Rock, Arkansas.

Board of Governors of the Federal Reserve System, May 25, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–12206 Filed 5–28–04; 8:45 am]

BILLING CODE 6210–01–S

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 June 25, 2004.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Sovereign Bancshares, Inc., Dallas, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Sovereign Bank, N.A., Irving, Texas, a *de novo* bank.

B. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105–1579:

1. Franklin Resources, Inc., San Mateo, California; to acquire 14.12 percent of the voting shares of Centennial C Corp., Rancho Santa Fe, California, and thereby indirectly acquire Centennial Bank of the West, Fort Collins, Colorado.

Board of Governors of the Federal Reserve System, May 25, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–12207 Filed 5–28–04; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at *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 June 25, 2004.

A. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Mabrey Bancorporation, Inc., Okmulgee, Oklahoma; to acquire an additional 51.2 percent, for a total of 100 percent, of the voting shares of CSB, Inc., Bixby, Oklahoma, and thereby indirectly acquire voting shares of Citizens Security Bancshares, Inc., and Citizens Security Bank & Trust Company, both of Bixby, Oklahoma.

Board of Governors of the Federal Reserve System, May 26, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–12318 Filed 5–28–04; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Meeting of the President's Council on Bioethics on June 24–25, 2004

AGENCY: The President's Council on Bioethics, HHS.

ACTION: Notice.

SUMMARY: The President's Council on Bioethics (Leon R. Kass, M.D., chairman) will hold its seventeenth meeting, at which, among other things, it will continue its discussion of neuroethics and neuroimaging, including a discussion of deep brain stimulation. It will also continue discussing ethical issues relating to Alzheimer's, dementia, and end-of-life care. Subjects discussed at past Council meetings (and potentially touched on at this meeting) include: Cloning, stem cell research, embryo research, assisted reproduction, reproductive genetics, IVF, ICSI, PGD, sex selection, inheritable genetic modification, patentability of human organisms, aging retardation, lifespan-extension, and organ procurement for transplantation. Publications issued by the Council to date include: *Human Cloning and Human Dignity: An Ethical Inquiry* (July 2002); *Beyond Therapy: Biotechnology and the Pursuit of Happiness* (October 2003); *Being Human: Readings from the President's Council on Bioethics* (December 2003); *Monitoring Stem Cell Research* (January 2004), and *Reproduction and Responsibility: The Regulation of New Biotechnologies* (March 2004).

DATES: The meeting will take place Thursday, June 24, 2004, from 8:45 a.m. to 4:30 p.m. ET; and Friday, June 25, 2004, from 8:30 a.m. to 12:30 p.m. ET.

ADDRESSES: The Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Avenue, NW., Washington, DC 20004. A photo I.D. is required for entrance into the building.

Agenda: The meeting agenda will be posted at *http://www.bioethics.gov.*

Public Comments: The Council encourages public input, either in person or in writing. At this meeting, interested members of the public may address the Council, beginning at 11:30 a.m., on Friday, June 25. Comments are limited to no more than five minutes per speaker or organization. As a courtesy, please inform Ms. Diane Gianelli, Director of Communications, in advance of your intention to make a public statement, and give your name and affiliation. To submit a written statement, mail or e-mail it to Ms. Gianelli at one of the addresses given below.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Gianelli, Director of Communications, The President's Council on Bioethics, Suite 700, 1801 Pennsylvania Avenue, Washington, DC 20006. Telephone: 202/296–4669. E-mail: *info@bioethics.gov.* Web site: *http://www.bioethics.gov.*

Dated: May 24, 2004.

Dean Clancy,

Executive Director, The President's Council on Bioethics.

[FR Doc. 04–12242 Filed 5–28–04; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–04–58]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498–1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information

on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–E11, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.* Written comments should be received within 60 days of this notice.

Proposed Project

Surveys to Determine the National Incidence of Healthcare-associated Infections and Hospital Surveillance Methods—New—National Center for Infectious Diseases (NCID), Centers for Disease Control and Prevention (CDC). Approximately 2 million hospital patients develop infections acquired while hospitalized (nosocomial infections) each year. The National Nosocomial Infections Surveillance (NNIS) system provides national data for nosocomial infections in the U.S. Currently, NNIS hospitals provide data on infections in surgical patients and patients in intensive care units (ICUs) only. Consequently, national estimates of the incidence and burden of healthcare-associated infections in all hospitalized patients are incomplete. Additionally, only about 300 of the nation's 5000 hospitals report data to NNIS, so surveillance methods at most U.S. hospitals are unknown.

This proposed project consists of two surveys. The objective of the first survey will be to estimate the total number and rate per 100 inpatient discharges of the five most common healthcare-associated infections in U.S. hospitals. The objective of the second survey is to determine surveillance methods routinely used by U.S. hospitals to monitor nosocomial infections.

The first survey (Incidence of Nosocomial Infections) will involve the use of a simplified nosocomial infections data collection instrument that includes questions covering the five most common healthcare associated infections. The survey will cover nosocomial laboratory-confirmed bloodstream infections, urinary tract infections, surgical site infections, Clostridium difficile-associated gastrointestinal infections, and pneumonia. Data will be abstracted by the hospital Infection Control Practitioner (ICP) or designee. The ICP will review the charts of 20 consecutive discharged patients on a designated day and complete a form indicating whether each met specified criteria for nosocomial infections.

The second survey (Surveillance Methods) will also be completed by a hospital ICP or designee. It will include questions on the number of personnel participating in surveillance for nosocomial infections, the types of events under surveillance, the methods used for surveillance, who the data is reported to, and preferences regarding CDC-sponsored healthcare surveillance systems.

Participation in the proposed surveys will be voluntary. A random sample of 400 U.S. hospitals registered with the American Hospital Association (AHA) would be recruited for each survey, so there will be a total of 800 respondents. A deadline for the return of the surveys will be provided, after which non-respondents will be contacted and prompted to complete the surveys. Respondents may provide data on paper forms mailed to CDC or electronically via a secure Web site.

These data will be used to estimate the total number and rate of infections per 100 inpatient discharges at U.S. hospitals as well as the site distribution of these infections. These estimates will be used by CDC and other Federal agencies to allocate resources and potentially to track rates over time. Additionally, the data will be used to better understand the methods that are used for surveillance and to improve CDC-sponsored healthcare surveillance systems.

Form	Number of respondents	Number of responses/ respondent	Average burden/ response (in hrs)	Total burden hours
Incidence of Nosocomial Infections	400	20	10/60	1333
Surveillance Methods	400	1	1	400
Total	800			1733

In the above table, the number of respondents reflects the number of institutions, and the number of responses, reflects the number of forms completed per hospital for each survey. The burden per response is the time taken to review records and complete the appropriate form(s). The total burden is the cumulative time that would likely be taken for all respondents.

Dated: May 17, 2004.

Joe E. Salter,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–12224 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–54–04]

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 or send an e-mail to *omb@cdc.gov.* 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

Evaluation of Educational Materials Promoting Informed Decision-Making About Prostate Cancer Screening—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Prostate cancer is the second most commonly diagnosed cancer among men in the United States. In 2003, an estimated 220,900 new cases of prostate cancer was diagnosed, and approximately 28,900 men died from the disease. The effectiveness of prostate cancer screening has not been established. A number of clinical guidelines recommend that the potential

risks and benefits of prostate cancer screening be explained to patients so that they may make an informed decision about screening. The purpose of this project is to evaluate the effectiveness of an informed-decision making booklet about prostate cancer screening developed by CDC.

This is a 3-year project that will be conducted in two phases of which 3 major tasks must be completed. In Task-1, the reliability and validity of a measurement instrument assessing prostate cancer knowledge and related variables will be tested. Two hundred men of all races aged 50 to 70 years and 200 African-American men aged 40 to 70 years will read the CDC booklet and complete the measurement instrument. In Task-2, 150 primary care physicians will complete a survey measuring their prostate cancer screening practices. The survey will be administered once and then again several months later. In Task-3, 400 men aged 50–70 years will take part in a randomized controlled trial. Men in the intervention group will be asked to read the CDC booklet and complete the measurement instrument tested in Task-1, and men in the control group will complete the measurement instrument without reading the CDC booklet. There is no cost to respondent except for their time.

Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)	Total burden (in hrs.)
Phase I: Replicate Measures Validation Study				
Eligibility Screener	147	1	15/60	37
Pre-visit Instrument 1	133	1	[1]15/60	33
Pre-visit Instrument 2	133	1	[2]30/60	67
After visit Instrument	133	1	20/60	44
Phase II: Randomized Controlled Trial				
Eligibility Screener	160	1	15/60	40
Pre-visit Instrument 1	133	1	15/60	33
Pre-visit Instrument 2	67	1	30/60	34
After visit Instrument	133	1	30/60	67
Provider Practice Screener 1 (Pre-RCT)	50	1	15/60	13
Provider Practice Screener 2 (Pre-RCT)	50	1	15/60	13
Total				381

[1] Includes preparation and returning the survey via mail service.
[2] Includes an estimate of 25 minutes for reviewing the decision aid material.

Dated: May 20, 2004.

Joe E. Salter,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–12225 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–04–57]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404)498–1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Sandra Gambescia, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–E11, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.* Written comments should be received within 60 days of this notice.

Proposed Project

State and Local Area Integrated Telephone Survey (SLAITS), OMB No. 0920–0406—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

The State and Local Area Integrated Telephone Survey (SLAITS) mechanism has been conducted since 1997. This is a request to continue for three years the integrated and coordinated survey system designed to collect needed health and welfare related data at the national, state, and local levels. Using the random-digit-dial sampling frame from the ongoing National Immunization Survey (NIS) and Computer Assisted Telephone Interviewing (CATI), the State and Local Area Integrated Telephone Survey (SLAITS) has quickly collected and produced data to monitor many health-related areas including child and family well-being, access to care, program participation, and changes in health care coverage at the national and State levels. The first module will be the National Survey of Children with Special Health Care Needs, which will provide data to be used for program planning and evaluation at the State and national levels.

For some SLAITS modules, questionnaire content is drawn from existing surveys within the Department of Health and Human Services as well as other Federal agencies. Other questionnaire modules were developed specifically for SLAITS. Past modules include General Health, Children's Health, Child Well-Being and Welfare, Children with Special Health Care Needs (CSHCN), Asthma Prevalence and

Treatment, Knowledge of Medicaid and the State Children's Health Insurance Program (SCHIP), Survey of Early Childhood Health, and HIV/STD Related Risk Behavior.

SLAITS has provided policy analysts, program planners, and researchers with high quality data for decisionmaking and program assessment. For example, the module on Medicaid and SCHIP was prominently featured in a report to Congress on insuring children. The CSHCN module has been used by Federal and State Maternal and Child Health Bureau Directors to evaluate programs and service needs. The American Academy of Pediatrics is using the module on early childhood health to advise pediatricians on patient care standards and to inform parents about the health and well-being of young children. There is no cost to respondents other than their time to participate. The burden table below is annualized.

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden hours
Household screening	296,559	1	5/60	24,713
Household interview	102,000	1	25/60	42,500
Pilot work, pre-testing activities, etc.	6,100	1	13/60	1,322
Total	404,659			68,535

Dated: May 19, 2004.

Joe E. Salter,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–12226 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–52–04]

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

NCHS Technology and Aging Pilot Survey—New—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC). Recent Federal policy initiatives have targeted the removal of environmental barriers and increased access to assistive and universally designed technologies in order to increase participation in major life activities by persons of all ages with disabilities. Yet, few statistics are available to quantify the potential demand for assistive technologies and no criteria exist to evaluate the potential impact of broadened access.

CDC is seeking OMB approval to cognitively test and pilot a survey instrument that collects information on disabled persons' access to, and use of, assistive technologies and environmental modifications that can be implemented in national health surveys. This information will help policy makers and scientists understand the interface among disability, assistive devices, and environmental modifications. Through a cooperative agreement with the National Institute on Aging, the Office of the Assistant Secretary for Planning and Evaluation has funded researchers at the Polisher Research Institute and Johns Hopkins University to develop the new measures to be tested. The testing will be conducted by the National Center for Health Statistics with funding from the Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services.

Approximately 300 interviews will be conducted with adults with disabilities living in the community. These interviews will be 45 minutes in length. To the extent possible, different modes of administration will be utilized (*e.g.,* in-person, telephone, or mixed) and racially diverse samples of persons with disabilities in both rural and urban settings will be selected to maximize the sensitivity of the instrument across diverse populations. The estimated annualized burden is 58 hours.

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Individuals Age 50+	100	1	35/60

Dated: May 24, 2004.

Joseph E. Salter,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–12231 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–04–59]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498–1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–E11, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.* Written comments should be received within 60 days of this notice.

Proposed Project

Information Collection to Establish Community Assistance Panels (CAPs), OMB No. 0923–0007—Extension—The Agency for Toxic Substances and Disease Registry (ATSDR) is mandated pursuant to the 1980 Comprehensive Environmental Response Compensation and Liability Act (CERCLA), and its 1986 Amendments, the Superfund Amendments and Reauthorization Act (SARA), to prevent or mitigate adverse human health effects and diminished quality of life resulting from the exposure to hazardous substances in the environment. To facilitate this effort, ATSDR seeks the cooperation of the community being evaluated through direct communication and interaction.

Direct community involvement is required to conduct a comprehensive scientific study and to effectively disseminate specific health information in a timely manner. Also, this direct interaction fosters a clear understanding of health issues that the community considers important, and establishes credibility for the agency. The Community Assistance Panel nominations forms are completed by individuals in the community to nominate themselves or others for participation on these panels.

This request is for a 3-year extension of the current OMB approved Community Assistance Panel nominations form. There is no cost to respondents.

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
General Public	150	1	10/60	25
Total				25

Dated: May 24, 2004.

Joseph E. Salter,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–12232 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–04–55]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498–1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Dale Verell, CDC Assistant OMB Clearance Officer, 1600 Clifton Road, MS–E11, Atlanta, GA 30333, or through the Internet at *omb@cdc.gov.* Written comments should be received within 60 days of this notice.

Proposed Project: Evaluation of the First Round of Community-Based and Participatory Research Funding Offered through CDC's Extramural Prevention Research Program (formerly known as the Prevention Research Initiative)—New—Public Health Practice Program Office (PHPPO), Centers for Disease Control and Prevention (CDC).

Two of the current priorities of CDC are to (1) substantially increase CDC's extramural public health research portfolio and budget and (2) develop a more client-oriented or customer-focused approach in all of CDC's activities. As part of its strategy to strengthen and expand extramural public health research, CDC received new money from Congress in 1999 to establish an extramural prevention research program. This program would focus on linking the talents and skills of university-based scientists with the resources of health departments, community-based programs, and

national organizations in order to try to better respond to the health needs of individual communities.

Through its first round, the Extramural Prevention Research Program (EPRP), then known as the Prevention Research Initiative, provided $12.5 million in funding annually to support 56 three-year research projects based in states and localities throughout the country. The topics of these research projects were as diverse as asthma, traumatic brain injuries, tobacco control, workplace safety, and health disparities. All of the projects were community-based, and approximately one-third used a participatory approach in which, rather than just having community members be subjects of the research as is the usual case, researchers were to engage members of the community being studied (*i.e.*, those who were expected to be the users of the research findings) in the research process itself. It is believed that engaging the users in the research will make it more likely that the research undertaken will address their actual needs and that they will be more likely to apply the research findings.

Because of this commitment, CDC and many other federal and non-federal funding agencies are very interested in funding participatory research. Yet, anecdotal information and findings from an evaluation project conducted elsewhere at CDC by one EPRP staff member have suggested that funding programs may need to adjust their expectations, requirements, and communication strategies if they want to attract and adequately support the conduct of participatory research projects, and if they want to best support the dissemination and translation into practice of research findings. Therefore, this project will involve conducting one-on-one, semi-structured, open-ended qualitative interviews with the principal investigators of the grants funded in the first round of the EPRP in order to learn how CDC can best support community-based and participatory research, and how it can best participate in the dissemination and translation of the studies' findings into practice. There is no cost to respondents.

Respondents	Number of respondents	Number of responses/ respondent	Average burden/ response (in hrs.)	Total burden (in hrs.)
Principal Investigators funded through the first round of the EPRP who self-report that they used a participatory research approach	30	1	45/60	23
Principal Investigators funded through the first round of the EPRP who self-report that they did not use a participatory research approach	26	1	30/60	13
Total	56			36

Dated: May 24, 2004.

Joseph E. Salter,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–12235 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 04111]

World Health Organization (WHO): Addressing Emerging Infectious Diseases; Notice of Intent To Fund Single Eligibility Award

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the intent to fund fiscal year (FY) 2004 funds for a cooperative agreement program for improving infectious disease surveillance, building public health infrastructure, detecting and responding to infectious disease outbreaks worldwide, and implementing improved infectious disease prevention and control strategies. The Catalog of Federal Domestic Assistance number for this program is 93.283.

B. Eligible Applicant

Assistance will be provided only to World Health Organization (WHO). WHO is the only international/intergovernmental agency qualified to conduct the activities under this cooperative agreement because:

WHO is the lead technical agency for health within the United Nations with 192 member governments and is therefore the recognized authority for coordinating global and regional health efforts involving multiple countries and institutions.

WHO has a robust global infrastructure that gives it direct access to and enables it to work with multiple national ministries of health and other critical health institutions through its headquarters in Geneva, Switzerland and six regional offices: Regional Office for Africa in Brazzaville, Republic of Congo; Regional Office for Europe in Copenhagen, Denmark; Regional Office for South-East Asia in New Delhi, India; Regional Office for the Americas/Pan-American Health Organization in Washington DC, USA; Regional Office for the Eastern Mediterranean in Cairo, Egypt; and Regional Office for the Western Pacific in Manila, Philippines.

WHO is the recognized pinnacle worldwide health organization to which national governments and regional health authorities look to for guidance and coordination of national, regional, and worldwide health programs. No other organization has the history, breadth of experience, existing worldwide infrastructure, and established relationship, stature, and authority among the world's national government health agencies that would allow it to successfully carry out activities under this cooperative agreement that require supervision, coordination, collaboration, and access to multiple governments and health organizations.

C. Funding

Approximately $1,000,000 is available in FY 2004 to fund this award. It is expected that the award will begin on or before July 1, 2004, and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

D. Where To Obtain Additional Information

For general comments or questions about this announcement, contact: Technical Information Management, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: 770–488–2700.

For technical questions about this program, contact: Greg J. Jones, M.P.A., Project Officer, National Center for Infectious Diseases, CDC, Mailstop C–

12, Atlanta, Georgia 30333, Telephone: (404) 639–4180, E-mail: *GJJones@cdc.gov.*

Dated: May 24, 2004.

William P. Nichols,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–12223 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 04094]

Applied Research on Antimicrobial Resistance (AR): Estimates of Economic Cost for Antimicrobial Resistant Human Pathogens of Public Health Importance; Notice of Availability of Funds-Amendment

A notice announcing the availability of fiscal year (FY) 2004 funds for a grant Applied Research on Antimicrobial Resistance (AR): Estimates of Economic Cost for Antimicrobial Resistant Human Pathogens of Public Health Importance was published in the **Federal Register** April 30, 2004, Volume 69, Number 84, pages 23759–23763. The notice is amended as follows: Page 23759, third column, section I. Funding Opportunity Description, and Page 23760, second column, Research Objective II, change action item 30 to 33.

Dated: May 24, 2004.

William P. Nichols,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–12227 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 04101]

Assessing Transmission and Prevention of Community-Associated MRSA Infection Among Children, Family Members, and Close Contacts; Notice of Availability of Funds—Amendment

A notice announcing the availability of fiscal year (FY) 2004 funds for a cooperative agreement Assessing Transmission and Prevention of Community-Associated MRSA Infection Among Children, Family Members, and Close Contacts was published in the **Federal Register** April 26, 2004, volume 69, number 80, pages 22523–22527. The notice is amended as follows: Page 22524, second column, section II. Award Information, and page 22527, first column, section V.3. Anticipated Announcement and Award Dates, change Anticipated Award Date to July 30, 2004.

Dated: May 24, 2004.

William P. Nichols,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–12234 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Rapid Expansion of HIV/AIDS Activities by Ivorian Nongovernmental Organizations and Associations Serving Highly Vulnerable Populations in Cote d'Ivoire Under the President's Emergency Plan for AIDS Relief

Announcement Type: New.
Funding Opportunity Number: 04199.
Catalog of Federal Domestic Assistance Number: 93.941.
Key Dates:
Application Deadline: July 16, 2004.

I. Funding Opportunity Description

Authority: This program is authorized under sections 307 and 317(k)(2) of the Public Health Service Act, (42 U.S.C. sections 242l and 247b(k)(2)), as amended, and under Public Law 108–25 (United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003) (22 U.S.C. 7601).

Purpose: President Bush's Emergency Plan for AIDS Relief (PEPFAR) has called for immediate action to turn the tide of HIV/AIDS in Africa and the Caribbean. Goals of the President's plan include: preventing seven million new HIV infections, treating at least two million HIV-infected people, and caring for ten million HIV-affected individuals and AIDS orphans.

Cote d'Ivoire-specific PEPFAR goals include the prevention of 265,000 new HIV infections, treating at least 77,000 HIV-infected individuals, and caring for 385,000 HIV-affected individuals, including orphans.

The primary purpose of this funding announcement is to increase the quality and coverage of HIV/AIDS prevention and care services targeting Highly Vulnerable Populations (HVP) in Cote d'Ivoire. HVP includes, but is not limited to: displaced persons and refugees, transactional sex workers and their partners, street children, and other vulnerable women.

Services to be supported through this agreement may include, but are not limited to: comprehensive treatment for HIV/AIDS and sexually transmitted infections (STI), voluntary counseling and testing (VCT), prevention activities, support for people infected and affected by HIV/AIDS, peer education, outreach, job skills and literacy training, and legal counseling.

This will be accomplished by funding an international non-governmental organization (NGO) to provide expert technical assistance, training, and oversight to build the capacity of selected Ivorian NGOs and associations (subgrantees) to design, implement, and manage activities for HVPs. The international NGO grantee will also be responsible for helping the Ivorian NGOs and associations improve their ability to mobilize resources and manage the financial and administrative functions of their organizations. The Ivorian nongovernmental organizations and associations will be selected by the international NGO recipient of this award with input from the local CDC office. The selected Ivorian organizations will receive technical assistance and funding to assist them with rapid expansion and improvement activities serving highly vulnerable populations. The CDC office in Cote d'Ivoire will collaborate with the international NGO recipient of this award in the design and implementation of these activities.

These collaborative activities will lead to: (1) Reduction in transmission of HIV and sexually transmitted infections in both the target and general populations; (2) HVP who are living with HIV/AIDS receiving treatment; (3) HVP who are affected by HIV/AIDS receiving better care and support services; (4) promotion and protection of human and legal rights of HVP including protection against sex trafficking; (5) reducing stigma and discrimination against people infected or affected by HIV/AIDS; and (6) building national capacity to implement and manage quality services for HVP.

The measurable outcomes of the program will be in alignment with goals of the Global AIDS Program (GAP) to reduce HIV transmission and improve care of persons living with HIV. They also will contribute to the goals of PEPFAR, which are: within five years treat more than two million HIV-infected persons with effective

combination anti-retroviral therapy; care for ten million HIV-infected and affected persons including those orphaned by HIV/AIDS; and prevent seven million infections in 14 countries throughout the world.

Activities: Awardee activities for this program are as follows:

A. Strengthen Operational Capacity

1. Work with selected national NGOs and associations in Cote d'Ivoire that are implementing HIV activities for HVP to assess their current administrative and technical capacity, organizational structure, and challenges to implementing and sustaining activities.

2. Provide training and technical assistance to the national NGOs and associations to expand and improve operational systems (budgeting, personnel, financial oversight, reporting and evaluation) to assure efficient management of activities and funds and increase the organizations' competitiveness for new funding.

3. Support the local organizations in developing skills in resource mobilization.

B. Promote National and Sub-Regional Activities for HVP

Participate in and promote national and sub-regional coordination forums.

C. Expand Quality and Geographic Coverage of HVP Services in Cote d'Ivoire

1. Assist national organizations and associations in development of work plans to design and implement their activities, taking into account geographic and population coverage of services and activities and the diversity of various populations served. The work plan should be elaborated with consideration for sustainability of activities.

2. Assist organizations to develop appropriate tools for activities.

3. Work through national organizations and associations to provide training in peer counseling, outreach, care, support and treatment, skills and literacy training, and legal guidance to the NGOs and associations providing services for HVP.

4. Assess organizations' and associations' resource needs to carry out activities.

5. Finance the delivery of services accordingly.

D. Monitoring and Evaluation

1. Progressively reinforce the monitoring and evaluation capacity of national organizations and associations working with HVP.

2. Attend quarterly technical meetings with CDC to assess program progress and modify plans as needed.

3. Attend annual program review meeting with CDC to assess overall progress and elaborate work plan for subsequent year.

E. Financial Management

1. Prepare a work plan that is consistent with the proposed activities in this announcement.

2. Prepare an annual budget for the proposed activities.

3. Prepare financial and progress reports ''in English—according to CDC requirements and deadlines.

4. Contract an independent auditor, approved by CDC, to ensure ongoing financial accountability and preparation of periodic audit reports, including a possible pre-audit assessment.

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:

1. Collaborate with recipient in designing and supporting all activities listed above with regular technical and administrative meetings.

2. Review and approve grantee's work plans for elaboration of the activities in this agreement.

3. Provide appropriate technical assistance—as agreed upon in work plan ''via persons identified as the CDC technical focal point(s) in Cote d'Ivoire.

4. Hold quarterly technical meetings with grantee to assess progress and modify plans as necessary.

5. Hold annual meeting to review overall progress and elaborate work plans for subsequent year.

6. Collaborate with the grantee in the selection of local NGOs and associations they will work with.

7. Collaborate with the grantee in the selection of key personnel to be involved in the activities performed under this agreement.

8. Provide administrative support on financial requirements (*see* section VI.3. Reporting).

Technical assistance and training may be provided directly by CDC staff or through organizations that have successfully competed for funding under a separate CDC contract.

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: $6,000,000. (This amount is for the entire five-year project period. Yearly amounts will increase based on the expansion of the project.)

Approximate Number of Awards: One.

Approximate Average Award: $350,000.

Floor of Award Range: $350,000.

Ceiling of Award Range: $350,000.

Anticipated Award Date: July 15, 2004.

Budget Period Length: 12 months.

Project Period Length: Five 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 international nongovernmental organizations, including faith-based organizations that have experience in: designing and implementing HIV/AIDS activities in Africa; capacity building for local nongovernmental organizations and associations in developing countries (including resource mobilization and administration of funds); and understanding complexities and challenges of designing and implementing activities for HVP.

Preference will be given to organizations that have: (1) an office and staff in francophone West Africa; 2. at least five years of prior experience working in francophone Africa; and 3. a successful history of program implementation in collaboration with the United States (U.S.) government.

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.

If your application is incomplete or non-responsive to the requirements listed in this section, it will not be entered into the review process. You will be notified that your application did not meet submission requirements.

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 or the Administrator at the local CDC office in Cote d'Ivoire, Mabel Enti Bohui-Dasse, at (225) 21–25–41–89. Application forms can be mailed to you.

IV.2. Content and Form of Submission

Application: You must submit a project narrative with your application forms. The narrative must be submitted in the following format:

- Maximum number of pages: 25.

If your narrative exceeds this page limit, only the first pages which are within the page limit will be reviewed.

- Pages must be numbered.
- 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 application MUST be submitted in English

Your narrative should address activities to be conducted over the entire project period, and must include at a minimum, a Plan, Demonstrated understanding of activity, Need for assistance, Objectives, Methods, Timeline, Staff, Performance measures, and Budget justification.

The budget justification will not be counted in the page limit stated above.

Additional information is optional and may be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information could include but is not limited to: organizational charts, curricula vitae, letters of support, etc.

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 *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

Application Deadline Date: July 16, 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

Executive Order 12372 does not apply to this program.

IV.5. Funding Restrictions

Restrictions, which must be taken into account while writing your budget, are as follows:

- Funds may be spent for reasonable program purposes, including personnel, travel, supplies, and services. Equipment may be purchased if deemed necessary to accomplish program objectives; however, prior approval by CDC officials must be requested in writing.
- All requests for funds contained in the budget shall be stated in U.S. dollars. Once an award is made, CDC will not compensate foreign grantees for currency exchange fluctuations through the issuance of supplemental awards.
- The costs that are generally allowable in grants to domestic organizations are allowable to foreign institutions and international organizations, with the following exception: With the exception of the American University, Beirut, and the World Health Organization, Indirect Costs will not be paid (either directly or through sub-award) to organizations located outside the territorial limits of the United States or to international organizations regardless of their location.
- The applicant may contract with other organizations under this program; however the applicant must perform a substantial portion of the activities (including program management and operations, and delivery of prevention services for which funds are required).
- You must obtain an annual audit of these CDC funds (program-specific audit) by a U.S.–based audit firm with international branches and current licensure/authority in-country, and in accordance with International Accounting Standards or equivalent standard(s) approved in writing by CDC.
- A fiscal Recipient Capability Assessment may be required, prior to or post award, in order to review the applicant's business management and fiscal capabilities regarding the handling of U.S. Federal funds.
- No funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.
- The U.S. Government is opposed to prostitution and related activities, which are inherently harmful and

dehumanizing, and contribute to the phenomenon of trafficking in persons.

Any entity that receives, directly or indirectly, U.S. Government funds in connection with this document (''recipient'') cannot use such U.S. Government funds to promote or advocate the legalization or practice of prostitution or sex trafficking. Nothing in the preceding sentence shall be construed to preclude the provision to individuals of palliative care, treatment, or post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides. A recipient that is otherwise eligible to receive funds in connection with this document to prevent, treat, or monitor HIV/AIDS shall not be required to endorse or utilize a multisectoral approach to combating HIV/AIDS, or to endorse, utilize, or participate in a prevention method or treatment program to which the recipient has a religious or moral objection. Any information provided by recipients about the use of condoms as part of projects or activities that are funded in connection with this document shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, any foreign recipient must have a policy explicitly opposing, in its activities outside the United States, prostitution and sex trafficking, except that this requirement shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Health Organization, the International AIDS Vaccine Initiative or to any United Nations agency, if such entity is a recipient of U.S. government funds in connection with this document.

The following definitions apply for purposes of this clause:

- Sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. 22 U.S.C. 7102(9).
- A foreign recipient includes an entity that is not organized under the laws of any State of the United States, the District of Columbia or the Commonwealth of Puerto Rico. *Restoration of the Mexico City Policy,* 66 FR 17303, 17303 (March 28, 2001).

All recipients must insert provisions implementing the applicable parts of this section, ''Prostitution and Related Activities,'' in all subagreements under this award. These provisions must be express terms and conditions of the subagreement, acknowledge that each certification to compliance with this section, ''Prostitution and Related Activities,'' are a prerequisite to receipt of U.S. government funds in connection with this document, and must acknowledge that any violation of the provisions shall be grounds for unilateral termination of the agreement prior to the end of its term. In addition, all recipients must ensure, through contract, certification, audit, and/or any other necessary means, all the applicable requirements in this section, ''Prostitution and Related Activities,'' are met by any other entities receiving U.S. government funds from the recipient in connection with this document, including without limitation, the recipients' sub-grantees, sub-contractors, parents, subsidiaries, and affiliates. Recipients must agree that HHS may, at any reasonable time, inspect the documents and materials maintained or prepared by the recipient in the usual course of its operations that relate to the organization's compliance with this section, ''Prostitution and Related Activities.''

All primary grantees receiving U.S. Government funds in connection with this document must certify compliance prior to actual receipt of such funds in a written statement referencing this document (*e.g.*, ''[Recipient's name] certifies compliance with the section, 'Prostitution and Related Activities.' '') addressed to the agency's grants officer. Such certifications are prerequisites to the payment of any U.S. Government funds in connection with this document.

Recipients' compliance with this section, ''Prostitution and Related Activities,'' is an express term and condition of receiving U.S. government funds in connection with this document, and any violation of it shall be grounds for unilateral termination by HHS of the agreement with HHS in connection with this document prior to the end of its term. The recipient shall refund to HHS the entire amount furnished in connection with this document in the event it is determined by HHS that the recipient has not complied with this section, ''Prostitution and Related Activities.''

Awards will allow recipients reimbursement of pre-award costs such as photocopying, fax, postage or delivery charges, and translation.

Guidance for completing your budget can be found on the United States government Web site at the following address: *http://www.cdc.gov/od/pgo/funding/budgetguide.htm.*

IV.6. Other Submission Requirements

Application Submission Address: Submit the original and two hard copies of your application by mail or express delivery service to: Technical Information Management–PA#04199, 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. Understanding of the proposed activity (25 points): Does the applicant demonstrate a good understanding of the extent and limitations of the proposed activity?

2. Feasibility of plan (25 points): Does the applicant's proposed plan for the activity appear feasible?

3. Relevant experience (25 points): Does the applicant have skills and experience relevant to the activities described in this program announcement?

1. Administration and management of project (25 points): Does the applicant seem capable of administering this project and meeting all CDC requirements?

V.2. Review and Selection Process

Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) staff, and for responsiveness by NCHSTP. 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 ''V.1. Criteria'' section above.

V.3. Anticipated Announcement and Award Dates

July 15, 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.

VI.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–4—HIV/AIDS Confidentiality Provisions
- AR–6—Patient Care
- AR–10—Smoke-Free Workplace Requirements
- AR–12—Lobbying Restrictions
- AR–14—Accounting System Requirements

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.*

Information Security Plan

The contractor shall prepare and maintain an information security plan which promotes information protection and systems security appropriate to the environment in which it will be executed. This plan should address confidentiality and privacy, integrity and backup of data and systems, access, continuity of operations, and all other relevant considerations. The contractor is responsible for ensuring that the project complies with relevant Federal and other jurisdictional regulations. Before developing the security plan, the contractor should review the considerations included in Office of Management and Budget Circular A–130, Appendix III (*http://www.whitehouse.gov/omb/circulars/a130/a130appendixiii.html*), and FISMA (*http://csrc.nist.gov/policies/FISMA-final.pdf*), as well as other Federal regulations, guidance, and information security standards.

The initial draft and all subsequent versions of the information security plan must be prepared and submitted by the contractor to the CDC contracting officer and to the CDC project officer, in Microsoft Word compatible format. The contractor shall be responsible for ensuring that the security plan is acceptable to the CDC project officer, as well as any subsequent federal reviewers (*e.g.*, Center and/or CDC information security officers, HHS officials, OMB officials, etc.). Comments shall be conveyed to the contractor by the project officer and/or the contracting officer.

The project officer and the contracting officer will review the draft security plan and any subsequent versions and submit recommendations/comments to the contractor within 14 working days after receipt. The contractor shall incorporate the project officer's recommendations and submit paper and electronic copies of the security plan to the contracting officer and to the project officer within five working days after receipt of the project officer's comments.

In addition to developing and maintaining a security plan as described above, the contractor shall be responsible for continuously assessing and assuring information security for the project, and for updating the security plan as needed throughout the duration of the contract.

Information Security Training

The contractor shall be responsible for ensuring that all contractor employees receive employment screening and information security training appropriate to their responsibilities, prior to the start of their work on the contract. This would be provided at the contractor's expense and would be the contractor's responsibility to plan and arrange.

CDC is not required to grant the contractor access to CDC information technology resources (*e.g.*, computers, network, e-mail, etc.). If CDC were to agree to grant the contractor, or any of its employees, access to CDC information technology resources at any point in time, it would be the contractor's responsibility to ensure that all of its employees to be granted such access complete any additional required information security courses that CDC specifies prior to gaining or utilizing such access. It would also be the contractor's responsibility to ensure that such employees have met any other CDC and Federal requirements, such as, for example, completion of background checks, before gaining or utilizing access to CDC information technology resources.

Non-Disclosure

The contractor and any subcontractors or employees are forbidden from sharing any technical or logistical information they may gain in conjunction with matters related to this contract which could jeopardize the physical or information security of CDC or its employees, projects, or information systems.

Certification and Accreditation

The Federal government and CDC now require (with rare interim exceptions) that a certification and accreditation (C and A) process be completed before any new information technology systems can go online.

VI.3. Reporting Requirements

You must provide CDC with an original, plus two hard 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 are due no more than 90 days after the end of the budget period. The annual progress report is a brief narrative report that should include: (a) comparison of actual accomplishments to the objectives established; (b) the reasons for slippage if established objectives were not met; and (c) modifications, if needed.

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: Karen Ryder, Project Officer, CDC/Projet RETRO–CI, 2010 Abidjan Place, Dulles, Virginia 20189–2010, Telephone: (225) 21–25–41–89, e-mail: *kkr1@cdc.gov*.

For financial, grants management, or budget assistance, contact: Shirley Wynn, Contract Specialist, CDC Procurement and Grants Office, 2920

Brandywine Road, Atlanta, GA 30341, Telephone: (770) 488–1515, E-mail: *zbx6@cdc.gov*.

Dated: May 21, 2004.

William P. Nichols,

Acting Director, Procurement and Grants Office Centers for Disease Control and Prevention.

[FR Doc. 04–12230 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Centers for Public Health Preparedness

Announcement Type: New, competitive cooperative agreement.

Funding Opportunity Number: 04209.

Catalog of Federal Domestic Assistance Number: 93.283.

Application Deadline: July 1, 2004.

I. Funding Opportunity Description

Authority: Sections 301(a) and 317(k)(2) of Public Health Service Act.

Purpose: The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year 2004 funds for a cooperative agreement program to support Centers for Public Health Preparedness (CPHP) responsible for improving the capacity of the public health workforce to prepare for and respond to terrorism and other emerging public health threats.

This program addresses the public health goals described in ''A National Strategy for Terrorism Preparedness and Response: 2003–2008 Strategic Plan'', specifically Imperative five related to activities to ensure a competent and sustainable workforce. Critical objectives under this Imperative are to: (1) Increase the number and type of professionals that comprise a preparedness and response workforce; (2) deliver certification and competency-based training and education; (3) recruit and retain the highest quality workforce; and (4) evaluate the impact of training to assure learning has occurred.

Major goals of the CPHP Program are to: (1) Strengthen public health workforce readiness through implementation of programs for life-long learning; (2) strengthen capacity at State and local level for terrorism preparedness and emergency public health response; and (3) develop a network of academic-based programs contributing to national terrorism preparedness and emergency response capacity, by sharing expertise and resources across State and local jurisdictions.

Funded Centers are expected to work closely with State and local health agencies to plan, implement, and evaluate activities in response to the CDC Public Health Preparedness and Response for Bioterrorism (Announcement Number 99051).

Measurable outcomes of the program will be in alignment with the following CDC performance goal(s):

(1) Public Health Improvement: Increase the number of frontline public health workers at the State and local level that are competent and prepared to respond to bioterrorism, infectious disease outbreaks, and other public health threats and emergencies, and prepare frontline State and local health departments and laboratories to respond to current and emerging public health threats. Evaluate the impact on the performance/preparedness of the frontline public health workforce resulting from education and training programs implemented or supported by CDC, including the CPHP system.

(2) Terrorism Preparedness Workforce Development: Increase the number, type, and distribution of health professionals that comprise a preparedness and response workforce. Ensure that clinicians in the United States have access to training and information resources that prepare them to diagnose, treat and/or refer for treatment persons exposed to biological, radiological, chemical or mass trauma events related to terrorism.

Activities: Awardee activities for this program are as follows:

- Development, delivery, and evaluation of competency-based training and education programs based on identified needs of State and local public health agencies for building workforce preparedness and response capabilities. These programs should be done with maximal interaction and collaboration with State and local partners. Centers may collaborate within the residing jurisdiction of their institution or in any other jurisdictions, based on community needs and desire for collaboration. The programs may utilize strategies such as: (1) Preparing students through academic programs with a preparedness focus; (2) re-training current public health employees in terrorism preparedness and response; and (3) providing leadership training and skill-building in preparedness and emergency response. Plans for dissemination and delivery of education/training should be based as much as possible on already developed tools and resources, so as to minimize duplication and redundancy of materials and curricula. The evaluation components planned should be robust enough to document impact and outcome changes at the individual and institutional/agency levels. Each Center should also develop educational programs and supporting activities as requested by partners, which facilitate the achievement of preparedness goals established to support CDC Program Announcement number 99051. Eighty percent of proposed plans and budget should be dedicated to these education and training activities.
- Participation in overall Centers Network activities. Each Center will: (1) Contribute to a Network inventory of preparedness education products, courses, curricula, assessment and evaluation tools. Results of impact evaluations and effectiveness of project activities must also be shared with the Network; (2) facilitate the identification of expertise and resources that can be accessed through the Network to meet technical assistance (TA) and educational needs of other Centers, or local, State, Federal, and other public health partners; (3) confer as Network members to create and validate terrorism and emergency preparedness discipline-specific competencies, which can lead to national curricula standardized by discipline(s); and (4) participate in the development of evaluation criteria to measure the impact of learner skills/worker competencies that can be used across the Network. Twenty percent of proposed plans and budget should be dedicated to these Network activities.

Applicants that fully address the core activities may also submit project plans for non-core activities such as:

- Implementing scholarships and traineeships for preparedness.
- Leveraging additional resources for related projects and activities.
- Contributing unique subject matter expertise to the Network in: (1) Specific content area(s) (*e.g.*, psychosocial/mental health preparedness, rural/border preparedness, *etc.*); (2) educational processes or innovative delivery methodology; or (3) unique access to particular target group(s).
- Proposing programs and educational activities in collaboration with tribal, national, and international partners, where the need is clearly justified and work plans are feasible based on expertise and previous experience.
- Convening with other identified experts in the Network to develop toolkits containing guidance and consistent information on critical preparedness education topics.

In a cooperative agreement, CDC staff are substantially involved in the program activities, above and beyond routine grant monitoring.

CDC Activities for this program are as follows:

- TA to support training and education programs focused on the public health workforce.
- TA for assessing State and local public health preparedness (in collaboration with CDC, OTPER, Division of State and Local Preparedness).
- TA in development of Network activities.
- Development and/or delivery of information and educational materials through collaboration with experts in the Network and in collaboration with subject matter experts throughout CDC.

II. Award Information

Approximately $26,000,000 is available for awards in fiscal year 2004 for 21–25 Centers. The awards are expected to range between $300,000 and $1,500,000. Institutions selected will receive funding on or before September 1, 2004. These funds are to be used during a budget time frame of 12 months within a project period of up to five years. Funding estimates may change based on the availability of funds. Continuing awards may be made in out years (*i.e.* 2005, 2006, 2007, and 2008) under this agreement. Funding after the first year is based on the amount of funds available to CDC, and awardee's progress in meeting goals and objectives.

Type of Award: Cooperative agreement. CDC involvement in this program is described in the Activities Section above.

Fiscal Year Funds: 2004.

Approximate Total Funding: $ $26,000,000.

Approximate Number of Awards: 21–25.

Approximate Average Award: $1,000,000. (This amount is for the first 12-month budget period, and includes both direct and indirect costs.)

Floor of Award Range: $300,000.

Ceiling of Award Range: $ 1,500,000.

Anticipated Award Date: September 1, 2004.

Budget Period Length: 12 months.

Project Period Length: Five 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 accredited Schools of Public Health with expertise and experience in building capacity and providing terrorism preparedness and emergency response education to students of public health and to state and local public health workers. Preference for funding will be given to Schools of Public Health with existing Centers for Public Health Preparedness.

III.2. Cost Sharing or Matching

Matching funds are not required for this program. In-kind funding or other financial support provided by your institution or state or other partners should be documented in the proposal and budget, as this demonstrates the level of support for your Center.

III.3. Other

CDC will accept and review applications with budgets greater than the ceiling of the award range.

Funded Centers are expected to work closely with state and local health agencies to implement work plans developed in response to CDC PA number 99051.

If your application is incomplete or non-responsive to the requirements listed in this section, it will not be entered into the review process. You will be notified that your application did not meet submission requirements.

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

Application: You must submit a project narrative with your application forms. The narrative must be submitted in the following format:

- Maximum number of pages: 20 pages. If your narrative exceeds the page limit, only the first pages which are within the page limit will be reviewed. Budget and budget justification narrative will not be counted in the page limit. (Please see guidance regarding including CVs and other supporting documentation in the instructions for appendices on page 11.)
- Font size: 12 point unreduced.
- 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 broadly address activities to be conducted over the entire project period, but focus should be on activities proposed for Year one budget period. The narrative must include the following items in the order listed: Problem Background and Need Statement; Institutional Capacity; Operational Plan, including Goals, Objectives, Methods, Timeline, Activities, and Logic Model; Evaluation Plan and Performance Measures; and Budget with Narrative Justification.

Additional information may be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information could include: Curricula vitae or resumes for proposed staff; letters of intent from partner organizations; and brief summaries of educational materials, evaluation tools, and existing impact evaluation reports.

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

Application Deadline Date: July 1, 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 carrier's 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

Executive Order #12372 does not apply to this program.

IV.5. Funding restrictions

Restrictions, which must be taken into account while writing your budget, are as follows:

- Cooperative agreement funds may not be used for lobbying, and generally are not to be used for purchases of food or furniture.
- Indirect costs will be reimbursed at the eight percent rate used for training and education grants. If you are requesting indirect costs in your budget, you will be reimbursed at eight percent of total allowable direct cost, exclusive of tuition and related fees, and equipment, or at the actual indirect cost rate, whichever results in a lesser dollar amount. If using other than the eight percent rate, 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

Application Submission Address: Submit the original and two hard copies of your application by mail or express delivery service to:

Technical Information Management-PA# 04209, 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. Operational Plan: 40 percent

Does the applicant present clear goal(s) and measurable objectives including: Scope of proposed education and training; location(s) of target audience(s); and anticipated numbers of public health students, public health professionals, and public health leaders to be reached with education or training?

Applicant must include a program logic model, describing the sequence of steps and processes leading to short-, intermediate-, and long-term expected outcomes.

Applicant must describe a detailed operational plan outlining specific methods, including strategies for reaching target audiences, and for assuring non-duplication of existing materials. The plans must include description of activities that are in alignment with the requirement that 80 percent of activities must be focused on training and education and 20 percent on the development of Network processes, activities, and products.

Applicant must include a Year one timeline that is feasible given proposed Center and Network activities.

Does the plan clearly outline the responsibilities of each of the key personnel related to the Center and Network activities, and clear descriptions of major roles for local, state, and other public health partners in planning, implementation, and evaluation of Center activities?

2. Institutional Capacity: 25 percent

Does the applicant demonstrate that it has the staff, expertise, and facilities necessary to accomplish the program requirements, including curricula vitae of key staff?

Documentation of experience and impact in conducting education and training activities of a Center for Public Health Preparedness, including evidence of past participant improvement in knowledge, skills, and abilities.

Does the applicant demonstrate existing effective collaborations with community, local, state, and other public health partners with whom and to whom their program activities will be provided, including letters of intent from participating agencies and organizations?

Description of the specific and unique areas of expertise the applicant brings to the National Network.

3. Evaluation Plan: 25 percent

Does the applicant present a clear plan for monitoring progress toward the stated goals and objectives, including specific evaluation questions to be addressed, and plans to provide semi-annual and annual evaluation data? In addition to process measures, program impacts and outcome measures must be considered and effective data collection methods described.

Experience in conducting and reporting evaluation activities of a Center for Public Health Preparedness, *i.e.* conducting successful process, outcome, and impact evaluation as a Center and reporting and participating in overall evaluation activities as a member of the Network.

Demonstration of consideration of cost-effectiveness and return-on-investment principles for maximizing the economic value of activities, *e.g.*, describing the cost of activity including dissemination versus the number of persons predicted to benefit.

4. Problem Background/Need: 10 percent

Does the applicant demonstrate a strong understanding of the need for improving terrorism preparedness and

emergency response capability in the public health workforce?

Does the applicant illustrate a clear need, based on existing state or local data, for the activities proposed in this cooperative agreement program?

5. Budget: not weighted

Does the applicant present a detailed budget with a line-item narrative justification and any other information to demonstrate that the request for assistance is consistent with the purpose of this cooperative agreement program?

Does the budget reflect alignment with requirement that it is 80 percent Center and 20 percent Network focused?

V.2. Review and Selection Process

Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) staff, and for responsiveness by Public Health Practice Program Office (PHPPO) staff, with input from the Office of Terrorism Preparedness and Emergency Response (OTPER). 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 ''V.1. Criteria'' section above.

V.3. Anticipated Award Date

Awards will be made by 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.

VI.2. Administrative and National Policy Requirements

CDC programs are administered under 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–10 Smoke-Free Workplace Requirements.
- AR–11 Healthy People 2010.
- AR–12 Lobbying Restrictions.
- AR–20 Conference Support.
- AR–25 Release and Sharing of Data.

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 hard copies of the following reports:

1. Semi-annual progress reports, no more than 30 days after the end of each semi-annual budget period.

2. Interim annual progress reports, 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. Measures of Effectiveness.

3. Annual Financial status report, no more than 90 days after the end of the budget period.

4. 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: Dr. Joan Cioffi, Project Officer, CDC Public Health Practice Program Office, 4770 Buford Highway, NE., K–38, Atlanta, GA 30341. Telephone: 770–488–8118; e-mail: *jcioffi@cdc.gov.*

For financial, grants management, or budget assistance, contact: Sharon Robertson, Grants Management Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341. Telephone: 770–488–2748; e-mail: *sqr2@cdc.go.*

References

1. Guidance for fiscal year 2003 Continuation Funds for Public Health Preparedness and Response for Bioterrorism (Announcement Number 99051). *http://www.bt.cdc.gov/Planning/CoopAgreementAward/.*

2. A National Strategy for Terrorism Preparedness and Response: 2003–2008 (draft, May 2003). *http://www.bt.cdc.gov.*

3. Framework for Program Evaluation in Public Health, MMWR, September 17, 1999, vol. 48, No. RR–11, *http://www.cdc.gov/mmwr/preview/mmwrhtml/rr4811a1.htm,* report includes guidance in program evaluation, and includes logic models for describing program strategy and goals.

4. Public Health Workforce Development. *http://www.phppo.cdc.gov/workforce.* Web page includes reference documents from CDC and partners.

Dated: May 21, 2004.

William P. Nichols,

Acting Director, Procurement and Grants Office, Centers for Disease Control.

[FR Doc. 04–12233 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Health Promotion and Disease Prevention Research Centers, Special Interest Projects Cooperative Supplements, Program Announcement Number 04003

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Health Promotion and Disease Prevention Research Centers, Special Interest Projects Cooperative Supplements, Program Announcement Number 04003.

Times and Dates: 8:30 a.m.–8:55 a.m., June 23, 2004 (Open); 9 a.m.–5 p.m., June 23, 2004 (Closed); 9 a.m.–12 p.m. June 23, 2004 (Closed).

Place: Sheraton Colony Square Hotel, 188 14th Street, NE., Atlanta, GA 30361, Telephone 404.892.2004.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement Number 04003.

FOR FURTHER INFORMATION CONTACT: Michael N. Waller, Deputy Director,

National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, NE., MS–K 45, Atlanta, GA 30341, Telephone 770.488.5269.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: May 20, 2004.

Joseph E. Salter,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 04–12221 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: Centers for Construction Safety and Health, Request for Applications OH–04–002

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Centers for Construction Safety and Health, Request for Applications OH–04–002.

Times and Dates: 6 p.m.–6:30 p.m., July 19, 2004 (Open) 6:30 p.m.–8 p.m., July 19, 2004 (Closed) 8 a.m.–5 p.m., July 20, 2004 (Closed) 8 a.m.–5 p.m., July 21, 2004 (Closed) 8 a.m.–5 p.m., July 22, 2004 (Closed) 8 a.m.–5 p.m., July 23, 2004 (Closed)

Place: Embassy Suites Hotels, 1900 Diagonal Road, Alexandria, VA 22314, Telephone 703.684.5900.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Pub. L. 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Request for Applications: OH–04–002.

For Further Information Contact: S. Price Connor, Ph.D., Scientific Review Administrator, Office of Extramural Programs, National Institute for Occupational Safety and Health, CDC, 1600 Clifton Rd., NE., MS–E74. Atlanta, GA 30333, Telephone 404.498.2507

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: May 24, 2004.

Joseph E. Salter,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–12222 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): The Great Lakes Human Health Effects Research Program, Program Announcement Number 04023; Correction

Correction: This notice was published in the **Federal Register** on May 19, 2004, Volume 69, Number 97, page 28894. The telephone number for the conference call has been changed.

Telephone: The conference call number is 888–791–2132, password Trooper.

Contact Person for more Information: J. Felix Rogers, Ph.D., M.P.H., CDC, National Center for Environmental Health/Agency for Toxic Substance Disease Registry, Office of Science, 1825 Century Boulevard, Atlanta, GA 30345, (404) 498–0222.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: May 24, 2004.

Joseph E. Salter,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04–12228 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Factors Associated With the Uptake of Clinical Standards, Program Announcement Number 04089, and Increasing Influenza Vaccination of Long Term Care Facility Staff, Program Announcement Number 04090

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Factors Associated with the Uptake of Clinical Standards, Program Announcement Number 04089, and Increasing Influenza Vaccination of Long Term Care Facility Staff, Program Announcement Number 04090.

Times and Dates: 6 p.m.–7 p.m., June 27, 2004 (Open). 7 p.m.–9 p.m., June 27, 2004 (Closed). 8 a.m.–5 p.m., June 28, 2004 (Closed).

Place: Renaissance Hotels and Resorts, One Hartsfield Centre Parkway, Atlanta, GA 30354, Telephone (404) 209–9999.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Factors Associated with the Uptake of Clinical Standards, Program Announcement Number 04089, and Increasing Influenza Vaccination of Long Term Care Facility Staff, Program Announcement Number 04090.

Contact Person for More Information: Beth Gardner, National Immunization Program, Centers for Disease Control, 1600 Clifton Road, NE MS–E05, Atlanta, GA 30333, Telephone (404) 639–6101.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: May 24, 2004.

Joseph E. Satter,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 04–12229 Filed 5–28–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects: *Title:* Refugee Resettlement Program Estimates: CMA, ORR–1, OMB No. 0970–0030.

Description: The Office of Refugee Settlement (ORR) reimburses, to the extent of available appropriations, certain non-Federal costs for the provision of cash and medical assistance to refugees, along with allowable expenses in the administration of the Refugee Resettlement Program. ORR needs sound state estimates of likely expenditures for refugee cash, medical, and administrative (CMA) expenditures so that it can anticipate Federal costs in upcoming quarters. If Federal costs are anticipated to exceed budget allocations, ORR must take steps to reduce Federal expenses, such as limiting the number of months of eligibility for Refugee Cash Assistance and Refugee Medical Assistance.

To meet the need for reliable state estimates of anticipated expenses, ORR has developed a single-page form in which states estimate the average number of recipients for each category of assistance, the average unit cost over the next 12 months and the expense for the overall administration of the program. This form, the ORR–1 (formerly Form FSA–601) must be submitted prior to the beginning of each Federal fiscal year. Without this information, ORR would be out of compliance with the intent of its legislation and otherwise unable to estimate program costs adequately.

In addition, the ORR–1 serves as the states's application for reimbursement of its CMA expenses. Submission of this form is thus required by section 412(a)(4) of the Immigration and Nationality Act which provides that ''no grant or contract may be awarded under this section unless an appropriate proposal and application * * * are submitted to, and approved by, the appropriate administering official.''

Respondents: State governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ORR–1	48	1	.5	24

Estimated Total Annual Burden Hours: 24.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *grjohnson@acf.hhs.gov.*

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: May 25, 2004

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04–12193 Filed 5–28–04; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Mentoring Children for Prisoners Data Collection Process (MCPDCP).

OMB No.: New collection.

Description: Information from the Mentoring Children of Prisoners Data Collection Process is necessary for the Federal agency's reporting and planning under the Government Performance and Results Act and to support evaluation requirements in the statute. The data will be used for accountability monitoring, management improvement, and research. Acquisition of the data ensures that the Federal agency knows if grantees are meeting the targets (number of children being mentored) recorded in the grant application as required by the statute, and that mentoring activities are faithful to characteristics established by research as essential to success. The data also support grantees as they carry out ongoing responsibilities, maintain program service and manage information for internal uses.

Respondents: Recipients of grants from the HHS/ACF/Family and Youth Services Bureau to operate programs to provide mentoring for children of prisoners.

ANNUAL BURDEN ESTIMATES

[Note reduction in estimate from previous notice]

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
MCP Data Collection Process (MCPDCP)	250	4	12	12,000

ANNUAL BURDEN ESTIMATES—Continued

[Note reduction in estimate from previous notice]

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Estimated Total Annual Burden Hours				12,000

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *grjohnson@acf.hhs.gov.*

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reducation Project, Attn: Desk Officer for ACF, E-mail address: *katherine_t._astrich@omb.eop.gov.*

Dated: May 25, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04–12352 Filed 5–28–04; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[HHS 2004–ACF–ACYF–CY–0011–1]

Notice of Correction for the FY04 Basic Center Program Announcement HHS–2004–ACF–ACYF–CY–0011 CFDA# 93.623

AGENCY: Administration on Children, Youth and Families, ACF, DHHS.

ACTION: Notice of correction.

SUMMARY: This notice is to inform interested parties of corrections made to the Basic Center program Announcement published on April 20, 2004.

The following corrections should be noted:

Under Appendix D: Table of Basic Center Program Allocations by State: The continuations for the State of Minnesota should be $696,697 and the New Awards should be $89,559. The Continuations for the State of North Dakota should be $0 and the New Awards should be $102,485.

In addition to the changes in Minnesota and North Dakota, the territory of American Samoa has been added to the allocation chart and has $45,000 in New Awards funds available.

FOR FURTHER INFORMATION CONTACT: ACYF Operations Center at (866) 796–1591 or *fysb@dixongroup.com.*

Dated: May 21, 2004.

Joan E. Ohl,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 04–12351 Filed 5–28–04; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Grants and Cooperative Agreements; Notice of Availability

Federal Agency Contact Name: Administration on Children, Youth and Families, Family and Youth Services Bureau (FYSB), Family Violence Prevention and Services Program.

Funding Opportunity Title: FY 2004 Discretionary Grants for the Family Violence Prevention and Services Program-Domestic Violence/Runaway and Homeless Youth Collaboration on the Prevention of Adolescent Dating Violence.

Announcement Type: Initial.

Funding Opportunity Number: HHS–2004–ACF-ACYF-EV–0022.

CFDA Number: 93.592.

Due Date for Applications: The due date for receipt of applications is July 16, 2004.

I. Funding Opportunity Description

The Administration for Children and Families, Administration on Children, Youth and Families, Family Youth Services Bureau announces the availability and request for applications for its FY 2004 Family Violence Prevention and Services discretionary grants.

Legislative Authority

The Family Violence Prevention and Services Act (the Act) was originally enacted in sections 301–313 of Title III of the ''Child Abuse Amendments of 1984'' (Pub. L. 98–457, 10/9/84). The Act was reauthorized and otherwise amended by the ''Child Abuse Prevention, Adoptions, and Family Services Act of 1988'' (Pub. L. 100–294, 4/25/88); the ''Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992'' (Pub. L. 102–295, 5/28/92); the ''Safe Homes for Women Act of 1994,'' Subtitle B of the ''Violent Crime Control and Law Enforcement Act of 1994'' (Pub. L. 103–322, 9/13/94); and the ''Child Abuse and Prevention Treatment Act Amendments of 1996'' (Pub. L. 104–235, 10/3/96); and the ''Victims of Trafficking and Violence Protection Act of 2000'' (Pub. L. 106–386, 10/28/00). The Act was most recently amended by the ''Keeping Children and Families Safe Act of 2003'' (Pub. L. 108–36).

Purpose

To develop and implement effective strategies for the identification, requirement, and use of domestic violence adolescent dating violence prevention services concurrently with the services provided through Basic Center, Transitional Living and Street Outreach projects. These efforts would focus on the youth who are identified within the Domestic Violence and the Runaway and Homeless Youth communities as individuals that may be responsive to a collaborative set of services or interventions. This announcement would offer the applicant organization, through a letter of agreement, the opportunity to design, develop, and collaborate in a service intersection area that has languished from the lack of concentrated attention. The approaches to the needs of this intersection are many and varied, for example: collaborative efforts that may accommodate informational needs; the development of training materials and curricula to be used in a learning environment; the collection of mutually

useful data that may lead to more intensive service approaches; and the development of protocols for effective strategies of prevention/intervention that may lead to an improved pattern of service delivery.

Background

Adolescent dating violence exhibits similar characteristics as adult violence in terms of its being a continuing and escalating form of abuse. As such, these behaviors range from verbal abuse to physical and sexual assaults. The cycle of abuse is also displayed in these early relationships as the violence may escalate over time. Moreover, a high percentage of disconnected youth come from homes where domestic violence occurs while 40 to 60 percent of men in court ordered treatment for domestic violence have witnessed it as a child. It also is recognized, however, that perpetrators of adolescent dating violence can be either male or female. As teenagers lack the experience of intimate relationships the abuse they may be experiencing may be interpreted as jealousy or their partner's commitment to them. There is a need to raise the awareness of adolescent dating violence and send the message that it is not wrong or ''uncool'' to talk about or report the violence in a relationship. To encourage healthy relationships we need to promote programs to reduce adolescent violence through community awareness activities, education and prevention programs, and information and support opportunities.

Minimum Requirements

Applicant must submit a signed letter of agreement between the organization representing the interest of RHY programs and the organization or coalition representing the domestic violence advocacy interests and their concerns. Either signatory to the Agreement may be the principal grantee. The agreement to be submitted will specifically indicate the role each participant organization has in the planning and implementation of the proposed project.

Applicants may propose to do one or more of the following, or propose other related project activities: plan and implement cross-training activities between domestic violence service providers and advocates and youth workers, supervisors, and other social service providers on the relationship of adolescent dating violence and disconnected youth; develop and implement model responses to domestic violence by youth workers; support the development and adoption of model collaborative protocols for domestic violence service providers and youth workers; and the compilation of service data correlating adolescent dating abuse with youth who are serviced through Basic Center, Transitional Living Programs and Street Outreach projects.

II. Award Information

Funding Instrument Type: Grant.

Category of Funding Activity: ISS Income Security and Social Services.

Anticipated Total Program Funding: $450,000 in FY2004.

Anticipated Number of Awards: 6.

Ceiling on Amount of individual awards: $75,000 per project period. An application received that exceeds the upper value of the dollar range specified will be considered ''non-responsive'' and be returned to the applicant without further review.

Floor of Individual Award Amounts: None.

Average Anticipated Award Amount: $75,000 per project period.

Project Periods for Awards: This announcement invites applications for a 17 month project period.

III. Eligibility Information

1. Eligible Applicants

Eligible applicants are: local public agencies and non-profit community-based organizations; faith-based and charitable organizations who are recipients, or have been recipients, of grant awards for Basic Center, Transitional Living and Street Outreach Family and Youth Services Bureau-funded projects; and non-profit domestic violence advocacy organizations and domestic violence State Coalitions who are or have been recipients of Family Violence Prevention and Services grant awards.

Additional Information on Eligibility

Non-profit organizations applying for funding are required to submit proof of their non-profit status. Proof of non-profit status is any one 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.

(e) Any of the items in the subparagraphs immediately above for a State or national parent organization and a statement singed by the parent organization that the applicant organization is a local non-profit affiliate.

Applications exceeding the dollar ceiling will be considered non-responsive and returned to the applicant without further review. Applications that fail to include the required non-federal share will be considered non-responsive and returned to the applicant without further review.

2. Matching

Matching funds are required for applications submitted under this program announcement.

Grantees must provide at least 25 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-federal share.

The non-federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. For example, in order to meet the match requirements, a project with a total approved cost of $100,000, must provide a non-federal share of at least $25,000 (25% of total approved project cost of $100,000. Grantees will be held accountable for commitments of non-federal resources even if over the amount of the required match. Failure to provide the amount will result in disallowance of Federal funds.

Applications that fail to include the required amount of cost-sharing will be considered non-responsive and will not be eligible for funding under this announcement.

3. Other

All Applicants must have Duns& Bradstreet Number. On June 27, 2003, the Office of Management and Budget published in the **Federal Register** a new Federal policy applicable to all Federal grant applicants. The policy requires Federal grant applicants to provide a Duns and Bradstreet Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements on of 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 formula, 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.*

IV. Application and Submission Information

1. Address to Request Application Package

ACYF Operations Center, c/o The Dixon Group, Inc., Attn: FV–FYSB Funding, 118 Q Street, NE, Washington, DC 20002–2132, *FYSB@dixongroup.com,* (866) 796–1591.

2. Content and Form of Application Submission

Applicants have the option of omitting from the application copies (not the original) specific salary rates or amounts for individuals specified in the application budget.

You may submit your application to us in either electronic or paper format.

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.
- 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.

Private non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants'' at *www.acf.hhs.gov/programs/ofs/forms.htm.*

Please see Section V. 1. Criteria for instructions on preparing the project summary/abstract and the full project description.

3. Submission Dates and Times

The closing time and date for receipt of applications is 4:30 p.m. (Eastern Standard Time (EST) on July 16, 2004. Mailed or hand carried applications received after 4:30 p.m. on the closing date will be classified as late.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the Administration on Children, Youth and Families (ACYF) Operations Center, c/o The Dixon Group Inc., Attn: FV–FYSB Funding, 118 Q Street, NE, Washington, DC 20002–2132. Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the deadline time and date.

Applications hand carried by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers 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, between Monday and Friday (excluding Federal holidays). This address must appear on the envelope/package containing the application with the note ''Attention: Administration on Children, Youth and Families (ACYF) Operations Center, c/o The Dixon Group Inc., FV–FYSB Funding, 118 Q Street, NE, Washington, DC 20002–2132.'' Applicants are cautioned that express/overnight mail services do not always deliver as agreed. ACF cannot accommodate transmission of applications by fax.

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.

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.

What to submit	Required content	Required form or format	When to submit
SF424, SF424a, SF424B	Per required form	May be found at *www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.
Project Summary/Abstract	Summary of application request	One page limit	By application due date.
Project Description	Responsiveness to evaluation criteria	Format described in Review and election section. Limit 40 pages. Size 12 font, ½″ margins.	By application due date.
Certification regarding Lobbying	Per required form	May be found at *www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.
Environmental Tobacco Smoke Certification.	Per required form	May be found at *www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.

Additional Forms: Private non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant

Applicants'' at *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

What to submit	Required content	Required form or format	When to submit
Survey for Private, Non-Profit Grant Applicants.	Per Required Form	*www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.

4. Intergovernmental Review

State Single Point of Contact (SPOC)

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 October 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, 370 L'Enfant Promenade, S.W., Washington, DC 20447.

5. Funding Restrictions

ACY will not fund any project where the role of the applicant is to serve as a conduit for funds to organizations other than the applicant. The applicant must have a substantive role in the implementation of the project for which the funding is requested. This prohibition does not bar the making of sub-grants or sub-contracting for specific services or activities needed to conduct the project.

Applicants that fail to include the required match will be considered non-responsive and will not be eligible for funding under this announcement.

6. Other Submission Requirements

Electronic Submission: Please see Section IV. 2. Content and Form of Application Submission, for guidelines and requirements when submitting applications electronically.

V. Application Review Information

1. Criteria

The Paperwork Reduction Act of 1995 (Pub. L. 104–13)

This program announcement does not contain information requirements beyond those approved for ACF grant applications under OMB control number 0970–0139. 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. Public reporting burden for this collection of information is estimated to average 25 hours per response.

The following are instructions on how to prepare the ''project summary/abstract'' and ''Full Project Description'' sections of the application. Note that each criterion is preceded by the generic evaluation requirement under the ACF Uniform Project Description (UPD).

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.

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. For example, describe the population to be served by the program and the number of new jobs that will be targeted to the target population. Explain how the project will reach the targeted population, how it will benefit participants, including how it will support individuals to become more economically self-sufficient.

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. Account for all functions or activities identified in the application. Cite factors that might accelerate or decelerate the work and state your reasons for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technical 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, for example, such terms as the ''number of people served.'' 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.

Evaluation

Provide a narrative addressing how the results of the project and the conduct of the project will be evaluated. In addressing the evaluation of results, state how you will determine the extent to which the project has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the project. Discuss the criteria to be used to evaluate results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of the project, define the procedures to be employed to determine whether the project is being conducted in a manner consistent with the work plan presented and discuss the impact of the project's various activities on the project's effectiveness.

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.

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.

2. Evaluation Criteria

Evaluation Criterion I: Approach (Maximum: 30 Points)

The extent to which the application outlines a sound and workable plan of action pertaining to the scope of the project, and details how the proposed work will be accomplished; relates each task to the objectives and identifies the key staff member who will be the lead person; provides a chart indicating the timetable for completing each task, the lead person, and the time committed; cites factors which might accelerate or decelerate the work, giving acceptable reasons for taking this approach as opposed to others; describes and supports any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement; and provides for projections of the accomplishments to be achieved.

The extent to which, when applicable, the application describes the evaluation methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved.

Evaluation Criterion II: Objectives and Need for the Project (Maximum: 20 Points)

The extent to which the need for the project and the problems it will address have national and local significance; the applicability of the project to coordination efforts by national, Tribal, State and local governmental and non-profit agencies, and its ultimate impact on domestic violence prevention services and intervention efforts, policies and practice; the relevance of other documentation as it relates to the applicant's knowledge of the need for the project; and the identification of the specific topic or program area to be served by the project. Maps and other graphic aids may be attached. The extent to which the specific goals and objectives have national or local

significance, the clarity of the goals and objectives as they relate to the identified need for and the overall purpose of the project, and their applicability to policy and practice. The provision of a detailed discussion of the objectives and of the extent to which they are realistic, specific, and achievable.

Evaluation Criterion III: Results and Benefits (Maximum: 20 Points)

The extent to which the application identifies the results and benefits to be derived, the extent to which they are consistent with the objectives of the application, the extent to which the application indicates the anticipated contributions to policy, practice, and theory, and the extent to which the proposed project costs are reasonable in view of the expected results. Identify, in specific terms, the results and benefits, for target groups and human service providers, to be derived from implementing the proposed project.

Evaluation Criterion IV: Organizational Profiles (Maximum: 15 Points)

The extent to which the participating organizations and entities have discussed, through letters and other documentation, the proposed collaboration and cooperation. Assess the extent to which the financial and physical resources provided by the participating entities will be adequate and to what extent will the coordinating organizations participate in the day to day operations of the project.

Evaluation Criterion V: Budget (Maximum: 15 Points)

The extent to which the application relates the proposed budget to the level of effort required to obtain the project's objectives and provide a cost/benefit analysis, and demonstrates that the project's costs are reasonable in view of the anticipated results. Applications will be evaluated on the extent to which they include a budget that is concise and provides a detailed justification of the amount of Federal funds that are requested.

VI. Award Administration Information

1. Award Notices

The successful applicants will be notified through the issuance of a Financial Assistance Award document which sets forth the amount of funds, granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which initial support will be given, the non-Federal share to be provided, and the total project period for which support is contemplated. The Financial Assistance Award will be signed by the Grants Officer and transmitted via postal mail.

Organizations whose applications will not be funded will be notified in writing.

2. Administrative and National Policy Requirements

45 CFR Part 74 or 92.

3. Reporting Requirements

Programmatic Reports: Semi-annually and a final report is due 90 days after the end of the project period.

Financial Reports: Semi-annually and a final report due 90 days after the end of the project period.

All grantees are required to submit semi-annual program reports and financial status reports using the SF–269. A suggested format for program reports will be sent to all grantees after the awards are made.

VII. Agency Contacts

Program Office Contact

William D. Riley, Family Violence Division, 330 C Street, Rm. 2117, Switzer Building, Washington, DC 20447, E-mail: *wriley@acf.hhs.gov,* Telephone: (202) 401–5529.

Grants Management Office Contact

William Wilson, Grants Officer, Administration on Children, Youth and Families, Room 2070 Switzer Building, 330 C Street, SW., Washington, DC 20447, 202–205–8913, E-mail: *wwilson@acf.hhs.gov.*

VIII. Other Information

Additional information about this program and its purpose can be located on the following Web site: *http://www.acf.hhs.gov/programs/fysb.*

Dated: May 25, 2004.

Joan E. Ohl,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 04–12348 Filed 5–28–04; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Grants and Cooperative Agreements; Availability, etc: Family Violence Prevention and Services Program

Federal Agency Contact Name: Administration on Children, Youth and Families, Family and Youth Services Bureau (FYSB), Family Violence Prevention and Services Program.

Funding Opportunity Title: FY 2004 Discretionary Grants for the Family Violence Prevention and Services Program—Development of Services to Immigrant Victims of Domestic Violence and their Children.

Announcement Type: Initial.

Funding Opportunity Number: HHS–2004–ACF–ACYF–EV–0023.

CFDA Number: 93.592.

Due Date for Applications: The due date for receipt of applications is July 16, 2004.

I. Funding Opportunity Description

The Administration for Children and Families, Administration on Children, Youth and Families, Family Youth Services Bureau announces the availability and request for applications for its FY 2004 Family Violence Prevention and Services discretionary grants.

Legislative Authority

The Family Violence Prevention and Services Act (the Act) was originally enacted in sections 301–313 of Title III of the ''Child Abuse Amendments of 1984'' (Pub. L. 98–457, 10/9/84). The Act was reauthorized and otherwise amended by the ''Child Abuse Prevention, Adoptions, and Family Services Act of 1988'' (Pub. L. 100–294, 4/25/88); the ''Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992'' (Pub. L. 102–295, 5/28/92); the ''Safe Homes for Women Act of 1994,'' Subtitle B of the ''Violent Crime Control and Law Enforcement Act of 1994'' (Pub. L. 103–322, 9/13/94); and the ''Child Abuse and Prevention Treatment Act Amendments of 1996'' (Pub. L. 104–235, 10/3/96); and the ''Victims of Trafficking and Violence Protection Act of 2000'' (Pub. L. 106–386, 10/28/00). The Act was most recently amended by the ''Keeping Children and Families Safe Act of 2003'' (Pub. L. 108–36).

Purpose

The Administration on Children, Youth and Families, Bureau of Runaway and Homeless Youth, will seek proposals for the following objectives: (1) To provide technical assistance to FVPSA grant administrators on issues that inhibit the development of programs and services to immigrant victims of family violence and their children; (2) to develop collaborative responses and to provide cross—training to enhance responses to immigrant victims of family violence and their families; and (3) to develop policies and protocols that increase the scope, operation and linkages between domestic violence service providers and

organizations serving immigrant communities. Moreover, submitted proposals must assure that their activities promote cultural competency that meets the cultural and socioeconomic context of immigrant victims and their children.

Background

Recent census data confirms significant increases in immigration populations across the United States, including increases in many States that previously had relatively low numbers of immigrants. Because of this population increases there is a need to support the expansion of programs that serve the complex needs of immigrant victims of domestic violence and their children. It is essential that collaborations providing domestic violence services be established with organizations that have established trust with immigrant communities, have access to women and children in those communities, and understand the need for culturally competent services to immigrant victims.

Minimum Requirements

- Propose a technical assistance strategy available to FVPSA State grant administrators that will effectively, and with cultural competency, improves their services to immigrant domestic violence victims and their children.
- Identify a partnership with immigrant community based organizations, and organizations representing the interest of immigrants, in order to provide information and assistance on legal issues and immigration law.
- Develop interagency protocols that create an opportunity for immigrant victims to identify the services they require and receive assistance within the complexity of their multiple issues. Such issues may include public benefits, protection orders, legal advocacy, custody issues and questions, and immigration status.
- Provide for an evaluation of the effectiveness of the collaborative efforts.
- Include in the final report a description of the protocols developed to assist in responding to the needs of the immigrant community and the more effective delivery of services.

II. Award Information

Funding Instrument Type: Grant.

Category of Funding Activity: ISS Income Security and Social Services.

Anticipated Total Program Funding: $150,000 in FY2004.

Anticipated Number of Awards: 3.

Ceiling on Amount of Individual Awards: $50,000 per project period. An application received that exceeds the upper value of the dollar range specified will be considered ''non-responsive'' and be returned to the applicant without further review.

Floor of Individual Award Amounts: None.

Average Anticipated Award Amount: $50,000 per project period.

Project Period for Awards: This announcement invites applications for a 12 month project period.

III. Eligibility Information

1. Eligible Applicants

State agencies administering FVPSA shelter services grants, State Domestic Violence Coalitions, domestic violence immigrant organizations, public non-profit organizations, faith-based organizations, and domestic violence advocacy organizations are eligible to apply.

Additional Information on Eligibility

Non-profit organizations applying for funding are required to submit proof of their non-profit status. Proof of non-profit status is any one 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.

(e) Any of the items in the subparagraphs immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

Applications exceeding the dollar ceiling will be considered non-responsive and returned to the applicant without further review. Applications that fail to include the required non-federal share will be considered non-responsive and returned to the applicant without further review.

Applications that fail to include the required amount of cost-sharing will be considered non-responsive and will not be eligible for funding under this announcement.

Applications that exceed the $50,000 ceiling will be considered non-responsive and will not be eligible for funding under this announcement.

2. Cost Sharing or Matching

Matching funds are required for applications submitted under this program announcement. Grantees must provide at least 25 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-federal share. The non-federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions.

For example, in order to meet the match requirements, a project with a total approved cost of $66,666, must provide a non-federal share of at least $16,666 (25% of total approved project cost of $66,666). Grantees will be held accountable for commitments of non-federal resources even if over the amount of the required match. Failure to provide the amount will result in disallowance of Federal funds.

Applications that fail to include the required amount of cost-sharing will be considered non-responsive and will not be eligible for funding under this announcement.

3. Other

All Applicants must have Duns& Bradstreet Number. On June 27, 2003, the Office of Management and Budget published in the **Federal Register** a new Federal policy applicable to all Federal grant applicants. The policy requires Federal grant applicants to provide a Duns and Bradstreet Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements on of 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 formula, 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*.

IV. Application and Submission Information

1. Address To Request Application Package

ACYF Operations Center, c/o The Dixon Group, Inc., Attn: FV–FYSB Funding, 118 Q Street, NE., Washington, DC 20002–2132; Telephone: (866) 796–1591

2. Content and Form of Application Submission

Applicants have the option of omitting from the application copies (not the original) specific salary rates or amounts for individuals specified in the application budget.

You may submit your application to us in either electronic or paper format.

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 coy 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.
- 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.

Private non-profit organizations may voluntarily submit with their applications the survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants'' at *www.acf.hhs.gov/programs/ofs/forms.htm*.

3. Submission Dates and Times

The closing time and date for receipt of applications is 4:30 p.m. Eastern Standard Time (EST) on July 16, 2004.

Mailed or hand carried applications received after 4:30 p.m. on the closing date will be classified as late.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the Administration on Children, Youth and Families (ACYF) Operations Center, c/o The Dixon Group Inc., Attn: FV–FYSB Funding, 118 Q Street, NE., Washington, DC 20002–2132. Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the deadline time and date.

Applications hand carried by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers 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, between Monday and Friday (excluding Federal holidays). This address must appear on the envelope/package containing the application with the note ''Attention: Administration on Children, Youth and Families (ACYF) Operations Center, c/o The Dixon Group Inc., FV–FYSB Funding, 118 Q Street, NE., Washington, DC 20002–2132.'' Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

ACF cannot accommodate transmission of applications by fax.

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.

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.

What to submit	Required content	Required form or format	When to submit
SF424, SF424a, SF424B	Per required form	May be found at *www.acf.hhs.gov/program/ofs/forms.htm*.	By application due date.
Project Summary/Abstract	Summary of application request	One page limit	By application due date.
Project Description	Responsiveness to evaluation criteria	Format described in Review and Selection section. Limit 40 pages. Size 12 font, ½″ margins.	By application due date.
Certification regarding Lobbying	Per required Form	May be found at *www.acf.hhs.gov/program/ofs/forms.htm*.	By application due date.
Environmental Tobacco Smoke Certification.	Per required Form	May be found at *www.acf.hhs.gov/program/ofs/forms.htm*.	By application due date.

Additional Forms: Private non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants'' at *www.acf.hhs.gov/programs/ofs/forms.htm*.

What to submit	Required content	Required form or format	When to submit
Survey for Private, Non-Profit Grant Applicants.	Per Required Form	May be found at *http://www.acf.hhs.gov/programs/ofs/form.htm*.	By application due date.

4. Intergovernmental Review

State Single Point of Contact (SPOC)

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 October 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, 370 L'Enfant Promenade, SW., and Washington, DC 20447.

5. Funding Restrictions

ACY will not fund any project where the role of the applicant is to serve as a conduit for funds to organizations other than the applicant. The applicant must have a substantive role in the implementation of the project for which the funding is requested. This prohibition does not bar the making of sub-grants or sub-contracting for specific services or activities needed to conduct the project.

Applicants that fail to include the required match will be considered non-responsive and will not be eligible for funding under this announcement.

6. Other Submission Requirements

Submission by Mail: An Applicant must provide an original application with all attachments, signed by an authorized representative and two complete copies. The application must be received at the address below by 4:30 p.m. Eastern Standard Time (EST) on or before August 2, 2004.

V. Application Review Information

1. Criteria

The Paperwork Reduction Act of 1995 (P.L. 104–13)

This program announcement does not contain information requirements beyond those approved for ACF grant applications under OMB control number 0970–0139. 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. Public reporting burden for this collection of information is estimated to average 25 hours per response.

The following are instructions on how to prepare the ''project summary/abstract'' and ''Full Project Description'' sections of the application. Note that each criterion is preceded by the generic evaluation requirement under the ACF Uniform Project Description (UPD).

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.

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. For example, describe the population to be served by the program and the number of new jobs that will be targeted to the target population. Explain how the project will reach the targeted population, how it will benefit participants including how it will support individuals to become more economically self-sufficient.

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. Account for all functions or activities identified in the application. Cite factors that might accelerate or decelerate the work and state your reasons for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technical 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, for example such terms as the ''number of people served.'' 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.

Evaluation

Provide a narrative addressing how the results of the project and the conduct of the project will be evaluated. In addressing the evaluation of results, state how you will determine the extent to which the project has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the project. Discuss the criteria to be used to evaluate results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of the project, define the procedures to be employed to determine whether the project is being conducted in a manner consistent with the work plan presented and discuss the impact of the project's various activities on the project's effectiveness.

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.

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.

2. Evaluation Criteria

Evaluation Criterion I: Approach (Maximum: 30 Points)

The extent to which the application outlines a sound and workable plan of action pertaining to the scope of the project, and details how the proposed work will be accomplished; relates each task to the objectives and identifies the key staff member who will be the lead person; provides a chart indicating the timetable for completing each task, the lead person, and the time committed; cites factors which might accelerate or decelerate the work, giving acceptable reasons for taking this approach as opposed to others; describes and supports any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement; and provides for projections of the accomplishments to be achieved.

The extent to which, when applicable, the application describes the evaluation methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved.

Evaluation Criterion II: Objectives and Need for the Project (Maximum: 20 Points)

The extent to which the need for the project and the problems it will address have national and local significance; the applicability of the project to coordination efforts by national, Tribal, State and local governmental and non-profit agencies, and its ultimate impact on domestic violence prevention services and intervention efforts, policies and practice; the relevance of other documentation as it relates to the applicant's knowledge of the need for the project; and the identification of the specific topic or program area to be served by the project. Maps and other graphic aids may be attached. The extent to which the specific goals and objectives have national or local significance, the clarity of the goals and objectives as they relate to the identified need for and the overall purpose of the

project, and their applicability to policy and practice. The provision of a detailed discussion of the objectives and of the extent to which they are realistic, specific, and achievable.

Evaluation Criterion III: Results and Benefits (Maximum: 20 Points)

The extent to which the application identifies the results and benefits to be derived, the extent to which they are consistent with the objectives of the application, the extent to which the application indicates the anticipated contributions to policy, practice, and theory, and the extent to which the proposed project costs are reasonable in view of the expected results. Identify, in specific terms, the results and benefits, for target groups and human service providers, to be derived from implementing the proposed project.

Evaluation Criterion IV: Organizational Profiles (Maximum: 15 Points)

The extent to which the participating organizations and entities have discussed, through letters and other documentation, the proposed collaboration and cooperation. Assess the extent to which the financial and physical resources provided by the participating entities will be adequate and to what extent will the coordinating organizations participate in the day to day operations of the project.

Evaluation Criterion V: Budget (Maximum: 15 Points)

Relate the proposed budget to the level of effort required to obtain the project's objectives and provide a cost/benefit analysis. Demonstrate that the project's costs are reasonable in view of the anticipated results. Applications will be evaluated on the extent to which they include a budget that is concise and provides a detailed justification of the amount of Federal funds that are requested.

VI. Award Administration Information

1. Award Notices

The successful applicants will be notified through the issuance of a Financial Assistance Award document which sets forth the amount of funds, granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which initial support will be given, the non-Federal share to be provided, and the total project period for which support is contemplated. The Financial Assistance Award will be signed by the Grants Officer and transmitted via postal mail.

Organizations whose applications will not be funded will be notified in writing.

2. Administrative and National Policy Requirements

45 CFR Part 74 or 92.

3. Reporting

Programmatic Reports: Semi-annually and a final report is due 90 days after the end of the grant period.

Financial Reports: Semi-annually and a final report due 90 days after the end of the grant period.

All grantees are required to submit semi-annual program reports and semi-annual financial status reports using the required financial standard form (SF–269).

VII. Agency Contacts

Program Office Contact: William D. Riley, Family Violence Division, 330 C Street, Rm. 2117, Switzer Building, Washington, DC 20447, E-mail: *wriley@acf.hhs.gov*, Telephone: (202) 401–5529.

Grants Management Office Contact: William Wilson, Grants Officer, Administration on Children, Youth and Families, Room 2070 Switzer Building, 330 C Street, SW., Washington, DC 20447, 202–205–8913, E-mail: *wwilson@acf.hhs.gov.*

VIII. Other Information

Additional information about this program and its purpose can be located on the following Web site: *http://www.acf.hhs.gov/programs/fysb.*

Dated: May 25, 2004.

Joan E. Ohl,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 04–12349 Filed 5–28–04; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[ACYF/FYSB 2004–0006]

Notice of Correction for the FY04 Street Outreach Program Announcement HHS–2004–ACF–ACYF–YO–0016 CFDA# 93.557

AGENCY: Administration on Children, Youth, and Families, ACF, DHHS.

ACTION: Notice of correction.

SUMMARY: This notice is to inform interested parties of corrections made to the Street Outreach program Announcement published on Tuesday, April 27, 2004. The following corrections should be noted:

Under cost sharing or Matching Required: The paragraph should read as follows: Grantees must provide at least 10% of the Federal project dollars of the project. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. For example, in order to meet the match requirements, a project requesting $200,000 federal dollars, must provide a match of at least $20,000.

Under Application Review Information, Evaluation: Evaluation paragraph is deleted and new paragraph is inserted for Staff and Position Data and reads as follows:

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.

FOR FURTHER INFORMATION CONTACT: ACYF Operations Center at (866) 796–1591 or *fysb@dixongroup.com.*

Dated: May 21, 2004.

Joan E. Ohl.

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 04–12350 Filed 5–28–04; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003D–0309]

Guidance for Industry and Food and Drug Administation Staff; Medical Device User Fee and Modernization Act of 2002, Validation Data in Premarket Notification Submissions for Reprocessed Single-Use Medical Devices; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the revised guidance entitled ''Guidance for Industry and FDA Staff; Medical Device User Fee and Modernization Act of 2002, Validation Data in Premarket Notification Submissions (510(k)s) for Reprocessed Single-Use Medical Devices'' (validation data guidance). This guidance document is being revised to include the procedures and timeframes that the agency intends to follow in its review of the validation data required by the Medical Device User Fee and Modernization Act of 2002 (MDUFMA),

for certain reprocessed single-use devices (SUDs), to include updated references to relevant **Federal Register** notices, and to include a section addressing the Paperwork Reduction Act of 1995 (the PRA). This guidance document is immediately in effect, but it remains subject to comment in accordance with the agency's good guidance practices (GGPs).

DATES: Submit written or electronic comments on this guidance at any time.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the guidance document entitled ''Guidance for Industry and FDA Staff; Medical Device User Fee and Modernization Act of 2002, Validation Data in Premarket Notification Submissions (510(k)s) for Reprocessed Single-Use Medical Devices'' to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–443–8818. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning this 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*. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Timothy A. Ulatowski, Center for Devices and Radiological Health (HFZ–300), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–4692.

SUPPLEMENTARY INFORMATION:

I. Background

Section 302(b) of MDUFMA (Public Law 2003D–0309) added new requirements for reprocessed SUDs to section 510(o) of the act (21 U.S.C. 360(o)). One of these provisions required FDA to review the reprocessed SUDs that were exempt from premarket notification requirements and to determine which of these devices require the submission of 510(k)s with validation data to ensure their substantial equivalence to predicate devices. The new law also requires the submission of validation data specified in the statute for certain reprocessed SUDs, identified by FDA, that were already subject to 510(k) submission requirements when MDUFMA was enacted. The types of validation data to be submitted include cleaning, sterilization, and functional performance data.

On July 8, 2003, FDA issued guidance under the same title describing the types of validation data that FDA recommended be submitted to the agency to support a substantial equivalence determination for the reprocessed SUDs for which validation data are required by MDUFMA. FDA is now revising the guidance to include the review procedures and timeframes the agency intends to follow when processing the required validation data. This guidance supersedes the July 8, 2003, document.

FDA is implementing this level 1 guidance upon issuance because it is essential for the agency to provide immediate guidance on the procedures and timeframes that FDA intends to follow in reviewing the validation data required by MDUFMA. The agency has determined that, in light of the need to provide immediate guidance to manufacturers of reprocessed SUDs, a request for comments before issuance of this revised guidance is not feasible. FDA is also considering additional changes to the validation guidance based on comments and questions received since this guidance was initially implemented. These changes would be incorporated into a future revision of the guidance.

II. Significance of Guidance

This guidance is being issued consistent with FDA's GGPs regulation (21 CFR 10.115). The guidance represents the agency's current thinking on validation data regarding the cleaning, sterilization, and functional performance of reprocessed SUDs, as well as the procedures and review times that should be used by FDA in evaluating these validation data. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

To receive ''Guidance for Industry and FDA Staff; Medical Device User Fee and Modernization Act of 2002, Validation Data in Premarket Notification Submissions (510(k)s) for Reprocessed Single-Use Medical Devices'' by fax machine, call the Center for Devices and Radiological Health (CDRH) Facts-On-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At the second voice prompt, press 1 to order a document. Enter the document number (Office GGP Rep will insert DOC number) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so by using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturer's assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH Web site may be accessed at *http://www.fda.gov/cdrh*. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html*. Guidance documents are also available on the Division of Dockets Management Internet site at *http://www.fda.gov/ohrms/dockets*.

IV. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the PRA (44 U.S.C. 3501–3520). The collections of information addressed in the guidance document have been approved by OMB in accordance with the PRA under the regulations governing premarket notification submissions (21 CFR part 807, subpart E, OMB control number 0910–0120).

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments to *http://www.fda.gov/dockets/ecomments*. Submit two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 25, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–12362 Filed 5–26–04; 3:59 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004D–0042]

Draft Guidances for Industry on Improving Information About Medical Products and Health Conditions; Availability; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening until August 10, 2004, the comment period for the draft guidances entitled ''Brief Summary: Disclosing Risk Information in Consumer-Directed Print Advertisements,'' ''Help-Seeking and Other Disease Awareness Communications by or on Behalf of Drug and Device Firms,'' and ''Consumer-Directed Broadcast Advertising of Restricted Devices.'' FDA published a notice of availability of the draft guidances in the **Federal Register** of February 10, 2004 (69 FR 6308). FDA is taking this action in response to requests for an extension and to allow interested parties additional time to submit comments.

DATES: Submit written or electronic comments on the draft guidances by August 10, 2004. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidances to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; or to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidances to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance documents.

FOR FURTHER INFORMATION CONTACT:

Regarding prescription human drugs: Lesley R. Frank, Center for Drug Evaluation and Research (HFD–42), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2831.

Regarding prescription human biological products: Glenn N. Byrd, Center for Biologics Evaluation and Research (HFM–600), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3028.

Regarding medical device products: Deborah Wolf, Center for Devices and Radiological Health (HFZ–300), 2098 Gaither Rd., Rockville, MD 20850, 301–594–4589.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of February 10, 2004 (69 FR 6308), FDA published a document announcing the availability of three draft guidance documents entitled ''Brief Summary: Disclosing Risk Information in Consumer-Directed Print Advertisements,'' ''Help-Seeking and Other Disease Awareness Communications by or on Behalf of Drug and Device Firms,'' and ''Consumer-Directed Broadcast Advertising of Restricted Devices.'' The draft guidances are intended to provide clear advice to medical product firms on how to fulfill the requirements in FDA's rules applicable to certain communications to consumers and health care professionals.

In the February 2004 notice of availability, FDA specifically requested comments on a number of issues addressed in the draft guidances. The agency also requested submission of research and data related to these issues. The initial comment period closed on May 10, 2004. FDA received a request dated April 2, 2004, and numerous requests dated May 8, 2004, that the agency extend the comment period. The requests cite the need for additional time because of the importance of the subject matter to be commented on. The requests also state an extension is needed for consultation with interested parties, to complete research, and to prepare comments. In response to these requests, FDA has decided to reopen the comment period until August 10, 2004.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written comments on the draft guidance documents by August 10, 2004. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments should be identified with the docket number found in brackets in the heading of this document. Comments should identify clearly which guidance they are commenting on. The draft guidance documents and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Copies of the draft guidances are available on the Internet at *http://www.fda.gov/cder/guidance/index.htm*, *http://www.fda.gov/cber/guidelines*, or *http://ww.fda.gov/ohrms/dockets/default.htm*.

Dated: May 25, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–12270 Filed 5–28–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Proposed Project: 2004–2006 National Survey on Drug Use and Health: Methodological Field Tests—New—The National Survey on Drug Use and Health (NSDUH), formerly the National Household Survey on Drug Abuse (NHSDA), is a survey of the civilian, noninstitutionalized population of the United States 12 years of age and older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, ONDCP, Federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

This will be a request for generic approval for information collection for NSDUH methodological field tests designed to examine the feasibility,

quality, and efficiency of new procedures or revisions to the existing survey protocol. These field tests will examine ways to increase data quality, lower operating costs, and gain a better understanding of various sources of nonsampling error. If these tests provide successful results, current procedures may be revised and incorporated into the main study (*e.g.*, questionnaire changes). Particular attention will be given to minimizing the impact of design changes so that survey data continue to remain comparable over time.

Field test activities are expected to include validating new questions on depression; examining data reliability through the use of test-retest procedures; improving response rates among persons residing in controlled access communities (locked apartment buildings, gated communities, college dormitories, etc.), persons aged 50 or over, and other hard-to-reach populations; and conducting a nonresponse follow-up study. Cognitive laboratory testing will be conducted prior to the implementation of significant questionnaire modifications. These questionnaire modifications will also be pre-tested and the feasibility of text-to-speech software determined. To understand the effectiveness of the current monetary incentive, a new incentive study will be conducted with varying incentive amounts. The relationship between incentives and veracity of reporting will also be examined. Lastly, there will be a test to determine the feasibility of selecting a maximum of three persons per dwelling unit instead of two (triad sampling). Some of the above studies may be combined to introduce survey efficiencies.

The average annual burden associated with these activities over a three-year period is summarized below:

Activity	Number of respondents	Responses per respondent	Average burden per response (hrs.)	Total burden (hrs.)
a. Reliability/depression module validity study	2,001	2	1.5	6,003
b. Focus groups with 50+ populations	132	1	2.0	264
c. Improving participation among controlled access and 50+ population, and other hard-to-reach populations	1,251	1	1.0	1,251
d. Nonresponse follow-up	1,251	1	1.0	1,251
e. Incentive/validity study	1,251	1	1.0	1,251
f. Cognitive laboratory testing	501	1	1.0	501
g. Annual questionnaire pre-test	999	1	1.0	999
h. Text-to-speech software for voices in computer-assisted interviewing	249	1	1.0	249
i. Triad sampling	999	1	1.0	999
Household screening for a–d, f, h, and i	21,313	1	0.083	1,769
Screening Verification for a, c, d, e, g, and i	638	1	0.067	43
Interview Verification for a, c, d, e, g, and i	1,163	1	0.067	78
Total	22,063	.....	.....	14,658

Estimate Burden for Groups with 50+ Population (also included in above burden table):

Activity	Number of respondents	Responses per respondent	Average burden per response (hrs.)	Total burden (hrs.)
Focus groups with 50+ populations	132	1	2.0	264
Household screening for a, b, c, d, e, g, and i	383	1	0.083	32
Total	383	.....	.....	296
Annual average (Total divided by 3 years)	128	.....	.....	99

Written comments and recommendations concerning the proposed information collection should be sent by July 1, 2004 to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: (202) 395–6974.

Dated: May 20, 2004.

Anna Marsh,

Executive Officer, SAMHSA.

[FR Doc. 04–12236 Filed 5–28–04; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Substance Abuse and Mental Health Services Administration (SAMHSA) Drug Testing Advisory Board to be held in June 2004.

On June 8, the Board will meet in open session from 8:30 a.m. to 11:30 a.m. The open session will include a Department of Health and Human Services drug testing program update, a presentation on the revisions to the ''Mandatory Guidelines for Federal Workplace Drug Testing'' published in the **Federal Register** on April 13, 2004 (69 FR 19644–19673), and a Department of Transportation drug testing program update. If anyone needs special accommodations for persons with disabilities, please notify the Contact listed below.

The Board will meet in closed session on June 8, from 11:30 a.m. to 4:30 p.m. to review and evaluate proprietary testing processes and procedures of drug testing laboratories certified to perform drug testing in accordance with the ''Mandatory Guidelines for Federal Workplace Drug Testing Programs'' (Mandatory Guidelines) published in the **Federal Register** (59 FR 29908–29931 on June 9, 1994, 63 FR 51118–51119 on September 30, 1997, and 63 FR 63483 on November 13, 1998). Public disclosure of information concerning proprietary laboratory testing processes would result in competitive harm to the laboratories and significantly impede the cooperation of laboratories in fully disclosing information to inspectors during laboratory inspections. The meeting must be conducted in closed session because disclosure of such proprietary laboratory information would significantly impede the Department's ability to certify laboratories to meet the standards of Subpart C of the Mandatory Guidelines and is therefore protected by exemption 9(B) of section 552b of title 5 U.S.C.

The Board will meet in closed session on June 9, from 8:30 a.m. until noon to review and discuss new specimen adulteration methods by which persons subject to drug testing may subterfuge the drug test and the Department's ability to detect them. This meeting must be conducted in closed session since disclosing information on such specimen adulteration methods will significantly frustrate the Department's ability to assure accurate and reliable drug and specimen validity testing, and is therefore protected by exemption 9(B) of section 552b(c) of title 5 U.S.C.

A roster of the board members may be obtained from: Mrs. Giselle Hersh, Division of Workplace Programs, 5600 Fishers Lane, Rockwall II, Suite 815, Rockville, MD 20857, 301–443–6014 (voice). The transcript of the open session will be available on the following Web site *http://workplace.samhsa.gov.* Additional information for this meeting may be obtained by contacting the individual listed below.

Committee Name: Substance Abuse and Mental Health Services Administration, Drug Testing Advisory Board.

Meeting Date: June 8, 2004; 8:30 a.m.–4:30 p.m., June 9, 2004; 8:30 a.m.–Noon.

Place: Residence Inn by Marriott, 7335 Wisconsin Avenue, Bethesda, Maryland 20814.

Type: Open: June 8, 2004; 8:30 a.m.–11:30 a.m., Closed: June 8, 2004; 11:30 a.m.–4:30 p.m., Closed: June 9, 2004; 8:30 a.m.–Noon.

FOR FURTHER INFORMATION CONTACT: Donna M. Bush, Ph.D., Executive Secretary, 301–443–6014 (voice) or 301–443–3031 (fax).

Patricia Bransford,

Director, Division of Management Systems, SAMHSA.

[FR Doc. 04–12238 Filed 5–28–04; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2004–17958]

National Boating Safety Advisory Council; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the National Boating Safety Advisory Council (NBSAC). NBSAC advises the Coast Guard on matters related to recreational boating safety.

DATES: Application forms should reach us on or before September 9, 2004.

ADDRESSES: You may request an application form by writing to Commandant, Office of Boating Safety (G–OPB–1), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001; by calling 202–267–1077; or by faxing 202–267–4285. Send your application in written form to the above street address. This notice and the application form are available on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey N. Hoedt, Executive Director of NBSAC, telephone 202–267–0950, fax 202–267–4285.

SUPPLEMENTARY INFORMATION: The National Boating Safety Advisory Council (NBSAC) is a Federal advisory committee under 5 U.S.C. App. 2. It advises the Coast Guard regarding regulations and other major boating safety matters. NBSAC members are drawn equally from the following three sectors of the boating community: State officials responsible for State boating safety programs, recreational boat and associated equipment manufacturers, and national recreational boating organizations and the general public. Members are appointed by the Secretary of the Department of Homeland Security.

NBSAC normally meets twice each year at a location selected by the Coast Guard. When attending meetings of the Council, members are provided travel expenses and per diem.

We will consider applications received in response to this notice for the following seven positions that expire or become vacant in December 2004: Two representatives of State officials responsible for State boating safety programs, three representatives of recreational boat and associated equipment manufacturers, and two representatives of national recreational boating organizations and the general public. Applicants are considered for membership on the basis of their particular expertise, knowledge, and experience in recreational boating safety. Prior applicants should submit an updated application to ensure consideration for the vacancies announced in this notice. Each member serves for a term of up to 3 years. Some members may serve consecutive terms.

In support of the policy of the U. S. Coast Guard on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

If you are selected as a member who represents the general public, we will require you to complete a Confidential Financial Disclosure Report (OGE Form 450). We may not release the report or the information in it to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a).

Dated: May 20, 2004.

Jeffrey J. Hathaway,

Rear Admiral, U.S. Coast Guard, Director of Operations Policy.

[FR Doc. 04–12359 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Retraction of Revocation Notice

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General Notice.

SUMMARY: The following Customs broker license was erroneously included in a list of revoked Customs broker licenses.

Name	License	Port name
Clasquin-Laperriere CHB, Inc.	20088	Atlanta.

Customs broker license No. 20088 remains valid.

Dated: May 21, 2004.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 04–12259 Filed 5–28–04; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Cancellation of Customs Broker License

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker license is canceled with prejudice.

Name	License #	Issuing port
Sherri N. Boynton	10691	Los Angeles

Dated: May 21, 2004.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 04–12260 Filed 5–28–04; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Federal Radiological Preparedness Coordinating Committee Meeting

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: The Federal Radiological Preparedness Coordinating Committee (FRPCC) advises the public that the FRPCC will meet on June 23, 2004, in Washington, DC.

DATES: The meeting will be held on June 23, 2004, at 9 a.m.

ADDRESSES: The meeting will be held at U.S. Department of Agriculture, Conference Room 369–370, 901 D Street, SW., DC.

FOR FURTHER INFORMATION CONTACT: Pat Tenorio, DHS/FEMA, 500 C Street, SW., Washington, DC 20472, telephone (202) 646–2870; fax (202) 646–4321; or e-mail *pat.tenorio@dhs.gov*.

SUPPLEMENTARY INFORMATION: The role and functions of the FRPCC are described in 44 CFR 351.10(a) and 351.11(a). The Agenda for the upcoming FRPCC meeting is expected to include: (1) Introductions, (2) Federal agencies' updates, (3) old business, (4) new business, and (5) business from the floor.

The meeting is open to the public, subject to the availability of space. Reasonable provision will be made, if time permits, for oral statements from the public of not more than five minutes in length. Any member of the public who wishes to make an oral statement at the June 23, 2004, FRPCC meeting should request time, in writing, from W. Craig Conklin, FRPCC Chair, DHS/FEMA, 500 C Street, SW., Washington, DC 20472. The request should be received at least five business days before the meeting. Any member of the public who wishes to file a written statement with the FRPCC should mail the statement to: Federal Radiological Preparedness Coordinating Committee, c/o Pat Tenorio, DHS/FEMA, 500 C Street, SW., Washington, DC 20472.

W. Craig Conklin,

Chief, Nuclear and Chemical Hazards Branch, Preparedness Division, Department of Homeland Security/Federal Emergency Management Agency, Chair, Federal Radiological Preparedness Coordinating Committee.

[FR Doc. 04–12247 Filed 5–28–04; 8:45 am]

BILLING CODE 9110–14–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2004–17982]

Privacy Act of 1974: Systems of Records; Telecommunications Usage Detail Records; Registered Traveler Operations Files

AGENCY: Transportation Security Administration (TSA), DHS.

ACTION: Notice to establish two new systems of records; request for comments.

SUMMARY: The Transportation Security Administration is establishing two new system of records under the Privacy Act of 1974.

DATES: Comments due on July 1, 2004.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation (DOT), Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number TSA–2004–17982 at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that TSA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet at *http://dms.dot.gov.* Please be aware that anyone is able to search the electronic form of all comments received into any of these dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.* You may also review the public docket containing comments in person at the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address.

FOR FURTHER INFORMATION CONTACT: Conrad Huygen, Privacy Act Officer, TSA Office of Information Management Programs, TSA Headquarters, West Tower, 11th Floor (TSA–17), 601 S. 12th Street, Arlington, VA 22202–4220; telephone (571) 227–1954; facsimile (571) 227–2912.

SUPPLEMENTARY INFORMATION: The Transportation Security Administration is establishing two new systems of records under the Privacy Act of 1974. The first system, Telecommunications Usage Detail Records (DHS/TSA 014), will be used to facilitate the management of telecommunications equipment within TSA, to prevent the misuse of government resources, and to serve as the basis for appropriate disciplinary action in the event government resources have been misused.

The second system, Registered Traveler Operations Files (DHS/TSA 015), will be used to conduct a Registered Traveler (RT) Pilot Program in a limited number of airports to test and evaluate the merits of the RT concept on a completely voluntary basis. RT is designed to pre-screen and positively identify volunteer travelers using advanced identification technologies and conduct a terrorist-focused background check to ensure that the volunteer is not connected to terrorists or terrorist activity. This system may expedite the pre-boarding process for the traveler and improve the allocation of TSA's security resources on individuals who may pose a security threat. All passengers who volunteer and are deemed eligible for the RT pilot program will be required to undergo physical screening at the screening checkpoint in the selected pilot locations.

DHS/TSA 014

SYSTEM NAME:

Telecommunications Usage Detail Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Records are maintained in the Office of Information Technology at TSA Headquarters in Arlington, Virginia and at various TSA field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and contractor personnel who use or are assigned government telephones, cell phones, facsimile machines, computers connected to the Internet, or other telecommunications equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the use of government telecommunications equipment; records indicating assignment of telecommunications equipment to individuals, which may include the individual's name, duty title, address, social security number, assigned equipment identifying information, and assigned phone number; and records relating to the location of government telecommunications equipment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 49 U.S.C. 114; E.O. 9397 (Social Security Number).

PURPOSES:

Records are maintained to facilitate the management of telecommunications equipment, to prevent the misuse of government resources, and to serve as the basis for appropriate disciplinary action in the event government resources have been misused.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) To contractors, grantees, experts, consultants, or volunteers when necessary to perform a function or service related to this system of records for which they have been engaged. Such recipients are required to comply with the Privacy Act, 5 U.S.C. 552a, as amended.

(2) To the appropriate Federal, State, local, tribal, territorial, foreign, or international agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where TSA becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(3) To the Department of Justice (DOJ) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (a) TSA, or (b) any employee of TSA in his/her official capacity, or (c) any employee of TSA in his/her individual capacity where DOJ or TSA has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and TSA determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which TSA collected the records.

(4) To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual.

(5) To the General Services Administration and the National Archives and Records Administration in records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

(6) To the Department of Justice, United States Attorney's Office, or other agency for debt collection action on any delinquent debt when circumstances warrant.

(7) To respond to a Federal agency's request made in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a grant, license or other benefit by the requesting agency, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's decision on the matter.

(8) To a telecommunications company providing telecommunications support to permit servicing of the account.

(9) To third parties during the course of an investigation into violations or potential violations of relevant laws, regulations, or policies to the extent necessary to obtain information pertinent to the investigation.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies collecting on behalf of the United States Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in hard copy or in electronic format on a system database.

RETRIEVABILITY:

Records are retrieved by name, duty title, address, social security number, equipment number, phone number, or other assigned identifier of the individual on whom the records are maintained.

SAFEGUARDS:

Information in this system is safeguarded in accordance with applicable laws, rules, and policies. All records are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. Control measures are enforced to ensure that access to sensitive information in these records, such as Social Security Numbers, is based on a ''need to know.''

RETENTION AND DISPOSAL:

Records in this system will be retained in accordance with a schedule to be approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Telecommunications Equipment Manager, Office of Information Technology, TSA Headquarters, TSA–11, 601 S. 12th Street, Arlington, VA 22202–4220.

NOTIFICATION PROCEDURE:

To determine whether this system contains records relating to you, write to the System Manager identified above.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure,'' above. Provide your full name and a description of information that you seek, including the time frame during which the record(s) may have been generated. Individuals requesting access must comply with the Department of Homeland Security Privacy Act regulations on verification of identity (6 CFR 5.21(d)).

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure'' and ''Record Access Procedure,'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from employees and contractor personnel who use or are assigned government telecommunications equipment, telecommunications equipment assignment lists, call detail log entries (which include but are not limited to whom the call was made, from where the call was made, and call duration), and the results of inquiries related to the assignment of responsibility for the misuse of government telecommunications equipment or the placement of unofficial calls or transmissions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DHS/TSA 015

SYSTEM NAME:

Registered Traveler (RT) Operations Files.

SECURITY CLASSIFICATION:

Classified, sensitive.

SYSTEM LOCATION:

Records will be maintained at TSA Headquarters in Arlington, Virginia, at other authorized TSA or DHS secure facilities as necessary, and at a digital safe site managed by a government contractor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who voluntarily apply to participate in the RT Pilot Program, who agree to provide personal information to TSA that may be used as part of a security assessment, and who may or may not meet the eligibility criteria as determined by TSA;

(b) Authorized Federal law enforcement officers (LEOs); and (c) Individuals who participate in the Federal Flight Deck Officer (FFDO) program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system includes some or all of the following: Full name, current home address, current home phone number, current cell phone number (if applicable), social security number, date of birth, place of birth, nationality, gender, prior home addresses, arrival date in United States (non-U.S. citizens only), digital photo, reference biometric (*i.e.*, fingerprint(s), iris scan, facial geometry, hand geometry, handwriting/signature, others), unique identification record number, unique token or credential serial number, security assessments, information pertaining to adjudication results, RT eligibility status, token or credential issue date, token or credential expiration date, information and data provided by Federal, State, and local government agencies and foreign governments that is necessary to conduct a security assessment to determine if an individual poses a potential threat to aviation security. Authorized Federal LEOs may have a Federal LEO code name and unique administrative code number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 114; Section 109(a)(3), Aviation and Transportation Security Act (ATSA), Public Law 107–71.

PURPOSE(S):

The system utilized during the RT Pilot Program will facilitate the development, testing, and administration of the RT concept, including conducting security assessments on program applicants; additional security assessments may or may not be conducted on authorized LEOs, FFDOs, and other authorized government officials. The purpose of the RT pilot program is to (1) pre-screen and positively identify volunteer travelers using advanced identification technologies, including biometrics, which may expedite the pre-boarding process for the traveler and improve the allocation of TSA's security resources on individuals who may pose a security threat; (2) prevent potential threats from individuals who are impersonating Federal LEOs and seek to board commercial aircraft while armed; (3) assist in the management and tracking of the status of security assessments for applicants and those deemed eligible for the Registered Traveler Pilot Program; (4) permit the retrieval of the results of security assessments, including criminal history records checks and searches in other governmental identification systems, performed on the individuals covered by this system; (5) permit the retrieval of information from other law enforcement and intelligence databases on individuals covered by this system; and (6) identify potential threats to transportation security, uphold and enforce the law, and ensure public safety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) To the United States Department of Transportation, its operating administrations, or the appropriate state or local agency when relevant or necessary to (a) ensure safety and security in any mode of transportation; (b) enforce safety and security related regulations and requirements; (c) assess and distribute intelligence or law enforcement information related to transportation security; (d) assess and respond to threats to transportation; (e) oversee the implementation and ensure the adequacy of security measures at airports and other transportation facilities; (f) plan and coordinate any actions or activities that may affect transportation safety and security or the operations of transportation operators; or (g) the issuance, maintenance, or renewal of a license, certificate, contract, grant, or other benefit.

(2) To the appropriate Federal, State, local, tribal, territorial, foreign, or international agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where TSA becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(3) To contractors, grantees, experts, consultants, or volunteers when necessary to perform a function or service related to this system of records for which they have been engaged. Such recipients are required to comply with the Privacy Act, 5 U.S.C. 552a, as amended.

(4) To airports and aircraft operators to the extent necessary to identify Registered Travelers and ensure the proper ticketing, security screening, and boarding of those passengers.

(5) To a Federal, State, local, tribal, territorial, foreign, or international agency, in response to queries regarding

persons who may pose a risk to transportation or national security; a risk of air piracy or terrorism or a threat to airline or passenger safety; or a threat to aviation safety, civil aviation, or national security.

(6) To the Department of State and other Intelligence Community agencies to further the mission of those agencies relating to persons who may pose a risk to transportation or national security; a risk of air piracy or terrorism or a threat to airline or passenger safety; a threat to aviation safety, civil aviation, or national security.

(7) To international and foreign governmental authorities in accordance with law and formal or informal international agreement.

(8) To authorized law enforcement and other government agencies, as necessary, to conduct the security assessments and, if applicable, to facilitate payment and accounting.

(9) To the Department of Justice in review, settlement, defense, and prosecution of claims, complaints, and lawsuits involving matters over which TSA exercises jurisdiction.

(10) To the DOJ or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (a) TSA, or (b) any employee of TSA in his/her official capacity, or (c) any employee of TSA in his/her individual capacity where DOJ or TSA has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and TSA determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which TSA collected the records.

(11) To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual.

(12) To the General Services Administration and the National Archives and Records Administration in records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

(13) To the Attorney General of the United States or his/her official designee, when information indicates that an individual meets any of the disqualifications for receipt, possession, shipment, or transport of a firearm under the Brady Handgun Violence Prevention Act. In case of a dispute concerning the validity of the information provided by TSA to the Attorney General, or his/her designee, it shall be a routine use of the information in this system of records to furnish records or information to the national Background Information Check System, established by the Brady Handgun Violence Prevention Act, as may be necessary to resolve such dispute.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored on magnetic disc, tape, digital media, CD-ROM, bar code, magnetic stripe, optical memory stripe, disk, integrated circuit chip, and/or other approved technologies and may also be retained in hard copy format in secure file folders.

RETRIEVABILITY:

Records may be retrieved by the applicant's name, unique identification record number, or other unique administrative identifier; paper records, where applicable, are retrieved alphabetically by name or other unique administrative identifier.

SAFEGUARDS:

Information in this system is safeguarded in accordance with applicable rules and policies, including any applicable TSA and DHS automated systems security and access policies. The computer system from which records could be accessed is policy and security based, meaning access is limited to those individuals who require it to perform their official duties. The system also maintains a real-time auditing function of individuals who access the system. Classified information is appropriately stored in a secured facility, secured databases, and containers and in accordance with other applicable requirements, including those pertaining to classified information.

RETENTION AND DISPOSAL:

Records in this system will be retained in accordance with a schedule to be approved by the National Archives and Records Administration.

SYSTEM MANAGER AND ADDRESS:

Registered Traveler Program Manager, Credentialing Program Office, TSA Headquarters, TSA–19, East Tower, 601 S. 12th Street, Arlington, VA 22202–4220.

NOTIFICATION PROCEDURE:

To determine if this system contains a record relating to you, write to the system manager at the address indicated above and provide your full name, current address, date of birth, place of birth, and a description of information that you seek, including the time frame during which the record(s) may have been generated. You may also provide your Social Security Number or other unique identifier(s) but you are not required to do so. Individuals requesting access must comply with the Department of Homeland Security's Privacy Act regulations on verification of identity (6 CFR 5.21(d)).

RECORD ACCESS PROCEDURE:

Same as ''notification procedure,'' above.

CONTESTING RECORD PROCEDURE:

Same as ''notification procedure,'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system may be obtained from the RT applicant, law enforcement and intelligence agency record systems, government and commercial databases, military and National Guard records, and other Department of Homeland Security systems.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system are exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) pursuant to 5 U.S.C. 552a(k)(1) and (k)(2).

Issued in Arlington, Virginia, on May 27, 2004.

Barry D. Walters,

Director, Office of Information Management Programs.

[FR Doc. 04–12452 Filed 5–27–04; 2:41 pm]

BILLING CODE 4910–62–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4903–N–35]

Notice of Submission of Proposed Information Collection to OMB; Housing Choice Voucher Program

AGENCY: Office of the Chief Information Officer.

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.

HUD is requesting OMB approval to collect information for the Housing

Choice Voucher Program. Public Housing Authorities' (PHA) application for funding to assist very low-income families to lease or purchase housing. PHAs maintain records on participant eligibility, unit acceptability, lease and/or housing assistance payments, and budget and payment documentation.

HUD is requesting the addition of a ''Statement of Homeowner Obligation'' form.

DATES: *Comments Due Date:* July 1, 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 (2577–0169) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

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 available documents submitted to OMB may be obtained from Mr. Eddins and at HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This Notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, a survey instrument to obtain information from faith based and community organizations on their likelihood and success at applying for various funding programs. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Housing Choice Voucher Program.

OMB Approval Number: 2577–0169.

Form Numbers: HUD–2515, 52517, 52580, 52646, 52663, 52665, 52667, 52672, 52673, 52681, 52681–B, 52641, 52641–A, 52642, 52642–A, and (new) HUD–52649.

Description of the Need for the Information and Its Proposed Used: HUD is requesting OMB approval to collect information for the Housing Choice Voucher Program. Public Housing Authorities' (PHA) application for funding to assist very low-income families to lease or purchase housing. PHAs maintain records on participant eligibility, unit acceptability, lease and/or housing assistance payments, and budget and payment documentation.

HUD is requesting the addition of a form to this information collection. The PHA and family participating in the homeownership voucher program must execute a ''statement of homeowner obligations'' before housing assistance payments begin. This statement describes the types of information to be provided by the family during the process for determining a family's eligibility for participation in the program, and the program requirements a family must comply with as a condition of participation. The statement indicates the homeowner's acknowledgment of obligations to provide various types of information to the PHA for the purpose of determining general eligibility for participation in the program, income eligibility, or compliance with stated program requirements.

Frequency of Submission: On occasion annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	382,450	2,997,700		0.398		1,194,575

Total Estimated Burden Hours: 1,194,575.

Status: Request for approval of a revision of an existing information collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: May 25, 2004.

Wayne Eddins,

Departmental PRA Compliance Officer, Office of the Chief Information Officer.

[FR Doc. 04–12338 Filed 5–28–04; 8:45 am]

BILLING CODE 4210–72–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4903–N–36]

Notice of Submission of Proposed Information Collection to OMB; Financial Standards for Housing Agency-Owned Insurance Entities

AGENCY: Office of the Chief Information Officer.

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.

HUD is requesting extension of OMB approval to collect information for Financial Standards for Housing Agency-Owned Insurance Entities.

Public Housing Agencies (PHAs) can purchase insurance coverage from a nonprofit insurance entity owned and controlled by PHAs which are approved by HUD. PHA-owned insurance entities must submit certain documentation to HUD and also submit audit and actuarial reviews to HUD.

DATES: *Comments Due Date:* July 1, 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 (2577–0186) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

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 available documents submitted to OMB may be obtained from Mr. Eddins and at HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This Notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, a survey instrument to obtain information from faith based and community organizations on their likelihood and success at applying for various funding programs. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Financial Standards for Housing Agency-Owned Insurance Entities.

OMB Approval Number: 2577–0186.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: HUD is requesting extension of OMB approval to collect information for Financial Standards for Housing Agency-Owned Insurance Entities.

Public Housing Agencies (PHAs) can purchase insurance coverage from a nonprofit insurance entity owned and controlled by PHAs which are approved by HUD. PHA-owned insurance entities must submit certain documentation to HUD and also submit audit and actuarial reviews to HUD.

Frequency of Submission: Annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	19	19		10		190

Total Estimated Burden Hours: 190.

Status: Request for extension of an existing information collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: May 26, 2004.

Wayne Eddins,

Departmental PRA Compliance Officer, Office of the Chief Information Officer.

[FR Doc. 04–12339 Filed 5–28–04; 8:45 am]

BILLING CODE 4210–72–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Recovery Permits and Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that Region 6 of the U.S. Fish and Wildlife Service has issued the following recovery permits for endangered species, between January 1, 2003, and April 30, 2004. We also announce our intention to issue recovery permits to conduct certain activities pertaining to scientific research and enhancement of survival of endangered species.

DATES: Written comments must be received July 1, 2004.

ADDRESSES: Written data or comments should be submitted to the Assistant Regional Director-Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225–0486; telephone 303–236–4210, facsimile 303–236–0027.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these permits 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 20 days of the date of publication of this notice to the address above; telephone 303–236–4210.

SUPPLEMENTARY INFORMATION: Between January 2003 and April 2004 this office issued or renewed nine permits for research and enhancement of survival actions on endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The permits were issued only for recovery-related activities, for black-footed ferret (*Mustela nigripes*), American burying beetle (*Nicrophorus americanus*), Wyoming toad (*Bufo baxteri*), Interior least tern (*Sterna antillarum athalassos*), Southwestern willow flycatcher (*Empidonax traillii extimus*), Topeka shiner (*Notropis topeka*), and pallid sturgeon (*Scaphirhynchus albus*). Each permit was granted only after it was determined to be applied for in good faith, contributing to species conservation and recovery, and consistent with the Act and applicable regulations.

The Service anticipates we will issue a similar number of permits for recovery-related activities pertaining to scientific research and enhancement of survival of endangered species through December 31, 2004. We are soliciting comments on issuance of permits during 2004. Information on recovery permits may be obtained from the Assistant Regional Director-Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225–0486; telephone 303–236–4210, facsimile 303–236–0027.

Dated: May 5, 2004.

John A. Blankenship,

Deputy Regional Director, Denver, Colorado.

[FR Doc. 04–12239 Filed 5–28–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended.

DATES: To ensure consideration, written comments must be received on or before July 1, 2004.

ADDRESSES: Written comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Documents will be available for public inspection, by appointment only, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Ave., SW., Room 4102, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Chief, Endangered Species Division, (505) 248–6922.

SUPPLEMENTARY INFORMATION:

Permit No. TE–084788

Applicant: Katherine Brodhead, Sandia Park, New Mexico.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona and New Mexico.

Permit No. TE–084473

Applicant: Pueblo of Santa Ana, Santa Ana Pueblo, New Mexico.

Applicant requests a new permit for research and recovery purposes conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) within New Mexico.

Permit No. TE–841795

Applicant: Marc Baker, Chino Valley, Arizona.

Applicant requests an amendment to an exiting permit to allow collection of Pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*) within Arizona.

Permit No. TE–085387

Applicant: Perrianne Houghton, Rio Rancho, New Mexico.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys and nest monitoring for southwestern willow flycatcher (*Empidonax traillii extimus*) within New Mexico.

Permit No. TE–085014

Applicant: Tonto National Monument, Roosevelt, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) and cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) within Arizona.

Permit No. TE–085015

Applicant: Martin Lawrence, Wickenburg, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona.

Permit No. TE–084471

Applicant: A & M Engineering and Environmental Services, Inc., Tulsa, Oklahoma.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys and translocate American burying beetles (*Nicrophorus americanus*) within Arkansas, Kansas, and Oklahoma.

Permit No. TE–084327

Applicant: Thomas Newman, Tucson, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for the following species within Arizona: black-footed ferret (*Mustela nigripes*), Mount Graham red squirrel (*Tamiasciurus hudsonicus grahamensis*), and northern aplomado falcon (*Falco femoralis septentrionalis*).

Authority: 16 U.S.C. 1531, *et seq.*

Dated: May 13, 2004.

Bryan Arroyo,

Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.

[FR Doc. 04–12336 Filed 5–28–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. W–220–1020–PB–241A]

Extension of Approved Information Collections, OMB Control Numbers 1004–0005, 1004–0041, and 1004–0051

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Request for Comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is requesting the Office of Management and Budget (OMB) to extend an existing approval to collect certain information from permittees and lessees on the actual grazing use by their livestock. BLM requires permittees or lessees to submit the required information on Forms 4120–1, 4130–1a, 4130–1b, 4130–3a, and 4130–5.

DATES: You must submit your comments to BLM at the address below on or before August 2, 2004. BLM will not necessarily consider any comments received after the above date.

ADDRESSES: You may mail comments to: Bureau of Land Management, (WO–630), Eastern States Office, 7450 Boston Blvd., Springfield, Virginia 22153.

You may send comments via Internet to: *WOComment@blm.gov*. Please include ''ATTN: 1004–0005, 1004–0041, and 1004–0051'' and your name and return address in your Internet message.

You may deliver comments to the Bureau of Land Management, Administrative Record, Room 41, 1620 L Street, NW., Washington, DC.

All comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: You may contact Ken Visser, on (775) 861–6492 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–8330, 24 hours a day, seven days a week, to contact Mr. Visser.

SUPPLEMENTARY INFORMATION: 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(1) Whether the collection of information is necessary for the proper functioning of the agency, including whether the information will have practical utility;

(2) The accuracy of our estimates of the information collection burden, including the validity of the methodology and assumptions we use;

(3) Ways to enhance the quality, utility, and clarity of the information collected; and

(4) Ways to minimize the information collection burden on those who are required to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The Taylor Grazing Act of 1934 (43 U.S.C. 315) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) authorize the Bureau of Land Management (BLM) to administer the livestock grazing program consistent with land use plans, multiple use objectives, sustained yield, environmental values, economic considerations, and other factors. BLM must maintain accurate records on:

(1) Permittee and lessee qualifications for a grazing permit or lease;

(2) Base property used in conjunction with public lands; and

(3) The actual use made by livestock authorized to graze on the public lands.

Form 4130–1, Grazing Schedule

BLM uses the required information on this form to adjudicate conflicting requests for grazing use, determine legal qualifications of applicants, issue permits, and document transfers. Form 4130–1a, Grazing Application for Permit/Lease (Preference Summary) BLM uses the required information on this form to verify and confirm grazing preference transfers.

Form 4130–1b, Grazing Application (Supplemental Information)

BLM uses the required information on this form to certify an applicant's qualifications for a grazing permit or lease and to provide other information necessary for the administration of the grazing permit or lease.

Form 4130–3a, Automated Grazing Application

BLM uses the required information on this form to approve changes of grazing use within the terms and conditions of permits or leases.

Form 4130–5, Actual Grazing Use Report

BLM uses the required information to determine if we need to adjust the amount of grazing use or if other management actions are needed. This form enables us to calculate billings and to monitor and evaluate livestock grazing use on the public lands.

The burden estimates for each form are listed as follows:

	Form numbers				
	4130–1	4130–1a	4130–1b	4130–3a	4130–5
Annual # of responses filed	6,000	6,000	6,000	7,689	15,000
Average Response Time (in minutes)	20	15	15	14	25
Annual Burden Hrs.	2,000	1,500	1,500	1,794	6,250
Cost per hour to respondent	$20	$20	$20	$20	$20
Annual cost	$40,000	$30,000	$30,000	$35,880	$125,000

We estimate 40,689 responses per year and an annual information collection burden of 13,044 hours.

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will become a matter of public record.

Dated: May 26, 2004.

Michael H. Schwartz,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 04–12249 Filed 5–28–04; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ET; NVN–37749]

Public Land Order No. 7604; Extension of Public Land Order No. 6540; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order extends Public Land Order No. 6540 for an additional 20-year period. This extension is necessary to continue the protection of the Elko Field Office Administrative Site.

DATES: *Effective Date:* June 26, 2004.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 775–861–6532.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 6540 (49 FR Doc. 84–14397, May 30, 1984), which withdrew 10.72 acres of public lands from surface entry and mining to protect the Elko Field Office Administrative Site, is hereby extended for an additional 20-year period.

2. Public Land Order No. 6540 will expire on June 25, 2024, unless, as a result of a review conducted prior to the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (2000), the Secretary determines that the withdrawal shall be extended.

(Authority: 43 U.S.C. 1714 (a) and (f); 43 CFR 2310.4)

Dated: May 11, 2004.

Rebecca W. Watson,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 04–12269 Filed 5–28–04; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–921–1410–BK–P]

Notice for Publication; Filing of Plat of Survey; Alaska

1. The plat of survey of the following described lands was officially filed in the Alaska State Office, Anchorage, Alaska, on the date indicated:

A plat representing the dependent resurvey of a portion of the subdivisional lines, the subdivision of Section 16, and the metes-and-bounds survey of Lot 5, Section 16, Township 6 South, Range 14 West, Seward Meridian, Alaska, accepted April 7, 2004, and officially filed May 6, 2004.

2. This plat was prepared at the request of the Bureau of Land Management, Division of Cadastral Survey. It will immediately become part of the basic record for describing lands for all authorized purposes within this township.

3. This survey has been placed in the open files in the Alaska State Office and is available to the public as a matter of information. All inquiries relating to these lands should be sent to the Alaska State Office, Bureau of Land Management, 222 West Seventh

Avenue, #13, Anchorage, Alaska 99513–7599; 907–267–1403.

Daniel L. Johnson,

Chief, Branch of Field Surveys.

[FR Doc. 04–12240 Filed 5–28–04; 8:45 am]

BILLING CODE 1410–BK–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of revision of a currently approved information collection (1010–0058).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), MMS is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in the regulations under ''30 CFR 250, Subpart I, Platforms and Structures.''

DATES: Submit written comments by August 2, 2004.

ADDRESSES: Mail or hand carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the address is: *rules.comments@mms.gov.* Reference ''Information Collection 1010–0058'' in your e-mail subject line and mark your message for return receipt. Include your name and return address in your message.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Rules Processing Team at (703) 787–1600. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart I, Platforms and Structures.

OMB Control Number: 1010–0058.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Specifically, the OCS Lands Act (43 U.S.C. 1356) requires the issuance of ''* * * regulations which require that any vessel, rig, platform, or other vehicle or structure— * * * (2) which is used for activities pursuant to this subchapter, comply, * * * with such minimum standards of design, construction, alteration, and repair as the Secretary * * * establishes; * * *.'' The OCS Lands Act (43 U.S.C. 1332(6)) also states, ''operations in the [O]uter Continental Shelf should be conducted in a safe manner * * * to prevent or minimize the likelihood of * * * physical obstruction to other users of the water or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.'' These authorities and responsibilities are among those delegated to MMS under which we issue regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This information collection request addresses the regulations at 30 CFR 250, Subpart I, Platforms and Structures.

The MMS OCS Regions use the information submitted under Subpart I to determine the structural integrity of all offshore structures and ensure that such integrity will be maintained throughout the useful life of these structures. We use the information to ascertain, on a case-by-case basis, that the platforms and structures are structurally sound and safe for their intended use to ensure safety of personnel and pollution prevention. More specifically, we use the information to:

- Review information concerning damage to a platform to assess the adequacy of proposed repairs.
- Review plans for platform construction (construction is divided into three phases—design, fabrication, and installation) to ensure the structural integrity of the platform.
- Review verification plans and reports for unique platforms to ensure that all nonstandard situations are given proper consideration during the design, fabrication, and installation phases of platform construction.
- Review platform design, fabrication, and installation records to ensure that the platform is constructed according to approved plans.
- Review inspection reports to ensure that platform integrity is maintained for the life of the platform.
- Verify that existing platforms comply with design criteria in accordance to API RP 2A–WSD (21st edition), ''Recommended Practice For Planning, Designing, And Constructing Fixed Offshore Platforms—Working Stress Design,'' and to evaluate the risk of allowing existing platforms to finish their originally approved purpose.
- Review reports that relate to framing patterns, soil data, exposure category, initiator data, assessment screening, design level analysis, and ultimate strength analysis.
- Review mitigation plans and platform applications for platforms that fail the ultimate strength analysis.
- Ensure that any object (wellheads, platforms, etc.) installed on the OCS is properly removed and the site cleared so as not to conflict with or harm other users of the OCS.

This notice supersedes the 60-day comment notice published on this Subpart February 27, 2004 (69 FR 9369). In this notice, MMS is revising the collection by inviting comments on a collection of information that will be used to verify the assessment of existing platforms. MMS plans to issue a Notice to Lessees (NTL) requesting the submission of this assessment information as soon as OMB approves this information collection. We need this information to verify that lessees have conducted assessments of existing platforms in an appropriate and timely manner to evaluate the risk of allowing existing platforms to finish their originally approved purposes. The assessment of existing platforms is required through the incorporation of API RP 2A–WSD by reference in 30 CFR 250.900(g). This collection will increase the approved burden by 154,400 hours.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 250.196, ''Data and information to be made available to the public.'' No items of a sensitive nature are collected. Responses are mandatory.

Frequency: The frequency varies by section, but is generally on occasion and annual.

Estimated Number and Description of Respondents: Approximately 130

Federal OCS oil and gas or sulphur lessees.

Estimated Reporting and Recordkeeping ''Hour'' Burden: The currently approved annual reporting burden for this collection is 28,344. In our submission to OMB we will be requesting an additional 154,400 burden hours in order to implement API RP 2A–WSD. The following chart details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 subpart I & NTL	Reporting or recordkeeping requirement	Hour burden
900(b), (g); 901; 902; 909(b)(4)(ii)	Submit application and plans for new platform or major modifications and notice to MMS.	24
900(e)	Request approval for major repairs of damage to platform and notice to MMS	16
900(f)	Request approval for reuse or conversion of use of existing fixed or mobile platforms.	25
900(g)	Submit assessment screening and report	16
	Design level analysis	50
	Ultimate strength analysis and report	100
	Mitigation and platform application	100
901(e)	Notify MMS before transporting platform to installation site	[1] 10
903(a), (b)	Submit nominations for Certified Verification Agent (CVA)	16
903(a)(1), (2), (3)	Submit interim and final CVA reports	200
912(a)	Request inspection interval that exceeds 5 years	16
912(b)	Submit annual report of platforms inspected and summary of testing results	45
900 thru 914	General departure and alternative compliance requests not specifically covered elsewhere in Subpart I regulations.	8
Reporting Hour Burden		
909, 911, 912, 914	Recordkeeping Requirement: Maintain records on as-built structural drawings, design assumptions and analyses, summary of nondestructive examination records, inspection results, etc., for the functional life of the platform.	50

[1] Minutes.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burdens.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *''. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Policy: MMS's practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. If you wish your name and/or address to be withheld, you must state this prominently at the beginning of your comment. MMS will honor this request to the extent allowable by law; however, anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: May 20, 2004.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 04–12287 Filed 5–28–04; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigations No. 701–TA–380–382 and 731–TA–797–804 (Review)]

Stainless Steel Sheet and Strip From France, Germany, Italy, Japan, Korea, Mexico, Taiwan, and the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Institution of five-year reviews concerning the countervailing duty and antidumping duty orders on stainless steel sheet and strip from France, Germany, Italy, Japan, Korea, Mexico, Taiwan, and the United Kingdom.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the countervailing duty and antidumping duty orders on stainless steel sheet and strip from France, Germany, Italy, Japan, Korea, Mexico, Taiwan, and the United Kingdom would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is July 21, 2004. Comments on the adequacy of responses may be filed with the Commission by August 16, 2004. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* June 1, 2004.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background—On July 27, 1999, the Department of Commerce issued antidumping duty orders on imports of stainless steel sheet and strip in coils from France, Germany, Italy, Japan, Korea, Mexico, Taiwan, and the United Kingdom (64 FR 40555–40570). On August 6, 1999, the Department of Commerce issued countervailing duty orders on imports of stainless steel sheet and strip in coils from France, Italy, and Korea (64 FR 42923–42925). The Commission is conducting reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions—The following definitions apply to these reviews:

(1) Subject Merchandise is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The Subject Countries in these reviews are France, Germany, Italy, Japan, Korea, Mexico, Taiwan, and the United Kingdom.

(3) The Domestic Like Product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original determinations, the Commission found the Domestic Like Product to be stainless steel sheet and strip in coils corresponding to the scope of the subject merchandise.

(4) The Domestic Industry is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the Domestic Industry as all producers of stainless steel sheet and strip in coils.

(5) The Order Date is the date that the countervailing duty and antidumping duty orders under review became effective. In the reviews concerning the antidumping duty orders, the Order Date is July 27, 1999. In the reviews concerning the countervailing duty orders, the Order Date is August 6, 1999.

(6) An Importer is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

Participation in the reviews and public service list—Persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the FR. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission's designated agency ethics official has advised that a five-year review is the ''same particular matter'' as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was ''personal and substantial.'' However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 04–5–091, expiration date June 30, 2005. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the FR. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is July 21, 2004. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is August 16, 2004. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability to provide requested information—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

Information to be Provided in Response to this Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export Subject Merchandise from more than one Subject Country; or produce Subject Merchandise in more than one Subject Country, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent Subject Country. As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing duty and antidumping duty orders on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. § 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandise on the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in each Subject Country that currently export or have exported Subject Merchandise to the United States or other countries since 1998.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 2003 (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Countries, provide the following information on your firm's(s') operations on that product during calendar year 2003 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from each Subject Country accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of Subject Merchandise imported from each Subject Country; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from each Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Countries, provide the following information on your firm's(s') operations on that product during calendar year 2003 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in each Subject Country accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from each Subject Country accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in each Subject Country since the Order Dates, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in each Subject Country, and such merchandise from other countries.

(11) (OPTIONAL) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: May 24, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–12294 Filed 5–28–04; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Civil Rights Division; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Complaint Form Coordination and Review Section, Civil Rights Division, Department of Justice.

The Department of Justice (DOJ), Office of Justice Programs (OJP) 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. This proposed information collection was previously published in the **Federal Register** Volume 69, Number 37, on page 8681, on February 25, 2003, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until July 1, 2004. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806. 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:* Compliant Form, Coordination and Review Section, Civil Rights Division

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: none. Civil Rights Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals and households. The information collected from the respondents is used to investigate the alleged discrimination, to seek whether a referral is necessary, and to provide information needed to initiate investigation of the complaint.

(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 is 1,400. It will take the average respondent approximately 30 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 700 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: May 24, 2004.

Brenda E. Dyer,

Department Deputy Clearance Officer, Department of Justice.

[FR Doc. 04–12192 Filed 5–28–04; 8:45 am]

BILLING CODE 4410–13–P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-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. This proposed information collection was previously published in the **Federal Register** Volume 69, Number 55, on page 13333, on March 22, 2004, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until July 1, 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 and government agencies.

(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: May 24, 2004.

Brenda E. Dyer,

Deputy Clearance Officer, PRA, Department of Justice.

[FR Doc. 04–12215 Filed 5–28–04; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day notice of information collection under review: customer satisfaction surveys.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 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 August 2, 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 Cindy Glade, Arson and Explosives Programs Division, Suite 710, 800 K Street, NW., Washington, DC 20001.

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:* Customer Satisfaction Surveys.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: State, Local or Tribal Government. Other: None. The Arson and Explosives Programs Division (AEPD) of the Bureau of Alcohol, Tobacco, Firearms and Explosives had program-specific customer satisfaction surveys developed to more effectively capture customer perception/ satisfaction of services. AEPD's strategy is based on a commitment to provide the kind of customer service that will better accomplish ATF's mission.

(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 500 respondents will complete a 15 minute survey.

(6) An estimate of the total public burden (in hours) associated with the collection: There are an estimated 125 annual total 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: May 24, 2004.

Brenda E. Dyer,

Department Deputy Clearance Officer, Department of Justice.

[FR Doc. 04–12190 Filed 5–28–04; 8:45 am]

BILLING CODE 4410–FY–P

NATIONAL LABOR RELATIONS BOARD

Notice of Meeting

AGENCY HOLDING THE MEETING: National Labor Relations Board.

TIME AND DATE: 2 p.m., Tuesday, May 25, 2004.

PLACE: Board Conference Room, Eleventh Floor, 1099 Fourteenth St., NW., Washington, DC 20570.

STATUS: Closed to public observation, Pursuant to 5 U.S.C. 552(c)(2) (internal personnel rules and practices).

MATTERS TO BE CONSIDERED:

FOR FURTHER INFORMATION CONTACT: Lester A. Heltzer, Executive Secretary, Washington, DC 20570, Telephone: (202) 273–1067.

Dated, Washington, DC, May 27, 2004.

By direction of the Board.

Lester A. Heltzer

Executive Secretary, National Labor Relations Board.

[FR Doc. 04–12396 Filed 5–27–04; 10:43 am]

BILLING CODE 7545–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* NRC Forms 540 and 540A, ''Uniform Low-Level Radioactive Waste Manifest (Shipping Paper) and Continuation Page;'' NRC Forms 541 and 541A, ''Uniform Low-Level Radioactive Waste Manifest, Container and Waste Description, and Continuation Page;'' NRC Forms 542 and 542A, ''Uniform Low-Level Radioactive Waste Manifest, Index and Regional Compact Tabulation''.

3. *The form number if applicable:* NRC Forms 540 and 540A; NRC Forms 541 and 541A; and NRC Forms 542 and 542A.

4. *How often the collection is required:* Forms are used by shippers whenever radioactive waste is shipped. Quarterly or less frequent reporting is made to NRC depending on specific license conditions.

5. *Who will be required or asked to report:* All NRC-licensed low-level waste facilities. All generators, collectors, and processors of low-level waste intended for disposal at a low-level waste facility must complete the appropriate forms.

6. *An estimate of the number of annual responses:*

NRC Form 540 and 540A: 2,500.

NRC Form 541 and 541A: 2,500.

NRC Form 542 and 542A: 22.

7. *The number of annual respondents:*

NRC Form 540 and 540A: 2,500 licensees.

NRC Form 541 and 541A: 2,500 licensees.

NRC Form 542 and 542A: 22 licensees.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:*

NRC Form 540 and 540A: 10,050 (.75 hours per response).

NRC Form 541 and 541A: 44,341 (3.3 hours per response).

NRC Form 542 and 542A: 567 (.75 hours per response).

9. *An indication of whether section 3507(d), Public Law 104–13 applies:* N/A.

10. *Abstract:* NRC Forms 540, 541, and 542, together with their continuation pages, designated by the ''A'' suffix, provide a set of standardized forms to meet Department of Transportation (DOT), NRC, and State requirements. The forms were developed by NRC at the request of low-level waste industry groups. The forms provide uniformity and efficiency in the collection of information contained in manifests which are required to control transfers of low-level radioactive waste intended for disposal at a land disposal facility. NRC Form 540 contains information needed to satisfy DOT shipping paper requirements in 49 CFR part 172 and the waste tracking requirements of NRC in 10 CFR part 20. NRC Form 541 contains information needed by disposal site facilities to safely dispose of low-level waste and information to meet NRC and State requirements regulating these activities. NRC Form 542, completed by waste collectors or processors, contains information which facilitates tracking the identity of the waste generator. That tracking becomes more complicated when the waste forms, dimensions, or packagings are changed by the waste processor. Each container of waste shipped from a waste processor may contain waste from several different generators. The information provided on NRC Form 542 permits the States and Compacts to know the original generators of low-level waste, as authorized by the Low-Level Radioactive Waste Policy Amendments Act of 1985, so they can ensure that

waste is disposed of in the appropriate Compact.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC World Wide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by July 1, 2004. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. OMB Desk Officer, Office of Information and Regulatory Affairs (3150–0164; 3150–0166; 3150–0165), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 24th day of May, 2004.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 04–12214 Filed 5–28–04; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–244]

Rochester Gas and Electric Corporation, R. E. Ginna Nuclear Power Plant; Notice of Issuance of Renewed Facility Operating License No. DPR–18 for an Additional 20-Year Period

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Renewed Facility Operating License No. DPR–18 to Rochester Gas and Electric Corporation (licensee), the operator of the R. E. Ginna Nuclear Power Plant (Ginna). Renewed Facility Operating License No. DPR–18 authorizes operation of Ginna by the licensee at reactor core power levels not in excess of 1520 megawatts thermal (490 megawatts electric) in accordance with the provisions of the Ginna renewed license and its Technical Specifications.

The Ginna plant is a pressurized, light-water-moderated and cooled, nuclear reactor located in Wayne County, New York.

The application for the renewed license complied with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. As required by the Act and the Commission's regulations in 10 CFR Chapter 1, the Commission has made appropriate findings, which are set forth in each license. Prior public notice of the action involving the proposed issuance of the renewed license and of an opportunity for a hearing regarding the proposed issuance of the renewed license was published in the **Federal Register** on September 30, 2002 (67 FR 61354).

For further details with respect to this action, see (1) the Rochester Gas and Electric Corporation's license renewal application for R. E. Ginna Nuclear Power Plant dated July 30, 2002, as supplemented by letters dated through January 9, 2004; (2) the Commission's safety evaluation report, dated May 2004 (NUREG–1786); (3) the licensee's updated safety analysis report; and (4) the Commission's final environmental impact statements (NUREG–1437, Supplement 14, for the R. E. Ginna Nuclear Power Plant, dated January, 2004). These documents are available at the NRC's Public Document Room, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, and can be viewed from the NRC Public Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.*

Copies of Renewed Facility Operating License No. DPR–18, may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Director, Division of Regulatory Improvement Programs. Copies of the R. E. Ginna Nuclear Power Plant Safety Evaluation Report (NUREG–1786) and the final environmental impact statements (NUREG–1437, Supplement 14) may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161 (*http://www.ntis.gov*), (703) 605–6000, or Attention: Superintendent of Documents, U.S. Government Printing Office, PO Box 371954 Pittsburgh, PA. 15250–7954 (*http://www.gpoaccess.gov*), (202) 512–1800. All orders should clearly identify the NRC publication number and the requestor's Government Printing Office deposit account number or VISA or MasterCard number and expiration date.

Dated at Rockville, Maryland, this 19th day of May, 2004.

For the Nuclear Regulatory Commission.

Steven West,

Acting Program Director, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 04–12212 Filed 5–28–04; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–03754]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for ABB Prospects, Inc.'s Facility in Windsor, CT

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability of environmental assessment and finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Randolph C. Ragland, Jr., Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone (610) 337–5083; by facsimile transmission to (610) 337–5269; or by e-mail to *rcr1@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing a license amendment to Material License No. 06–00217–06 issued to ABB Prospects, Inc., to authorize the decommissioning of its CE Windsor facility in Windsor, CT. NRC has prepared an Environmental Assessment (EA) in support of these actions in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the proposed action is to authorize the decontamination and decommissioning of the ABB Prospects, Inc.'s CE Windsor, CT site to permit release for unrestricted use and termination of NRC License No. 06–00217–06. From the mid-1950s, the Combustion Engineering (CE) Site in Windsor, CT has been involved in research, development, engineering, production, and servicing of nuclear fuel systems, and services. On October 15, 2003, ABB Prospects, Inc. submitted

a site-wide Decommissioning Plan (DP) for the CE Windsor, CT facility, and requested NRC to amend NRC License No. 06–00217–06 to incorporate the DP into the license. ABB Prospects, Inc.'s proposed action was previously noticed in the **Federal Register** on February 6, 2004 (FR Volume 69, Number 25, Pages 5879–5880], along with a notice of an opportunity to request a hearing.

At the completion of remediation, ABB Prospects, Inc. plans to conduct radiological surveys sufficient to demonstrate that the site meets the license termination criteria in Subpart E of 10 CFR Part 20. The NRC staff has prepared an EA in support of the proposed license amendment. NRC evaluated the proposed action, alternatives to the proposed action, the affected environment, radiological impacts to workers and the public from planned decommissioning activities, and planned actions to minimize the impact to the environment.

III. Finding of No Significant Impact

On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the proposed action and has determined not to prepare an environmental impact statement.

IV. Further Information

The EA and the documents related to this proposed action, including the application for the license amendment, the DP, and supporting documentation, are available for inspection at NRC's Public Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html* (ADAMS Accession No. ML040300149. These documents are also available for inspection and copying for a fee at the Region I Office, 475 Allendale Road, King of Prussia, Pennsylvania, 19406. Persons who do not have access to ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or (301) 415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at King of Prussia, Pennsylvania, this 21st day of May, 2004.

For the Nuclear Regulatory Commission.

Marie T. Miller,

Chief, Decommissioning Branch, Division of Nuclear Materials Safety, RI.

[FR Doc. 04–12213 Filed 5–28–04; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of OPM decisions granting authority to make appointments under Schedules A, B and C in the excepted service as required by 5 CFR 6.6 and 213.103.

FOR FURTHER INFORMATION CONTACT: Ms. Delores Everett, Center for Leadership and Executive Resources Policy, Division for Strategic Human Resources Policy, 202–606–1050.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are the individual authorities established under Schedule C between April 1, 2004 and April 30, 2004. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 is published each year.

Schedule A

No Schedule A appointments for April 2004.

Schedule B

No Schedule B appointments for April 2004.

Schedule C

The following Schedule C appointments were approved for April 2004:

Section 213.3303 Executive Office of the President

Office of Management and Budget

BOGS60015 Communications Writer to the Associate Director Strategic Planning and Communications. Effective April 5, 2004.

BOGS60020 Special Assistant to the Administrator, Office of Federal Procurement Policy. Effective April 9, 2004.

Office of the United States Trade Representative

TNGS00071 Deputy Assistant U.S. Trade Representative for Congressional Affairs to the Chief of Staff. Effective April 13, 2004.

Official Residence of the Vice President

RVGS00003 Personal Aide to the Second Lady and Deputy Social Secretary to the Assistant to the Vice President for Operations. Effective April 15, 2004.

Section 213.3304 Department of State

DSGS60760 Public Affairs Specialist to the Assistant Secretary for International Organizational Affairs. Effective April 6, 2004.

DSGS60761 Special Advisor to the Assistant Secretary for International Organizational Affairs. Effective April 6, 2004.

DSGS60762 Special Assistant to the Assistant Secretary for Public Affairs. Effective April 7, 2004.

DSGS60763 Senior Advisor to the Assistant Secretary for Western Hemispheric Affairs. Effective April 8, 2004.

DSGS60765 Public Affairs Specialist to the Assistant Secretary for Public Affairs. Effective April 8, 2004.

DSGS60767 Special Assistant to the Assistant Secretary, Bureau of Politico-Military Affairs. Effective April 19, 2004.

DSGS60757 Foreign Affairs Officer to the Assistant Secretary. Effective April 22, 2004.

Section 213.3306 Department of Defense

DDGS02518 Chief of Staff to the Inspector General. Effective April 13, 2004.

DDGS16808 Speechwriter to the Principal Deputy Assistant Secretary of Defense for Public Affairs. Effective April 13, 2004.

DDGS16800 Researcher to the Special Assistant for Speechwriting. Effective April 15, 2004.

DDGS16801 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective April 15, 2004.

DDGS16805 Special Assistant to the Principal Deputy Under Secretary of Defense (Comptroller) and Deputy Under Secretary of Defense (Management Reform). Effective April 15, 2004.

DDGS16815 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective April 15, 2004.

DDGS16813 Staff Assistant to the Deputy Assistant Secretary of Defense (Eurasia). Effective April 22, 2004.

Section 213.3307 Department of the Army

DWGS00078 Special Assistant to the Deputy Assistant Secretary of the Army for Privatization and Partnerships. Effective April 20, 2004.

Section 213.3310 Department of Justice

DJGS00414 Counsel to the Director, Executive Office for United States Attorneys. Effective April 01, 2004.

DJGS00384 Assistant to the Attorney General for Scheduling to the Director of Scheduling and Advance. Effective April 06, 2004.

DJGS60222 Senior Advisor for Congressional and Legislative Affairs to the Director of Communications. Effective April 08, 2004.

DJGS00304 Associate Director to the Director, Office of Intergovernmental and Public Liaison. Effective April 09, 2004.

DJGS00176 Public Affairs Specialist to the Director, Office of Public Affairs. Effective April 14, 2004.

DJGS00193 Senior Counsel to the Assistant Attorney General (Legal Policy). Effective April 27, 2004.

DJGS00266 Press Assistant to the Director, Office of Public Affairs. Effective April 27, 2004.

DJGS00280 Special Assistant to the Assistant Attorney General (Legal Policy). Effective April 28, 2004.

Section 213.3311 Department of Homeland Security

DMGS00187 Director of Legislative Affairs for Border and Transportation Security to the Assistant Secretary for Legislative Affairs. Effective April 1, 2004.

DMGS00211 Staff Assistant to the Deputy Chief of Staff for Operations. Effective April 9, 2004.

DMGS00219 Executive Assistant to the Special Assistant to the Secretary (Private Sector). Effective April 9, 2004.

DMGS00223 Scheduler to the Secretary to the Deputy Chief of Staff for Operations. Effective April 9, 2004.

DMGS00220 Senior Advance Representative to the Director of Scheduling and Advance. Effective April 13, 2004.

DMGS00221 Public Outreach Specialist to the Director of Special Projects. Effective April 13, 2004.

DMGS00226 Director of Communications for Emergency Preparedness and Response to the Chief of Staff. Effective April 22, 2004.

DMGS00228 Press Secretary for Emergency Preparedness and Response/Federal Emergency Management Agency to the Chief of Staff. Effective April 27, 2004.

DMGS00229 Director of International Affairs, Emergency Preparedness and Response to the Chief of Staff. Effective April 27, 2004.

DMGS00224 Policy Assistant for Emergency Preparedness and Response/Federal Emergency Management Agency to the Chief of Staff. Effective April 29, 2004.

DMGS00230 Press Assistant for Emergency Preparedness and Response to the Director of Communications for Emergency Preparedness and Response. Effective April 29, 2004.

DMGS00227 Confidential Assistant to the Chief of Staff and Senior Policy Advisor. Effective April 30, 2004.

Section 213.3312 Department of the Interior

DIGS61016 Special Assistant to the Executive Director, Take Pride-In-America. Effective April 08, 2004.

DIGS61015 Special Assistant to the Secretary to the Chief of Staff. Effective April 22, 2004.

Section 213.3313 Department of Agriculture

DAGS00701 Deputy Director, Office of Intergovernmental Affairs to the Director, Intergovernmental Affairs. Effective April 1, 2004.

DAGS00706 Confidential Assistant to the Deputy Assistant Secretary for Congressional Relations. Effective April 5, 2004.

DAGS00166 Confidential Assistant to the Secretary. Effective April 13, 2004.

DAGS00704 Confidential Assistant to the Assistant Secretary for Congressional Relations. Effective April 22, 2004.

DAGS00716 Special Assistant to the Administrator, Animal and Plant Health Inspection Service. Effective April 28, 2004.

DAGS00707 Special Assistant to the Secretary. Effective April 29, 2004.

DAGS00708 Special Assistant to the Under Secretary for Rural Development. Effective April 29, 2004.

Section 213.3314 Department of Commerce

DCGS17901 Public Affairs Specialist to the Director of Public Affairs. Effective April 15, 2004.

DCGS60350 Deputy Director to the Director, Office of Business Liaison. Effective April 16, 2004.

DCGS00553 Confidential Assistant to the Under Secretary for Export Administration. Effective April 26, 2004.

DCGS00641 Senior Policy Advisor to the Assistant to the Secretary and Director, Office of Policy and Strategic Planning. Effective April 29, 2004.

Section 213.3315 Department of Labor

DLGS60224 Special Assistant to the Assistant Secretary for Mine Safety and Health. Effective April 9, 2004.

DLGS60181 Special Assistant to the Assistant Secretary for Public Affairs. Effective April 13, 2004.

DLGS60160 Deputy Counselor to the Secretary of Labor. Effective April 22, 2004.

DLGS60197 Legislative Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective April 22, 2004.

DLGS60137 Special Assistant to the Assistant Secretary for Public Affairs. Effective April 26, 2004.

DLGS60081 Intergovernmental Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective April 27, 2004.

DLGS60260 Special Assistant to the Director of Public Liaison. Effective April 27, 2004.

DLGS60154 Senior Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective April 30, 2004.

Section 213.3316 Department of Health and Human Services

DHGS60052 Chief Acquisitions Officer to the Chief of Staff. Effective April 30, 2004.

DHGS60204 Special Assistant to the Administrator for Centers for Medicare and Medicaid Services. Effective April 30, 2004.

Section 213.3317 Department of Education

DBGS00317 Confidential Assistant to the Deputy Assistant Secretary for Regional Affairs. Effective April 1, 2004.

DBGS60064 Secretary's Regional Representative, Region II to the Deputy Assistant Secretary for Regional Services. Effective April 2, 2004.

DBGS00324 Confidential Assistant to the Senior Advisor to the Secretary. Effective April 7, 2004.

DBGS00323 Confidential Assistant to the Deputy Under Secretary for Innovation and Improvement. Effective April 9, 2004.

DBGS60092 Secretary's Regional Representative, Region V to the Deputy Assistant Secretary for Regional Services. Effective April 13, 2004.

DBGS00322 Confidential Assistant to the Deputy Secretary of Education. Effective April 15, 2004.

DBGS00325 Press Secretary to the Director Office of Public Affairs (Communications Director). Effective April 16, 2004.

DBGS00326 Special Assistant to the Senior Advisor to the Secretary. Effective April 27, 2004.

Section 213.3330 Securities and Exchange Commission

SEOT60034 Public Affairs Specialist to the Director of Public Affairs. Effective April 27, 2004.

Section 213.3331 Department of Energy

DEGS00404 Senior Policy Advisor to the Associate Deputy Secretary of Energy. Effective April 1, 2004.

DEGS00408 Director, Office of Communications and Outreach to the Principal Deputy Assistant Secretary. Effective April 5, 2004.

DEGS00410 Special Assistant to the Director, Public Affairs. Effective April 19, 2004.

Section 213.3332 Small Business Administration

SBGS60011 Deputy Associate Administrator to the Associate Administrator for Communications/Public Liaison. Effective April 16, 2004.

SBGS60112 Special Assistant to the Deputy Administrator. Effective April 16, 2004.

Section 213.3384 Department of Housing and Urban Development

DUGS60366 Deputy Assistant Secretary for Regulatory Affairs and Manufactured Houses to the Assistant Secretary for Housing-Federal Housing Commissioner. Effective April 7, 2004.

DUGS60489 Special Assistant to the Assistant Secretary for Public and Indian Housing. Effective April 9, 2004.

DUGS60195 Staff Assistant to the Deputy Assistant Secretary for Economic Affairs. Effective April 15, 2004.

DUGS60387 Scheduling Coordinator to the Director of Executive Scheduling and Operations. Effective April 15, 2004.

DUGS60260 Staff Assistant to the Deputy Assistant Secretary for Public Housing and Voucher Programs. Effective April 19, 2004.

Section 213.3391 Office of Personnel Management

PMGS00047 Special Assistant to the Deputy Director. Effective April 1, 2004.

Section 213.3394 Department of Transportation

DTGS60069 Director, Office of Communications and Senior Policy Advisor to the Administrator. Effective April 1, 2004.

DTGS60368 Special Assistant to the Administrator for Intergovernmental Affairs. Effective April 1, 2004.

DTGS60357 Special Assistant for Scheduling and Advance to the Director for Scheduling and Advance. Effective April 19, 2004.

DTGS60147 Special Assistant to the Director to the Assistant to the Secretary and Director of Public Affairs. Effective April 26, 2004.

DTGS60239 Director, Office of Congressional and Public Affairs to the Administrator. Effective April 26, 2004.

DTGS60258 Associate Director for Governmental Affairs to the Assistant Secretary for Governmental Affairs. Effective April 26, 2004.

DTGS60355 Director, Drug Enforcement and Program Compliance to the Chief of Staff. Effective April 26, 2004.

Section 213.3397 Federal Housing Finance Board

FBOT60009 Counsel to the Board Director. Effective April 15, 2004.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P.218.

Kay Coles James,

Director, Office of Personnel Management.

[FR Doc. 04–12258 Filed 5–28–04; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 19b–7 and Form 19b–7; SEC File No. 270–495; OMB Control No. 3235–0553.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995,[1] the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 19b–7 (Security Futures Product Rule Changes) requires every self-regulatory organization that is an exchange registered with the Commission pursuant to Section 6(g)[2] or that is a national securities association registered pursuant to Section 15A(k)[3] to file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed rule change or any proposed change in, addition to, or deletion from the rules of such self-regulatory organization (''proposed rule change'') that relates to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for security futures products for persons who effect transactions in security futures products, or rules effectuating such self-regulatory organization's obligation to enforce the securities laws. The proposed rule change must be accompanied by a concise general statement of the basis and purpose of such proposed rule change. In addition, Rule 19b–7 requires the Commission to, upon the filing of any proposed rule change, promptly publish notice of any proposed rule filing together with the terms of substance of the proposed rule change or a description of the subjects and issues involved. The Commission is also required to give interested persons an opportunity to submit data, views, and arguments concerning the proposed rule change.

The SEC estimates that the total burden for all respondents to the Form 19b–7 would be 1860 hours per year (15.5 hours/filing per respondent × 8 respondents × 15 filings/year per respondent). The SEC estimates that the total cost burden for all respondents would be $203,520 per year ($1696/filing × 8 respondents × 15 filings/year per respondent).

Written comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collections of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of collections of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Dated: May 20, 2004.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–12197 Filed 5–28–04; 8:45 am]

BILLING CODE 8010–01–P

[1] 44 U.S.C. 3501 *et seq.*

[2] 15 U.S.C. 78f(g).

[3] 15 U.S.C. 78*o*–3(k).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 6a–4; SEC File No. 270–496; OMB Control No. 3235–0554.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995,[1] the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 6 of the Securities Exchange Act of 1934 (''Act'')[2] sets out a framework for the registration and regulation of national securities exchanges. Under the Commodity Futures Modernization Act of 2000, a futures market may trade security futures products by registering as a national securities exchange. Rule 6a–4[3] sets forth these registration procedures and directs futures markets to submit a notice registration on Form 1–N. Form 1–N calls for information regarding how the futures market operates, its rules and procedures, its criteria for membership, its subsidiaries and affiliates, and the security futures products it intends to trade. Rule 6a–4 also would require entities that have submitted an initial Form 1–N to file: (1) amendments to Form 1–N in the event of material changes to the information provided in the initial Form 1–N; (2) periodic updates of certain information provided in the initial Form 1–N; (3) certain information that is provided to the futures market's members; and (4) a monthly report summarizing the futures market's trading of security futures products. The information required to be filed with the Commission pursuant to Rule 6a–4 is designed to enable the Commission to carry out its statutorily mandated oversight functions and to ensure that registered and exempt exchanges continue to be in compliance with the Act.

The respondents to the collection of information are futures markets.

The Commission estimates that the total annual burden for all respondents to provide the amendments and periodic updates under Rule 6a–4 would be 105 hours (15 hours/respondent per year × seven respondents) and $10,066 ($1438/response × seven responses/year). The Commission estimates that the total annual burden for the filing of the supplemental information and the monthly reports required under Rule 6a–4 would be 87.5 hours (25 filings/respondent × seven respondents × 0.5 hours/response). The SEC estimates that the total annual cost for all supplemental filings would be $3675 (25 filings/respondent per year × $21/response).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Dated: May 24, 2004.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–12198 Filed 5–28–04; 8:45 am]

BILLING CODE 8010–01–P

[1] 44 U.S.C. 3501 *et seq.*

[2] 15 U.S.C. 78f.

[3] 17 CFR 240.6a–4.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49763; File No. SR–Amex–2004–28]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto by the American Stock Exchange LLC Relating to a Reduction in Options Transaction Fees

May 24, 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 April 29, 2004, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The proposed rule change has been filed by the Amex as establishing or changing a due, fee or other charge under section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing. On May 13, 2004, the Amex filed Amendment No. 1 to the proposed rule change[5] and on May 20, 2004, the Amex filed Amendment No. 2 to the proposed rule change.[6] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reduce aggregate options transaction fees for specialists and registered options traders (''ROTs'') from $0.36 per contract side to $.30 per contract side. The text of the proposed rule change, as amended, is available at the Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange 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. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See* letter from Jeffrey Burns, Associate General Counsel, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation (''Division''), Commission, dated May 12, 2004 (''Amendment No. 1''). In Amendment No. 1, the Exchange removed from the proposed rule change those portions of the fee change that applied to non-member broker-dealers.

[6] *See* letter from Jeffrey Burns, Associate General Counsel, Amex, to Nancy Sanow, Assistant Director, Division, Commission, dated May 19, 2004 (''Amendment No 2''). In Amendment No. 2, the Exchange corrected a typographical error in the text of the proposed rule change.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Amex currently imposes transactions charges for transactions in equity options executed on the Exchange by specialists and ROTs. The current charges for specialist and ROTs in equity options are $0.36 per contract side, consisting of an options transaction fee of $0.26, an options comparison fee of $0.05 and an options floor brokerage fee of $0.05. The Exchange proposes to reduce the aggregate option transaction fee for specialists and ROTs from the current level of $0.36 per contract side to $0.30 per contract side effective May 1, 2004. The new aggregate equity option transaction fee for specialists and ROTs will consist of an options transaction fee of $0.20 per contract side, an options comparison fee of $0.05 per contract side and options floor brokerage fee of $0.05 per contract side.[7]

In conjunction with the proposed reduction in the aggregate equity option transaction fee for specialists and ROTs, the current fee reductions in the Options Fee Schedule for cabinet trades (the ''Cabinet Trades'') and reversals and conversions, dividend spreads, box spreads and butterfly spreads (the ''Spread Trades'') will also be reduced for specialists, ROTs and member broker-dealers.[8] Effective May 1, 2004, the current fee reductions applicable to specialists, ROTs and member broker-dealers for equity options and QQQ options in connection with Cabinet Trades and Spread Trades will be reduced from $0.12 to $0.06 per contract side and from $0.18 to $0.12 per contract side, respectively.[9] The $2,000 per trade fee cap for specialists, ROTs, member broker-dealers and non-member broker-dealers in connection with Cabinet Trades and Spread Trades will continue to apply. This fee cap was recently adopted by the Exchange and implemented in February 2004.[10] In addition, the transaction fee cap of $72,000 per month in any single options class, exclusive of the options licensing fee, for specialists and ROTs will also continue to apply.[11]

The Market Share Incentive Program adopted by the Exchange and implemented in December 2003 will also be eliminated effective May 1, 2004. The Market Share Incentive Program provided a slight reduction in the rate of options transaction fees based on the relative market share obtained by the specialist/ROT for the top 300 equity option classes.[12]

The Exchange believes that the proposed reduction in options transaction fees will benefit the Exchange by providing greater incentive to specialists and ROTs to competitively quote their markets in comparison to the markets made by other options exchanges. In addition, we also believe that the reduction in fees will help to maintain the existing floor operations of member firms at the Amex.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[13] in general and furthers the objectives of 6(b)(4) of the Act[14] in particular regarding the equitable allocation of reasonable dues, fees and other charges among Exchange members and other persons using Exchange facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition 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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change, as amended, has become effective pursuant to section 19(b)(3)(A)(ii) of the Act[15] and Rule 19b–4(f)(2) thereunder[16] because it changes a due, fee or other charge imposed by the Exchange. At any time within 60 days of the filing of such 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 the furtherance of the purposes of the Act.[17]

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. Comments may be submitted by any of the following methods:

Electronic comments:

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Amex–2004–28 on the subject line.

Paper comments:

- Send 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 SR–Amex–2004–28. 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, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

[7] Options on S&P 100 iShares are charged the same options transaction fee as equity options, and thus are also subject to the fee changes set forth herein. Telephone conversation between Jeffrey Burns, Associate General Counsel, Amex, and Nathan Saunders, Attorney, Division, Commission (May 24, 2004).

[8] *See* Securities Exchange Act Release Nos. 46026 (June 4, 2002), 67 FR 40034 (June 11, 2002) (File No. SR–Amex–2002–12) and 48219 (July 23, 2003), 68 FR 44823 (July 30, 2003) (File No. SR–Amex–2003–51). The Exchange in a separate rule filing will similarly reduce the fee reductions in connection with Cabinet Trades and Spread Trades for non-member broker-dealers.

[9] The lowering of the fee reductions for equity option transactions in connection with Cabinet Trades and Spread Trades will now result in fee reductions of the options transaction fee, options comparison fee and options floor brokerage fee of $0.03, $0.01 and $0.02 per contract side, respectively. With respect to QQQ option transactions only, the lowering of the fee reductions in connection with Cabinet Trades and Spread Trades will result in fee reductions of the options transaction fee, options comparison fee and options floor brokerage fee of $0.09, $0.01 and $0.02 per contract side, respectively.

[10] *See* Securities Exchange Act Release No. 49358 (March 3, 2004), 69 FR 11469 (March 10, 2004) (File No. SR–Amex–2004–09).

[11] *See* Securities Exchange Act Release Nos. 49025 (January 6, 2004), 69 FR 2018 (January 13, 2004) (File No. SR–Amex–2003–106) and 49019 (January 5, 2004), 69 FR 2023 (January 13, 2004) (File No. SR–Amex–2003–104).

[12] *See* Securities Exchange Act Release No. 49019 (January 5, 2004), 69 FR 2023 (January 13, 2004) (File No. SR–Amex–2003–104). Under the Market Incentive Program, as long as a 20% market share or greater was maintained in a particular options class, the options transaction fee was reduced. With the across the board reduction in the options transaction fees proposed for equity options, the Exchange believes that the Market Share Incentive Program is now unnecessary.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4).

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

[17] *See* 15 U.S.C. 78(b)(3)(C). For the purposes of calculating the 60-day abrogation period, the Commission considers the proposed rule change to have been filed on May 20, 2004, the date the Exchange filed Amendment No. 2.

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 also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2004–28 and should be submitted on or before June 22, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–12255 Filed 5–28–04; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49764; File No. SR–DTC–2003–10]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change Relating to a New Messaging Service for Stock Loan Recalls

May 25, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 8, 2003, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would allow DTC to activate its Universal Hub for Stock Loan Recalls (''Universal Hub''), a new messaging service providing participants an efficient means to facilitate the notification, acknowledgement, and maintenance of stock loan recall information.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC 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

Currently, industry participants utilize faxes and phone calls to recall securities on loan. Processing stock loan recalls is generally paper intensive, increasing the risk of transmission errors and delaying response time. The lack of formal, automated mechanisms to notify borrowers of a loan recall has proven inefficient for the industry.

To remedy these issues and to support the Securities Industry Association's Straight Through Processing Securities Lending Subcommittee's goals, DTC has developed a universal messaging hub which, among other things, will automate the labor-intensive stock loan recall process. The goal of the Universal Hub is to provide a central point of access for DTC participants engaging in stock loan recall transactions to send and receive recall notices, acknowledgements, cancellations, buy-in execution details, and corporate action notices. DTC participants utilizing either vendor-supplied Automated Stock Loan Recall Messaging Systems (ARMS) or their own stock loan recall capability will be able to connect directly to the Universal Hub. By providing a central point of access to all parties, the Universal Hub provides interoperability between various ARMS users and DTC participants and permits ARMS vendors and DTC participants to avoid the costs and inefficiencies of building bilateral links.

The Universal Hub's message formats will be based on ISO 15022 standards and will be supported on MQ Series and DTC's standard file transfer capabilities. The Universal Hub will create an acknowledgement/receipt record for each message processed to notify the sender that the Universal Hub has received the message and that the message was forwarded to the receiver. In addition, the Universal Hub will create a receipt record for the sender indicating that the counterparty to the stock loan recall retrieved the message from the Universal Hub. Each message will be assigned an internal control number for audit trail purposes. If the Universal Hub cannot deliver a message, it will reject the message back to the sender for resolution. The Universal Hub will only edit the header of the message to ensure successful delivery of the message. The Universal Hub will not edit the data in the actual stock loan recall message. Participants remain responsible for the details provided in their recall messages.

The proposed rule change is consistent with the requirements of section 17A(b)(3)(A) of the Act[3] and the rules and regulations thereunder applicable to DTC because it will further automate the processing of stock loan recalls while furthering the industry's efforts to achieve straight-through processing thus facilitating the prompt and accurate processing of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, in the public interest, and for the protection of investors.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

DTC has discussed this rule change proposal in its current form with various DTC participants and industry groups, a number of whom have worked closely in developing the proposed Universal Hub.

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

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by DTC.

[3] 15 U.S.C. 78q–1(b)(3)(A).

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. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–DTC–2003–10 on the subject line.

Paper Comments

- Send 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 SR–DTC–2003–10. 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, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). 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 DTC and on DTC's Web site at *www.dtc.org.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–2003–10 and should be submitted on or before June 22, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–12199 Filed 5–28–04; 8:45 am]

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[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49755; File No. SR–ISE–2004–12]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the International Securities Exchange, Inc., Relating to Fee Changes

May 21, 2003.

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 April 27, 2004, the International Securities Exchange, Inc. (''Exchange'' or ''ISE'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its Schedule of Fees to adopt a $.10 per contract surcharge for certain transactions excluding Public Customer Orders in options on exchange traded funds (''ETFs'') based on certain licensed indexes.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange 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. The Exchange 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

The Exchange is proposing to amend its Schedule of Fees to adopt a $.10 per contract surcharge for certain transactions in options on exchange traded funds based on (i) four indexes developed by Lehman Brothers Inc. including the Lehman Brothers 1–3 year Treasury Bond Index, the Lehman Brothers 7–10 year Treasury Bond Index, the Lehman Brothers 20+ year Treasury Bond Index and the Lehman Brothers U.S. Aggregate Index (collectively, the ''Lehman Indexes'') and (ii) one index developed by Goldman, Sachs & Co., the GS $ InvesTop™ Index (the ''Goldman Index''). The Exchange's Schedule of Fees currently has in place a surcharge fee item that calls for a $.10 per contract fee for transactions in certain licensed products. This surcharge fee item excludes Public Customer Orders.[3]

The Exchange recently licensed the right to list options on ETFs based on the Lehman Indexes and the Goldman Index. In order to defray the licensing costs associated with listing these new products, the Exchange is proposing to add these new products to the surcharge fee item in the Exchange's Schedule of Fees. The Exchange believes that charging the participants that trade in options on these products is the most equitable means of recovering the costs of the licenses. Because competitive pressures in the industry have resulted in the waiver of all transaction fees for customers, the Exchange proposes to exclude Public Customer Orders from this surcharge fee. Accordingly, this surcharge fee will only be charged with respect to non-Public Customer Orders.

For example, if broker A has a Public Customer Order that broker A gives to broker B (an ISE electronic access member) to execute on the ISE, broker B will not be charged the proposed $.10 fee. On the other hand, if broker A gives broker B (an ISE electronic access member) an order for the account of broker A (or another broker-dealer), broker B will be charged the $.10 fee.[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Public Customer Order is defined in Exchange Rule 100(a)(33) as an order for the account of a Public Customer. Public Customer is defined in Exchange Rule 100(a)(32) as a person that is not a broker or dealer in securities.

[4] Telephone conversation between Joseph W. Ferraro, Assistant General Counsel, ISE, and Ronesha A. Butler, Attorney, Division of Market Regulation, Commission, May 10, 2004.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(4) of the Act that an exchange have an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.[5]

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose 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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge and, therefore, has become effective immediately pursuant to Section 19(b)(3)(A)(ii) of the Act[6] and Rule 19b–4(f)(2) thereunder.[7] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–ISE–2004–12 on the subject line.

Paper Comments

- Send 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 SR–ISE–2004–12. 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, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). 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 the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2004–12 and should be submitted on or before June 22, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

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[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49757; File No. SR–PCX–2004–28]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and by the Pacific Exchange, Inc. To Amend Rules Relating to FOCUS Report Filings

May 21, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4[2] thereunder, notice is hereby given that on April 14, 2004, the Pacific Exchange, Inc. (''PCX'' or ''Exchange''), through its wholly owned subsidiary PCX Equities, Inc. (''PCXE''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in items I, II, and III below, which items have been prepared by the Exchange. The PCX has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the PCX under section 19(b)(3)(A)(ii) of the Act,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend PCXE Rule 4.11(b)(1) relating to late filings of Financial and Operational Combined Uniform Single (''FOCUS'') Reports. The text of the proposed rule change is set forth below. Proposed new language is in italics and proposed deletions are in brackets.

Rule 4.11(a).—No change.

Rule 4.11(b)(1). Each ETP Holder shall file with the Corporation a Report of Financial Condition on SEC Form X–17A–5 as required by Securities and Exchange Commission Rules 17a–5 and 17a–10. Any ETP Holder who fails to file such Report of Financial Condition in a timely manner shall be subject to late filing charges as follows:

Occurrence	Number of days	Amount of charge
1st	1–30	*$100.00 per day (capped at $500)* [200.00].
	31–60	*$750.00* [400.00].
	61–90	*$1000.00* [800.00].
2nd	*1–30*	*$100.00 per day (capped at $1000).*
	31–60	*$1500.00.*
	61–90	*$2000.00.*
3rd	*1–30*	*$2000.00.*
	31–60	*$2500.00.*
	61–90	*$3000.00.*

Occurrences will be calculated on a running two-year basis. Repeated or aggravated failure to file such Report of Financial Condition or failure to file such report [for more than ninety days will] *may* be referred to the *Enforcement Department* [Ethics and Business Conduct Committee] for appropriate disciplinary action.

Rule 4.11(b)(2)—No change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 79s(b)(3)(A)(ii).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange 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. The Exchange 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

The Exchange is proposing to amend PCXE Rule 4.11(b)(1) relating to late filings of FOCUS Reports to implement a higher late charge schedule.

Currently, PCXE Rule 4.11(b)(1) requires ETP (''Equity Trading Permits'') Holders to file with the Exchange a FOCUS Report as set forth in SEC Rules 17a–5 and 17a–10. ETP Holders who fail to file such a FOCUS Report in a timely manner are subject to late filing charges. If an ETP Holder is late 1–30 days, the late fee is $200; for 31–60 days, the late fee is $400; and for 61–90 days, the late fee is $800.

The Exchange proposes to amend PCXE Rule 4.11(b)(1) to reflect a higher late charge schedule. For a first occurrence, an ETP Holder who is 1–30 days late in filing a FOCUS Report will be charged $100 per day (capped at $500); for 31–60 days, the ETP Holder will be charged $750; and for 61–90 days, the ETP Holder will be charged $1000. For a second occurrence, an ETP Holder who is 1–30 days late will be charged $100 per day (capped at $1000); for 31–60 days, the ETP Holder will be charged $1500; and for 61–90 days, the ETP Holder will be charged $2000. For a third occurrence, an ETP Holder who is 1–30 days late will be charged $2000; for 31–60 days, the ETP Holder will be charged $2500; and for 61–90 days, the ETP Holder will be charged $3000. Occurrences for late FOCUS Report filings will be calculated on a running two-year basis.

The Exchange will retain its flexibility to refer repeated or aggravated failure to file such reports or failure to file such reports, regardless of the number of days late, to the Enforcement Department. The Exchange believes that implementing a higher late charge schedule is necessary to convey the importance of FOCUS Reports to ETP Holders and to encourage the ETP Holders to file FOCUS Reports in a timely manner.

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act [4] in general, and furthers the objectives of section 6(b)(4) of the Act [5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) [6] of the Act and subparagraph (f)(2) of Rule 19b–4 [7] thereunder because it establishes or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic comments:

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–PCX–2004–28 on the subject line.

Paper comments:

- Send 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 SR–PCX–2004–28. 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, please use only one method. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PCX–2004–28 and should be submitted on or before June 22, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–12256 Filed 5–28–04; 8:45 am]

BILLING CODE 8010–01–P

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49756; File No. SR–PCX–2004–27]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and by the Pacific Exchange, Inc. to Amend Rules Relating to FOCUS Report Filings

May 21, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b-4 [2] thereunder, notice is hereby given that on April 14,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2004, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in items I, II, and III below, which items have been prepared by the Exchange. The PCX has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the PCX under section 19(b)(3)(A)(ii) of the Act,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend PCX Rule 2.12(b)(1) relating to late filings of Financial and Operational Combined Uniform Single (''FOCUS'') Reports. The text of the proposed rule change is set forth below. Proposed new language is in italics and proposed deletions are in brackets.

Rule 2.12(a).—No change.

Rule 2.12(b)(1). Each Member Organization shall file with the Exchange a Report of Financial Condition on SEC Form X–17A–5 as required by Securities and Exchange Commission Rules 17a–5 and 17a–10. Any Member who fails to file such Report of Financial Condition in a timely manner shall be subject to late filing charges as follows:

Occurrence	Number of days	Amount of charge
1st	1–30	*$100.00 per day (capped at $500.00)* [200.00].
	31–60	*$750.00* [400.00].
	61–90	*$1000.00* [800.00].
2nd	*1–30*	*$100.00 per day (capped at $1000.00).*
	31–60	*$1500.00.*
	61–90	*$2000.00.*
3rd	*1–30*	*$2000.00.*
	31–60	*$2500.00.*
	61–90	*$3000.00.*

Occurrences will be calculated on a running two-year basis. Repeated or aggravated failure to file such Report of Financial Condition or failure to file such report [for more than ninety days will] *may* be referred to the *Enforcement Department* [Ethics and Business Conduct Committee] for appropriate disciplinary action.

Rule 2.12(b)(2)—No change.

[3] 15 U.S.C. 79s(b)(3)(A)(ii).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange 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. The Exchange 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

The Exchange is proposing to amend PCX Rule 2.12(b)(1) relating to late filings of FOCUS Reports to implement a higher late charge schedule.

Currently, PCX Rule 2.12(b)(1) requires each Member Organization to file with the Exchange a FOCUS Report as set forth in SEC Rules 17a–5 and 17a–10. Members who fail to file such a FOCUS Report in a timely manner are subject to late filing charges. If a Member is late 1–30 days, the late fee is $200; for 31–60 days, the late fee is $400; and for 61–90 days, the late fee is $800.

The Exchange proposes to amend PCX Rule 2.12(b)(1) to reflect a higher late charge schedule. For a first occurrence, a Member who is 1–30 days late in filing a FOCUS Report will be charged $100 per day (capped at $500); for 31–60 days, the Member will be charged $750; and for 61–90 days, the Member will be charged $1000. For a second occurrence, a Member who is 1–30 days late will be charged $100 per day (capped at $1000); for 31–60 days, the Member will be charged $1500; and for 61–90 days, the Member will be charged $2000. For a third occurrence, a Member who is 1–30 days late will be charged $2000; for 31–60 days, the Member will be charged $2500; and for 61–90 days, the Member will be charged $3000. Occurrences for late FOCUS Report filings will be calculated on a running two-year basis.

The Exchange will retain its flexibility to refer repeated or aggravated failure to file such reports or failure to file such reports, regardless of the number of days late, to the Enforcement Department. The Exchange believes that implementing a higher late charge schedule is necessary to convey the importance of the FOCUS Reports to the Members and to encourage Members to file the FOCUS Reports in a timely manner.

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act[4] in general, and furthers the objectives of section 6(b)(4) of the Act[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii)[6] of the Act and subparagraph (f)(2) of Rule 19b–4[7] thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic comments:

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–PCX–2004–27 on the subject line.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

Paper comments:

• Send 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 SR–PCX–2004–27. 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, please use only one method. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PCX–2004–27 and should be submitted on or before June 22, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–12257 Filed 5–28–04; 8:45 am]

BILLING CODE 8010–01–P

[8] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #P033; Amdt. #1]

State of Arkansas

In accordance with notices received from the Department of Homeland Security—Federal Emergency Management Agency, effective May 18, 2004, and May 21, 2004, the above numbered declaration is hereby amended to include Independence County in the State of Arkansas as a disaster area due to damages caused by severe storms, flooding, and landslides, and to establish the incident period for this disaster as beginning April 19, 2004, and continuing through May 18, 2004.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is July 6, 2004.

(Catalog of Federal Domestic Assistance Program Nos. 59008)

Dated: My 25, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04–12272 Filed 5–28–04; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3577]

State of Nebraska

As a result of the President's major disaster declaration on May 25, 2004, I find that Cass, Gage, Lancaster, and Saline Counties in the State of Nebraska constitute a disaster area due to damages caused by severe storms, tornadoes, and flooding occurring on May 20, 2004, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on July 26, 2004 and for economic injury until the close of business on February 25, 2005 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 14925 Kingsport Road, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Fillmore, Jefferson, Johnson, Otoe, Pawnee, Sarpy, Saunders, Seward, and Thayer in the State of Nebraska; Marshall and Washington counties in the State of Kansas; and Fremont and Mills counties in the State of Iowa.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners Without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	5.500
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	2.750
Others (Including Non-Profit Organizations) with Credit Available Elsewhere	4.875
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 357712. For economic injury the number is 9ZE800 for Nebraska; 9ZE900 for Iowa; and 9ZF100 for Kansas.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 25, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04–12342 Filed 5–28–04; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 4726]

Culturally Significant Objects Imported for Exhibition Determinations: ''Palace and Mosque: Islamic Art From the Victoria and Albert Museum''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Palace and Mosque: Islamic Art from the Victoria and Albert Museum,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, Washington, DC, from on or about July 18, 2004, to on or about February 6, 2005; Kimbell Art Museum, Ft. Worth, TX, from on or about April 3, 2005, to on or about September 4, 2005, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6529). The address is U.S. Department of State, SA–

44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: May 21, 2004.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 04–12273 Filed 5–28–04; 8:45 am]

BILLING CODE 4710–08–P

TENNESSEE VALLEY AUTHORITY

Final Programmatic Environmental Impact Statement—Tennessee Valley Authority Reservoir Operations Study

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Issuance of record of decision.

SUMMARY: This notice is provided in accordance with the Council on Environmental Quality's regulations (40 Code of Federal Regulation [CFR] Parts 1500 to 1508) and TVA's procedures implementing the National Environmental Policy Act (NEPA). TVA has decided to adopt the Preferred Alternative identified in its *Final Programmatic Environmental Impact Statement—Tennessee Valley Authority Reservoir Operations Study.* The Final Environmental Impact Statement (FEIS) was made available to the public on February 19, 2004. A Notice of Availability of the FEIS was published in the **Federal Register** on February 27, 2004. The TVA Board of Directors decided to adopt the Preferred Alternative at its May 19, 2004, public meeting. In adopting the Preferred Alternative, TVA has decided to change the policy that guides the operations of the Tennessee River and reservoir system. Consistent with the operating priorities established by the TVA Act, the change will establish a balance of reservoir system operating objectives to produce a mix of benefits that is more responsive to the values expressed by the public during the Reservoir Operations Study (ROS). This includes enhancing recreational opportunities while avoiding unacceptable effects on flood risk, water quality, and TVA electric power system costs.

FOR FURTHER INFORMATION CONTACT: Linda B. Shipp, Senior NEPA Specialist, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 8C, Knoxville, TN 37902; telephone (865) 632–3440 or by e-mail *lbshipp@tva.gov.*

SUPPLEMENTARY INFORMATION: TVA is a multipurpose federal corporation with a mandate to foster the social and economic well-being of the residents of the Tennessee Valley region through the wise use, conservation, and development of its natural resources. In carrying out this mission, TVA conducts a range of programs and activities, including operating the Nation's largest public power system, serving almost nine million people in parts of seven southeastern states, and operating a system of dams and reservoirs with associated facilities—its water control system.

As directed by the TVA Act, TVA manages the Tennessee River and reservoir system as an integrated water control system primarily for the purposes of navigation, flood control, and power production. Consistent with those purposes, TVA operates the system to improve water quality and water supply, and provide recreational opportunities, and a wide range of other public benefits. The water control system has hydroelectric generators and provides the cooling water supply for TVA's coal-fired and nuclear power plants and water supply for other industries located adjacent to the reservoirs. TVA's power system and its management of the integrated water control system are central components of the economic well-being of the Tennessee Valley region.

TVA also manages 11,000 miles of public shoreline to maintain the integrity of the reservoir system. TVA has custody of and manages 293,000 acres of land in the Valley, most of which is along the shorelines of TVA reservoirs. Development and management of these lands and activities are influenced by reservoir levels and river flows.

TVA's reservoir operations policy guides the day-to-day management of the reservoir system. The reservoir operations policy sets the balance of trade-offs among competing uses of the water in the system. It determines the storage and flow of water in the reservoir system in response to rainfall and runoff. It affects the rise and fall of reservoir levels, when changes in reservoir levels occur, and the amount of water flowing through the reservoir system at different times of the year. Because TVA must respond to widely varying conditions in the operation of its reservoir system that are largely beyond TVA's control, its operations policy is basically a guideline and is implemented in a flexible manner.

TVA conducted the ROS to determine whether changes in how it operates the reservoir system would produce greater overall public value for the people of the Tennessee Valley. TVA initiated the study in response to recommendations by public groups, individuals, and other entities while at the same time recognizing that the needs and values of the region and its people change over time. The scope of the study included 35 projects in the Tennessee River and Cumberland River watersheds. The study included a long-range planning horizon to the year 2030. The study area included most of Tennessee and parts of Alabama, Kentucky, Georgia, Mississippi, North Carolina, and Virginia.

On February 25, 2002, TVA published a notice in the **Federal Register** announcing that it would prepare a programmatic EIS on its reservoir operations policy and inviting comments on its scope and contents. TVA, the U.S. Army Corps of Engineers (USACE), and the U.S. Fish and Wildlife Service (Service) cooperated to prepare the EIS. TVA also established two groups—a 17-member Interagency Team and a 13-member Public Review Group (IAT/PRG)—to ensure that agencies and members of the public were actively and continuously involved throughout the study.

During scoping, TVA received over 6,000 individual comments, about 4,200 form letters and petitions signed by more than 5,400 members of the public. In addition, 3,600 residents in the TVA Power Service Area commented as part of a random telephone survey conducted by an independent research firm. TVA staff used this input to identify a broad range of issues and values to be addressed in the ROS. Overall, the public placed a high value on recreation, a healthy environment, production of electricity, and flood control.

Based on issues and values identified during the scoping process, TVA staff along with input from members of the IAT/PRG developed a set of objectives that TVA used to define, evaluate, and compare a range of eight policy alternatives in the DEIS. The eight alternatives were examined in detail through a combination of data collection, statistical analysis, computer modeling, and qualitative assessment. As part of the analysis process, TVA worked with national experts from various disciplines. TVA staff developed advanced technologies for modeling water quality impacts and new analytical tools for modeling flood risk on an unprecedented scale—encompassing 35 dams and reservoirs and 99 years of hydrologic data.

The Notice of Availability of the DEIS was published in the **Federal Register** on July 3, 2003. During the comment period on the DEIS, TVA received input from almost 7,000 individuals, including form letters and petitions with over 4,500 signatures. Volume II,

Appendix F of the FEIS contains responses to the over 3,200 separate comments TVA received during the DEIS review process. Most individuals expressed support for those alternatives in the DEIS that increased reservoir and tailwater recreation opportunities. However, state and federal agencies were concerned about the adverse water quality effects associated with most of the alternatives, particularly those enhancing recreation opportunities. Generally, the agencies preferred that TVA retain its existing operations policy (the No Action Alternative or Base Case). The Environmental Protection Agency (EPA) suggested the development of a hybrid or blended alternative that would avoid or reduce the environmental impacts associated with the identified action alternatives.

The Department of the Interior, other agencies, and some members of the public strongly encouraged TVA to employ an adaptive management approach to implementing whatever changes might result from ROS. Adaptive management involves monitoring and modifying system operations as appropriate to respond to future conditions, such as changes in water quality. TVA currently practices adaptive management through the flexibility built into its operations policy and extensive monitoring of the reservoir system. TVA will continue to use such adaptive management practices as it implements the Preferred Alternative.

As suggested by EPA, TVA developed an alternative that blends elements of the action alternatives supported by the public while avoiding or reducing associated adverse environmental impacts. Specifically, TVA used a series of simulations to combine and adjust elements of alternatives included in the DEIS that supported increased recreation opportunities, navigation, and other system benefits. Adjustments were made to avoid or reduce adverse impacts to other objectives including flood risk, water quality, power costs, aquatic resources, wetlands, migratory waterfowl and shorebirds, and shoreline erosion. The end result of the blending process is TVA's Preferred Alternative.

The FEIS was released to the public on February 19, 2004, with a request for comment on the Preferred Alternative. The Notice of Availability of the FEIS with 45 days for the public to comment was published in the **Federal Register** on February 27, 2004.

Comments on the Final EIS

Although not required, TVA provided a 45-day comment period on the FEIS and the Preferred Alternative. To facilitate the review process, TVA distributed approximately 1,200 copies of the FEIS and posted a copy on the official agency Internet Web site, where comments could be made. In addition, TVA accepted comments by surface or electronic mail, telephone, and facsimile. TVA staff met with and briefed over 1,100 interested stakeholders. Approximately 50 scheduled briefings were conducted for federal, state, and local officials, TVA power distributors, reservoir user groups, and Valley media. TVA continued to meet with its cooperating agencies and with members of the IAT/PRG to brief them on the FEIS and the Preferred Alternative and to receive their input.

During the FEIS review process, TVA received comments from almost 2,000 individuals, 4 federal agencies, and 10 state agencies. The comments included over 500 form letters and petitions signed by more than 800 individuals. Most of the comments were similar to those TVA received on the DEIS, except for those comments specifically on the Preferred Alternative. In general, the public and agencies supported the Preferred Alternative and viewed it as a substantial improvement over the Base Case. However, about 800 individuals expressed concerns regarding the delayed fill component on the upper mainstem projects, especially Watts Bar and Fort Loudoun/Tellico, and the potential adverse recreation and economic impact this could have on marina operators on these reservoirs. Concerns were also expressed about the lack of changes in the operations of Tims Ford and Kentucky Reservoirs.

The delayed fill component of the Preferred Alternative was included to enhance flood risk protection at locations on the mainstem reservoirs, including Chattanooga. Although there is some uncertainty in this regard, TVA expects the delayed fill to have minimal effects on the recreation opportunities (dock accessibility) on the upper mainstem reservoirs and fish spawning. Impacts to fish spawning would be minimized because much of the prime nesting habitat would be covered during the first week of April when half the summer pool is filled and before spawning begins. Additionally, starting on April 8, a slow fill into the remainder of the shallows may benefit the growth and survival of both fry and young-of-year fish. TVA's analysis of median reservoir levels projected under the Preferred Alternative indicate that boat ramps, commercial marinas, and most private docks will be functional from April 15 through the period of slowed fill. Assuming average rainfall and runoff, water levels would be within the summer operating zone by the first week of May. More importantly, TVA's adaptive management approach to implementing the Preferred Alternative will enable the agency to determine if unacceptable or unexpected adverse impacts result on these reservoirs and to adjust operations appropriately. No changes were made on Tims Ford and Kentucky reservoirs to avoid unacceptable impacts on flood risk, wetlands, and wildfowl. None of the comments on the FEIS identified material weaknesses in TVA's analyses.

Alternatives Considered

TVA considered eight reservoir operations policy alternatives in the DEIS: Base Case (the No Action Alternative), Reservoir Recreation A, Reservoir Recreation B, Tailwater Recreation, Tailwater Habitat, Summer Hydropower, Equalized Summer/Winter Flood Risk, and Commercial Navigation. A ninth alternative, the Preferred Alternative was addressed in the FEIS. Each policy alternative establishes a balance of reservoir system operating objectives. Except for the Base Case, each alternative would change, to various degrees, reservoir levels and flow releases and their seasonal timing to produce a different mix of benefits. Under all of the alternatives, including the Preferred Alternative, TVA would continue to use water stored in the reservoirs to preserve the reliability of the TVA power system during Power System Alerts or other critical power system situations.

As required by NEPA, TVA used the Base Case Alternative to document the existing reservoir operations policy and to serve as a baseline against which the action alternatives are compared. Under the Base Case, TVA would continue to operate its integrated water control system in accordance with the existing balance of operating objectives, reservoir levels and water release guidelines, and project commitments and constraints.

The Base Case also involves a number of other actions that would occur regardless of changes in the reservoir operations policy. These actions include: existing water-use patterns, taking into account increasing water supply demand in the future (through 2030), modernization and automation of TVA's hydro plants, operation of Browns Ferry Nuclear Plant Unit 1 and continued operation and uprate of Units 2 and 3, and operation of the Tennessee-Tombigbee Waterway at full capacity.

TVA considered three alternatives (Reservoir Recreation A, Reservoir Recreation B, and Tailwater Recreation)

designed primarily to shift the balance of operating objectives to enhance recreation opportunities while maintaining other system benefits. These alternatives would extend summer pools and limit water releases between June 1 and Labor Day, provide higher winter pools, and modify winter operating ranges of mainstem reservoirs to allow a one-foot fluctuation. Under the Tailwater Recreation Alternative, an increase in tailwater flows at five additional projects would have priority over reservoir levels to support tailwater-related recreation activities.

The Tailwater Habitat Alternative was designed primarily to improve conditions in tailwater aquatic habitats. Under this alternative, TVA would release water to try to mimic natural variations in runoff through the year. Tailwater habitat would also be improved by decreasing the rate of river fluctuations associated with rapid changes in the number of turbines operated.

Two alternatives (Summer Hydropower and Equalized Summer/Winter Flood Risk) were designed to increase summer hydropower production and reduce summer flood risk, respectively. These alternatives would generally reduce summer pool levels and increase winter pool levels, establish weekly average water releases during summer, and modify winter operating ranges of mainstem reservoirs to allow a one-foot fluctuation.

The Commercial Navigation alternative was designed to increase the reliability and reduce the cost of commercial navigation by increasing the depth of the main channel in order to accommodate heavier barges. This alternative would raise the winter flood guides on mainstem reservoirs by two feet, modify their winter operating range to allow a one-foot fluctuation, and increase minimum flows at several key projects with major navigation locks.

The Preferred Alternative was designed to provide increased recreation opportunities while avoiding or reducing adverse impacts on other operating objectives and resource areas. Under the Preferred Alternative, TVA will no longer target specific summer pool elevations. Instead, TVA intends to manage the flow of water through the system to meet operating objectives. TVA will use weekly average system flow requirements to limit the drawdown of 10 tributary reservoirs (Blue Ridge, Chatuge, Cherokee, Douglas, Fontana, Nottely, Hiwassee, Norris, South Holston, and Watauga) June 1 through Labor Day to increase recreation opportunities. For four mainstem reservoirs (Chickamauga, Guntersville, Wheeler, and Pickwick), summer operating zones will be maintained through Labor Day. For Watts Bar Reservoir, the summer operating zone will be maintained through November 1. Great Falls Reservoir will be filled on a schedule to achieve summer pool elevation by Memorial Day.

Weekly average system minimum flow requirements from June 1 through Labor Day, measured at Chickamauga Dam, will be determined by the volume of water in storage at the 10 tributary reservoirs compared to the total storage available. A system minimum operating guide (MOG), which is a seasonal system storage guide curve as opposed to the project storage guide curve under existing operations, will be used to define the combined storage volume for those 10 tributary reservoirs. If the volume of water in storage is above the system MOG, the weekly average system minimum flow requirement will be increased each week from 14,000 cfs the first week of June to 25,000 cfs the last week of July. Beginning August 1 and continuing through Labor Day, the weekly average flow requirement will be 29,000 cfs. If the volume of water in storage is below the system MOG curve, only 13,000 cfs weekly average minimum flows will be released from Chickamauga Dam between June 1 and July 31, and only 25,000 cfs weekly average minimum flows will be released from August 1 through Labor Day.

TVA has established reservoir balancing guides for each tributary storage reservoir to ensure that water releases for downstream system needs will be withdrawn more equitably from tributary reservoirs. The balancing guide is a seasonal reservoir pool elevation that defines the relative drawdown at each tributary reservoir when water must be released to meet downstream flow requirements. Under this operating principle, water would be drawn from each tributary reservoir so that the elevation of each reservoir is similar relative to its position between the flood guide and the balancing guide. Balancing pool elevations will be accomplished to the extent practicable, depending on hydrology and power system economic and reliability considerations. To reduce impacts to power cost, TVA will ensure minimal hydropower capacity at each tributary reservoir by generating up to a volume of water equivalent of 17 hours of use per week at best turbine efficiency from July 1 through Labor Day.

Based on the results of the flood risk analysis, TVA has decided to raise winter flood guides and winter operating ranges on Blue Ridge, Boone, Chatuge, Cherokee, Douglas, Fontana, Hiwassee, Norris, Nottely, South Holston, and Watauga. Additionally to better protect against the risk of flooding for all main river projects (with the most benefits realized at Chattanooga), TVA will slow the filling of the three upper mainstem projects (Fort Loudoun/Tellico, Watts Bar, and Chickamauga) to reach the summer operating zone by early May. In addition, minimum winter pool elevation would be raised by 0.5 feet at Wheeler to better ensure minimum navigable channel depth.

Based on input from affected stakeholders, TVA will formally schedule water releases to increase tailwater recreational opportunities below Apalachia, Norris, Ocoee #1, South Holston, and Watauga/Wilbur. With variation in the amounts of flow and days of release, water releases will be provided from Apalachia, May 1 through October 31; from Norris, May 1 through October 31; from Ocoee #1 on Tuesdays and Wednesdays from June 1 through August 31; from South Holston April 1 through October 31; and from Watauga for recreation flows below Wilbur Memorial Day through October 31. This will allow people recreating on these tailwaters and recreation service providers to better plan their activities. The specified flows with the Preferred Alternative will be met depending on the volume of water in the upstream reservoirs. TVA will provide continuous minimum flows in the area between the Apalachia Dam and downstream powerhouse from June 1 through November 1 to enhance aquatic habitat. TVA will also provide continuous minimum flows up to 25,000 cfs at Kentucky, as needed, to maintain a minimum tailwater elevation of 301 for navigation.

Basis for Decision

The TVA Board has decided to adopt the Preferred Alternative. This alternative will establish a balance of reservoir system operating objectives that is more responsive to values expressed by the public during the ROS while remaining consistent with the operating priorities established by the TVA Act. It also reduces or avoids the unacceptable environmental impacts associated with most of the other action alternatives.

The Preferred Alternative will provide greater value for reservoir and tailwater recreation users, increase revenue for recreation service providers, enhance the scenic beauty of the reservoirs, and result in some benefits to commercial navigation and aquatic habitat. It will provide more equitable pool levels among tributary reservoirs. It avoids and

reduces impacts to the primary system operating objectives of flood control, navigation, and power generation associated with the other action alternatives.

Based on computer simulations, the Preferred Alternative is not expected to increase flood damage associated with flood events up to a 500-year magnitude at any critical location within the Tennessee Valley, including Chattanooga. Rather, with the slowed filling of the three upper mainstem reservoirs, flood risk protection should be increased for locations on all of TVA's mainstem reservoirs, including Chattanooga. The Preferred Alternative will increase the minimum depth of the Tennessee River navigation channel at two important locations and will maintain power system reliability while lessening impacts on the delivered cost of power compared to other alternatives. Additionally, the Preferred Alternative will lessen impacts on reservoir water quality, as well as shoreline erosion and its associated adverse effects on cultural resources and some shoreline habitats compared to Reservoir Recreation Alternative A, Reservoir Recreation Alternative B, the Tailwater Recreation Alternative, and the Tailwater Habitat Alternative. To the extent practicable, impacts on wetlands, water quality, and aquatic resources will be mitigated thereby reducing the potential for long-term cumulative impacts. TVA will maintain tailwater minimum flows and dissolved oxygen (DO) targets established by the Lake Improvement Plan to help reduce the risk of adverse water quality impacts.

Responding to flood control, wetland, and wildlife concerns expressed by USACE, the Service, state agencies, and some members of the public, no changes in seasonal water levels on Kentucky Reservoir and Tims Ford were included in the Preferred Alternative. Current operating conditions will be retained for these reservoirs.

In strictly economic terms, the overall public value of the Preferred Alternative will be similar to the Base Case, which represents TVA's current operations policy. Revenues from recreation of approximately $9 million and shipper savings of approximately $2.5 million will be largely offset by the increase in power costs of approximately $14 million annually. Additionally, the Preferred Alternative is expected to reduce flood damages along mainstem reservoirs, including such locations as Chattanooga and South Pittsburg, Tennessee, and Decatur, Alabama (*e.g.,* for the last two major flood events in early May 1984 and 2003, flood damages would have been reduced in the Chattanooga area by a total of $12 million to $15 million, respectively). Further, TVA will make a capital investment of about $17 million over three years to address DO issues with an annual operation and maintenance cost of about $800,000. TVA will also spend over $500,000 annually in monitoring mosquito breeding habitat, shoreline erosion, water quality, aquatic resource, threatened and endangered species, and changes in certain wetland types; and based on monitoring results, could provide additional funding to address resource improvement opportunities.

TVA closely coordinated the formulation of the Preferred Alternative with USACE and the Service. USACE concurs that the Preferred Alternative addresses its primary concerns with flood control, water quality, and environmental conditions on the lower Tennessee, Cumberland, Ohio, and Mississippi Rivers and satisfies their concerns about Section 404 and navigation on the Tennessee River. USACE and TVA cooperated to conduct additional analyses for high-flow periods and increased navigation problems during low-flow periods for areas downstream from Kentucky Reservoir along the lower Ohio and Mississippi River. Both agencies concluded that the Preferred Alternative will not adversely impact the risk of flooding during high-flow periods and that under the Preferred Alternative there are potential benefits to navigation on the lower river during extreme low water periods. As a result of these analyses, USACE recommended a more rigorous management of flood control storage at Kentucky and Barkley reservoirs and that TVA closely adhere to the reservoir guide curves at these reservoirs to ensure their continued effective operation over a wide range of flow conditions. TVA is committed to continuing the close cooperative relationship with USACE in managing low-flow and emergency situations that may arise on the lower Ohio and Mississippi rivers.

The Service agreed with TVA's determination that implementation of the Preferred Alternative will not jeopardize the continued existence of any listed threatened and endangered species. The Service issued a Biological Opinion which identified two reasonable and prudent measures, with terms and conditions that TVA must take to minimize the impacts of incidental take of the snail darter (a fish) and pink mucket (a mussel) that might otherwise result from the Preferred Alternative. As requested by the Service, TVA has entered into discussion with the Service over possible effects to endangered and threatened species associated with those components of TVA's reservoir operations that are not being changed through implementation of the Preferred Alternative.

In cooperation with the State Historic Preservation Officers (SHPO) of Alabama, Georgia, Mississippi, North Carolina, Tennessee, and Virginia, and the Eastern Band of Cherokee Indians, TVA developed a Programmatic Agreement that addresses the identification and protection or mitigation of historic resources that could be affected by adoption of the Preferred Alternative. Kentucky SHPO concurs with TVA's opinion that there will be no effect on historic properties in Kentucky under the Preferred Alternative. This fulfills TVA's responsibilities under the National Historic Preservation Act.

Environmentally Preferable Alternative

In general, the extent of potential environmental effects of the reservoir operations policy alternatives is related to the amount and timing of water held in storage and flow through the system. TVA has concluded that the Commercial Navigation Alternative, with its minor changes in water availability limited primarily to mainstem reservoirs, has slightly better environmental consequences than the Base Case and Preferred Alternative and is the environmentally preferable alternative. The Commercial Navigation Alternative would not have any adverse effects on protected species and would result in slightly beneficial effects for critical habitats of some protected species. It would provide beneficial effects on greenhouse gas emissions, aquatic resources, summer water temperature, mainstem water levels, and increased stability of wetland habitats. However, the Commercial Navigation Alternative would result in slightly adverse impacts on wetland plant communities, terrestrial ecology (use of mud flats and some bottomland hardwood wetlands), recreation spending, and private site access. It also would incrementally increase flood risk at key locations and would do little to enhance recreation opportunities.

Impacts of the Base Case and Preferred Alternative, with the added mitigation measures, would be basically the same as those for the Commercial Navigation Alternative except for flood risk as noted above. The Preferred Alternative was formulated purposefully to reduce or avoid the adverse impacts associated with all of the other action alternatives, especially the substantially adverse impacts

related to flood damages, water quality, power costs, aquatic resources, wetlands, and migratory waterfowl and shorebirds.

The Commercial Navigation Alternative was not selected as TVA's preferred alternative primarily because it would increase flood risk and would produce little or no changes in recreational opportunities and other system benefits except for reduced cost for waterborne transportation. As such, it is not as responsive to expressed public values as TVA's Preferred Alternative.

Potential Mitigation Measures

All identified practicable means to mitigate potential environmental impacts associated with this decision will be implemented. Primarily, TVA has chosen to do this in the way the Preferred Alternative was formulated, as discussed above. However, TVA was unable to avoid all potential impacts. In particular, implementation of the Preferred Alternative could result in slightly adverse to adverse impacts on certain wetland types and locations, water quality and aquatic resources in some reservoirs, and other resource areas. In some cases, the extent of the impacts may vary from year to year—depending on the reservoir, annual rainfall and runoff conditions, and other factors. TVA will use a mix of monitoring and adaptive response as a component of its programmatic approach to mitigating these impacts.

TVA will continue its existing monitoring activities under its Reservoir Release Improvement and Vital Signs Reservoir Ecological Health Monitoring Programs to look for water quality and ecological changes. Additional DO and temperature sampling will be conducted at selected tailwater locations as determined by Vital Signs monitoring. A Wetlands Monitoring Program will be established to determine whether shifts of wetland plant communities occur as a result of extended water levels. TVA commits to conducting wetland monitoring activities on a 3- to 5-year basis for 15 years to establish effects. If substantial shifts of wetland plant communities occur, TVA will take appropriate action to mitigate adverse effects.

TVA also will extend the existing Vector Monitoring Program to identify any increase in the number of days that reservoir mosquito breeding habitat exists due to the extended time the mainstem reservoirs are held up. If the number of days of reservoir mosquito breeding habitat increases, TVA will extend the duration of reservoir level fluctuations on Chickamauga, Guntersville, Pickwick, and Wheeler for mosquito control. If extending the duration of the fluctuations does not offset the increase in reservoir mosquitoes, TVA will investigate other mitigation methods.

Based on results of DO monitoring, TVA will upgrade aeration equipment and operations at appropriate locations as necessary to continue to meet the DO target levels established by the 1991 Lake Improvement Plan. This could include increased oxygenation, upgrading existing equipment, or installing additional equipment. Such measures will be initiated and completed within 1 year after implementation at Watts Bar and within 3 years at other locations where established targets are not being met. The estimated cost of these changes is $17 million over three years with an annual operation and maintenance cost of $800,000. TVA will share information about the enhanced aeration efforts with interested agencies and will continue monitoring to determine whether efforts are successful. If DO targets cannot be maintained, TVA will investigate additional mitigation approaches with interested agencies. TVA will also spend over $500,000 annually on other measures to reduce or avoid potential environmental and cultural resource impacts associated with the Preferred Alternative.

TVA will continue monitoring sensitive cultural resource sites along the reservoir shoreline to determine if the rate of shoreline erosion increases, affecting those sites. If the rate of erosion increases and affects those sites, TVA will increase its stabilization efforts to protect sensitive cultural resources. Further, TVA will ensure that the measures identified in its programmatic agreement with State Historic Preservation Officers for the states of Alabama, Georgia, Mississippi, North Carolina, Tennessee and Virginia, and the Eastern Band of Cherokee Indians will be implemented in accordance with the stipulations of that agreement.

TVA will implement the reasonable and prudent measures, including the terms and conditions, identified in the Service's Biological Opinion to minimize the impacts of incidental take of the snail darter and pink mucket. Relative to the population of the endangered green pitcher plant on Chatuge Reservoir that could be affected by changes in reservoir levels, TVA will work with the Service, the landowner, and other interested agencies to conduct a hydrologic study to determine what effects, if any, implementation of the Preferred Alternative will have on the plants and their habitat. The study and results will be completed within 1 year after implementation. TVA will monitor on an annual basis the status of green pitcher plant populations around Chatuge Reservoir and share data with interested agencies. If results of the study and monitoring indicate that changes resulting from implementation of the Preferred Alternative are likely to adversely affect the green pitcher plant, TVA will take appropriate action to avoid or mitigate those adverse effects.

Additionally, the results of the ROS indicate that there is a need for TVA and state and other federal agencies to work together in a more cooperative manner to develop a Drought Management Plan for the Tennessee River system and to determine habitat requirements and opportunities for potential enhancements for shorebirds and important sports fish. TVA will work with state and other federal agencies to develop a Drought Management Plan within a reasonable period of time. This plan will be implemented during extreme drought conditions when TVA must suspend normal reservoir operating guidelines. Efforts to determine habitat requirements and potential enhancements for shorebirds and important sports fish will include better identification of information gaps, cataloguing federal and state programs that address these habitats and species, sharing data with other interested agencies, and investigating actions that could be taken to enhance these habitats and species.

Implementation of Policy Guidelines

TVA will begin implementing the described changes to TVA's reservoir operations policy on the date of release of this Record of Decision. TVA will use these guidelines to make determinations of changes in pool levels and flows through the system during normal operations. Operations of the reservoir system during a power supply alert will depend on the level of alert. Water stored in the reservoir system will be released as needed to preserve the integrity and stability of the TVA Power System.

Dated: May 21, 2004.

Kathryn J. Jackson,

Executive Vice President, River System Operations & Environment.

[FR Doc. 04–12241 Filed 5–28–04; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration (FAA)

Notice of Opportunity for Public Comment on Surplus Property Release at Craig Field Airport, Selma, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on land release request.

SUMMARY: Under the provisions of title 49, U.S.C. 47153(c), notice is being given that the FAA is considering a request from the Craig Field Airport and Industrial Authority to waive the requirement that a 7.04-acre parcel of surplus property, located at the Craig Field Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before July 1, 2004.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Menzo W. Driskell, Executive Director of the Craig Field Airport and Industrial Authority at the following address: Craig Field and Industrial Authority, 48 Fifth Street; Craig Industrial Park; Selma, AL 36701.

FOR FURTHER INFORMATION CONTACT: Mr. Roderick T. Nicholson, Program Manager, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, (601) 664–9884. The land release request may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the Craig Field Airport and Industrial Authority to release 7.04 acres of surplus property at the Craig Field Airport. The property land use is currently agricultural. The net proceeds from the sale of this property will be used for airport purposes.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the city of Selma.

Issued in Jackson, Mississippi, on May 25, 2004.

Rans D. Black,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 04–12327 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurances; Minneapolis-St. Paul International Airport (MSP), Minneapolis, MN

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is giving notice that portions of the airport property are not needed for aeronautical use as currently identified on the Airport Layout Plan (ALP). The Metropolitan Airports Commission (MAC) proposes the release and transfer of the certain land parcels that were acquired through FAA Grants, to the Minnesota Department of Transportation (Mn/DOT) as part of a land exchange agreement with Mn/DOT. The property exchange will provide clear and responsible ownership of right-of-way parcels along the perimeter of MSP. MAC and Mn/DOT have agreed to exchange eleven (11) parcels of property. There are five (5) parcels totaling approximately 7.2 acres that MAC is requesting FAA approval to release, and there are six (6) parcels totaling approximately 14.2 acres that will be transferred from Mn/DOT to MAC. MAC will receive a net gain of approximately 7.0 acres of property from Mn/DOT as a result of these transfers. The parcels are not currently used or intended for aeronautical use and are so identified on the revised ALP.

MAC is proposing the following releases to Mn/DOT:

1. Three parcels acquired through multi-phase AIP Grants 3–27–0059–30, 3–27–0059–32, and 3–27–0059–36 that are currently used for roadway rights-of-way, comprising approximately 1.7 acres of land. They will be transferred to Mn/DOT in order to accommodate the approved planned expansion of the 66th Street interchange at Minnesota Trunk Highway No. 77 that was necessitated by the development of new Runway 17–35 and documented by the 1998 Dual-Track Final Environmental Impact Statement (FEIS).

2. One parcel, acquired through FAAP Grant 9–21–046–0316, in June 1963 comprising approximately 2.2 acres of vacant land. It will be transferred to Mn/DOT and controlled through a Memorandum of Understanding (MOU) between MAC, Mn/DOT and the City of Richfield, MN dated January 31, 2000, which sets forth the terms and conditions for coordination of planned roadway improvements and the release of remnant parcels to the City of Richfield located at 66th Street and Minnesota Trunk Highway No. 77 in response to the need for improvements as documented by the 1998 Dual-Track FEIS and a Design Study Report.

3. One parcel acquired through FAAP Grant 9–21–046–06114, in March 1963 comprising approximately 3.3 acres of land. It will be transferred to Mn/DOT and utilized by Mn/DOT and the City of Richfield to construct 77th Street under Minnesota Trunk Highway No. 77. Currently, MAC uses the parcel for the storage of construction materials.

The current and intended property uses are limited to the application of public purposes and uses unique to the needs of MAC and Mn/DOT and are not needed for aeronautic use, as shown on the ALP. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of the proceeds of the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before July 1, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Glen Orcutt, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450–2706. Telephone Number (612) 713–4354/FAX Number (612) 713–4364. Documents reflecting this FAA action may be reviewed at this same location or at the Minneapolis-St. Paul International Airport, Minneapolis, MN.

SUPPLEMENTARY INFORMATION: Following are legal descriptions for each parcel owned by the MAC and to be conveyed to Mn/DOT:

MAC Parcel 17 A

All those parts of Lots 1 through 7, inclusive, Block 2, Lots 1 through 12, inclusive, Block 9 and Lot 12, Block 16, New Ford Town, according to the recorded plat thereof, Hennepin County, Minnesota, and those parts of the rights-of-way of East 65th Street and East 64th Street, as dedicated by said plat of New Ford Town, described as follows: Beginning at the southwest corner of said Lot 7, Block 2, said southwest corner also being a corner in the easterly right-of-way line of State Trunk Highway No. 77; thence on an assumed bearing of North 00 degrees 10 minutes 23 seconds East along the westerly lines of said Blocks 2 and 9 and the northerly extensions thereof and the westerly line of said Block 16, said westerly lines and their northerly extensions also being the said easterly right-of-way line of State Trunk Highway No. 77, for 1101.12 feet; thence southerly for 37.44 feet along a non-tangential curve concave to the east, radius 2799.12 feet and central angle 00 degrees 45 minutes 59 seconds, the chord of said curve bears South 03 degrees 18 minutes 49 seconds East; thence South 03 degrees 41 minutes 49 seconds East for 670.25 feet along tangent to said curve; thence southerly for 338.65 feet along a tangential curve concave to the east, radius 2814.79 feet and central angle 06 degrees 53 minutes 36 seconds; thence South 10 degrees 35 minutes 24 seconds East for 59.48 feet to a point in the southerly line of said Lot 7, Block 2, said point also being a point on said easterly right-of-way line of State Trunk Highway No. 77; thence South 89 degrees 39 minutes 33 seconds West for 101.73 feet along said southerly line of Lot 7 and said easterly right-of-way line to the point of beginning.

MAC Parcel 17B

All those parts of Lots 10, 11, 12, 13 and 14, Block 2, New Ford Town, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows: Beginning at the southwest corner of said Lot 10, said southwest corner also being a point on the easterly right-of-way line of State Trunk Highway No. 77; thence on an assumed bearing of North 00 degrees 10 minutes 23 seconds East along the westerly line of said Lot 10 and said easterly right-of-way line for 135.93 feet to the northwest corner of said Lot 10 and an angle point in said easterly right-of-way line; thence North 89 degrees 39 minutes 34 seconds East along the northerly line of said Lots 10, 11 and 12 for 123.36 feet; thence South 48 degrees 16 minutes 58 seconds East for 120.77 feet; thence South 00 degrees 00 minutes 51 seconds West for 54.44 feet to the southerly line of said Lot 14; thence South 89 degrees 30 minutes 16 seconds West along said southerly line and the southerly lines of said Lots 13, 12, 11 and 10 for 213.91 feet to the point of beginning.

MAC Parcel 10A

All that part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 28, Range 24, Hennepin County, Minnesota; Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence South 43 degrees 08 minutes 21 seconds East for 840.11 feet to a point on the easterly right-of-way line of State Trunk Highway No. 77 and the acutual point of beginning; thence North 00 degress 00 minutes 51 seconds West aloing said easterly line for 575.78 feet; thence easterly and southeasterly for 284.42 feet along a non-tangential curve concave to the southwest, radius 284.00 feet and central angle 57 degrees 22 minutes 51 seconds, the chord of said curve bears South 48 degrees 13 minutes 48 seconds East; thence South 19 degrees 31 minutes 52 seconds East for 11.31 feet; thence southeasterly, southerly and southwesterly for 414.26 feet along a tangential curve concave to the west, radius 280.00 feet and central angle 84 degrees 46 minutes 12 seconds; thence southwesterly for 70.36 feet along a reverse curve concave to the southeast, radius 378.00 feet and central angle 10 degrees 39 minutes 51 seconds to the point of beginning.

For the purposes of this description the westerly line of said Northwest Quarter of the Southwest Quarter is assumed to bear South 00 degrees 03 minutes 15 seconds East.

MAC Parcel 17B

All those parts of the Northwest Quarter of the Southwest Quarter of Section 25, Township 28, Range 24, Hennepin County, Minnesota and Lots 19 and 20, Block 3, ''Rich Acres Hennepin County Minn.'', according to the recorded plat thereof, Hennepin County, Minnesota and the right-of-way of East 68th Street as dedicated by said plat of ''Rich Acres Hennepin County Minn.'', described as follows: Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence South 16 degrees 28 minutes 21 seconds East for 1323.55 feet to a point on the easterly right-of-way line of State Trunk Highway No. 77 and the actual point of beginning; thence southerly for 186.78 feet along a non-tangential curve concave to the east, radius 6536.00 feet and central angle 01 degrees 38 minutes 14 seconds, the hord of said curve bears South 03 degrees 40 minutes 58 seconds West, to a point on said easterly right-of-way line of State Trunk Highway No. 77 and the westerly line of said Block 3; thence North 00 degrees 01 minutes 12 seconds West along said easterly right-of-way line and said westerly line of Block 3 and the northerly extension thereof for 119.64 feet to an angle point in said easterly line; thence North 16 degrees 51 minutes 41 seconds East along said easterly right-of-way line for 41.54 feet to the point of beginning.

For the purposes of this description the westerly line of said Northwest Quarter is assumed to bear South 00 degrees 03 minutes 15 seconds East.

MAC Parcel 11A

All that part of the Southwest Quarter of Section 36, Township 28, Range 24, Hennepin County, Minnesota, described as follows: Commencing at the northwest corner of said Southwest Quarter; thence South 44 degrees 01 minutes 17 seconds East for 425.25 feet to a point on the easterly right-of-way line of State Trunk Highway No. 77 and the actual point of beginning; thence South 03 degrees 29 minutes 17 seconds East for 262.21 feet; thence South 00 degrees 19 minutes 00 seconds West for 288.19 feet; thence southerly for 500.82 feet along a tangential curve concave to the east, radius 1359.39 feet and central angle 21 degrees 06 minutes 31 seconds; thence South 20 degrees 47 minutes 31 seconds East for 279.81 feet; thence South 63 degrees 43 minutes 26 seconds East for 70.77 feet; thence South 17 degrees 16 minutes 01 seconds East for 125.00 feet; thence southwesterly for 168.07 feet along a non-tangential curve concave to the northwest, radius 4648.66 feet and central angle 02 degrees 04 minutes 17 seconds the chord of said curve bears South 73 degrees 20 minutes 07 seconds West; thence South 29 degrees 02 minutes 30 seconds East for 349.23 feet to said easterly right-of-way line; thence northwesterly, northerly, westerly, northerly, easterly and northerly along said easterly right-of-way line to the point of beginning.

For the purposes of this description, the westerly line of said Southwest Quarter is assumed to bear South 00 degree 00 minutes 11 seconds East.

Issued in Minneapolis, MN, on March 11, 2004.

Robert Huber,

Manager, Minneapolis Airports District Office, FAA, Great Lakes Region.

[FR Doc. 04–10125 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FAA Approval of Noise Compatibility Program; Louisville International Airport, Louisville, KY

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Louisville Regional Airport Authority (formerly dba, Regional Airport Authority of Louisville and Jefferson County, Kentucky) under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act'') and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On November 18, 2003, the FAA determined that the noise exposure maps submitted by Louisville Regional Airport Authority (LRAA) under Part 150 were in compliance with applicable requirements. On May 14, 2004, the FAA approved the Louisville International Airport noise compatibility program. Twenty of the forty-two recommendations of the program were approved; eight of the forty-two recommendations were approved in part; three measures were disapproved; and four measures of the forty-two recommendations were disapproved for FAR Part 150 purposes. No action was taken on seven of the program elements relating to new or revised flight procedures for noise abatement proposed by the airport operator until further study and/or environmental analysis are completed.

DATES: *Effective Date:* The effective date of the FAA's approval of the Louisville International Airport noise compatibility program is May 14, 2004.

FOR FURTHER INFORMATION CONTACT: Jerry O. Bowers, Airports Program Manager, 2862 Business Park Drive, Building G, Memphis, Tennessee 38118–1555, Telephone: (901) 322–8184. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Louisville International Airport, May 14, 2004.

Under section 47504 of the Act, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Memphis, Tennessee.

Louisville Regional Airport Authority submitted to the FAA on February 12, 2003, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from April 16, 1999, through February 12, 2003. The Louisville International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on November 18, 2003. Notice of this determination was published in the **Federal Register** on December 15, 2003.

The Louisville International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from February 12, 2003, beyond the year 2008. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 47504 of the Act. The FAA began its review of the program on November 18, 2003, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 42 proposed actions for noise mitigation on and/or off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the FAA effective, May 14, 2004.

Outright approval was granted for 20 specific program elements. Measures that were approved are: maintain south flow runway preference; southbound divergence according to destination, continuation of existing Air Traffic Control procedure; maintain Contraflow Program, continuation of existing ATC procedure; request the airlines serving the airport to use FAA Distant Noise Abatement Departure Procedure in Advisory Circular 91–53A, Noise Abatement Departure Procedure; continue airport regulation restricting aircraft engine run-ups to certain hours and locations; continue the current

Voluntary Residential Acquisition Program including the Innovative Housing Program; expanded Voluntary Residential Acquisition within the DNL 65dB to the south of the airport that will continue to be exposed to significant noise levels in 2008; provide soundproofing in residential areas within the DNL 65 dB contour to the north of the airport; offer sound insulation for noncompatible institutional areas within the DNL 65 (potentially University of Louisville & additional churches); Residential Sales Assistant Program within DNL 65; construct an earth berm along the northwest side of the airfield to reduce ground noise associated with aircraft departures on Runway 17R: study potential noise barrier for Preston Park neighborhood (approved for study); LRAA would coordinate with the Planning Commission to adopt a policy concerning rezoning from compatible to noncompatible in the airport environs; consider disclosure ordinances; avigation easement purchase within DNL 65; establish new LRAA staff position dedicated to management of the noise compatibility program; establish advisory committee composed of community, user, and air traffic control interests to maintain coordination among the stakeholders in the noise compatibility program; acquire portable noise monitoring equipment to enable the Authority's Noise/Environmental Programs Coordinator to monitor actual noise and provide accurate information to community members; acquire equipment to monitor aircraft operations and establish a regular program of monitoring and reporting conformance with recommended noise abatement procedures; and the LRAA would use the Airport Noise Office as a central point to collect and disseminate information.

Measures that were approved in part are: designate departure and arrival flight tracks to be used by all turbojet and applicable turboprop aircraft weighing over 12,500 pounds (The measure is disapproved for new noise abatement flight tracks outside of existing corridors. FAA has suspended RNAV departure procedure development at this time); assign GPS/FMS or RNAV equipped aircraft to define FMS/GPS departure and arrival flight tracks for turbojet and military aircraft (this new measure is disapproved for new noise abatement flight tracks outside of existing corridors. FAA has suspended RNAV departure procedure development at this time); FMS/GPS departure and arrival flight tracks for turboprop aircraft weighing over 12,500 pounds (This new measure, is disapproved for new noise abatement flight tracks outside of existing corridors. FAA has suspended RNAV departure procedure development at this time); Compatible Land Use Planning (the portion permitting new incompatible development within the DNL 65 dB is disapproved for purposes of Part 150); Subdivision Regulations (the portion permitting new incompatible development within the DNL 65 dB is disapproved for purposes of Part 150); LRAA would consider participation in a Redevelopment Program (Renaissance Zone Program) initiative that would redevelop areas in the airport environs as part of a joint effort with the Fairgrounds, UPS, and Ford Motor Company (the portion permitting new incompatible development within the DNL 65 dB is disapproved for purposes of Part 150); LRAA would work with the Planning Commission to develop an overlay zone, to supplement other land use planning techniques (the portion permitting new incompatible development within the DNL 65 dB is disapproved for purposes of Part 150); and Building Code Revision (the portion permitting new incompatible development within the DNL 65 dB is disapproved for purposes of Part 150).

The three measures that were disapproved for Part 150 purposes because Public Law 108–176, Vision 100-Century Of Aviation Reauthorization Act, December 12, 2003, specifically prohibits FAA approval of Part 150 measures that call for Federal funding to mitigate aircraft noise below DNL 65 are: residential sound insulation for areas between DNL 60 and DNL 65 that would experience a 3 dB increase in noise levels as a result of the recommended noise abatement measures; and the LRAA would offer to purchase avigation easements from homeowners in areas exposed to DNL 60 to DNL 65 noise levels that experience a 3dB increase in noise exposure and that are eligible for residential soundproofing and sales assistance who do not believe they would benefit from either program. One measure was disapproved for Part 150 purposes because it requires departing aircraft to be ''aimed'' directly at arriving aircraft, and greater use increases the potential for loss of separation between arriving and departing aircraft, which introduces safety issues and delay; reduce exceptions to contraflow, enhancement of existing measure. This disapproval under Part 150 does not prohibit airport management from seeking cooperation from the airlines to adjust schedules on a voluntary basis to more closely conform to normal peak periods.

One operational measure that was disapproved is: elimination of early descent (new measure, disapproved because the measure as described would have the effect of ''prohibiting descents'' rather than ''discourage descents'' below the minimum, published altitude at the identified fixes).

Measures disapproved pending further information are: limit use of north runway extension to aircraft needing full runway length and use south extension for departures to the north and construct ground run-up enclosure (Hush Houses) if required to reduce noise from maintenance run-up activity.

Operational measures that were not acted on because they require further technical evaluation and/or environmental study are: reverse east-west preference (day and night), reverse the current runway use program to prefer the west runway; morning north flow preference (revision of existing measure); use offset departure from Runway 35L and offset approach to Runway 17R; request FAA ATCT to require all aircraft to intercept the runway centerline at or beyond the initial approach fix; request FAA to publish a Standard Instrument Departure (SID) procedure for each runway to be used in all weather conditions, including VFR conditions (new measure); request FAA to publish a Standard Terminal Arrival Route (STAR) for each runway to be used in all weather conditions including VFR conditions (new measure); as part of the ongoing noise management program, extend noise abatement flight tracks beyond those identified in other measures.

In accordance with FAR Part 150, Section B150.3, the Louisville Regional Airport Authority must revise the future Noise Exposure Map, NEM 2008 since twelve operational measures were either approved in part, disapproved, or action was deferred pending further technical and environmental evaluation.

These determinations are set forth in detail in a Record of Approval signed by the Associate Administrator for Airports on May 14, 2004. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Louisville Regional Airport Authority. The Record of Approval also will be available on-line at *http://www.faa.gov/*

arp/environmental/14cfr150/index14.cfm.

Issued in Memphis, Tennessee May 24, 2004.

LaVerne F. Reid,

Manager, Memphis Airports District Office.

[FR Doc. 04–12329 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2004–35]

Petitions for Exemption; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities.

FOR FURTHER INFORMATION CONTACT: Tim Adams (202) 267–8033, or Sandy Buchanan-Sumter (202) 267–7271, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on May 26, 2004.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2002–11840.

Petitioner: Davis Aerospace Technical High School, and Black Pilots of America.

Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.

Description of Relief Sought/Disposition: To permit Davis Aerospace Technical High School, and Black Pilots of America to conduct local sightseeing flights at the Detroit City Airport, Detroit, Michigan, for its annual open house during May 2004, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135, subject to certain conditions and limitations.

Grant, 5/14/2004, Exemption No. 8318

Docket No.: FAA–2002–11488.

Petitioner: International Aero Engines AG.

Section of 14 CFR Affected: 14 CFR 21.325(b)(1) and (3).

Description of Relief Sought/Disposition: To permit export airworthiness approvals to be issued for Class I products (engines) assembled and tested in the United Kingdom, and for Class II and III products manufactured in the International Aero Engines AG consortium countries of Germany, Japan, and the United Kingdom.

Grant, 5/10/2004, Exemption No. 4991H

Docket No.: FAA–2000–8533.

Petitioner: Israel Aircraft Industries, Ltd.

Section of 14 CFR Affected: 14 CFR 61.77(a).

Description of Relief Sought/Disposition: To permit pilots employed by or under contract to Israel Aircraft Industries, Ltd, to obtain special purpose pilot authorizations in order to perform the following flights of aircraft being delivered by Israel Aircraft Industries from its facilities within Israel, facilities within the U.S., and its facilities at a number of locations throughout the World for Israel Aircraft Industries' U.S. and international customers:

1. Ferry/delivery flights of all airplanes being delivered by Israel Aircraft Industries from Israel to the United States for its U.S. and international customers.

2. Ferry/delivery flights of all airplanes being delivered by Israel Aircraft Industries from Israel to other countries for its U.S. and international customers.

3. Test and acceptance flights of all airplanes being delivered by Israel Aircraft Industries from for its U.S. and international customers.

4. Ferry, delivery, and acceptance flights for its customers from Israel Aircraft Industries' part 145 repair stations. Israel Aircraft Industries states that it has a need to perform ferry, delivery, and acceptance flights from its part 145 repair stations for its U.S. and international customers who may have had ''passenger-to-cargo'' conversions performed on theirairplanes.

Grant, 5/7/2004, Exemption No. 7406B

Docket No.: FAA–2002–11992.

Petitioner: Kent State University.

Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.

Description of Relief Sought/Disposition: To permit Kent State University to conduct local sightseeing flights at the Kent State University Airport, during September 2004, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135, subject to certain conditions and limitations.

Grant, 5/14/2004, Exemption No. 8319

Docket No.: FAA–2002–13131.

Petitioner: Starfighters, Inc.

Section of 14 CFR Affected: 14 CFR 91.319(a).

Description of Relief Sought/Disposition: To permit Starfighters, Inc., to use its Lockheed F–104 Starfighter aircraft (registration No. N104RB, serial No. 104632), which has an experimental airworthiness certificate, to conduct spaceflight orientation training and to receive compensation for such training.

Denial, 5/7/2004, Exemption No. 8316

Docket No.: FAA–2004–16973.

Petitioner: Mr. Donald E. Brown.

Section of 14 CFR Affected: 14 CFR 121.383(c).

Description of Relief Sought/Disposition: To permit Mr. Donald E. Brown to act as a pilot in operations conducted under part 121 after reaching his 60th birthday.

Denial, 5/10/2004, Exemption No. 8317

Docket No.: FAA–2004–17374.

Petitioner: Ameristar Air Cargo, Inc.

Section of 14 CFR Affected: 14 CFR 121.383(c).

Description of Relief Sought/Disposition: To permit Ameristar Air Cargo, Inc., to utilize a pilot to act as a pilot in operations conducted under part 121 after reaching his/her 60th birthday.

Denial, 5/10/2004, Exemption No. 8315

Docket No.: FAA–2000–8528.

Petitioner: Popular Rotorcraft Association.

Section of 14 CFR Affected: 14 CFR 91.319(a).

Description of Relief Sought/Disposition: To permit Popular Rotorcraft Association and its member flight instructors to operate an experiment category gyroplane for the purpose of conducting flight instruction for compensation or hire.

Grant, 5/7/2004, Exemption No. 5209I

Docket No.: FAA–2004–16893.

Petitioner: Lockheed Martin Corporation, Systems Integration.

Section of 14 CFR Affected: 14 CFR 45.29(b)(3).

Description of Relief Sought/Disposition: To permit Lockheed Martin

Corporation, Systems Integration, to display 2-inch nationality and registration marks on a Bell UH–1H aircraft instead of the required 12-inch marks.

Denial, 5/4/2004, Exemption No. 8312

Docket No.: FAA–2004–17026.

Petitioner: Evergreen Helicopters of Alaska, Inc.

Section of 14 CFR Affected: 14 CFR 43.3(g).

Description of Relief Sought/ Disposition: To permit pilots employed by Evergreen Helicopters of Alaska, Inc., to accomplish certain maintenance procedures without holding an airframe and powerplant mechanic certificate.

Denial, 5/4/2004, Exemption No. 8313

Docket No.: FAA–2002–13291.

Petitioner: Pulaski Technical College.

Section of 14 CFR Affected: 14 CFR 65.75(a).

Description of Relief Sought/ Disposition: To permit Pulaski Technical College to administer the AMG written test to students immediately following their successful completion of the general curriculum but before they meet the experience requirements of § 65.77.

Grant, 5/3/2004, Exemption No. 7926A

Docket No.: FAA–2002–12457.

Petitioner: Arkansas Aviation Technologies Center.

Section of 14 CFR Affected: 14 CFR 65.17(a), 65.19(b), and 65.75(a) and (b).

Description of Relief Sought/ Disposition: To permit Arkansas Aviation Technologies Center, an aviation maintenance technical school, certificate No. N1KT082K, to:

1. Administer the FAA oral and practical mechanic tests to students at times and places identified in AATC's FAA-approved operations manual.

2. Conduct the oral and practical tests as an integral part of the education process rather than conducting the tests upon students' successful completion of the mechanic written tests.

3. Approve students for retesting within 30 days after failure without requiring a signed statement certifying that additional instruction has been given in the failed area.

4. Administer the aviation mechanic general (AMG) written test to students immediately after successful completion of the general curriculum but before meeting the requirements of § 65.77.

Grant, 5/3/2004, Exemption No. 7877A

Docket No.: FAA–2001–9138.

Petitioner: Air Canada.

Section of 14 CFR Affected: 14 CFR 43.17(c)(2).

Description of Relief Sought/ Disposition: To permit foreign operators of U.S. registered aircraft and foreign Federal Aviation Administration approved repair stations to ship parts directly to Air Canada for repair without shipping them through the United States.

Grant, 5/7/2004, Exemption No. 8314

Docket No.: FAA–2001–9409.

Petitioner: U.S. Air Force.

Section of 14 CFR Affected: 14 CFR 91.159(c).

Description of Relief Sought/ Disposition: To permit the U.S. Air Force to operate its U–2 aircraft under visual flight rules at or above flight level 600 without maintaining the appropriate cruising altitudes as required under § 91.159(c).

Grant, 5/4/2004, Exemption No. 130F

Docket No.: FAA–2001–9519.

Petitioner: U.S. Air Force.

Section of 14 CFR Affected: 14 CFR 91.159.

Description of Relief Sought/ Disposition: To permit the U.S. Air Force to conduct hurricane reconnaissance flights without maintaining the appropriate cruising altitudes as prescribed by § 91.159 of 14 CFR that governs operations for flights conducted under visual flight rules.

Grant, 5/4/2004, Exemption No. 131J

Docket No.: FAA–2001–9410.

Petitioner: U.S. Air Force.

Section of 14 CFR Affected: 14 CFR 91.159.

Description of Relief Sought/ Disposition: To permit the U.S. Air Force to conduct non-training photographic reconnaissance missions that require flying a series of tracks at a constant altitude under visual flight rules, without maintaining the appropriate cruising altitude required under § 91.159.

Grant, 5/4/2004, Exemption No. 134K

Docket No.: FAA–2004–17410.

Petitioner: Visiting Nurse Association.

Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.

Description of Relief Sought/ Disposition: To permit the Visiting Nurse Association to conduct local sightseeing flights at the Martin County Airport, Stuart, Florida, for the Stuart Air show during November 2004, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135, subject to certain conditions and limitations.

Grant, 5/14/2004, Exemption No. 8320

Docket No.: FAA–2004–17186.

Petitioner: Mr. John C. Kline.

Section of 14 CFR Affected: 14 CFR 121.383(c).

Description of Relief Sought/ Disposition: To permit Mr. John C. Kline to act as a pilot in operations conducted under part 121 after reaching his 60th birthday.

Denial, 5/18/2004, Exemption No. 8321

Docket No.: FAA–2000–8527.

Petitioner: SIMCOM Training Center

Section of 14 CFR Affected: 14 CFR 91.9(a) and 91.531(a) (1) and (2).

Description of Relief Sought/ Disposition: To permit SIMCOM Training Center and operators of Cessna Citation model 500, 550, S550, 552, and 560 airplanes to operate those airplanes without a pilot who is designated as second in command.

Grant, 5/19/2004, Exemption No. 7487D

[FR Doc. 04–12323 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2004–34]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption, part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of a certain petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before June 21, 2004.

ADDRESSES: Send comments on the petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2004–17909 at the beginning of your comments. If you wish to receive confirmation that the FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov*. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Susan Boylon ((425) 227–1152), Transport Airplane Directorate (ANM–113), Federal Aviation Administration, 1601 Lind Ave SW., Renton, WA 98055–4056; or John Linsenmeyer ((202) 267–5174), Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on May 25, 2004.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2004–17909.

Petitioner: The Boeing Company.

Section of 14 CFR Affected: § 25.301, 25.303, 25.305, 25.901(c).

Description of Relief Sought: To permit a time limited exemption from the affected regulations as they relate to the structural strength, deformation and failure of the thrust reverser inner wall panels under certain refused takeoff (RTO) conditions for Boeing Model 777 airplanes equipped with Pratt & Whitney, General Electric, or Rolls Royce engines.

[FR Doc. 04–12324 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

User Input to the Aviation Weather Technology Transfer (AWTT) Board

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: The FAA will hold an informal public meeting to seek input from a specific, focused group of aviation weather users. Details: June 16, 2004; 1575 ''I'' Street, NW., Washington, DC 20005; 9 a.m. to 4 p.m. The objective of this meeting is to provide an opportunity for a specific group of aviation weather users to provide input on FAA's plans for implementing new weather products.

DATES: The meeting will be held at 1575 ''I'' Street, NW., Washington, DC. 20005; Times: 9 a.m. to 4 p.m. on June 16, 2004.

FOR FURTHER INFORMATION CONTACT: Debi Bacon, Aerospace Weather Policy Division, ARS–100, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone number (202) 385–7705; Fax: (202) 385–7701; email: *debi.bacon@faa.gov.*

SUPPLEMENTARY INFORMATION:

History

In 1999, the Federal Aviation administration (FAA) established an Aviation Weather Technology Transfer (AWTT) Board to manage the orderly transfer of weather capabilities and products from research and development (R&D) into operational use. The board is composed of mid-level managers from FAA and National Weather Service (NWS) and meet semi-annually or as needed. The Board is responsible to determine the readiness of weather R&D products for experimental use, full operational use for meteorologists or full operational use for end users. The board's determinations are based upon criteria such as users needs, costs and benefits, risks, product readiness and budget.

FAA has the sole responsibility and authority to make decisions intended to provide a safe, secure, and efficient U.S. national airspace system. However, it behooves FAA to make decisions in a vacuum. Therefore, FAA seeks input from the user community at quarterly meetings before decisions are finalized. Two such meetings were held in January and April 2004.

At the quarterly meetings, industry users are invited to provide input for development of concepts of use (ConUse) for individual aviation weather products approaching specific AWTT board decision points. Meetings are announced in the **Federal Register** and open to all interested parties.

This meeting is an additional user input meeting intended to acquire input for an aviation weather roadmap from three specific user groups: Airline pilots, airline dispatchers and weather information providers to commercial airline users. All interested users in other categories may attend and observe, however only certain, focus information will be sought from the three specific groups.

Meeting Procedures

(a) The meeting will be informal in nature and will be conducted by representatives of the FAA Headquarters.

(b) The meeting will be open to all persons on a space-available basis. Every effort was made to provide a meeting site with sufficient seating capacity for the expected participation. There will be neither admission fee nor other charge to attend and participate.

(c) Attendees must present themselves to the security guard at the Society for Association Executives, 1575 ''I'' Street, NW., Washington, DC 20005. Attendees will be directed to the FAA offices on the 8th floor where they will adhere to security instructions (including presenting of picture identification cards) and directed to the 9th floor conference room.

(d) FAA personnel will lead a session intended to refine an aviation weather roadmap. Comments from the specific user groups will be used to complete and/or verify a decision-making matrix regarding specific types of weather phenomena. Comments/Feedback on the proposed documents will be captured through discussion between FAA personnel and those focused users attending the meeting.

(e) FAA will not take any action items from this meeting nor make any commitments to accept specific user suggestions. The meeting will not be formally recorded. However, informal tape recordings may be made of the presentations to ensure that each respondent's comments are noted accurately.

(f) An official verbatim transcript or minutes of the informal meeting will not be made. However, a list of the attendees and a completed matrices will be produced. Any person attending may receive a copy of the written information upon request to the information contact, above.

(g) Every reasonable effort will be made to hear each person's feedback consistent with a reasonable closing time for the meeting. Written feedback is also solicited and may be submitted to FAA personnel for the period June 17–30, 2004.

Agenda

(a) Opening Remarks and Discussion of Meeting Procedures.

(b) Review of AWTT user input process.

(c) Focused Input Session.

(d) Closing Comments.

* * * * *

Issued in Washington, DC on May 26, 2004.

Richard J. Heuwinkel,

Acting Staff Director, Office of Aerospace Weather Policy and Standards.

[FR Doc. 04–12325 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 193/ EUROCAE Working Group 44: Terrain and Airport Databases

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 193/EUROCAE Working Group 44 meeting.

SUMMARY: The FAS is issuing this notice to advise the public of a meeting of RTCA Special Committee 193/ EUROCAE Working Group 44: Terrain and Airport Databases.

DATES: The meeting will be held June 7–10, 2004 from 9 a.m.–5 p.m.

ADDRESSES: The meeting will be held at ICAO, 999 University Street, Montreal, PQ, Canada, H3C 5H7.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.* (2) Mr. Aleksandar Pavlovic; telephone (514) 954–8162.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 193/EUROCAE Working Group 44 meeting. The agenda will include:

- June 7:
- Opening Plenary Session (Welcome and Introductory Remarks, Review/ Approval of Meeting Agenda, Review Summary of Previous Meeting)
- Discussion
- Presentations
  - Jens Schiefele—Updates on changes to DO–272/ED–98, DO–276/ED–99, ED–119/DO–XXX
- Report on RTCA PMC meeting discussion on Document
- Report on EUROCAE Council discussion on Document
- Subgroup 5 (Update to SC–193/WG–44 Documents)
  - Discussion of Committee Plans
  - Establish priorities of working revision items
  - Begin recording changes to documents
  - Determine if need for subgroups
  - Begin recording changes to documents
- June 8:
- Continue Subgroup 5:
  - Update to SC–193/WG–44
- June 9:
- Continue in Subgroup 5:
  - Update to SC–193/WG–44
- June 10:
- Closing Plenary Session (Summary of Subgroup 5, Assign Tasks, Other Business, Date and Place of Next Meeting, Adjourn)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 10, 2004.

Robert Zoldos,

FAA System Engineer, RTCA Advisory Committee.

[FR Doc. 04–12328 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Funds Availability and Request for Comment To Assist in the Development and Implementation of a Procedure for Fair Competitive Bidding by Amtrak and Non-Amtrak Operators of State-Supported Intercity Passenger Rail Routes

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice; extension of comment period and due date for Statements of Interest.

SUMMARY: On April 13, 2004, FRA published a Notice of Funds Availability and Request for Comment in the **Federal Register** (69 FR 19612) soliciting comments from interested parties on how the Secretary of Transportation, working with affected States, could develop and implement a procedure for fair competitive bidding by Amtrak and non-Amtrak operators for State-supported intercity passenger rail routes. FRA also encouraged interested States to submit a Statement of Interest in receiving a grant to support an initiative leading to a fair and open competitive selection of an operator to provide passenger rail service over a specific intercity route that receives or will receive State financial support. Responses to the notice were due on or before May 28, 2004. In order to provide interested applicants with additional time to submit Statements of Interest or comments, FRA has decided to extend the due date for these submissions until June 28, 2004. All of the other requirements included in the original Notice of Funds Availability and Request for Comment remain unchanged.

DATES: All submissions of Statements of Interest and comments must be received in FRA's offices by close of business Monday, June 28, 2004. As described in the original notice, the deadline for the submission of applications will be noted in the solicitation from FRA to prospective grantees as a result of the evaluation of the Statements of Interest.

ADDRESSES: Applicants and/or commenters must submit an original and six (6) copies to the FRA at one of the following addresses:

Postal address (note correct zip code): Federal Railroad Administration, Attention: Alex Chavrid, Chief, Passenger Programs Division (RDV–11), Mail Stop #20, 1120 Vermont Ave., NW., Washington, DC 20590.

FedEx/courier address (note correct zip code): Federal Railroad Administration, Attention: Alex Chavrid, Chief, Passenger Programs Division, (RDV–11), Room #773, 1120 Vermont Ave., NW., Washington, DC 20005.

Due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, applicants are encouraged to use other means to assure timely receipt of materials.

FOR FURTHER INFORMATION CONTACT: Mark Yachmetz, Associate Administrator for Railroad Development (RDV–1), FRA, 1120 Vermont Avenue NW., Washington, DC 20590. Phone: (202) 493–6381; Fax: (202) 493–6330.

Issued in Washington, DC on May 25, 2004.

Mark E. Yachmetz,

Associate Administrator for Railroad Development.

[FR Doc. 04–12330 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA–2004–17978]

Notice of Request for Extension of a Currently Approved Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to extend the following currently approved information collection: 49 CFR Part 611 Major Capital Investment Projects.

DATES: Comments must be submitted before August 2, 2004.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the United States Department of Transportation, Central Dockets Office, PL–401, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 10 a.m. to 5 p.m., *e.t.*, Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Fisher, Office of Planning and Environment, (202) 366–0257.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: 49 CFR Part 611 Major Capital Investment Projects.

Background: On June 9, 1998, the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178) was enacted. Section 3009(e)(5) of TEA–21 requires FTA to issue regulations on the manner in which candidate projects for capital investment grants and loans for new fixed guideway systems and extensions to existing systems (''New Starts'') will be evaluated and rated for purposes of the FTA Capital Investment Grants and Loans program for New Starts under 49 U.S.C. Section 5309.

The Notice of Proposed Rulemaking (NPRM) for this regulation was issued on April 7, 1999, (64 FR 17062). The Final Rule was issued on December 7, 2000 (65 FR 76864). In the **Federal Register** of October 30, 2001, FTA announced OMB's approval of the collection of information for the Final Rule. That approval expires on August 31, 2004.

It is important to note that while the New Starts project evaluation and rating regulation was new when FTA first requested approval for this information collection, the requirements for project evaluation and data collection for the New Starts program are not. FTA's requirement to evaluate proposed New Starts against a prescribed set of statutory criteria is longstanding. The Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) established in law a set of criteria that proposed projects had to meet in order to be eligible for Federal funding. The requirement for summary project ratings has been in place since 1998. In general, the information used by FTA for New Starts project evaluation and rating purposes should arise as a part of the normal planning process. Prior to this Rule, FTA collected project evaluation information from project sponsors under a Paperwork Reduction Act request (OMB No. 2132–0529) approved under the joint FTA/FHWA planning regulations. However, as the project evaluation criteria expanded under TEA–21, it became apparent that some information required under this Rule might be beyond the scope of ordinary planning activities.

Further, while FTA has long required the reporting of information for project evaluations, there has never been a regulatory requirement until TEA–21. Finally, this Rule added a new requirement for before-and-after data collection for purposes of Government Performance and Results Act reporting as a condition of obtaining a Full Funding Grant Agreement (FFGA). It is also important to note that since this is a new regulatory requirement, the burden estimates include all data collection efforts required by this Rule, regardless of whether the same data would have been required under the previous, policy statement-driven process. Thus, the total burden estimate includes items that would have been required whether this regulation had been issued or not. These estimates were also provided in the preamble to the Final Rule dated December 7, 2000.

Respondents: State and local government.

Estimated Annual Burden on Respondents: 487 hours for each of the 97 respondents.

Estimated Total Annual Burden: 47,200 hours.

Frequency: Annual.

Issued: May 26, 2004.

Ann M. Linnertz,

Deputy Associate Administrator for Administration.

[FR Doc. 04–12331 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA–2004–17977]

Notice of Request for the Extension of Currently Approved Information Collections

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to extend the following currently approved information collection: Reporting of Technical Activities by FTA Grant Recipients.

DATES: Comments must be submitted before August 2, 2004.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the United States Department of Transportation, Central Dockets Office, PL–401, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 10 a.m. to 5 p.m., e.t. Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

FOR FURTHER INFORMATION CONTACT: Ms. Candace Noonan, Office of Planning and Environment, (202) 366–1648.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of these information collections, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality,

utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Reporting of Technical Activities by FTA Grant Recipients. (*OMB Number: 2132–0549*).

Background: 49 U.S.C. 5303 and 5313(a) and (b) authorize the use of Federal funds to assist metropolitan planing organizations (MPOs), States, and local public bodies in developing transportation plans and programs to serve future transportation needs of urbanized areas and nonurbanized areas throughout the nation. As part of this effort, MPOs are required to consider a wide range of goals and objectives and to analyze alternative transportation system management and investment strategies. These objectives are measured by definable activities such as planning certification reviews and other related activities.

The information collected is used to report annually to Congress, the Secretary, and to the Federal Transit Administrator on how grantees are responding to national emphasis areas and congressional direction, and allows FTA to track grantees' use of Federal planning and research funds.

Respondents: FTA grant recipients.

Estimated Annual Burden on Respondents: 3 hours for each of the 50 respondents.

Estimated Total Annual Burden: 150 hours.

Frequency: Annual.

Issued: May 26, 2004.

Ann M. Linnertz,

Deputy Associate Administrator for Administration.

[FR Doc. 04–12332 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2001–10044; Notice 4]

Reliance Trailer Co., LLC.; Grant of Application for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

This notice grants the application by Reliance Trailer Co., LLC, of Spokane, Washington (Reliance), for a renewal of a temporary exemption for its dump body trailer from the Federal Motor Vehicle Safety Standard No. 224, *Rear Impact Protection* (FMVSS No. 224). In accordance with 49 U.S.C. 30113(b)(3)(B)(i), the basis for the grant is that compliance would cause substantial economic hardship to a manufacturer that has made a good faith effort to comply with the standard.

The National Highway Traffic Safety Administration (NHTSA) published a notice of receipt of the application on January 16, 2004, and afforded an opportunity for comment.[1]

I. Background

Reliance is a small volume manufacturer of dump body trailers built to work specifically with asphalt paving equipment. On October 16, 2001, Reliance was issued a two-year hardship exemption from the requirements of FMVSS No. 224.[2] Despite their efforts since 2001, Reliance had been unable to bring their dump body trailers in compliance with FMVSS No. 224. Accordingly, Reliance petitioned for renewal on September 24, 2003. We note that because Reliance did not apply for a renewal more than 60 days prior to expiration of the original exemption, their exemption lapsed on October 1, 2003.[3] This exemption is effective as of the day of this notice, and will remain in effect until June 1, 2006.

II. Why Reliance Needs a Renewal of a Temporary Exemption

FMVSS No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 kg or more, including Reliance's dump body trailers, be fitted with a rear impact guard that conforms to Standard No. 223, *Rear Impact Guards.*

In the original petition, Reliance argued that a rear impact guard would prevent its trailers from properly connecting with, and discharging asphalt into paving equipment. According to petitioners, compliance with FMVSS No. 224 would render their dump body trailers useless for performing their intended function. During the two-year temporary exemption period, Reliance anticipated acquiring the revenue necessary to design a complex retractable rear impact guard that would allow for proper interaction with paving equipment. However, petitioners now state that they have not been able to arrive at a practical, and economic solution for complying with the requirements of FMVSS No. 224. Accordingly, Reliance has asked for an additional two year time period in which they can derive financial resources necessary for further attempts to bring their dump body trailers into compliance with FMVSS No. 224 without negating their intended function.

III. Why Compliance Would Cause Substantial Economic Hardship and How Reliance Has Tried in Good Faith To Comply With the Requirements of Standard No. 224

In addition to their inability to design a practicable rear impact guard, Reliance experienced a significant economic downturn in the past three years. Specifically, petitioner's financial statements show a profit of $69,284 for the fiscal year 2000; an operating loss of $1,181,900 for the fiscal year 2001; and an operating loss of $2,477,700 for the 2002 fiscal year. This represents a cumulative loss over a 3 year period of $3,590,316.[4] These economic losses forced Reliance to shut down one of their manufacturing facilities in Lynnwood, Washington, and the company is in the midst of further restructuring and consolidation. In 2003, Reliance produced only 12 dump body trailers, which is significantly less than the output in the previous two years. In short, Reliance has not been able to generate profits necessary to continue their efforts to develop a dump body trailer that can effectively interact with paving equipment. According to Reliance, denial of this petition would cause further economic harm to the company because their product would become useless to their only customer—the paving industry.

With respect to petitioner's efforts to comply with FMVSS No. 224, Reliance explored the possibility of implementing moveable, retractable, or removable rear impact guards. However, it was decided that moveable and retractable guards would interfere with paving machines to which a Reliance trailer attaches. This is because the hopper for the paving equipment occupies the space directly behind the rear axle. Reliance anticipates that removable guards would not be reinstalled because they would need to be removed every time the trailer was used.

IV. Why a Renewal of an Exemption Would Be in the Public Interest and Consistent With the Objectives of Motor Vehicle Safety

Petitioners contend that the renewal of their exemption would be in the

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[1] *See* 69 FR 2644.

[2] For additional background information on the company please see original petition (66 FR 53471).

[3] *See* 49 CFR 555.8(e).

[4] To see Reliance petition for renewal of their temporary exemption, please go to *http://dms.dot.gov/search/searchFormSimple.cfm* and enter Docket No. NHTSA–2001–10044.

public interest for the following reasons. First, Reliance argues that denial of this petition request would reduce their payroll by 15 to 18 employees. Second, Reliance argues that an exemption would allow the company to continue providing paving equipment needed by road building industry.

According to Reliance, this exemption will facilitate their efforts to continue seeking a practicable and financially viable solution that would allow dump body trailers with rear impact guards to functionally interact with paving equipment.

V. Comments Received on the Reliance Petition

The agency received no comments on the petition for renewal of the exemption.

VI. The Agency's Findings

The agency is granting the Reliance petition for the following reasons:

1. The Reliance petition clearly demonstrates the financial difficulties experienced by the company, with cumulative losses in the past three years exceeding $3,500,000.

2. The application indicates that Reliance has made a good faith effort to bring their dump body trailers into compliance with Federal safety standards.

3. Traditionally, the agency has found that the public interest is served in affording continued employment to a small volume manufacturer's work force. In this instance, denial of the petition would likely decrease Reliance payroll by 15 to 18 employees.

4. Because these trailers will be manufactured in limited quantities and because typical hauls are short with a minimal amount of time spent traveling on highways, the agency finds that this exemption will likely have a negligible impact on the overall safety of U.S. highways. At the same time, the public interest is served because these special-purpose, road construction trailers perform an important function by facilitating road construction and maintenance.

5. The agency notes that there is no substantial difference between Reliance petition and other hardship applications that we have granted in the past. For example, we recently granted an exemption to another manufacturer of similar dump body trailers. On February 13, 2003, Columbia Body Manufacturing Co. received a three-year exemption from the requirements of FMVSS No. 224.[5]

6. The term of this exemption will be limited to two years and the agency anticipates that this time period will enable Reliance to derive revenues necessary to continue their efforts to bring their dump body trailers in compliance with FMVSS No. 224.

In consideration of the foregoing, it is hereby found that compliance with the requirements of Standard No. 224 would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. It is further found that the granting of an exemption would be in the public interest and consistent with the objectives of traffic safety.

In accordance with 49 U.S.C. 30113(b)(3)(B)(i), Reliance is granted NHTSA Temporary Exemption No. EX 04–1, from the requirements of 49 CFR 571.224; Standard No. 224, *Rear Impact Protection.* The exemption shall remain in effect until June 1, 2006.

FOR FURTHER INFORMATION CONTACT: George Feygin in the Office of Chief Counsel, NCC–112, (Phone: (202) 366–2992; Fax (202) 366–3820; e-mail: *George.Feygin@nhtsa.dot.gov*). (49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on: May 25, 2004.

Jeffrey W. Runge,

Administrator.

[FR Doc. 04–12334 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–59–P

[5] For details on that exemption, please see 68 FR 7406.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2004–17939; Notice 1]

Bentley Motors, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Bentley Motors, Inc. (Bentley) has determined that certain vehicles that it manufactured in 2004 do not comply with S4.2.2(a) of 49 CFR 571.114, Federal Motor Vehicle Safety Standard (FMVSS) No. 114, ''Theft protection.'' Bentley has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.''

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Bentley has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Bentley's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Approximately 464 model year 2004 Bentley Continental GT vehicles are affected. S4.2.2(a) of FMVSS No. 114 requires that

> * * * provided that steering is prevented upon the key's removal, each vehicle * * * [which has an automatic transmission with a ''park'' position] may permit key removal when electrical failure of this [key-locking] system * * * occurs or may have a device which, when activated, permits key removal.

In the affected vehicles, the steering does not lock when the ignition key is removed from the ignition switch using the optionally provided device that permits key removal in the event of electrical system failure or when the transmission is not in the ''park'' position.

Bentley believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Bentley states the following in its petition:

> The ignition key/transmission interlock requirements of S4.2 were enacted in Docket 1–21, Notice 9 published May 30, 1990. In that amendment, there was no provision for a device to permit key removal if the transmission was not in the PARK position. In response to petitions for reconsideration and comments to the original NPRM by Toyota, Nissan, Subaru and the Rover Group, NHTSA published Docket 1–21, Notice 10 on March 26, 1991 to revise S4.2 by adding S4.2.1 and S4.2.2 which permit a device to enable ignition key removal if located behind a non-transparent cover that must be removed with the use of a tool. The activation of the override could permit ignition key removal even though the transmission is not in PARK or it could permit moving the transmission out of the PARK position after removal of the ignition key. The condition required for the operation of the device in each case is that the steering would be prevented when the ignition key is removed from the ignition switch.
>
> Toyota and Honda filed petitions for reconsideration to the March 1991 Final Rule amendment and these were responded to in Docket 1–21, Notice 11 on January 17, 1992. In Notice 11, NHTSA amended S4.2.2(a) to clarify that ignition key removal is permitted even though the transmission is not in PARK without the activation of the device in the event of vehicle electrical failure. However, removal of the ignition key with the transmission not in PARK under conditions when the vehicle has normal electric power would only be permitted with the use of the device. The condition for permitting ignition key removal under any situation when the transmission was not in PARK was that the steering would be prevented when the ignition key is removed from the ignition switch.
>
> The provision that the steering must be locked when the ignition key is removed from the ignition switch was discussed in both Notice 10 (56 FR 12467, March 20,

1991) and in Notice 11 (57 FR 2040, January 17, 1992) and the stated intent was ''to ensure that Standard No. 114's theft protection aspects are not jeopardized.'' There is no indication that the requirement for the steering to be prevented was based on any need to prevent personal injury or property damage.

Bentley states that it believes the noncompliance is inconsequential to motor vehicle safety because the presence or absence of a steering lock when the vehicle is without electrical power and the ignition key is removed from the electronic steering column/ ignition switch has no safety implication because in any such circumstance the vehicle is immobilized. Bentley explains:

In the Bentley Continental GT, for which this petition is submitted, the ability to remove the ignition key using the key removal device is a primary security and safety feature (to the extent that it prevents the vehicle from being driven) because the vehicle is equipped with an electronic immobilizer which prevents starting of the engine unless the electronically coded ignition key provided for that vehicle is used in the electronic steering column/ignition switch. The ''code'' to start the engine and activate the fuel and ignition system is embedded in the engine control module and therefore cannot be bypassed or defeated. If the ignition key cannot be removed in the event of vehicle power failure, the driver will not be able to lock the vehicle and the car may be capable of being started and driven by anyone who can repair it (which may be as simple as use of an external electrical supply/battery), because the electronically coded ignition key remains in the steering column/ignition switch.

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 am to 5 pm except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System website at *http://dms.dot.gov.* Click on ''Help'' to obtain instructions for filing the document electronically. Comments may be faxed to 1–202–493–2251, or may be submitted to the Federal eRulemaking Portal: go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 1, 2004.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at CFR 1.50 and 501.8.

Issued on: May 25, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 04–12361 Filed 5–28–04; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2441

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 2441, Child and Dependent Care Expenses.

DATES: Written comments should be received on or before August 2, 2004, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Child and Dependent Care Expenses.

OMB Number: 1545–0068.

Form Number: Form 2441.

Abstract: Internal revenue code section 21 allows a credit for certain child and dependent care expenses to be claimed on Form 1040 (reduced by employer-provided day care benefits excluded under Code section 129). Day care provider information must be reported to the IRS for both the credit and exclusion. Form 2441 is used to verify that the credit and exclusion are properly figured, and that day care provider information is reported.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 6,519,859.

Estimated Time per Respondent: 2 hours, 23 minutes.

Estimated Total Annual Burden Hours: 15,582,464.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 21, 2004.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 04–12345 Filed 5–28–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5329

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5329, Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts.

DATES: Written comments should be received on or before August 2, 2004 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3945, or through the internet at *CAROL.A.SAVAGE@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts.

OMB Number: 1545–0203.

Form Number: 5329.

Abstract: Form 5329 is used to collect taxes related to: early distributions from individual retirement arrangements (IRAs) and other qualified retirement plans; distributions from education accounts not used for educational expenses; excess contributions to traditional IRAs, education accounts, Archer MSAs, health saving accounts; and excess accumulations in qualified retirement plans.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,000,000.

Estimated Time per Respondent: 56 min.

Estimated Total Annual Burden Hours: 937,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 25, 2004.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 04–12346 Filed 5–28–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8839

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8839, Qualified Adoption Expenses.

DATES: Written comments should be received on or before August 2, 2004, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage at Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3945, or through the Internet at *CAROL.A.SAVAGE@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Qualified Adoption Expenses.

OMB Number: 1545–1552.

Form Number: 8839.

Abstract: Section 23 of the Internal Revenue Code allows taxpayers to claim a nonrefundable tax credit for qualified adoption expenses paid or incurred by the taxpayer. Code section 137 allows taxpayers to exclude amounts paid or expenses incurred by an employer for the qualified adoption expenses of the employee which are paid under an adoption assistance program. Form 8839 is used to figure the credit and/or exclusion.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 27,271.

Estimated Time per Respondent: 3 hours, 42 minutes.

Estimated Total Annual Burden Hours: 101,042.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material

in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 25, 2004.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 04–12347 Filed 5–28–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Internal Revenue Service Advisory Council (IRSAC) and Information Reporting Program Advisory Committee (IRPAC); Nominations

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Request for nominations.

SUMMARY: The Internal Revenue Service (IRS) requests nominations of individuals to be considered for selection as Internal Revenue Service Advisory Council (IRSAC) and Information Reporting Program Advisory Committee (IRPAC) members. Interested parties may nominate themselves and/or at least one other qualified person for membership. Nominations will be accepted for current vacancies and should describe and document the applicant's qualifications for membership. IRSAC is comprised of twenty-one (21) members, approximately half of these appointments will expire in November 2004; IRPAC is comprised of seventeen (17) members, approximately half of these appointments will expire in October 2004. It is important that the IRSAC and IRPAC continue to represent a diverse taxpayer and stakeholder base. Accordingly, to maintain membership diversity, selection is based on the applicant's qualifications as well as the segment or group he/she represents.

The Internal Revenue Service Advisory Council (IRSAC) provides an organized public forum for IRS officials and representatives of the public to discuss relevant tax administration issues. The council advises the IRS on issues that have a substantive effect on federal tax administration. As an advisory body designed to focus on broad policy matters, the IRSAC reviews existing tax policy and/or recommends policies with respect to emerging tax administration issues. The IRSAC suggests operational improvements, offers constructive observations regarding current or proposed IRS policies, programs, and procedures, and advises the IRS with respect to issues having substantive effect on federal tax administration.

The Information Reporting Program Advisory Committee (IRPAC) advises the IRS on information reporting issues of mutual concern to the private sector and the federal government. The committee works with IRS executives to provide recommendations on a wide range of information reporting issues. Membership is balanced to include representation from the taxpaying public, the tax professional community, small and large businesses, state tax administration, and the payroll community.

DATES: Written nominations must be received on or before July 30, 2004.

ADDRESSES: Nominations should be sent to Ms. Jacqueline Tilghman, National Public Liaison, CL:NPL:P, Room 7563 IR, 1111 Constitution Avenue, NW., Washington, DC 20224, Attn: IRSAC/IRPAC Nominations; or by e-mail: **public_liaison@irs.gov.* Applications may be submitted by mail to the address above or faxed to 202–927–5253. However, if submitted via a facsimile, the original application must be received by mail, as National Public Liaison cannot consider an applicant nor process his/her application prior to receipt of an original signature. Application packages are available on the Tax Professional's Page, which is located on the IRS Internet Web site at *http://www.irs.gov/taxpros/index.html.*

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline Tilghman, 202–622–6440 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Both the IRSAC and IRPAC were authorized under the Federal Advisory Committee Act, Public Law 92–463, the first Advisory Group to the Commissioner of Internal Revenue—or the Commissioner's Advisory Group (''CAG'')—was established in 1953 as a ''national policy and/or issue advisory committee.'' Renamed in 1998, the Internal Revenue Service Advisory Council (IRSAC) reflects the agency-wide scope of its focus as an advisory body, the IRSAC's primary purpose is to provide an organized public forum for senior IRS executives and representatives of the public to discuss relevant tax administration issues.

The final Conference Report of the 1989 Omnibus Budget Reconciliation Act contained an administration recommendation that a federal advisory committee be created to advise the IRS on information reporting issues. As a result, the Information Reporting Program Advisory Committee (IRPAC) was established in 1991. The primary purpose of the IRPAC is to provide an organized forum for IRS officials and public representatives to consider relevant information reporting issues.

Conveying the public's perception of IRS activities, the IRSAC and IRPAC are comprised of individuals who bring substantial, disparate experience and diverse backgrounds to the Council's/Committee's activities. Membership is balanced to include representation from the taxpaying public, the tax professional community, small and large businesses, state tax administration, and the payroll community.

IRSAC and IRPAC members are appointed by the Commissioner of the Internal Revenue Service and serve a term of three years. IRSAC working groups mirror the reorganized IRS and address policies and administration issues specific to three Operating Divisions (Small Business/Self Employed; Large Mid-Size Business; and Wage & Investment); IRPAC working groups mirror and address information reporting issues specific to four Operating Divisions (Small Business/Self Employed; Large Mid-Size Business; Wage & Investment and Tax Exempt Government Entities). Members are not paid for their services. However, travel expenses for working sessions, public meetings and orientation sessions, such as airfare, per diem, and transportation to and from airports, train stations, etc., are reimbursed within prescribed federal travel limitations.

Receipt of nominations will be acknowledged, nominated individuals contacted, and immediately thereafter, biographical information must be completed and returned to Ms. Jacqueline Tilghman in National Public Liaison within fifteen (15) days of

receipt. In accordance with Department of the Treasury Directive 21–03, a clearance process including pre-appointment and annual tax checks, a Federal Bureau of Investigation criminal and subversive name check, and a security clearance will be conducted.

Equal opportunity practices will be followed for all appointments to the IRSAC and IRPAC in accordance with the Department of the Treasury and IRS policies. To ensure that the recommendations of the IRSAC/IRPAC have taken into account the needs of the diverse groups served by the IRS, membership shall include individuals who demonstrate the ability to represent minorities, women, and persons with disabilities.

Dated: May 19, 2004.

Chris Neighbor,

Designated Federal Official, National Public Liaison.

[FR Doc. 04–12344 Filed 5–28–04; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INSTITUTE OF PEACE

Announcement of the Fall 2004 Solicited Grant Competition Grant Program

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency announces its upcoming Fall 2004 Solicited Grant Competition. The solicited grant competition is restricted to projects that fit specific themes and topics identified in advance by the Institute of Peace.

The themes and topics for the fall 2004 solicited competition are:

- Solicitation A: The Economics of War and Peace.
- Solicitation B: Southeast Asia.

DEADLINE: October 1, 2004. Application material available on request.

DATES: *Receipt of application:* October 1, 2004. *Notification date:* March 31, 2005.

ADDRESSES: For more information and an application package: United States Institute of Peace, Grant Program, Solicited Grants, 1200 17th Street, NW., Suite 200, Washington, DC 20036–3011, (202) 429–3842 (phone); (202) 833–1018 (fax); (202) 457–1719 (TTY); e-mail: *grants@usip.org.* Application material available on-line: *http://www.usip.org/grants.*

FOR FURTHER INFORMATION CONTACT: The Grant Program, phone (202) 429–3842, e-mail: *grants@usip.org.*

Dated: May 25, 2004.

Craig Feight,

Director, Office of Administration.

[FR Doc. 04–12196 Filed 5–28–04; 8:45 am]

BILLING CODE 6820–AR–M

UNITED STATES INSTITUTE OF PEACE

Announcement of the Fall 2004 Unsolicited Grant Competition Grant Program

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency announces its upcoming Unsolicited Grant Program, which offers support for research, education and training, and the dissemination of information on international peace and conflict resolution. The unsolicited competition is open to any project that falls within the Institute's broad mandate of international conflict resolution.

DEADLINE: October 1, 2004. Application material available on request.

DATES: *Receipt of application:* October 1, 2004. *Notification date:* March 31, 2005.

ADDRESSES: For application package: United States Institute of Peace, Grant Program, 1200 17th Street, NW., Suite 200, Washington, DC 20036–3011. (202) 429–3842 (phone); (202) 833–1018 (fax); (202) 457–1719 (TTY); e–mail: *grants@usip.org.* Application material available on-line : *http:/www.usip.org/grants.*

FOR FURTHER INFORMATION CONTACT: The Grant Program, phone (202)–429–3842, e-mail: *grants@usip.org.*

Dated: May 25, 2004.

Craig Feight,

Director, Office of Administration.

[FR Doc. 04–12195 Filed 5–28–04; 8:45 am]

BILLING CODE 6820–AR–M

UNITED STATES INSTITUTE OF PEACE

Sunshine Act; Notice of Meeting

DATE/TIME: Wednesday—June 16, 2004 (6 p.m.–9 p.m.). Thursday—June 17, 2004 (9:15 a.m.–8 p.m.). Friday—June 18, 2004 (9:15 a.m.—3:30 p.m.)

LOCATION: Westfields Marriott Conference Center, 14750 Conference Center Drive, Chantilly, VA 20151, USA.

STATUS: Open Session—Portions may be closed pursuant to subsection (c) of section 552(b) of title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

AGENDA: June 2004 Board Meeting; Approval of Minutes of the One Hundred and Fourteenth Meeting (March 25, 2004) of the Board of Directors; Chairman's Report; President's Report; Review, Discussion and Approval of Solicited Topics for Grants; Selection of National Peace Essay Contest Winners; Committee Reports; Discussion of Strategic Plan Implementation; Review of Select USIP Policies; Other General Issues.

FOR FURTHER INFORMATION CONTACT: Tessie Higgs, Executive Office, Telephone: (202) 429–3836.

Dated: May 25, 2004.

Harriet Hentges,

Executive Vice President, United States Institute of Peace.

[FR Doc. 04–12405 Filed 5–27–04; 11:20 am]

BILLING CODE 6820–AR–M

Corrections

Federal Register

Vol. 69, No. 105

Tuesday, June 1, 2004

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Request for Grant Proposals for a Demonstration of a Web–based, Multimodal Trip Planning System

Correction

In notice document 04–11693 beginning on page 29626 in the issue of Monday, May 24, 2004, make the following correction:

On page 29627, in the first column, under the **DATES** heading, the Web site address should read, ''*http://www.fta.dot.gov/legal/federal_register/2004/12160_ENG_HTML.htm*''.

[FR Doc. C4–11693 Filed 5–28–04; 8:45 am]

BILLING CODE 1505–01–D

Reader Aids

Federal Register

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Tuesday, June 1, 2004

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CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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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.*

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

S. 2315/P.L. 108–228

To amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering. (May 18, 2004; 118 Stat. 644)

Last List May 10, 2004

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

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] 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.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2003. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2003. The CFR volume issued as of July 1, 2000 should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 2002, through July 1, 2003. The CFR volume issued as of July 1, 2002 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2001, through July 1, 2003. The CFR volume issued as of July 1, 2001 should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 2001, through October 1, 2003. The CFR volume issued as of October 1, 2001 should be retained.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JUNE 2004

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

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June 2	June 17	July 2	July 19	August 2	August 31
June 3	June 18	July 6	July 19	August 2	Sept 1
June 4	June 21	July 6	July 19	August 3	Sept 2
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June 8	June 23	July 8	July 23	August 9	Sept 7
June 9	June 24	July 9	July 26	August 9	Sept 7
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June 14	June 29	July 14	July 29	August 13	Sept 13
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June 16	July 1	July 16	August 2	August 16	Sept 14
June 17	July 2	July 19	August 2	August 16	Sept 15
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June 21	July 6	July 21	August 5	August 20	Sept 20
June 22	July 7	July 22	August 6	August 23	Sept 20
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June 24	July 9	July 26	August 9	August 23	Sept 22
June 25	July 12	July 26	August 9	August 24	Sept 23
June 28	July 13	July 28	August 12	August 27	Sept 27
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